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State of Minnesota

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HOUSE OF REPRESENTATIVES

Unofficial Engrossment

House Engrossment of a Senate File

NINETY-THIRD SESSION

S. F. No. 2909

04/17/2023 Companion to House File No. 2890. (Authors:Moller and Becker-Finn)
Read First Time and Referred to the Committee on Ways and Means
04/21/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to state government; amending law related to a state board and office of

1.3 appellate counsel and training, court fees, human rights, crime, public safety,

1.4 victim, sentencing, expungement, clemency, evidence, policing, private security,

1.5 corrections, firearm, controlled substances, community supervision, and 911

1.6 Emergency Communication System policy; providing for reports; authorizing

1.7 rulemaking; appropriating money for judiciary, Guardian ad Litem Board, Uniform

1.8 Laws Commission, Board on Judicial Standards, child advocacy center, sentencing

1.9 guidelines, public safety, fire marshal, Office of Justice programs, emergency

1.10 communication, Peace Officer Standards and Training Board, Private Detective

1.11 Board, corrections, Ombudsperson for Corrections, Board of Public Defense,

1.12 juvenile justice, peace officer education and training, and violent crime reduction

1.13 and prevention; amending Minnesota Statutes 2022, sections 13.825, subdivision

1.14 2; 13.871, subdivisions 8, 14; 13A.02, subdivisions 1, 2; 121A.28; 144.6586,

1.15 subdivision 2; 145.4712; 151.01, by adding a subdivision; 151.40, subdivisions

1.16 1, 2; 152.01, subdivisions 12a, 18, by adding a subdivision; 152.02, subdivisions

1.17 2, 3, 5, 6; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023,

1.18 subdivision 2; 152.025, subdivision 2; 152.093; 152.18, subdivision 1; 152.205;

1.19 181.981, subdivision 1; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021,

1.20 subdivisions 1d, 2a, 2b; 241.025, subdivisions 1, 2, 3; 241.90; 243.05, subdivision

1.21 1; 243.166, subdivision 1b; 244.03; 244.05, subdivisions 1b, 2, 3, 5; 244.09,

1.22 subdivisions 2, 3, by adding a subdivision; 244.19, subdivisions 1, 2, 3, 5, by

1.23 adding a subdivision; 244.195, subdivisions 1, 2, by adding subdivisions; 244.20;

1.24 244.21; 245C.08, subdivisions 1, 2; 260B.176, by adding a subdivision; 297I.06,

1.25 subdivision 1; 299A.38; 299A.41, subdivision 3; 299A.78, subdivision 1; 299A.79,

1.26 subdivision 3; 299A.85, subdivision 6; 299C.10, subdivision 1; 299C.106,

1.27 subdivision 3; 299C.11, subdivisions 1, 3; 299C.111; 299C.17; 299C.53,

1.28 subdivision 3; 299F.46, subdivision 1; 299F.50, by adding subdivisions; 299F.51,

1.29 subdivisions 1, 2, 5, by adding a subdivision; 299M.10; 326.32, subdivision 10;

1.30 326.3311; 326.336, subdivision 2; 326.3361, subdivision 2; 326.3387, subdivision

1.31 1; 357.021, subdivision 2; 363A.06, subdivision 1; 401.01; 401.02; 401.025;

1.32 401.04; 401.05, subdivision 1; 401.06; 401.08, subdivisions 2, 4; 401.09; 401.10;

1.33 401.11; 401.12; 401.14, subdivisions 1, 3; 401.15, subdivision 1; 401.16; 403.02,

1.34 subdivisions 7, 9a, 11b, 16a, 17, 17c, 18, 19, 19a, 20, 20a, 21, by adding

1.35 subdivisions; 403.025; 403.03, subdivision 2; 403.05; 403.06; 403.07; 403.08;

1.36 403.09, subdivision 2; 403.10, subdivisions 2, 3; 403.11; 403.113; 403.15,

1.37 subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 484.85; 609.02, subdivisions

1.38 2, 16; 609.03; 609.05, by adding a subdivision; 609.105, subdivisions 1, 3;

2.1 609.1055; 609.135, subdivisions 1a, 1c, 2; 609.14, subdivision 1, by adding a
 2.2 subdivision; 609.2231, subdivision 4; 609.2233; 609.25, subdivision 2; 609.269;
 2.3 609.281, subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a subdivision;
 2.4 609.321, by adding subdivisions; 609.322, subdivision 1; 609.35; 609.52,
 2.5 subdivision 3; 609.527, subdivision 1, by adding a subdivision; 609.582,
 2.6 subdivisions 3, 4; 609.595, subdivisions 1a, 2; 609.67, subdivisions 1, 2; 609.746,
 2.7 subdivision 1; 609.749, subdivision 3; 609A.01; 609A.02, subdivision 3; 609A.03,
 2.8 subdivisions 5, 7a, 9; 611A.03, subdivision 1; 611A.211, subdivision 1; 611A.31,
 2.9 subdivisions 2, 3, by adding a subdivision; 611A.32; 624.713, subdivision 1;
 2.10 624.7131, subdivisions 4, 5, 7, 8, 9, 11; 624.7132, subdivisions 4, 5, 8, 10, 13;
 2.11 626.14, subdivision 2, by adding subdivisions; 626.15; 626.21; 626.5531,
 2.12 subdivision 1; 626.843, by adding a subdivision; 626.8432, subdivision 1; 626.8451,
 2.13 subdivision 1; 626.8457, by adding subdivisions; 626.8469, subdivision 1;
 2.14 626.8473, subdivision 3; 626.87, subdivisions 2, 3, 5, by adding a subdivision;
 2.15 626.89, subdivision 17; 626.90, subdivision 2; 626.91, subdivisions 2, 4; 626.92,
 2.16 subdivisions 2, 3; 626.93, subdivisions 3, 4; 626A.35, by adding a subdivision;
 2.17 628.26; 638.01; 638.02, subdivisions 2, 3; 641.15, subdivision 2; 641.155; Laws
 2.18 2021, First Special Session chapter 11, article 1, section 15, subdivision 3;
 2.19 proposing coding for new law in Minnesota Statutes, chapters 241; 243; 244; 260B;
 2.20 260C; 299A; 299C; 401; 604; 609; 609A; 617; 624; 626; 638; 641; repealing
 2.21 Minnesota Statutes 2022, sections 152.092; 244.18; 244.19, subdivisions 6, 7, 8;
 2.22 244.22; 244.24; 244.30; 299C.80, subdivision 7; 403.02, subdivision 13; 403.09,
 2.23 subdivision 3; 609.281, subdivision 2; 609.293, subdivisions 1, 5; 609.34; 609.36;
 2.24 624.7131, subdivision 10; 624.7132, subdivisions 6, 14; 626.14, subdivisions 3,
 2.25 4; 626.93, subdivision 7; 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075;
 2.26 638.08.

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

2.28 **ARTICLE 1**

2.29 **JUDICIARY APPROPRIATIONS**

2.30 Section 1. **APPROPRIATIONS.**

2.31 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.32 and for the purposes specified in this article. The appropriations are from the general fund,
 2.33 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.34 The figures "2024" and "2025" used in this article mean that the appropriations listed under
 2.35 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
 2.36 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
 2.37 is fiscal years 2024 and 2025.

2.38	<u>APPROPRIATIONS</u>
2.39	<u>Available for the Year</u>
2.40	<u>Ending June 30</u>
2.41	<u>2024</u> <u>2025</u>

2.42 Sec. 2. **SUPREME COURT**

2.43	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>73,666,000</u>	<u>\$</u>	<u>91,516,000</u>
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3.1 The amounts that may be spent for each
3.2 purpose are specified in the following
3.3 subdivisions.

3.4 **Subd. 2. Supreme Court Operations** 44,943,000 46,703,000

3.5 **(a) Contingent Account**

3.6 \$5,000 each year is for a contingent account
3.7 for expenses necessary for the normal
3.8 operation of the court for which no other
3.9 reimbursement is provided.

3.10 **(b) Justices' Compensation**

3.11 Justices' compensation is increased by four
3.12 percent in the first year and four percent in the
3.13 second year.

3.14 **Subd. 3. Civil Legal Services** 28,723,000 44,813,000

3.15 The general fund base is \$44,960,000 in fiscal
3.16 year 2026 and \$45,714,000 in fiscal year 2027.

3.17 **Legal Services to Low-Income Clients in**
3.18 **Family Law Matters**

3.19 \$1,017,000 each year is to improve the access
3.20 of low-income clients to legal representation
3.21 in family law matters. This appropriation must
3.22 be distributed under Minnesota Statutes,
3.23 section 480.242, to the qualified legal services
3.24 program described in Minnesota Statutes,
3.25 section 480.242, subdivision 2, paragraph (a).

3.26 Any unencumbered balance remaining in the
3.27 first year does not cancel and is available in
3.28 the second year.

3.29 **Sec. 3. COURT OF APPEALS** \$ 14,205,000 \$ 14,762,000

3.30 **(a) Judges' Compensation**

5.1 Minnesota Statutes, section 16A.285, the Tax
 5.2 Court must not transfer this money between
 5.3 programs.

5.4 Sec. 7. UNIFORM LAWS COMMISSION \$ 115,000 \$ 115,000

5.5 Sec. 8. BOARD ON JUDICIAL STANDARDS \$ 655,000 \$ 645,000

5.6 (a) Availability of Appropriation

5.7 If the appropriation for either year is
 5.8 insufficient, the appropriation for the other
 5.9 fiscal year is available.

5.10 (b) Major Disciplinary Actions

5.11 \$125,000 each year is for special investigative
 5.12 and hearing costs for major disciplinary
 5.13 actions undertaken by the board. This
 5.14 appropriation does not cancel. Any
 5.15 unencumbered and unspent balances remain
 5.16 available for these expenditures until June 30,
 5.17 2027.

5.18 Sec. 9. BOARD OF PUBLIC DEFENSE \$ 154,134,000 \$ 164,360,000

5.19 Sec. 10. HUMAN RIGHTS \$ 8,431,000 \$ 8,823,000

5.20 The general fund base is \$9,303,000 in fiscal
 5.21 year 2026 and \$9,303,000 in fiscal year 2027.

5.22 Mediator Payments

5.23 \$20,000 each year is to fund payments to
 5.24 mediators. This appropriation is onetime and
 5.25 is available until June 30, 2027.

5.26 Sec. 11. OFFICE OF APPELLATE COUNSEL
 5.27 AND TRAINING \$ 659,000 \$ 1,560,000

5.28 Establishment and Operations

5.29 \$659,000 the first year and \$1,560,000 the
 5.30 second year are for establishment and
 5.31 operation of the Statewide Office of Appellate
 5.32 Counsel and Training as described in

6.1 Minnesota Statutes, section 260C.419, and to
6.2 provide support for the State Board of
6.3 Appellate Counsel and Training.

6.4 **Sec. 12. DEPARTMENT OF HUMAN**
6.5 **SERVICES**

\$ **1,500,000 **\$** **-0-****

6.6 **Child Advocacy Center**

6.7 \$1,500,000 the first year is for a grant to First
6.8 Witness Child Advocacy Center for the
6.9 acquisition and improvement of properties
6.10 located at 1402, 1406, and 1412 East 2nd
6.11 Street in the city of Duluth. This appropriation
6.12 includes money for demolition of the building
6.13 located at 1412 East 2nd Street and
6.14 construction of a parking lot, and for
6.15 renovation, furnishing, and equipping of the
6.16 buildings located at 1402 and 1406 East 2nd
6.17 Street as a training center and a child advocacy
6.18 center.

6.19 **ARTICLE 2**

6.20 **PUBLIC SAFETY APPROPRIATIONS**

6.21 Section 1. **APPROPRIATIONS.**

6.22 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
6.23 and for the purposes specified in this article. The appropriations are from the general fund,
6.24 or another named fund, and are available for the fiscal years indicated for each purpose.
6.25 The figures "2024" and "2025" used in this article mean that the appropriations listed under
6.26 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
6.27 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
6.28 is fiscal years 2024 and 2025. Appropriations for the fiscal year ending June 30, 2023, are
6.29 effective the day following final enactment.

6.30 **APPROPRIATIONS**
6.31 **Available for the Year**
6.32 **Ending June 30**

6.33 **2023** **2024** **2025**

6.34 Sec. 2. **SENTENCING GUIDELINES** **\$** **1,549,000** **\$** **1,488,000**

8.1	<u>Appropriations by Fund</u>		
8.2	<u>General</u>	<u>8,961,000</u>	<u>6,039,000</u>
8.3	<u>Environmental</u>	<u>119,000</u>	<u>127,000</u>

8.4 **(a) Supplemental Nonprofit Security Grants**

8.5 \$250,000 each year is for supplemental
8.6 nonprofit security grants under this paragraph.

8.7 This appropriation is onetime.

8.8 Nonprofit organizations whose applications
8.9 for funding through the Federal Emergency
8.10 Management Agency's nonprofit security grant
8.11 program have been approved by the Division
8.12 of Homeland Security and Emergency
8.13 Management are eligible for grants under this
8.14 paragraph. No additional application shall be
8.15 required for grants under this paragraph, and
8.16 an application for a grant from the federal
8.17 program is also an application for funding
8.18 from the state supplemental program.

8.19 Eligible organizations may receive grants of
8.20 up to \$75,000, except that the total received
8.21 by any individual from both the federal
8.22 nonprofit security grant program and the state
8.23 supplemental nonprofit security grant program
8.24 shall not exceed \$75,000. Grants shall be
8.25 awarded in an order consistent with the
8.26 ranking given to applicants for the federal
8.27 nonprofit security grant program. No grants
8.28 under the state supplemental nonprofit security
8.29 grant program shall be awarded until the
8.30 announcement of the recipients and the
8.31 amount of the grants awarded under the federal
8.32 nonprofit security grant program.

8.33 The commissioner may use up to one percent
8.34 of the appropriation received under this
8.35 paragraph to pay costs incurred by the

9.1 department in administering the supplemental
9.2 nonprofit security grant program.

9.3 **(b) School Safety Center**

9.4 \$300,000 each year is to fund two new school
9.5 safety specialists at the Minnesota School
9.6 Safety Center.

9.7 **(c) Local Government Emergency**

9.8 **Management**

9.9 \$2,000,000 each year is to award grants in
9.10 equal amounts to the emergency management
9.11 organization of the 87 counties, 11 federally
9.12 recognized Tribes, and four cities of the first
9.13 class for reimbursement of planning and
9.14 preparedness activities, including capital
9.15 purchases, that are eligible under federal
9.16 emergency management grant guidelines.

9.17 Local emergency management organizations
9.18 must make a request to Homeland Security
9.19 and Emergency Management Division
9.20 (HSEM) for these grants. Current local
9.21 funding for emergency management and
9.22 preparedness activities may not be supplanted
9.23 by these additional state funds. Of this amount,
9.24 up to one percent may be used for the
9.25 administrative costs of the agency. Funds
9.26 appropriated for this purpose do not cancel
9.27 and are available until expended. Unspent
9.28 money may be redistributed to eligible local
9.29 emergency management organizations. This
9.30 appropriation is onetime.

9.31 By March 15, 2024, the commissioner of
9.32 public safety must submit a report on the grant
9.33 awards to the chairs and ranking minority
9.34 members of the legislative committees with

10.1 jurisdiction over emergency management and
 10.2 preparedness activities. At a minimum, the
 10.3 report must identify grant recipients and give
 10.4 detailed information on how the grantees used
 10.5 the money received.

10.6 **(d) Lake Superior Chippewa Tribal**
 10.7 **Emergency Management Coordinator**

10.8 \$145,000 each year is for a grant to the Grand
 10.9 Portage Band of Lake Superior Chippewa to
 10.10 establish and maintain a Tribal emergency
 10.11 management coordinator under Minnesota
 10.12 Statutes, section 12.25.

10.13 **(e) Grand Portage Band of Lake Superior**
 10.14 **Chippewa Tribe Coast Guard Services**

10.15 \$3,000,000 in fiscal year 2024 is for a grant
 10.16 to the Grand Portage Band of Lake Superior
 10.17 Chippewa to purchase equipment and fund a
 10.18 position for coast guard services off the north
 10.19 shore of Lake Superior. This is a onetime
 10.20 appropriation.

10.21 **Subd. 4. Criminal Apprehension** 95,420,000 92,912,000

	<u>Appropriations by Fund</u>	
10.23 <u>General</u>	<u>92,984,000</u>	<u>90,476,000</u>
10.24 <u>State Government</u>		
10.25 <u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
10.26 <u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>

10.27 The annual base from the general fund is
 10.28 \$90,496,000 beginning in fiscal year 2026.

10.29 **(a) DWI Lab Analysis; Trunk Highway**
 10.30 **Fund**

10.31 Notwithstanding Minnesota Statutes, section
 10.32 161.20, subdivision 3, \$2,429,000 the first
 10.33 year and \$2,429,000 the second year are from
 10.34 the trunk highway fund for staff and operating

- 11.1 costs for laboratory analysis related to
11.2 driving-while-impaired cases.
- 11.3 **(b) State Fraud Unit**
- 11.4 \$1,300,000 each year is for staff and operating
11.5 costs to create the State Fraud Unit to
11.6 centralize the state's response to activities of
11.7 fraud with an estimated impact of \$100,000
11.8 or more.
- 11.9 **(c) FBI Compliance, Critical IT**
11.10 **Infrastructure, and Cybersecurity**
11.11 **Upgrades**
- 11.12 \$2,000,000 the first year and \$1,000,000 the
11.13 second year are for cybersecurity investments,
11.14 critical infrastructure upgrades, and Federal
11.15 Bureau of Investigation audit compliance.
- 11.16 **(d) Clean Slate**
- 11.17 \$3,737,000 in fiscal year 2024 and \$190,000
11.18 in fiscal year 2025 are for costs associated
11.19 with automatic expungements and changes to
11.20 expungements by petition.
- 11.21 **(e) Firearm Eligibility Background Checks**
- 11.22 \$70,000 in fiscal year 2024 is to purchase and
11.23 integrate information technology hardware
11.24 and software necessary to process additional
11.25 firearms eligibility background checks.
- 11.26 **(f) Use of Force Investigations**
- 11.27 \$4,419,000 each year is for operation of the
11.28 independent Use of Force Investigations Unit
11.29 pursuant to Minnesota Statutes, section
11.30 299C.80.
- 11.31 **(g) Fusion Center Report**

12.1 \$115,000 each year is to fund the fusion center
 12.2 report mandated under Minnesota Statutes,
 12.3 section 299C.055. The appropriation is added
 12.4 to the agency's base.

12.5 **(h) Human Trafficking Task Force**

12.6 \$1,000,000 each year is for staff and operating
 12.7 costs to support the Bureau of Criminal
 12.8 Apprehension-led Minnesota Human
 12.9 Trafficking Investigator's Task Force.

12.10 **Subd. 5. Fire Marshal** 16,397,000 16,656,000

	<u>Appropriations by Fund</u>		
12.11			
12.12	<u>General</u>	<u>4,184,000</u>	<u>4,190,000</u>
12.13	<u>Special Revenue</u>	<u>12,213,000</u>	<u>12,466,000</u>

12.14 The special revenue fund appropriation is from
 12.15 the fire safety account in the special revenue
 12.16 fund and is for activities under Minnesota
 12.17 Statutes, section 299F.012. The base
 12.18 appropriation from this account is \$12,566,000
 12.19 in fiscal year 2026 and \$12,466,000 in fiscal
 12.20 year 2027.

12.21 **(a) Hazardous Materials and Emergency**
 12.22 **Response Teams**

12.23 \$453,000 each year from the fire safety
 12.24 account in the special revenue fund for
 12.25 hazardous materials and emergency response
 12.26 teams.

12.27 **(b) Hometown Heroes Assistance Program**

12.28 \$4,000,000 each year from the general fund
 12.29 is for grants to the Minnesota Firefighter
 12.30 Initiative to fund the hometown heroes
 12.31 assistance program established in Minnesota
 12.32 Statutes, section 299A.477.

13.1 **Subd. 6. Firefighter Training and Education**

13.2 **Board** 6,175,000 6,175,000

13.3 Appropriations by Fund

13.4 Special Revenue 6,175,000 6,175,000

13.5 The special revenue fund appropriation is from
 13.6 the fire safety account in the special revenue
 13.7 fund and is for activities under Minnesota
 13.8 Statutes, section 299F.012.

13.9 **(a) Firefighter Training and Education**

13.10 \$4,500,000 each year from the special revenue
 13.11 fund is for firefighter training and education.

13.12 **(b) Task Force 1**

13.13 \$1,125,000 each year is for the Minnesota
 13.14 Task Force 1.

13.15 **(c) Task Force 2**

13.16 \$200,000 each year is for Minnesota Task
 13.17 Force 2.

13.18 **(d) Air Rescue**

13.19 \$350,000 each year is for the Minnesota Air
 13.20 Rescue Team.

13.21 **(e) Unappropriated Revenue**

13.22 Any additional unappropriated money
 13.23 collected in fiscal year 2023 is appropriated
 13.24 to the commissioner of public safety for the
 13.25 purposes of Minnesota Statutes, section
 13.26 299F.012. The commissioner may transfer
 13.27 appropriations and base amounts between
 13.28 activities in this subdivision.

13.29 **Subd. 7. Alcohol and Gambling**

13.30 **Enforcement** 3,500,000 3,754,000

13.31 Appropriations by Fund

13.32 General 3,430,000 3,684,000

13.33 Special Revenue 70,000 70,000

14.1 \$70,000 each year is from the lawful gambling
 14.2 regulation account in the special revenue fund.

14.3 **Subd. 8. Office of Justice Programs** 86,607,000 81,656,000

14.4 Appropriations by Fund

14.5 General 86,511,000 81,560,000

14.6 State Government

14.7 Special Revenue 96,000 96,000

14.8 **(a) Domestic and Sexual Violence Housing**

14.9 \$1,250,000 each year is to establish a
 14.10 Domestic Violence Housing First grant
 14.11 program to provide resources for survivors of
 14.12 violence to access safe and stable housing and
 14.13 for staff to provide mobile advocacy and
 14.14 expertise in housing resources in their
 14.15 community, and a Minnesota Domestic and
 14.16 Sexual Violence Transitional Housing
 14.17 program to develop and support medium to
 14.18 long term transitional housing for survivors
 14.19 of domestic and sexual violence with
 14.20 supportive services.

14.21 **(b) Office for Missing and Murdered Black**

14.22 **Women and Girls**

14.23 \$1,248,000 each year is to establish and
 14.24 maintain the Minnesota Office for Missing
 14.25 and Murdered Black Women and Girls.

14.26 **(c) Office of Restorative Practices**

14.27 \$500,000 each year is to establish and
 14.28 maintain the Office of Restorative Practices.

14.29 **(d) Crossover and Dual-Status Youth Model**

14.30 **Grants**

14.31 \$1,000,000 each year is to provide grants to
 14.32 local units of government to initiate or expand
 14.33 crossover youth practices model and

15.1 dual-status youth programs that provide
15.2 services for youth who are involved with or
15.3 at risk of becoming involved with both the
15.4 child welfare and juvenile justice systems, in
15.5 accordance with the Robert F. Kennedy
15.6 National Resource Center for Juvenile Justice
15.7 model.

15.8 **(e) Restorative Practices Initiatives Grants**

15.9 \$5,000,000 each year is for grants to establish
15.10 and support restorative practices initiatives
15.11 pursuant to Minnesota Statutes, section
15.12 260B.020, subdivision 6. The base for this
15.13 activity is \$2,500,000 beginning in fiscal year
15.14 2026.

15.15 **(f) Ramsey County Youth Treatment**

15.16 **Homes Acquisition and Betterment**

15.17 \$5,000,000 in fiscal year 2024 is for a grant
15.18 to Ramsey County to establish, with input
15.19 from community stakeholders, including
15.20 impacted youth and families, up to seven
15.21 intensive trauma-informed therapeutic
15.22 treatment homes in Ramsey County that are
15.23 licensed by the Department of Human
15.24 Services, culturally specific,
15.25 community-based, and can be secured. These
15.26 residential spaces must provide intensive
15.27 treatment and intentional healing for youth as
15.28 ordered by the court as part of the disposition
15.29 of a case in juvenile court.

15.30 **(g) Ramsey County Violence Prevention**

15.31 \$1,250,000 each year is for a grant to Ramsey
15.32 County to award grants to develop new and
15.33 further enhance existing community-based
15.34 organizational support through violence

- 16.1 prevention and community wellness grants.
- 16.2 Grantees must use the money to create family
- 16.3 support groups and resources to support
- 16.4 families during the time a young person is
- 16.5 placed out of home following a juvenile
- 16.6 delinquency adjudication and support the
- 16.7 family through the period of postplacement
- 16.8 reentry; create community-based respite
- 16.9 options for conflict or crisis de-escalation to
- 16.10 prevent incarceration or further systems
- 16.11 involvement for families; and establish
- 16.12 additional meaningful employment
- 16.13 opportunities for systems-involved youth.
- 16.14 **(h) Youth Intervention Programs**
- 16.15 \$7,500,000 each year is for youth intervention
- 16.16 programs under Minnesota Statutes, section
- 16.17 299A.73.
- 16.18 **(i) Community-Co-Responder Grants**
- 16.19 \$3,000,000 each year is for grants to local law
- 16.20 enforcement agencies and local governments
- 16.21 to build or maintain partnerships with mental
- 16.22 health professionals, mental health
- 16.23 practitioners, peer specialists, or mobile crisis
- 16.24 teams in order to respond to people
- 16.25 experiencing or having experienced a mental
- 16.26 health crisis. The Office of Justice Programs
- 16.27 must prioritize grants to law enforcement
- 16.28 agencies and local governments that partner
- 16.29 with mobile crisis teams providing mobile
- 16.30 crisis services pursuant to Minnesota Statutes,
- 16.31 sections 245.469 and 256B.0624. Grant
- 16.32 proposals should define the types of calls to
- 16.33 which mental health professionals, mental
- 16.34 health practitioners, peer specialists, or mobile
- 16.35 crisis teams will respond; the types of services

17.1 that will be provided; the training that will be
17.2 provided; and the types of records that will be
17.3 kept. The proposal should also address the
17.4 respective roles of the peace officers and
17.5 mental health workers, including but not
17.6 limited to their respective roles in relation to
17.7 transport holds, and data that will be collected
17.8 to demonstrate the impact of the partnership.

17.9 The base for this activity is \$4,500,000
17.10 beginning in fiscal year 2026.

17.11 **(j) Prosecutor Training**

17.12 \$100,000 each year is for a grant to the
17.13 Minnesota County Attorneys Association to
17.14 be used for prosecutorial and law enforcement
17.15 training, including trial school training and
17.16 train-the-trainer courses. All training funded
17.17 with grant proceeds must contain blocks of
17.18 instruction on racial disparities in the criminal
17.19 justice system, collateral consequences to
17.20 criminal convictions, and trauma-informed
17.21 responses to victims. This is a onetime
17.22 appropriation.

17.23 The Minnesota County Attorneys Association
17.24 must report to the chairs and ranking minority
17.25 members of the legislative committees with
17.26 jurisdiction over public safety policy and
17.27 finance on the training provided with grant
17.28 proceeds, including a description of each
17.29 training and the number of prosecutors and
17.30 law enforcement officers who received
17.31 training. The report is due by February 15,
17.32 2025. The report may include trainings
17.33 scheduled to be completed after the date of
17.34 submission with an estimate of expected
17.35 participants.

- 18.1 **(k) Violence Prevention Research Center**
- 18.2 \$250,000 each year is to fund a violence
- 18.3 prevention project research center that operates
- 18.4 as a 501(c)(3) nonprofit organization and is a
- 18.5 nonpartisan research center dedicated to
- 18.6 reducing violence in society and using data
- 18.7 and analysis to improve criminal
- 18.8 justice-related policy and practice in
- 18.9 Minnesota. The research center must place an
- 18.10 emphasis on issues related to deaths and
- 18.11 injuries involving firearms.
- 18.12 Beginning January 15, 2025, the grant
- 18.13 recipient must submit an annual report to the
- 18.14 chairs and ranking minority members of the
- 18.15 legislative committees with jurisdiction over
- 18.16 public safety policy and finance on its work
- 18.17 and findings. The report must include a
- 18.18 description of the data reviewed, an analysis
- 18.19 of that data, and recommendations to improve
- 18.20 criminal justice-related policy and practice in
- 18.21 Minnesota with specific recommendations to
- 18.22 address deaths and injuries involving firearms.
- 18.23 **(l) First Responder Mental Health**
- 18.24 **Curriculum**
- 18.25 \$25,000 in fiscal year 2024 is for a grant to a
- 18.26 nonprofit graduate school that trains mental
- 18.27 health professionals. The grantee must use the
- 18.28 grant to develop a curriculum for a 24-week
- 18.29 certificate to train licensed therapists to
- 18.30 understand the nuances, culture, and stressors
- 18.31 of the work environments of first responders
- 18.32 to allow those therapists to provide effective
- 18.33 treatment to first responders in distress. The
- 18.34 grantee must collaborate with first responders
- 18.35 who are familiar with the psychological,

19.1 cultural, and professional issues of their field
19.2 to develop the curriculum and promote it upon
19.3 completion.

19.4 **(m) First Responder Therapy Grant**

19.5 \$100,000 in fiscal year 2024 is to issue a grant
19.6 to a nonprofit organization that operates at a
19.7 class A race track and provides equine
19.8 experiential mental health therapy to first
19.9 responders suffering from job-related trauma
19.10 and post-traumatic stress disorder. This is a
19.11 onetime appropriation.

19.12 For purposes of this section, a "first responder"
19.13 is a peace officer as defined in Minnesota
19.14 Statutes, section 626.84, subdivision 1,
19.15 paragraph (c); a full-time firefighter as defined
19.16 in Minnesota Statutes, section 299N.03,
19.17 subdivision 5; or a volunteer firefighter as
19.18 defined in Minnesota Statutes, section
19.19 299N.03, subdivision 7.

19.20 The grant recipient must report to the
19.21 commissioner of public safety and the chairs
19.22 and ranking minority members of the house
19.23 of representatives and senate committees
19.24 overseeing public safety policy and finance
19.25 on the equine experiential mental health
19.26 therapy provided to first responders under this
19.27 section. The report must include an overview
19.28 of the program's budget, a detailed explanation
19.29 of program expenditures, the number of first
19.30 responders served by the program, and a list
19.31 and explanation of the services provided to
19.32 and benefits received by program participants.
19.33 An initial report is due by January 15, 2024,
19.34 and a final report is due by January 15, 2025.

20.1 **(n) Peer-to-Peer First Responder Mental**
20.2 **Health Treatment Grant**

20.3 \$250,000 in fiscal year 2024 is to provide a
20.4 grant to a nonprofit that provides and
20.5 facilitates peer-to-peer mental health treatment
20.6 for present and former law enforcement
20.7 officers and first responders facing
20.8 employment-related mental health issues,
20.9 utilizing interactive group activity and other
20.10 methods. This is a onetime appropriation.

20.11 **(o) Report on Approaches to Address Illicit**
20.12 **Drug Use in Minnesota**

20.13 \$118,000 each year is to enter into an
20.14 agreement with Rise Research LLC for a study
20.15 and set of reports on illicit drug use in
20.16 Minnesota describing current responses to that
20.17 use, reviewing alternative approaches utilized
20.18 in other jurisdictions, and making policy and
20.19 funding recommendations for a holistic and
20.20 effective response to illicit drug use and the
20.21 illicit drug trade. The agreement must establish
20.22 a budget and schedule with clear deliverables.
20.23 This appropriation is onetime.

20.24 The study must include a review of current
20.25 policies, practices, and funding; identification
20.26 of alternative approaches utilized effectively
20.27 in other jurisdictions; and policy and funding
20.28 recommendations for a response to illicit drug
20.29 use and the illicit drug trade that reduces and,
20.30 where possible, prevents harm and expands
20.31 individual and community health, safety, and
20.32 autonomy. Recommendations must consider
20.33 impacts on public safety, racial equity,
20.34 accessibility of health and ancillary supportive
20.35 social services, and the intersections between

- 21.1 drug policy and mental health, housing and
21.2 homelessness, overdose and infectious disease,
21.3 child welfare, and employment.
- 21.4 Rise Research may subcontract and coordinate
21.5 with other organizations or individuals to
21.6 conduct research, provide analysis, and
21.7 prepare the reports required by this section.
- 21.8 Rise Research shall submit reports to the
21.9 chairs and ranking minority members of the
21.10 legislative committees with jurisdiction over
21.11 public safety finance and policy, human
21.12 services finance and policy, health finance and
21.13 policy, and judiciary finance and policy. Rise
21.14 Research shall submit an initial report by
21.15 February 15, 2024, and a final report by March
21.16 1, 2025.
- 21.17 **(p) Legal Representation for Children**
- 21.18 \$150,000 each year is for a grant to an
21.19 organization that provides legal representation
21.20 for children in need of protection or services
21.21 and children in out-of-home placement. The
21.22 grant is contingent upon a match in an equal
21.23 amount from nonstate funds. The match may
21.24 be in kind, including the value of volunteer
21.25 attorney time, in cash, or a combination of the
21.26 two. These appropriations are in addition to
21.27 any other appropriations for the legal
21.28 representation of children. This appropriation
21.29 is onetime.
- 21.30 **(q) Mental Health Services for First**
21.31 **Responders Grant Program**
- 21.32 \$1,000,000 each year is for grants to fund
21.33 mental health services for first responders
21.34 under section 23.

22.1 **(r) Pretrial Release Study and Report**

22.2 \$250,000 each year are for a grant to the
22.3 Minnesota Justice Research Center to study
22.4 and report on pretrial release practices in
22.5 Minnesota and other jurisdictions, including
22.6 but not limited to the use of bail as a condition
22.7 of pretrial release. This appropriation is
22.8 onetime.

22.9 **(s) Costs of Medical Examinations**

22.10 \$3,967,000 in fiscal year 2024 and \$3,767,000
22.11 in fiscal year 2025 are to reimburse qualified
22.12 health care providers for the expenses
22.13 associated with medical examinations
22.14 administered to victims of criminal sexual
22.15 conduct as required under Minnesota Statutes,
22.16 section 609.35. The base for this program is
22.17 \$3,771,000 in fiscal year 2026 and \$3,776,000
22.18 in fiscal year 2027.

22.19 **(t) Firearm Storage Grants**

22.20 \$250,000 in fiscal year 2024 is for grants to
22.21 local or state law enforcement agencies to
22.22 support the safe and secure storage of firearms
22.23 owned by persons subject to extreme risk
22.24 protection orders. The commissioner must
22.25 apply for a grant from the Byrne State Crisis
22.26 Intervention Program to supplement the funds
22.27 appropriated by the legislature for
22.28 implementation of Minnesota Statutes,
22.29 sections 624.7171 to 624.7178 and 626.8481.
22.30 Of the federal funds received, the
22.31 commissioner must dedicate at least an amount
22.32 that is equal to this appropriation to fund safe
22.33 and secure firearms storage grants provided

24.1 planning, cybersecurity, GIS data collection
24.2 and maintenance, 911 call processing
24.3 equipment, and new Public Safety Answering
24.4 Point technology to improve service delivery.
24.5 Funds shall be distributed by October 1, 2023,
24.6 as provided in Minnesota Statutes, section
24.7 403.113, subdivision 2. Funds are available
24.8 until June 30, 2025, and any unspent funds
24.9 must be returned to the 911 emergency
24.10 telecommunications service account. This is
24.11 a onetime appropriation.

24.12 Each eligible entity receiving these funds must
24.13 provide a detailed report on how the funds
24.14 were used to the commissioner of public safety
24.15 by August 1, 2025.

24.16 **(c) ARMER State Backbone Operating**
24.17 **Costs**

24.18 \$10,116,000 the first year and \$10,384,000
24.19 the second year are transferred to the
24.20 commissioner of transportation for costs of
24.21 maintaining and operating the statewide radio
24.22 system backbone.

24.23 **(d) Statewide Emergency Communications**
24.24 **Board**

24.25 \$1,000,000 each year is to the Statewide
24.26 Emergency Communications Board. Funds
24.27 may be used for operating costs, to provide
24.28 competitive grants to local units of
24.29 government to fund enhancements to a
24.30 communication system, technology, or support
24.31 activity that directly provides the ability to
24.32 deliver the 911 call between the entry point to
24.33 the 911 system and the first responder, and to
24.34 further the strategic goals set forth by the

26.1 **Subd. 2. Peace Officer Training Reimbursements**

26.2 \$2,949,000 each year is for reimbursements
26.3 to local governments for peace officer training
26.4 costs.

26.5 **Sec. 5. PRIVATE DETECTIVE BOARD** **\$ 758,000 \$ 688,000**

26.6 **Sec. 6. CORRECTIONS**

26.7 **Subdivision 1. Total**

26.8 **Appropriation** **\$ 12,643,000 \$ 621,145,000 \$ 658,001,000**

26.9 The amounts that may be spent for each
26.10 purpose are specified in the following
26.11 subdivisions.

26.12 **Subd. 2. Incarceration and**

26.13 **Prerelease Services** **\$ 12,643,000 \$ 525,399,000 \$ 557,683,000**

26.14 **(a) Body-worn Camera Program**

26.15 \$1,000,000 each year is to create a body-worn
26.16 camera program for corrections officers and
26.17 intensive supervised release agents.

26.18 **(b) Prison Rape Elimination Act**

26.19 \$1,000,000 each year is for Prison Rape
26.20 Elimination Act (PREA) compliance.

26.21 **(c) ARMER Radio System**

26.22 \$1,500,000 each year is to upgrade and
26.23 maintain the ARMER radio system within
26.24 correctional facilities.

26.25 **(d) Special Investigations Office**

26.26 \$999,000 in fiscal year 2024 and \$1,865,000
26.27 in fiscal year 2025 are to establish and
26.28 maintain a special investigations office within
26.29 the fugitive apprehension unit. The base for
26.30 this purpose in fiscal year 2026 is \$1,461,000.
26.31 Beginning in fiscal year 2027, the base for this
26.32 purpose is \$1,462,000.

27.1 **(e) Health Services**

27.2 \$1,072,000 in fiscal year 2024 and \$2,542,000
27.3 in fiscal year 2025 are for the health services
27.4 division to provide 24-hour nursing capacity
27.5 at correctional facilities in Rush City, Moose
27.6 Lake, St. Cloud, Lino Lakes, and Stillwater.

27.7 **(f) Educational Programming and Support**
27.8 **Services**

27.9 \$2,320,000 in fiscal year 2024 and \$3,145,000
27.10 in fiscal year 2025 are for educational
27.11 programming and support services. Beginning
27.12 in fiscal year 2026, the base for this purpose
27.13 is \$2,901,000.

27.14 **(g) Inmate External Communication Fees**

27.15 \$2,000,000 each year is to reduce or eliminate
27.16 the fees for inmates to communicate with
27.17 nonincarcerated persons.

27.18 **(h) Supportive Arts for Incarcerated**
27.19 **Persons**

27.20 \$150,000 in fiscal year 2024 is for supportive
27.21 arts for incarcerated persons grants. Of this
27.22 amount, up to ten percent is for administration,
27.23 including facility space, access, liaison, and
27.24 monitoring. Any unencumbered balance
27.25 remaining at the end of the first year does not
27.26 cancel but is available for the second year.

27.27 **(i) Operating Deficiency**

27.28 \$12,643,000 in fiscal year 2023 is to meet
27.29 financial obligations in fiscal year 2023. This
27.30 is a onetime appropriation.

27.31 **(j) Incarceration and Prerelease Services**
27.32 **Base Budget**

28.1 The general fund base for Department of
28.2 Corrections incarceration and prerelease
28.3 services is \$552,315,000 in fiscal year 2026
28.4 and \$552,645,000 in fiscal year 2027.

28.5 Subd. 3. **Community**
28.6 **Supervision and Postrelease**
28.7 **Services**

48,332,000

49,417,000

28.8 (a) **Tribal Nation Supervision**

28.9 \$2,750,000 each year is for grants to Tribal
28.10 Nations to provide supervision in tandem with
28.11 the department.

28.12 (b) **Alternatives to Incarceration**

28.13 \$160,000 each year is for funding to Mower
28.14 County to facilitate access to community
28.15 treatment options under the alternatives to
28.16 incarceration program.

28.17 (c) **Peer Support Project**

28.18 \$266,000 each year is to create a reentry peer
28.19 support project.

28.20 (d) **Postrelease Sex Offender Program**

28.21 \$2,415,000 each year is for postrelease sex
28.22 offender treatment.

28.23 (e) **Regional and County Jails Study and**
28.24 **Report**

28.25 \$150,000 in fiscal year 2024 is to fund the
28.26 commissioner's study and report on the
28.27 consolidation or merger of county jails and
28.28 alternatives to incarceration for persons
28.29 experiencing mental health disorders.

28.30 (f) **Work Release Programs**

28.31 \$500,000 each year is for work release
28.32 programs.

29.1 **(g) County Discharge Plans**

29.2 \$860,000 in fiscal year 2024 and \$861,000 in
29.3 fiscal year 2025 are for counties to establish
29.4 or maintain jail reentry coordination programs.

29.5 The commissioner shall develop a request for
29.6 proposal for counties to establish or maintain
29.7 reentry programs. The commissioner must
29.8 disburse 50 percent of the funding to counties
29.9 outside the metropolitan area, as defined in
29.10 Minnesota Statutes, section 473.121,
29.11 subdivision 2. The commissioner may retain
29.12 up to five percent of the appropriation amount
29.13 to monitor and administer the grant under this
29.14 section. Beginning in fiscal year 2026, the
29.15 base for this purpose is \$989,000.

29.16 **(h) Housing Initiatives**

29.17 \$2,130,000 each year is for housing initiatives
29.18 to support stable housing of incarcerated
29.19 individuals upon release. The base for this
29.20 purpose in fiscal year 2026 and beyond is
29.21 \$1,685,000. Of this amount:

29.22 (1) \$1,000,000 each year is for housing
29.23 stabilization prerelease services and program
29.24 evaluation. The base for this purpose in fiscal
29.25 year 2026 and beyond is \$760,000;

29.26 (2) \$500,000 each year is for rental assistance
29.27 for incarcerated individuals approaching
29.28 release, on supervised release, or on probation
29.29 who are at risk of homelessness;

29.30 (3) \$405,000 each year is for culturally
29.31 responsive trauma-informed transitional
29.32 housing. The base for this purpose in fiscal
29.33 year 2026 and beyond is \$200,000; and

30.1 (4) \$225,000 each year is for housing
30.2 coordination activities.

30.3 **(i) Redemption Project**

30.4 \$150,000 each year is for a grant to The
30.5 Redemption Project to provide inmates with
30.6 curriculum and corporate mentors while
30.7 incarcerated and meaningful employment upon
30.8 release from a correctional facility. This is a
30.9 onetime appropriation.

30.10 **(j) Community Supervision and Postrelease**
30.11 **Services Base Budget**

30.12 The general fund base for Department of
30.13 Corrections community supervision and
30.14 postrelease services is \$48,371,000 in fiscal
30.15 year 2026 and \$48,271,000 in fiscal year 2027.

30.16 **Subd. 4. Organizational, Regulatory, and**
30.17 **Administrative Services**

47,414,000

50,901,000

30.18 **(a) Public Safety Data Infrastructure**

30.19 \$1,000,000 each year s for the development
30.20 and management of statewide public safety
30.21 information sharing infrastructure and
30.22 foundation technologies. The department shall
30.23 consult with county correctional supervision
30.24 providers, the Judicial Branch, the Minnesota
30.25 Sheriff's Association, the Minnesota Chiefs
30.26 of Police Association, and the Bureau of
30.27 Criminal Apprehension, among other public
30.28 safety stakeholders, in the development,
30.29 design, and implementation of a statewide
30.30 public safety information sharing
30.31 infrastructure.

30.32 **(b) Indeterminate Sentence Release Board**

31.1 \$40,000 each year is to establish an
 31.2 indeterminate sentence release board to review
 31.3 eligible cases and make release decisions for
 31.4 persons serving indeterminate sentences under
 31.5 the authority of the commissioner of
 31.6 corrections.

31.7 **(c) Clemency Review Commission**

31.8 \$986,000 each year is for the Clemency
 31.9 Review Commission established under
 31.10 Minnesota Statutes, section 638.09.

31.11 **(d) Organizational, Regulatory, and**
 31.12 **Administrative Services Base Budget**

31.13 The general fund base for Department of
 31.14 Corrections organizational, regulatory, and
 31.15 administrative services is \$50,831,000 in fiscal
 31.16 year 2026 and \$50,622,000 in fiscal year 2027.

31.17 **Sec. 7. OMBUDSPERSON FOR**
 31.18 **CORRECTIONS**

<u>\$</u>	<u>1,105,000</u>	<u>\$</u>	<u>1,099,000</u>
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31.19 **Sec. 8. BOARD OF PUBLIC DEFENSE**

<u>\$</u>	<u>750,000</u>	<u>\$</u>	<u>-0-</u>
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31.20 \$750,000 in fiscal year 2024 is for costs
 31.21 related to assisting offenders convicted of
 31.22 felony murder with petitions for resentencing.

31.23 **Sec. 9. BOARD OF TRUSTEES OF THE**
 31.24 **MINNESOTA STATE COLLEGES AND**
 31.25 **UNIVERSITIES**

<u>\$</u>	<u>500,000</u>	<u>\$</u>	<u>500,000</u>
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31.26 \$500,000 each year is for transfer to
 31.27 Metropolitan State University. Of this amount,
 31.28 \$280,000 each year is to provide juvenile
 31.29 justice services and resources, including the
 31.30 Juvenile Detention Alternatives Initiative, to
 31.31 Minnesota counties and federally recognized
 31.32 Tribes and \$220,000 each year is for funding
 31.33 to local units of government, federally
 31.34 recognized Tribes, and agencies to support

- 33.1 be named the "Philando Castile Memorial
33.2 Training Fund." These funds may only be used
33.3 to reimburse costs related to training courses
33.4 that qualify for reimbursement under
33.5 Minnesota Statutes, sections 626.8452 (use of
33.6 force), 626.8469 (training in crisis response,
33.7 conflict management, and cultural diversity),
33.8 and 626.8474 (autism training).
- 33.9 Each sponsor of a training course is required
33.10 to include the following in the sponsor's
33.11 application for approval submitted to the
33.12 board: course goals and objectives; a course
33.13 outline including at a minimum a timeline and
33.14 teaching hours for all courses; instructor
33.15 qualifications, ~~including skills and concepts~~
33.16 ~~such as crisis intervention, de-escalation, and~~
33.17 ~~cultural competency that are relevant to the~~
33.18 ~~course provided~~; and a plan for learning
33.19 assessments of the course and documenting
33.20 the assessments to the board during review.
- 33.21 Upon completion of each course, instructors
33.22 must submit student evaluations of the
33.23 instructor's teaching to the sponsor.
- 33.24 The board shall keep records of the
33.25 applications of all approved and denied
33.26 courses. All continuing education courses shall
33.27 be reviewed after the first year. The board
33.28 must set a timetable for recurring review after
33.29 the first year. For each review, the sponsor
33.30 must submit its learning assessments to the
33.31 board to show that the course is teaching the
33.32 learning outcomes that were approved by the
33.33 board.
- 33.34 A list of licensees who successfully complete
33.35 the course shall be maintained by the sponsor

34.1 and transmitted to the board following the
34.2 presentation of the course and the completed
34.3 student evaluations of the instructors.
34.4 Evaluations are available to chief law
34.5 enforcement officers. The board shall establish
34.6 a data retention schedule for the information
34.7 collected in this section.

34.8 Each year, if funds are available after
34.9 reimbursing all eligible requests for courses
34.10 approved by the board under this subdivision,
34.11 the board may use the funds to reimburse law
34.12 enforcement agencies for other
34.13 board-approved law enforcement training
34.14 courses. The base for this activity is \$0 in
34.15 fiscal year 2026 and thereafter.

34.16 **Sec. 14. VIOLENT CRIME REDUCTION AND CLEARANCE SUPPORT**
34.17 **ACCOUNT.**

34.18 \$75,000,000 in fiscal year 2024 is transferred from the general fund to the violent crime
34.19 reduction and clearance support account in the special revenue fund.

34.20 **Sec. 15. COMMUNITY CRIME AND VIOLENCE PREVENTION ACCOUNT.**

34.21 \$100,000,000 in fiscal year 2024 is transferred from the general fund to the community
34.22 crime and violence prevention account in the special revenue fund.

34.23 **Sec. 16. INTENSIVE COMPREHENSIVE PEACE OFFICER EDUCATION AND**
34.24 **TRAINING ACCOUNT.**

34.25 \$5,000,000 each year is transferred from the general fund to the intensive comprehensive
34.26 peace officer education and training account in the special revenue fund. This transfer is
34.27 onetime.

34.28 **Sec. 17. GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT.**

34.29 \$250,000 in fiscal year 2024 is transferred from the general fund to the account for
34.30 rewards for information on missing and murdered Indigenous women, girls, boys, and
34.31 Two-Spirit relatives in the special revenue fund.

35.1 Sec. 18. **COMMUNITY SUPERVISION TARGETED INNOVATION ACCOUNT;**
35.2 **TRANSFER.**

35.3 \$5,000,000 in fiscal year 2024 and each year thereafter is transferred from the general
35.4 fund to the community supervision targeted innovation account in the special revenue fund.

35.5 Sec. 19. **ACCOUNT ESTABLISHED; TRANSFER; APPROPRIATION.**

35.6 (a) A community supervision account is established as a special revenue account in the
35.7 state treasury.

35.8 (b) \$142,975,000 in fiscal year 2024 and \$142,971,000 in fiscal year 2025 and each year
35.9 thereafter are transferred from the general fund to the community supervision account in
35.10 the special revenue fund and appropriated to the commissioner of corrections for offender
35.11 community supervision. This appropriation is added to the base.

35.12 Sec. 20. **COMMUNITY SUPERVISION TARGETED INNOVATION GRANTS;**
35.13 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

35.14 (a) The community supervision targeted innovation account is created in the special
35.15 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise
35.16 provided to the account. Of the amount in the account, up to \$5,000,000 each year is
35.17 appropriated to the commissioner of corrections for grants to be awarded to local and Tribal
35.18 community supervision agencies and nonprofits that provide services to persons on
35.19 community supervision.

35.20 (b) The commissioner shall award grants to applicants that operate, or intend to operate,
35.21 innovative programs that target specific aspects of community supervision such as:

35.22 (1) access to community options, including but not limited to inpatient substance use
35.23 disorder treatment for nonviolent controlled substance offenders to address and correct
35.24 behavior that is, or is likely to result in, a technical violation of the conditions of release;

35.25 (2) reentry services;

35.26 (3) restorative justice;

35.27 (4) juvenile diversion;

35.28 (5) family-centered approaches to supervision; and

35.29 (6) funding the cost of mandated services and equipment as a means to improve
35.30 compliance rates for persons on community supervision.

36.1 (c) Grant recipients must provide an annual report to the commissioner that includes:

36.2 (1) the services provided by the grant recipient;

36.3 (2) the number of individuals served in the previous year;

36.4 (3) measurable outcomes of the recipient's program; and

36.5 (4) any other information required by the commissioner.

36.6 (d) By January 15, 2025, the commissioner shall report to the chairs and ranking minority
36.7 members of the legislative committees with jurisdiction over criminal justice policy and
36.8 finance on how the appropriations in this section were used. The report must detail the
36.9 impact the appropriations had on improving community supervision practices and outcomes.

36.10 (e) The commissioner may use up to 2.5 percent of the annual appropriation to administer
36.11 the grants.

36.12 **Sec. 21. VIOLENT CRIME REDUCTION AND CLEARANCE SUPPORT; SPECIAL**
36.13 **REVENUE ACCOUNT; APPROPRIATION.**

36.14 (a) The violent crime reduction and clearance support account is created in the special
36.15 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise
36.16 provided to the account. Of the amount in the account, \$15,000,000 each year is appropriated
36.17 to the Bureau of Criminal Apprehension to support violent crime reduction strategies. This
36.18 includes funding for staff and supplies to enhance forensic, analytical, and investigations
36.19 capacity, and financially support investigative partnerships with other law enforcement
36.20 agencies to conduct forensic and investigatory work to expedite clearance rates.

36.21 (b) Funds allocated shall be used where there is the most acute need for supplemental
36.22 resources based on the rate of violent crime and the need to improve clearance rates for
36.23 violent crime investigations. The superintendent of the Bureau of Criminal Apprehension
36.24 shall prioritize allocating resources to political subdivisions that have recorded at least three
36.25 violent crimes in the previous fiscal year and that rank in the 20 highest per capita crime
36.26 rates among Minnesota political subdivisions in the previous fiscal year based on the Uniform
36.27 Crime Reports or National Incident Based Reporting System. As a condition of receiving
36.28 investigatory assistance from the Bureau of Criminal Apprehension from this account, the
36.29 local unit of government must enter a joint powers agreement with the commissioner of
36.30 Public Safety and the superintendent of the Bureau of Criminal Apprehension.

36.31 (c) By December 15 of each calendar year, the commissioner shall report to the chairs
36.32 and ranking minority members of the legislative committees and divisions with jurisdiction

37.1 over public safety finance and policy on how funds in the violent crime reduction and
37.2 clearance support account were used. Each report must, at a minimum, summarize the
37.3 expenditures made, indicate the purpose of those expenditures, and provide an overview of
37.4 the criminal cases where funds from the account were used, including a summary of the
37.5 cases that identifies each case's disposition or outcome.

37.6 Sec. 22. **COMMUNITY CRIME AND VIOLENCE PREVENTION GRANTS;**
37.7 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

37.8 (a) The community crime and violence prevention account is created in the special
37.9 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise
37.10 provided to the account. Of the amount in the account, up to \$30,000,000 each year is
37.11 appropriated to the commissioner of public safety for grants administered by the Office of
37.12 Justice Programs to be awarded to community violence prevention and intervention programs.

37.13 (b) Grants may be awarded to community-based nonprofit organizations, local
37.14 governments, or the governing bodies of federally recognized Indian Tribes. Applicants
37.15 that are nonprofit organizations must demonstrate the support of the local government or
37.16 Indian Tribe where the nonprofit will be offering services. Support may be demonstrated
37.17 by partnerships with the local government or Indian Tribe, or letters or other affirmations
37.18 of support.

37.19 (c) Grant recipients must operate crime or violence prevention programs with an
37.20 established record of providing direct services to community members. Programs must be
37.21 culturally competent and identify specific outcomes that can be tracked and measured to
37.22 demonstrate the impact the program has on community crime and violence. Crime or violence
37.23 prevention programs may include but are not limited to:

37.24 (1) programs that provide services to victims of crime or violence;

37.25 (2) programs that provide services to individuals and families harmed by gun violence;

37.26 (3) programs that provide support services for victims of crimes where there is a
37.27 reasonable belief that the crimes were committed in whole or in substantial part because of
37.28 the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
37.29 sexual orientation, gender identity, gender expression, age, national origin, or disability as
37.30 defined in Minnesota Statutes, section 363A.03, or because of the victim's actual or perceived
37.31 association with another person or group of a certain actual or perceived race, color, ethnicity,
37.32 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
37.33 origin, or disability as defined in Minnesota Statutes, section 363A.03;

- 38.1 (4) homelessness assistance programs;
38.2 (5) programs that intervene in volatile situations to mediate disputes before they become
38.3 violent;
38.4 (6) juvenile diversion programs; and
38.5 (7) programs that support a community response to violence that addresses trauma in
38.6 the community and promotes community leadership development and coalition building.
38.7 (d) As part of the narrative and statistical progress reports provided to the Office of
38.8 Justice Programs, grant recipients must report on the specific outcomes identified pursuant
38.9 to paragraph (c).
38.10 (e) The Office of Justice Programs may use up to 2.5 percent of the annual appropriation
38.11 to administer the grants.

38.12 **Sec. 23. PRETRIAL RELEASE STUDY AND REPORT.**

38.13 (a) Pursuant to the terms of a grant, the Minnesota Justice Research Center shall study
38.14 and report on pretrial release practices in Minnesota and other jurisdictions.

38.15 (b) The Minnesota Justice Research Center shall examine pretrial release practices in
38.16 Minnesota and community perspectives about those practices; conduct a robust study of
38.17 pretrial release practices in other jurisdictions to identify effective approaches to pretrial
38.18 release that use identified best practices; provide analysis and recommendations describing
38.19 if, and how, practices in other jurisdictions could be adopted and implemented in Minnesota,
38.20 including but not limited to analysis addressing how changes would impact public safety,
38.21 appearance rates, treatment of defendants with different financial means, disparities in
38.22 pretrial detention, and community perspectives about pretrial release; and make
38.23 recommendations for policy changes for consideration by the legislature.

38.24 (c) By February 15, 2024, the Minnesota Justice Research Center must provide a
38.25 preliminary report to the legislative committees and divisions with jurisdiction over public
38.26 safety finance and policy including a summary of the preliminary findings, any legislative
38.27 proposals to improve the ability of the Minnesota Justice Research Center to complete its
38.28 work, and any proposals for legislation related to pretrial release. The Minnesota Justice
38.29 Research Center shall submit a final report to the legislative committees and divisions with
38.30 jurisdiction over public safety finance and policy by February 15, 2025. The final report
38.31 shall include a description of the Minnesota Justice Research Center's work, findings, and
38.32 any legislative proposals.

39.1 Sec. 24. **MENTAL HEALTH SERVICES FOR FIRST RESPONDERS GRANT**
39.2 **PROGRAM.**

39.3 Subdivision 1. **Establishment.** The commissioner of public safety through the Office
39.4 of Justice Programs shall establish and administer a grant program to fund mental health
39.5 services to first responders employed by local units of government.

39.6 Subd. 2. **Eligibility.** Each local unit of government that employs peace officers or
39.7 firefighters may apply for a grant.

39.8 Subd. 3. **Qualifying programs.** To qualify for a grant, an applicant must present a viable
39.9 plan to the commissioner to offer a program that ensures at least one hour of mental health
39.10 services every six months for any peace officers and firefighters employed by the applicant.

39.11 Subd. 4. **Selection; grant cap.** The commissioner may award grants up to \$150,000.
39.12 Grant amounts must be based on the total number of peace officers and firefighters employed
39.13 by the applicant.

39.14 Subd. 5. **Reports.** (a) Each grant recipient must submit a report to the commissioner by
39.15 June 30 of each year that identifies the services provided, total number of employees served,
39.16 total number of hours of services provided, and expenditures of grant money. The report
39.17 must also include an evaluation of the program's impact.

39.18 (b) By September 1 of each year, the commissioner shall report aggregate data received
39.19 from grant recipients under paragraph (a) to the chairs and ranking minority members of
39.20 the senate and house of representatives committees with jurisdiction over public safety
39.21 policy and finance.

39.22 Subd. 6. **Definitions.** For the purposes of this section, the following terms have the
39.23 meanings given:

39.24 (1) "firefighter" means a firefighter employed full-time by a fire department and licensed
39.25 by the Board of Firefighter Training and Education;

39.26 (2) "local unit of government" means a statutory or home rule charter city that employs
39.27 its own law enforcement agency, or a county; and

39.28 (3) "peace officer" means a full-time peace officer employed by a local unit of
39.29 government's law enforcement agency and licensed by the Minnesota Board of Peace Officer
39.30 Standards and Training.

39.31 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to services
39.32 administered on or after that date.

40.1 Sec. 25. **LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS TRAINING**
40.2 **GRANT.**

40.3 (a) The commissioner of public safety must award a grant to the Adler Graduate School
40.4 to develop and implement a law enforcement mental health and wellness training program
40.5 to train licensed counselors to understand the nuances, culture, and stressors of the law
40.6 enforcement profession so that the trainees can provide effective and successful treatment
40.7 to peace officers in distress. The grantee must request and incorporate the advice and counsel
40.8 of law enforcement officers and mental health professionals who are familiar with the
40.9 psychological, cultural, and professional issues of law enforcement to develop and implement
40.10 the program.

40.11 (b) The grantee may offer the program online.

40.12 (c) The grantee must seek to recruit licensed counselors providing services outside of
40.13 the 11-county metropolitan area as defined in Minnesota Statutes, section 115A.1314,
40.14 subdivision 2, paragraph (b).

40.15 (d) The grantee must create a resource directory to provide law enforcement agencies
40.16 with the names of counselors who have completed the program and other resources to
40.17 support law enforcement professionals with overall wellness. The grantee must collaborate
40.18 with the commissioner of public safety and law enforcement organizations to promote the
40.19 directory.

40.20 Sec. 26. **USE OF FORCE TRAINING; REIMBURSEMENT.**

40.21 (a) The commissioner of the Office of Higher Education shall issue reimbursement
40.22 grants to postsecondary schools certified to provide programs of professional peace officer
40.23 education for providing in-service training programs on the use of force, including deadly
40.24 force, by peace officers.

40.25 (b) To be eligible for reimbursement, training offered by a postsecondary school must:

40.26 (1) satisfy the requirements of Minnesota Statutes, section 626.8452, and be approved
40.27 by the Board of Peace Officer Standards and Training;

40.28 (2) utilize scenario-based training that simulates real-world situations and involves the
40.29 use of real firearms that fire nonlethal ammunition;

40.30 (3) include a block of instruction on the physical and psychological effects of stress
40.31 before, during, and after a high-risk or traumatic incident and the cumulative impact of
40.32 stress on the health of officers;

41.1 (4) include blocks of instruction on de-escalation methods and tactics, bias motivation,
41.2 unknown risk training, defensive tactics, and force-on-force training; and

41.3 (5) be offered to peace officers at no charge to the peace officer or law enforcement
41.4 agency.

41.5 (c) A postsecondary school that offers training consistent with the requirements of
41.6 paragraph (b) may apply for reimbursement for the costs of offering the training.
41.7 Reimbursement shall be made at a rate of \$450 for each officer who completes the training.
41.8 The postsecondary school must submit the name and peace officer license number of the
41.9 peace officer who received the training to the Office of Higher Education.

41.10 (d) As used in this section:

41.11 (1) "law enforcement agency" has the meaning given in Minnesota Statutes, section
41.12 626.84, subdivision 1, paragraph (f); and

41.13 (2) "peace officer" has the meaning given in Minnesota Statutes, section 626.84,
41.14 subdivision 1, paragraph (c).

41.15 **Sec. 27. SUPPORTIVE ARTS GRANT PROGRAM.**

41.16 (a) The commissioner of corrections shall establish a supportive arts grant program to
41.17 award grants to nonprofit organizations to provide supportive arts programs to incarcerated
41.18 persons and persons on supervised release. The supportive arts programs must use the arts,
41.19 including but not limited to visual art, poetry, literature, theater, dance, and music, to address
41.20 the supportive, therapeutic, and rehabilitative needs of incarcerated persons and persons on
41.21 supervised release and promote a safer correctional facility environment and community
41.22 environment. The commissioner may not require the participation of incarcerated persons
41.23 and persons on supervised release in a supportive arts program provided in a correctional
41.24 facility or community under a grant.

41.25 (b) Applicants for grants under this section must submit an application in the form and
41.26 manner established by the commissioner. The applicants must specify the arts program to
41.27 be offered and describe how the program is supportive, therapeutic, and rehabilitative for
41.28 incarcerated persons and persons on supervised release and the use of the grant funds.

41.29 (c) Organizations are not required to apply for or receive grant funds under this section
41.30 in order to be eligible to provide supportive arts programming inside the facilities.

41.31 (d) By March 1 of each year, the commissioner shall report to the chairs and ranking
41.32 members of the legislative committees and divisions having jurisdiction over criminal justice

42.1 finance and policy on the implementation, use, and administration of the grant program

42.2 established under this section. At a minimum, the report must provide:

42.3 (1) the names of the organizations receiving grants;

42.4 (2) the total number of individuals served by all grant recipients, disaggregated by race,
42.5 ethnicity, and gender;

42.6 (3) the names of the correctional facilities and communities where incarcerated persons
42.7 and persons on supervised release are participating in supportive arts programs offered
42.8 under this section;

42.9 (4) the total amount of money awarded in grants and the total amount remaining to be
42.10 awarded, if any;

42.11 (5) the amount of money granted to each recipient;

42.12 (6) a description of the program, mission, goals, and objectives by the organization using
42.13 the money; and

42.14 (7) a description of and measures of success, either qualitative or quantitative.

42.15 Sec. 28. **APPROPRIATIONS GIVEN EFFECT ONCE.**

42.16 If an appropriation or transfer in this article is enacted more than once during the 2023
42.17 regular session, the appropriation or transfer must be given effect once.

42.18 **ARTICLE 3**

42.19 **JUDICIARY POLICY WITH FISCAL COST**

42.20 Section 1. **[260C.419] STATEWIDE OFFICE OF APPELLATE COUNSEL AND**
42.21 **TRAINING.**

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

42.24 (b) "Board" means the State Board of Appellate Counsel and Training.

42.25 (c) "Juvenile protection matter" means any of the following:

42.26 (1) child in need of protection or services matters as defined in section 260C.007,
42.27 subdivision 6, including habitual truant and runaway matters;

42.28 (2) neglected and in foster care matters as defined in section 260C.007, subdivision 24;

43.1 (3) review of voluntary foster care matters as defined in section 260C.141, subdivision
43.2 2;

43.3 (4) review of out-of-home placement matters as defined in section 260C.212;

43.4 (5) termination of parental rights matters as defined in sections 260C.301 to 260C.328;
43.5 and

43.6 (6) permanent placement matters as defined in sections 260C.503 to 260C.521, including
43.7 matters involving termination of parental rights, guardianship to the commissioner of human
43.8 services, transfer of permanent legal and physical custody to a relative, permanent custody
43.9 to the agency, temporary legal custody to the agency, and matters involving voluntary
43.10 placement pursuant to section 260D.07.

43.11 (d) "Office" means the Statewide Office of Appellate Counsel and Training.

43.12 Subd. 2. **Statewide Office of Appellate Counsel and Training; establishment.** (a)

43.13 The Statewide Office of Appellate Counsel and Training is established as an independent
43.14 state office. The office shall be responsible for:

43.15 (1) establishing and maintaining a system for providing appellate representation to
43.16 parents in juvenile protection matters, as provided in section 260C.163, subdivision 3,
43.17 paragraph (c), and in Tribal court jurisdictions;

43.18 (2) providing training to all parent attorneys practicing in the state on topics relevant to
43.19 their practice and establishing practice standards and training requirements for parent
43.20 attorneys practicing in the state; and

43.21 (3) collaborating with the Minnesota Department of Human Services to coordinate and
43.22 secure federal Title IV-E support for counties and Tribes interested in accessing federal
43.23 funding.

43.24 (b) The office shall be governed by a board as provided in subdivision 3.

43.25 Subd. 3. **State Board of Appellate Counsel and Training; structure; membership.** (a)

43.26 The State Board of Appellate Counsel and Training is established to direct the Statewide
43.27 Office of Appellate Counsel and Training. The board shall consist of seven members,
43.28 including:

43.29 (1) four public members appointed by the governor; and

43.30 (2) three members appointed by the supreme court, at least one of whom must have
43.31 experience representing parents in juvenile court and who include two attorneys admitted
43.32 to practice law in the state and one public member.

44.1 (b) The appointing authorities may not appoint any of the following to be a member of
44.2 the board:

44.3 (1) a person who is a judge;

44.4 (2) a person who is a registered lobbyist;

44.5 (3) a person serving as a guardian ad litem or counsel for a guardian ad litem;

44.6 (4) a person who serves as counsel for children in juvenile court;

44.7 (5) a person under contract with or employed by the Department of Human Services or
44.8 a county department of human or social services; or

44.9 (6) a current city or county attorney or assistant city or county attorney.

44.10 (c) All members shall demonstrate an interest in maintaining a high quality, independent
44.11 appellate defense system for parents in juvenile protection proceedings who are unable to
44.12 obtain adequate representation, a robust program for parent attorneys in Minnesota, and an
44.13 efficient coordination effort, in collaboration with the Department of Human Services, to
44.14 secure and utilize Title IV-E funding. At least one member of the board appointed by the
44.15 governor must be a representative from a federally recognized Indian Tribe. No more than
44.16 five members of the board may belong to the same political party. At least three members
44.17 of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth
44.18 Judicial Districts. To the extent practicable, the membership of the board must include
44.19 persons with disabilities, reflect the ethnic diversity of the state, take into consideration race
44.20 and gender, and include persons from throughout the state. The members shall be well
44.21 acquainted with representing parents in district court and appellate proceedings related to
44.22 child protection matters as well as the law that affect a parent attorney's work, including
44.23 chapter 260C, the Rules of Juvenile Protection Procedure, the Rules of Civil Appellate
44.24 Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation
44.25 Act. The terms, compensation, and removal of members shall be as provided in section
44.26 15.0575. The members shall elect a chair from among the membership and the chair shall
44.27 serve a term of two years.

44.28 Subd. 4. **Head appellate counsel for parents; assistant and contracted attorneys;**
44.29 **other employees.** (a) Beginning January 1, 2024, and for every four years after that date,
44.30 the board shall appoint a head appellate counsel in charge of executing the responsibilities
44.31 of the office who shall provide for sufficient appellate counsel for parents and other personnel
44.32 necessary to discharge the functions of the office. The head appellate counsel shall serve a
44.33 four-year term and may be removed only for cause upon the order of the board. The head

45.1 appellate counsel shall be a full-time qualified attorney, licensed to practice law in this state,
45.2 and serve in the unclassified service of the state. Vacancies of the office shall be filled by
45.3 the appointing authority for the unexpired term. The head appellate counsel shall devote
45.4 full time to the performance of duties and shall not engage in the general practice of law.
45.5 The compensation of the head appellate counsel shall be set by the board and shall be
45.6 commensurate with county attorneys in the state.

45.7 (b) Consistent with the decisions of the board, the head appellate counsel shall employ
45.8 assistants or hire independent contractors to serve as appellate counsel for parents. Each
45.9 assistant appellate counsel and independent contractor serves at the pleasure of the head
45.10 appellate counsel. The compensation of assistant appellate counsel and independent
45.11 contractors shall be set by the board and shall be commensurate with county attorneys in
45.12 the state.

45.13 (c) A person serving as appellate counsel shall be a qualified attorney licensed to practice
45.14 law in this state. A person serving as appellate counsel practicing in Tribal court shall be a
45.15 licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate
45.16 counsel and contracted appellate counsel may engage in the general practice of law where
45.17 not employed or contracted to provide services on a full-time basis.

45.18 (d) The head appellate counsel shall, consistent with the responsibilities under subdivision
45.19 2, employ or hire the following:

45.20 (1) one managing appellate attorney;

45.21 (2) two staff attorneys;

45.22 (3) one director of training;

45.23 (4) one program administrator to support Title IV-E reimbursement in collaboration
45.24 with the Department of Human Services; and

45.25 (5) one office administrator.

45.26 (e) Each employee identified in paragraph (d) serves at the pleasure of the head appellate
45.27 counsel. The compensation of each employee shall be set by the board and shall be
45.28 commensurate with county attorneys in the state.

45.29 (f) Any person serving as managing appellate attorney, staff attorney, and director of
45.30 training shall be a qualified attorney licensed to practice law in the state.

45.31 (g) A person serving as the program administrator and office administrator must be
45.32 chosen solely on the basis of training, experience, and qualifications.

46.1 Subd. 5. Duties and responsibilities. (a) The board shall work cooperatively with the
46.2 head appellate counsel to govern the office and provide fiscal oversight.

46.3 (b) The board shall approve and recommend to the legislature a budget for the board,
46.4 the office, and any programs operated by that office.

46.5 (c) The board shall establish procedures for distribution of funding under this section to
46.6 the office and any programs operated by that office.

46.7 (d) The head appellate counsel with the approval of the board shall establish appellate
46.8 program standards, administrative policies, procedures, and rules consistent with statute,
46.9 rules of court, and laws that affect appellate counsel's work. The standards must include but
46.10 are not limited to:

46.11 (1) standards needed to maintain and operate an appellate counsel for parents program,
46.12 including requirements regarding the qualifications, training, and size of the legal and
46.13 supporting staff for an appellate counsel program;

46.14 (2) standards for appellate counsel caseloads;

46.15 (3) standards and procedures for the eligibility of appointment, assessment, and collection
46.16 of the costs for legal representation provided by appellate counsel;

46.17 (4) standards for contracts between contracted appellate counsel and the state appellate
46.18 counsel program for the legal representation of indigent persons;

46.19 (5) standards prescribing minimum qualifications of counsel appointed under the board's
46.20 authority or by the courts; and

46.21 (6) standards ensuring the independent, competent, and efficient representation of clients
46.22 whose cases present conflicts of interest.

46.23 (e) The head appellate counsel, with approval of the board, shall establish training
46.24 program standards and processes and procedures necessary to carry out the office's
46.25 responsibilities for statewide training of parent attorneys, including but not limited to
46.26 establishing uniform practice standards and training requirements for all parent attorneys
46.27 practicing in the state.

46.28 (f) The head appellate counsel and the program administrator with approval of the board
46.29 shall establish processes and procedures for collaborating with the Department of Human
46.30 Services to secure and utilize Title IV-E funds and communicating with counties and Tribes
46.31 and any other processes and procedures necessary to carry out the office's responsibilities.

46.32 (g) The board may:

47.1 (1) propose statutory changes to the legislature and rule changes to the supreme court
47.2 that are in the best interests of the operation of the appellate counsel for parents program;
47.3 and

47.4 (2) require the reporting of statistical data, budget information, and other cost factors
47.5 by the appellate counsel for parents program.

47.6 Subd. 6. **Limitation.** In no event shall the board or its members interfere with the
47.7 discretion, judgment, or zealous advocacy of counsel in their handling of individual cases
47.8 as a part of the judicial branch of government.

47.9 Subd. 7. **Budget; county and Tribe use.** The establishment of the office and its
47.10 employees and support staff and the board shall be funded by the state of Minnesota.
47.11 Minnesota counties and Tribes may utilize this office to provide appellate representation
47.12 to indigent parents in their jurisdiction who are seeking an appeal and for assistance in
47.13 securing Title IV-E funding through collaboration with the Department of Human Services.

47.14 Subd. 8. **Collection of costs; appropriation.** If any of the costs provided by appellate
47.15 counsel are assessed and collected or otherwise reimbursed from any source, the State Board
47.16 of Appellate Counsel and Training shall deposit payments in a separate account established
47.17 in the special revenue fund. The amount credited to this account is appropriated to the State
47.18 Board of Appellate Counsel and Training. The balance of this account does not cancel but
47.19 is available until expended.

47.20 Sec. 2. Minnesota Statutes 2022, section 357.021, subdivision 2, is amended to read:

47.21 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator
47.22 shall be as follows:

47.23 (1) In every civil action or proceeding in said court, including any case arising under
47.24 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
47.25 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
47.26 action, a fee of \$285, except in marriage dissolution actions the fee is \$315.

47.27 The defendant or other adverse or intervening party, or any one or more of several
47.28 defendants or other adverse or intervening parties appearing separately from the others,
47.29 shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in
47.30 marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing
47.31 of an Application for Discharge of Judgment. Section 548.181 applies to an Application
47.32 for Discharge of Judgment.

47.33 The party requesting a trial by jury shall pay \$100.

48.1 The fees above stated shall be the full trial fee chargeable to said parties irrespective of
48.2 whether trial be to the court alone, to the court and jury, or disposed of without trial, and
48.3 shall include the entry of judgment in the action, but does not include copies or certified
48.4 copies of any papers so filed or proceedings under chapter 103E, except the provisions
48.5 therein as to appeals.

48.6 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, ~~and \$8~~
48.7 ~~for an uncertified copy.~~

48.8 (3) Issuing a subpoena, \$16 for each name.

48.9 (4) Filing a motion or response to a motion in civil, family, excluding child support, and
48.10 guardianship cases, \$75.

48.11 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
48.12 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically
48.13 mentioned, \$55.

48.14 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment
48.15 from another court, \$40.

48.16 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of
48.17 judgment, \$5.

48.18 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name
48.19 certified to.

48.20 (9) Filing and indexing trade name; or recording basic science certificate; or recording
48.21 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
48.22 \$5.

48.23 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

48.24 (11) For the deposit of a will, \$27.

48.25 (12) For recording notary commission, \$20.

48.26 (13) Filing a motion or response to a motion for modification of child support, a fee of
48.27 \$50.

48.28 (14) All other services required by law for which no fee is provided, such fee as compares
48.29 favorably with those herein provided, or such as may be fixed by rule or order of the court.

49.1 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
49.2 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
49.3 petition filed in district court to fund the fathers' adoption registry under section 259.52.

49.4 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
49.5 public authority represents. No fee may be charged for an uncertified copy of an instrument
49.6 from a civil or criminal proceeding.

49.7 Sec. 3. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50.26 (20) solicit, receive, and compile information from community organizations, school
50.27 districts and charter schools, and individuals regarding incidents committed in whole or in
50.28 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
50.29 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
50.30 origin, or disability as defined in section 363A.03, or because of the victim's actual or
50.31 perceived association with another person or group of a certain actual or perceived race,
50.32 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
50.33 age, national origin, or disability as defined in section 363A.03, and compile data in the

51.1 aggregate on the nature and extent of the incidents and include summary data as defined by
51.2 section 13.02, subdivision 19, on this information in the report required under clause (12),
51.3 disaggregated by the type of incident and the actual or perceived characteristic for which
51.4 the person was targeted. The commissioner shall provide information on the department's
51.5 website about when and how a victim can report criminal conduct to a law enforcement
51.6 agency. Data collected and maintained under this clause are private data on individuals as
51.7 defined in section 13.02, subdivision 12.

51.8 In performing these duties, the commissioner shall give priority to those duties in clauses
51.9 (8), (9), and (10) and to the duties in section 363A.36.

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

51.14 Sec. 4. Minnesota Statutes 2022, section 484.85, is amended to read:

51.15 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
51.16 **RAMSEY COUNTY DISTRICT COURT.**

51.17 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
51.18 municipality or subdivision of government within Ramsey County for violation of a statute;
51.19 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
51.20 forfeitures collected by the court administrator shall be deposited in the state treasury and
51.21 distributed according to this paragraph. Except where a different disposition is provided by
51.22 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the
51.23 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
51.24 during the previous month as follows:

51.25 ~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer~~
51.26 ~~of the city of St. Paul~~ municipality or subdivision of government within Ramsey County
51.27 and one-third credited to the state general fund; and

51.28 ~~(2) for offenses committed within any other municipality or subdivision of government~~
51.29 ~~within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of~~
51.30 ~~government and one-half credited to the state general fund.~~

51.31 All other fines, penalties, and forfeitures collected by the district court shall be distributed
51.32 by the courts as provided by law.

52.1 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)
52.2 when:

52.3 (1) a city contracts with the county attorney for prosecutorial services under section
52.4 484.87, subdivision 3; or

52.5 (2) the attorney general provides assistance to the city attorney under section 484.87,
52.6 subdivision 5.

52.7 **Sec. 5. APPELLATE COUNSEL FOR PARENTS; SUPPORT FOR**
52.8 **ESTABLISHMENT.**

52.9 The Management Analysis and Development Division of Management and Budget shall
52.10 provide technical support for the establishment of the Statewide Office of Appellate Counsel
52.11 and Training and the State Board of Appellate Counsel and Training established under
52.12 Minnesota Statutes, section 260C.419.

52.13 **ARTICLE 4**
52.14 **GRANTS MANAGEMENT**

52.15 **Section 1. FINANCIAL REVIEW OF NONPROFIT GRANT RECIPIENTS**
52.16 **REQUIRED.**

52.17 Subdivision 1. **Financial review required.** (a) Before awarding a competitive,
52.18 legislatively named, single source, or sole source grant to a nonprofit organization under
52.19 this act, the grantor must require the applicant to submit financial information sufficient for
52.20 the grantor to document and assess the applicant's current financial standing and management.
52.21 Items of significant concern must be addressed with the applicant and resolved to the
52.22 satisfaction of the grantor before a grant is awarded. The grantor must document the material
52.23 requested and reviewed; whether the applicant had a significant operating deficit, a deficit
52.24 in unrestricted net assets, or insufficient internal controls; whether and how the applicant
52.25 resolved the grantor's concerns; and the grantor's final decision. This documentation must
52.26 be maintained in the grantor's files.

52.27 (b) At a minimum, the grantor must require each applicant to provide the following
52.28 information:

52.29 (1) the applicant's most recent Form 990, Form 990-EZ, or Form 990-N filed with the
52.30 Internal Revenue Service. If the applicant has not been in existence long enough or is not
52.31 required to file Form 990, Form 990-EZ, or Form 990-N, the applicant must demonstrate
52.32 to the grantor that the applicant is exempt and must instead submit documentation of internal

53.1 controls and the applicant's most recent financial statement prepared in accordance with
53.2 generally accepted accounting principles and approved by the applicant's board of directors
53.3 or trustees, or if there is no such board, by the applicant's managing group;

53.4 (2) evidence of registration and good standing with the secretary of state under Minnesota
53.5 Statutes, chapter 317A, or other applicable law;

53.6 (3) unless exempt under Minnesota Statutes, section 309.515, evidence of registration
53.7 and good standing with the attorney general under Minnesota Statutes, chapter 309; and

53.8 (4) if required under Minnesota Statutes, section 309.53, subdivision 3, the applicant's
53.9 most recent audited financial statement prepared in accordance with generally accepted
53.10 accounting principles.

53.11 Subd. 2. **Authority to postpone or forgo; reporting required.** (a) Notwithstanding
53.12 any contrary provision in this act, a grantor that identifies an area of significant concern
53.13 regarding the financial standing or management of a legislatively named applicant may
53.14 postpone or forgo awarding the grant.

53.15 (b) No later than 30 days after a grantor exercises the authority provided under paragraph
53.16 (a), the grantor must report to the chairs and ranking minority members of the legislative
53.17 committees with jurisdiction over the grantor's operating budget. The report must identify
53.18 the legislatively named applicant and the grantor's reason for postponing or forgoing the
53.19 grant.

53.20 Subd. 3. **Authority to award subject to additional assistance and oversight.** A grantor
53.21 that identifies an area of significant concern regarding an applicant's financial standing or
53.22 management may award a grant to the applicant if the grantor provides or the grantee
53.23 otherwise obtains additional technical assistance, as needed, and the grantor imposes
53.24 additional requirements in the grant agreement. Additional requirements may include but
53.25 are not limited to enhanced monitoring, additional reporting, or other reasonable requirements
53.26 imposed by the grantor to protect the interests of the state.

53.27 Subd. 4. **Relation to other law and policy.** The requirements in this section are in
53.28 addition to any other requirements imposed by law, the commissioner of administration
53.29 under Minnesota Statutes, sections 16B.97 to 16B.98, or agency policy.

54.1 **ARTICLE 5**

54.2 **GENERAL CRIMES**

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

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

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

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

54.10 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

54.23 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

54.24 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
54.25 subdivision 2 or 2a, clause (1);

54.26 (vi) using a minor in a sexual performance in violation of section 617.246; or

54.27 (vii) possessing pornographic work involving a minor in violation of section 617.247;

54.28 (3) the person was sentenced as a patterned sex offender under section 609.3455,
54.29 subdivision 3a; or

55.1 (4) the person was charged with or petitioned for, including pursuant to a court martial,
55.2 violating a law of the United States, including the Uniform Code of Military Justice, similar
55.3 to an offense or involving similar circumstances to an offense described in clause (1), (2),
55.4 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
55.5 out of the same set of circumstances.

55.6 (b) A person also shall register under this section if:

55.7 (1) the person was charged with or petitioned for an offense in another state similar to
55.8 an offense or involving similar circumstances to an offense described in paragraph (a),
55.9 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
55.10 offense arising out of the same set of circumstances;

55.11 (2) the person enters this state to reside, work, or attend school, or enters this state and
55.12 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
55.13 any calendar year; and

55.14 (3) ten years have not elapsed since the person was released from confinement or, if the
55.15 person was not confined, since the person was convicted of or adjudicated delinquent for
55.16 the offense that triggers registration, unless the person is subject to a longer registration
55.17 period under the laws of another state in which the person has been convicted or adjudicated,
55.18 or is subject to lifetime registration.

55.19 If a person described in this paragraph is subject to a longer registration period in another
55.20 state or is subject to lifetime registration, the person shall register for that time period
55.21 regardless of when the person was released from confinement, convicted, or adjudicated
55.22 delinquent.

55.23 (c) A person also shall register under this section if the person was committed pursuant
55.24 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
55.25 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
55.26 United States, regardless of whether the person was convicted of any offense.

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

55.28 (1) the person was charged with or petitioned for a felony violation or attempt to violate
55.29 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
55.30 the United States, or the person was charged with or petitioned for a violation of any of the
55.31 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
55.32 States;

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

56.4 (3) the person was committed pursuant to a court commitment order under section
56.5 253B.18 or a similar law of another state or the United States.

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

56.7 Sec. 2. Minnesota Statutes 2022, section 299A.78, subdivision 1, is amended to read:

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

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

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

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

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

56.15 ~~(e)~~ (d) "Forced or coerced labor or services" has the meaning given in section 609.281,
56.16 subdivision 4.

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

56.18 ~~(g)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision
56.19 6.

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

56.21 ~~(i)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision
56.22 7b.

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

56.24 ~~(k)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking
56.25 victim."

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

56.27 Sec. 3. Minnesota Statutes 2022, section 299A.79, subdivision 3, is amended to read:

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

- 57.1 (1) the risks of becoming a trafficking victim;
- 57.2 (2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced or coerced
- 57.3 labor ~~and~~ or services, prostitution, and other coercive tactics; and risks of assault, criminal
- 57.4 sexual conduct, exposure to sexually transmitted diseases, and psychological harm;
- 57.5 (3) crime victims' rights; and
- 57.6 (4) reporting recruitment activities involved in trafficking.

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

57.8 Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 16, is amended to read:

57.9 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic

57.10 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,

57.11 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree

57.12 murder); 609.19 (second-degree murder); 609.195, paragraph (a) (third-degree murder);

57.13 609.20, clauses (1), (2), and (5) (first-degree manslaughter); 609.205, clauses (1) and (5)

57.14 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree

57.15 assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224

57.16 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation);

57.17 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false

57.18 imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree

57.19 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345

57.20 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious

57.21 punishment of a child); 609.582, subdivision 1, clause (c) (burglary in the first degree);

57.22 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining

57.23 order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an

57.24 emergency call); 617.261 (nonconsensual dissemination of private sexual images); and

57.25 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the

57.26 United States, the District of Columbia, tribal lands, and United States territories.

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

57.28 Sec. 5. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to

57.29 read:

57.30 **Subd. 2a. Exception.** (a) A person may not be held criminally liable for a violation of

57.31 section 609.185, paragraph (a), clause (3), committed by another unless the person

58.1 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
58.2 other with the intent to cause the death of a human being.

58.3 (b) A person may not be held criminally liable for a violation of section 609.19,
58.4 subdivision 2, clause (1), committed by another unless the person was a major participant
58.5 in the underlying felony and acted with extreme indifference to human life.

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

58.8 Sec. 6. Minnesota Statutes 2022, section 609.2231, subdivision 4, is amended to read:

58.9 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in
58.10 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
58.11 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
58.12 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
58.13 victim's actual or perceived association with another person or group of a certain actual or
58.14 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
58.15 gender expression, age, national origin, or disability as defined in section 363A.03, may be
58.16 sentenced to imprisonment for not more than one year or to payment of a fine of not more
58.17 than \$3,000, or both.

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

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

58.24 Sec. 7. Minnesota Statutes 2022, section 609.2233, is amended to read:

58.25 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
58.26 **STATUTORY MAXIMUM SENTENCE.**

58.27 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
58.28 part because of the victim's or another person's actual or perceived race, color, ethnicity,
58.29 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
58.30 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
58.31 victim's actual or perceived association with another person or group of a certain actual or
58.32 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,

59.1 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
59.2 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
59.3 applicable.

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

59.6 Sec. 8. Minnesota Statutes 2022, section 609.25, subdivision 2, is amended to read:

59.7 Subd. 2. **Sentence.** Whoever violates subdivision 1 may be sentenced as follows:

59.8 (1) if the victim is released in a safe place without great bodily harm, to imprisonment
59.9 for not more than 20 years or to payment of a fine of not more than \$35,000, or both; or

59.10 (2) ~~if the victim is not released in a safe place, or if the victim suffers great bodily harm~~
59.11 ~~during the course of the kidnapping, or if the person kidnapped is under the age of 16, to~~
59.12 ~~imprisonment for not more than 40 years or to payment of a fine of not more than \$50,000,~~
59.13 ~~or both if:~~

59.14 (i) the victim is not released in a safe place;

59.15 (ii) the victim suffers great bodily harm during the course of the kidnapping; or

59.16 (iii) the person kidnapped is under the age of 16.

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

59.18 Sec. 9. Minnesota Statutes 2022, section 609.269, is amended to read:

59.19 **609.269 EXCEPTION.**

59.20 Sections 609.2661 to 609.268 do not apply to ~~any act described in section 145.412.~~ a
59.21 person providing reproductive health care offered, arranged, or furnished:

59.22 (1) for the purpose of terminating a pregnancy; and

59.23 (2) with the consent of the pregnant individual or the pregnant individual's representative,
59.24 except in a medical emergency in which consent cannot be obtained.

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

59.26 Sec. 10. Minnesota Statutes 2022, section 609.281, subdivision 3, is amended to read:

59.27 Subd. 3. **Debt bondage.** ~~"Debt bondage" means the status or condition of a debtor arising~~
59.28 ~~from a pledge by the debtor of the debtor's personal~~ occurs when a person provides labor
59.29 or services or those of any kind to pay a real or alleged debt of a the person under the debtor's

60.1 ~~control as a security for debt~~ or another, if the value of ~~these~~ the labor or services as
60.2 reasonably assessed is not applied toward the liquidation of the debt or the length and nature
60.3 of ~~these~~ the labor or services are not respectively limited and defined.

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

60.6 Sec. 11. Minnesota Statutes 2022, section 609.281, subdivision 4, is amended to read:

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

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

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

60.17 (3) physical restraint of a person;

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

60.19 ~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened
60.20 use of a law or legal process, whether administrative, civil, or criminal; or

60.21 ~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6)
60.22 destruction, concealment, removal, confiscation, withholding, or possession of any actual
60.23 or purported passport or other immigration document, or any other actual or purported
60.24 government identification document, of another person; ~~or.~~

60.25 ~~(5) use of blackmail.~~

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

60.28 Sec. 12. Minnesota Statutes 2022, section 609.281, subdivision 5, is amended to read:

60.29 Subd. 5. **Labor trafficking.** "Labor trafficking" means:

61.1 (1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining,
61.2 or receipt of a person by any means, ~~for the purpose~~ in furtherance of:

61.3 (i) debt bondage ~~or~~;

61.4 (ii) forced or coerced labor or services;

61.5 ~~(ii)~~ (iii) slavery or practices similar to slavery; or

61.6 ~~(iii)~~ (iv) the removal of organs through the use of coercion or intimidation; or

61.7 (2) receiving profit or anything of value, knowing or having reason to know it is derived
61.8 from an act described in clause (1).

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

61.11 Sec. 13. Minnesota Statutes 2022, section 609.282, subdivision 1, is amended to read:

61.12 Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever
61.13 knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is
61.14 guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or
61.15 to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies
61.16 and the death arose out of and in the course of the labor trafficking or the labor and services
61.17 related to the labor trafficking.

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

61.20 Sec. 14. Minnesota Statutes 2022, section 609.282, is amended by adding a subdivision
61.21 to read:

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

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

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

61.28 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose
61.29 out of and in the course of the labor trafficking or the labor and services related to the labor
61.30 trafficking.

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

62.3 Sec. 15. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
62.4 to read:

62.5 Subd. 15. **Debt bondage.** "Debt bondage" has the meaning given in section 609.281,
62.6 subdivision 3.

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

62.8 Sec. 16. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
62.9 to read:

62.10 Subd. 16. **Forced or coerced labor or services.** "Forced or coerced labor or services"
62.11 has the meaning given in section 609.281, subdivision 4.

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

62.13 Sec. 17. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
62.14 to read:

62.15 Subd. 17. **Labor trafficking.** "Labor trafficking" has the meaning given in section
62.16 609.281, subdivision 5.

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

62.18 Sec. 18. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
62.19 to read:

62.20 Subd. 18. **Labor trafficking victim.** "Labor trafficking victim" has the meaning given
62.21 in section 609.281, subdivision 6.

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

62.23 Sec. 19. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
62.24 to read:

62.25 Subd. 19. **Trafficking.** "Trafficking" includes labor trafficking and sex trafficking.

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

63.1 Sec. 20. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
63.2 to read:

63.3 Subd. 20. **Trafficking victim.** "Trafficking victim" includes a labor trafficking victim
63.4 and a sex trafficking victim.

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

63.6 Sec. 21. Minnesota Statutes 2022, section 609.322, subdivision 1, is amended to read:

63.7 Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
63.8 **in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,
63.9 intentionally does any of the following may be sentenced to imprisonment for not more
63.10 than 25 years or to payment of a fine of not more than \$50,000, or both:

63.11 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

63.12 (2) promotes the prostitution of an individual under the age of 18 years;

63.13 (3) receives profit, knowing or having reason to know that it is derived from the
63.14 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;
63.15 or

63.16 (4) engages in the sex trafficking of an individual under the age of 18 years.

63.17 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment
63.18 for not more than 30 years or to payment of a fine of not more than \$60,000, or both, if one
63.19 or more of the following aggravating factors are present:

63.20 (1) the offender has committed a prior qualified human trafficking-related offense;

63.21 (2) the offense involved a sex trafficking victim who suffered bodily harm during the
63.22 commission of the offense;

63.23 (3) the time period that a sex trafficking victim was held in debt bondage or forced or
63.24 coerced labor or services exceeded 180 days; or

63.25 (4) the offense involved more than one sex trafficking victim.

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

63.28 Sec. 22. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

63.29 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

64.1 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
64.2 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
64.3 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
64.4 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

64.5 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
64.6 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
64.7 property stolen was an article representing a trade secret, an explosive or incendiary device,
64.8 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
64.9 exception of marijuana; or

64.10 (3) to imprisonment for not more than five years or to payment of a fine of not more
64.11 than \$10,000, or both, if any of the following circumstances exist:

64.12 (a) the value of the property or services stolen is more than \$1,000 but not more than
64.13 \$5,000; or

64.14 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
64.15 to section 152.02; or

64.16 (c) the value of the property or services stolen is more than \$500 but not more than
64.17 \$1,000 and the person has been convicted within the preceding five years for an offense
64.18 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
64.19 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
64.20 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
64.21 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
64.22 that was stayed under section 609.135 if the offense to which a plea was entered would
64.23 allow imposition of a felony or gross misdemeanor sentence; or

64.24 (d) the value of the property or services stolen is not more than \$1,000, and any of the
64.25 following circumstances exist:

64.26 (i) the property is taken from the person of another or from a corpse, or grave or coffin
64.27 containing a corpse; or

64.28 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
64.29 filed or deposited according to law with or in the keeping of any public officer or office; or

64.30 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
64.31 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
64.32 or the proximity of battle; or

65.1 (iv) the property consists of public funds belonging to the state or to any political
65.2 subdivision or agency thereof; or

65.3 (v) the property stolen is a motor vehicle; or

65.4 (4) to imprisonment for not more than one year or to payment of a fine of not more than
65.5 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
65.6 more than \$1,000; or

65.7 (5) in all other cases where the value of the property or services stolen is \$500 or less,
65.8 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
65.9 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
65.10 (4), (13), and (19), the value of the money or property or services received by the defendant
65.11 in violation of any one or more of the above provisions within any six-month period may
65.12 be aggregated and the defendant charged accordingly in applying the provisions of this
65.13 subdivision; provided that when two or more offenses are committed by the same person
65.14 in two or more counties, the accused may be prosecuted in any county in which one of the
65.15 offenses was committed for all of the offenses aggregated under this paragraph.

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

65.18 **Sec. 23. [609.522] ORGANIZED RETAIL THEFT.**

65.19 Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have
65.20 the meanings given.

65.21 (b) "Article surveillance system" means any electronic device or other security device
65.22 that is designed to detect or prevent the unauthorized removal of retail merchandise from
65.23 a retailer.

65.24 (c) "Retailer" means a person or entity that sells retail merchandise.

65.25 (d) "Retail merchandise" means all forms of tangible property, without limitation, held
65.26 out for sale by a retailer.

65.27 (e) "Value" means the retail market value at the time of the theft or, if the retail market
65.28 value cannot be ascertained, the cost of replacement of the property within a reasonable
65.29 time after the theft.

65.30 Subd. 2. **Organized retail theft.** (a) Whoever steals or fraudulently obtains retail
65.31 merchandise from a retailer commits organized retail theft and may be sentenced as provided
65.32 in subdivision 3 if the actor:

- 66.1 (1) resells or intends to resell the retail merchandise;
66.2 (2) advertises or displays any item of the retail merchandise for sale;
66.3 (3) returns any item of the retail merchandise to a retailer for anything of value; or
66.4 (4) steals retail merchandise within five years of a conviction under this section.

66.5 (b) Whoever receives, purchases, or possesses retail merchandise knowing or having
66.6 reason to know the retail merchandise was stolen from a retailer and with the intent to resell
66.7 that merchandise may be sentenced as provided in subdivision 3.

66.8 (c) Whoever possesses any device, gear, or instrument designed to assist in shoplifting
66.9 or defeating an electronic article surveillance system with intent to use the same to shoplift
66.10 and thereby commit theft may be sentenced pursuant to subdivision 3, clause (3).

66.11 Subd. 3. **Sentence.** Whoever commits organized retail theft may be sentenced as follows:

66.12 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
66.13 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

66.14 (2) to imprisonment for not more than seven years or to payment of a fine of not more
66.15 than \$14,000, or both, if either of the following circumstances exist:

66.16 (i) the value of the property stolen is more than \$1,000 but not more than \$5,000; or

66.17 (ii) the person commits the offense within ten years of the first of two or more convictions
66.18 under this section;

66.19 (3) to imprisonment for not more than two years or to payment of a fine of not more
66.20 than \$5,000, or both, if either of the following circumstances exist:

66.21 (i) the value of the property stolen is more than \$500 but not more than \$1,000; or

66.22 (ii) the person commits the offense within ten years of a previous conviction under this
66.23 section; or

66.24 (4) to imprisonment of not more than one year or to payment of a fine of not more than
66.25 \$3,000, or both, if the value of the property stolen is \$500 or less.

66.26 Subd. 4. **Aggregation.** The value of the retail merchandise received by the defendant
66.27 in violation of this section within any six-month period may be aggregated and the defendant
66.28 charged accordingly in applying the provisions of this subdivision, provided that when two
66.29 or more offenses are committed by the same person in two or more counties, the accused
66.30 may be prosecuted in any county in which one of the offenses was committed for all of the
66.31 offenses aggregated under this paragraph.

67.1 Subd. 5. **Enhanced penalty.** If a violation of this section creates a reasonably foreseeable
67.2 risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as
67.3 follows:

67.4 (1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be
67.5 sentenced to imprisonment for not more than three years or to payment of a fine of not more
67.6 than \$5,000, or both; and

67.7 (2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent
67.8 longer than for the underlying crime.

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

67.11 Sec. 24. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

67.12 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,
67.13 whoever enters a building without consent and with intent to steal or commit any felony or
67.14 gross misdemeanor while in the building, or enters a building without consent and steals or
67.15 commits a felony or gross misdemeanor while in the building, either directly or as an
67.16 accomplice, commits burglary in the third degree and may be sentenced to imprisonment
67.17 for not more than five years or to payment of a fine of not more than \$10,000, or both.

67.18 (b) Whoever enters a building that is open to the public, other than a building identified
67.19 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
67.20 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
67.21 and steals while in the building, either directly or as an accomplice, commits burglary in
67.22 the third degree and may be sentenced to imprisonment for not more than five years or to
67.23 payment of a fine of not more than \$10,000, or both, if:

67.24 (1) the person enters the building within one year after being told to leave the building
67.25 and not return; and

67.26 (2) the person has been convicted within the preceding five years for an offense under
67.27 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
67.28 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
67.29 jurisdiction, in conformity with any of those sections, and the person received a felony
67.30 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
67.31 to which a plea was entered would allow imposition of a felony sentence.

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

68.1 Sec. 25. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

68.2 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
68.3 and with intent to commit a misdemeanor other than to steal, or enters a building without
68.4 consent and commits a misdemeanor other than to steal while in the building, either directly
68.5 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
68.6 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
68.7 or both.

68.8 (b) Whoever enters a building that is open to the public, other than a building identified
68.9 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building
68.10 that is open to the public, other than a building identified in subdivision 2, paragraph (b),
68.11 and steals while in the building, either directly or as an accomplice, commits burglary in
68.12 the fourth degree and may be sentenced to imprisonment for not more than one year or to
68.13 payment of a fine of not more than \$3,000, or both, if the person enters the building within
68.14 one year after being told to leave the building and not return.

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

68.17 Sec. 26. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

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

68.24 (1) was committed in whole or in substantial part because of the property owner's or
68.25 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
68.26 gender identity, gender expression, age, national origin, or disability as defined in section
68.27 363A.03;

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

68.32 (3) was motivated in whole or in substantial part by an intent to intimidate or harm an
68.33 individual or group of individuals because of actual or perceived race, color, ethnicity,

69.1 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
69.2 origin, or disability as defined in section 363A.03.

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

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

69.11 Sec. 27. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

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

69.19 (b) Whoever intentionally causes damage to another person's physical property without
69.20 the other person's consent ~~because of the property owner's or another's actual or perceived~~
69.21 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~
69.22 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to
69.23 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
69.24 property by not more than \$500- and:

69.25 (1) was committed in whole or in substantial part because of the property owner's or
69.26 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
69.27 gender identity, gender expression, age, national origin, or disability as defined in section
69.28 363A.03;

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

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

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

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

70.13 Sec. 28. Minnesota Statutes 2022, section 609.67, subdivision 1, is amended to read:

70.14 Subdivision 1. **Definitions.** (a) "Machine gun" means any firearm designed to discharge,
70.15 or capable of discharging automatically more than once by a single function of the trigger.

70.16 (b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended
70.17 to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell
70.18 to fire through a smooth bore either a number of ball shot or a single projectile for each
70.19 single pull of the trigger.

70.20 (c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18
70.21 inches in length and any weapon made from a shotgun if such weapon as modified has an
70.22 overall length less than 26 inches.

70.23 (d) "Trigger activator" means:

70.24 (1) a removable manual or power driven trigger activating device constructed and
70.25 designed so that, when attached to a firearm, the rate at which the trigger may be pulled
70.26 increases and the rate of fire of the firearm increases to that of a machine gun; or

70.27 (2) a device that allows a semiautomatic firearm to shoot more than one shot with a
70.28 single pull of the trigger or by harnessing the recoil of energy of the semiautomatic firearm
70.29 to which it is affixed so that the trigger resets and continues firing without additional physical
70.30 manipulation of the trigger.

70.31 (e) "Machine gun conversion kit" means any part or combination of parts designed and
70.32 intended for use in converting a weapon into a machine gun, and any combination of parts

71.1 from which a machine gun can be assembled, but does not include a spare or replacement
71.2 part for a machine gun that is possessed lawfully under section 609.67, subdivision 3.

71.3 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to offenses
71.4 that occur on or after that date.

71.5 Sec. 29. Minnesota Statutes 2022, section 609.67, subdivision 2, is amended to read:

71.6 Subd. 2. **Acts prohibited.** (a) Except as otherwise provided herein, whoever owns,
71.7 possesses, or operates a machine gun, or any trigger activator or machine gun conversion
71.8 kit, or a short-barreled shotgun may be sentenced to imprisonment for not more than ~~five~~
71.9 20 years or to payment of a fine of not more than ~~\$10,000~~ \$35,000, or both.

71.10 (b) Except as otherwise provided herein, whoever owns, possesses, or operates a
71.11 short-barreled shotgun may be sentenced to imprisonment for not more than five years or
71.12 to payment of a fine of not more than \$10,000, or both.

71.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to offenses
71.14 that occur on or after that date.

71.15 Sec. 30. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

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

71.18 (1) enters upon another's property;

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

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

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

71.24 (1) enters upon another's property;

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

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

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

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

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

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

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

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

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

72.16 (1) uses any device for photographing, recording, or broadcasting an image of an
72.17 individual in a house or place of dwelling; a sleeping room of a hotel as defined in section
72.18 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an
72.19 indoor shower facility; or any place where a reasonable person would have an expectation
72.20 of privacy; and

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

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

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

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

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

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

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

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

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

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

73.12 (1) violates paragraph (f) after a previous conviction under this subdivision or section
73.13 609.749; or

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

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

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

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

73.26 Sec. 31. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

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

73.30 (1) commits any offense described in subdivision 2 in whole or in substantial part because
73.31 of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
73.32 sexual orientation, gender identity, gender expression, age, national origin, or disability as

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

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

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

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

74.13 (5) commits any offense described in subdivision 2 against a victim under the age of
74.14 18, if the actor is more than 36 months older than the victim.

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

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

74.22 Sec. 32. **[609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN**
74.23 **ELECTION.**

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

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

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

75.1 (1) which appears to authentically depict any speech or conduct of an individual who
75.2 did not in fact engage in such speech or conduct; and

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

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

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

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

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

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

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

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

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

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

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

75.27 (1) the attorney general;

75.28 (2) a county attorney or city attorney;

75.29 (3) the depicted individual; or

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

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

76.3 Sec. 33. **[617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE**
76.4 **DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

76.5 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
76.6 the meanings given.

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

76.10 (1) which appears to authentically depict any speech or conduct of an individual who
76.11 did not in fact engage in such speech or conduct; and

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

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

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

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

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

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

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

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

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

76.28 (4) a person's geolocation data.

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

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

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

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

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

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

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

77.11 (1) the actor knows or reasonably should know that the depicted individual does not
77.12 consent to the dissemination;

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

77.14 (i) the intimate parts of another individual presented as the intimate parts of the depicted
77.15 individual;

77.16 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
77.17 individual; or

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

77.19 (3) the depicted individual is identifiable:

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

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

77.22 Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision
77.23 2 is guilty of a gross misdemeanor.

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

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

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

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

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

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

78.3 (6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746,
78.4 609.89, or 609.891; or

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

78.6 Subd. 4. **No defense.** It is not a defense to a prosecution under this section that the person
78.7 consented to the creation or possession of the deep fake.

78.8 Subd. 5. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense
78.9 committed under this section may be prosecuted in:

78.10 (1) the county where the offense occurred;

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

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

78.17 Subd. 6. **Exemptions.** Subdivision 2 does not apply when:

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

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

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

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

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

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

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

79.4 Subd. 7. **Immunity.** Nothing in this section shall be construed to impose liability upon
79.5 the following entities solely as a result of content or information provided by another person:

79.6 (1) an interactive computer service as defined in United States Code, title 47, section
79.7 230, paragraph (f), clause (2);

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

79.9 (3) a telecommunications network or broadband provider.

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

79.12 Sec. 34. Minnesota Statutes 2022, section 628.26, is amended to read:

79.13 **628.26 LIMITATIONS.**

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

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

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

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

79.25 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
79.26 609.3458 may be found or made at any time after the commission of the offense.

79.27 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
79.28 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
79.29 within six years after the commission of the offense.

79.30 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
79.31 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where

80.1 the value of the property or services stolen is more than \$35,000, or for violation of section
80.2 609.527 where the offense involves eight or more direct victims or the total combined loss
80.3 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
80.4 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

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

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

80.28 Sec. 35. **REPEALER.**

80.29 Minnesota Statutes 2022, sections 609.281, subdivision 2; 609.293, subdivisions 1 and
80.30 5; 609.34; and 609.36, are repealed.

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

81.1

ARTICLE 6

81.2

PUBLIC SAFETY AND CRIME VICTIMS

81.3 Section 1. Minnesota Statutes 2022, section 144.6586, subdivision 2, is amended to read:

81.4 Subd. 2. **Contents of notice.** The commissioners of health and public safety, in
81.5 consultation with sexual assault victim advocates and health care professionals, shall develop
81.6 the notice required by subdivision 1. The notice must inform the victim, at a minimum, of:

81.7 (1) the obligation under section 609.35 of the ~~county where the criminal sexual conduct~~
81.8 ~~occurred~~ state to pay for the examination performed for the purpose of gathering evidence,
81.9 that payment is not contingent on the victim reporting the criminal sexual conduct to law
81.10 enforcement, and that the victim may incur expenses for treatment of injuries;

81.11 (2) the victim's rights if the crime is reported to law enforcement, including the victim's
81.12 right to apply for reparations under sections 611A.51 to 611A.68, information on how to
81.13 apply for reparations, and information on how to obtain an order for protection or a
81.14 harassment restraining order; and

81.15 (3) the opportunity under section 611A.27 to obtain status information about an
81.16 unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1,
81.17 paragraph (h).

81.18 Sec. 2. Minnesota Statutes 2022, section 145.4712, is amended to read:

81.19 **145.4712 EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

81.20 Subdivision 1. **Emergency care to female sexual assault victims.** (a) It shall be the
81.21 standard of care for all hospitals and other health care providers that provide emergency
81.22 care to, at a minimum:

81.23 (1) provide each female sexual assault victim with medically and factually accurate and
81.24 unbiased written and oral information about emergency contraception from the American
81.25 College of Obstetricians and Gynecologists and distributed to all hospitals by the Department
81.26 of Health;

81.27 (2) orally inform each female sexual assault victim of the option of being provided with
81.28 emergency contraception at the hospital or other health care facility; and

81.29 (3) immediately provide emergency contraception to each sexual assault victim who
81.30 requests it provided it is not medically contraindicated and is ordered by a legal prescriber.
81.31 Emergency contraception shall be administered in accordance with current medical protocols
81.32 regarding timing and dosage necessary to complete the treatment.

82.1 (b) A hospital or health care provider may administer a pregnancy test. If the pregnancy
82.2 test is positive, the hospital or health care provider does not have to comply with the
82.3 provisions in paragraph (a).

82.4 Subd. 2. **Emergency care to male and female sexual assault victims.** It shall be the
82.5 standard of care for all hospitals and health care providers that provide emergency care to,
82.6 at a minimum:

82.7 (1) provide each sexual assault victim with factually accurate and unbiased written and
82.8 oral medical information about prophylactic antibiotics for treatment of sexually transmitted
82.9 ~~diseases~~ infections;

82.10 (2) orally inform each sexual assault victim of the option of being provided prophylactic
82.11 antibiotics for treatment of sexually transmitted ~~diseases~~ infections at the hospital or other
82.12 health care facility; and

82.13 (3) immediately provide prophylactic antibiotics for treatment of sexually transmitted
82.14 ~~diseases~~ infections to each sexual assault victim who requests it, provided it is not medically
82.15 contraindicated and is ordered by a legal prescriber.

82.16 Sec. 3. **[260B.020] OFFICE OF RESTORATIVE PRACTICES.**

82.17 Subdivision 1. Definition. As used in this section, "restorative practices" means programs,
82.18 practices, and policies that incorporate core principles, including but not limited to
82.19 voluntariness, prioritization of agreement by the people closest to the harm on what is needed
82.20 to repair the harm, reintegration into the community, honesty, and respect. Further, restorative
82.21 practices are rooted in community values and create meaningful outcomes that may include
82.22 but are not limited to:

82.23 (1) establishing and meeting goals related to increasing connection to community,
82.24 restoring relationships, and increasing empathy, perspective taking, and taking responsibility
82.25 for impact of actions by all parties involved;

82.26 (2) addressing the needs of those who have been harmed;

82.27 (3) recognizing and addressing the underlying issues of behavior;

82.28 (4) engaging with those most directly affected by an incident and including community
82.29 members that reflect the diversity of the child's environment;

82.30 (5) having broad authority to determine the complete and appropriate responses to
82.31 specific incidents through the use of a collaborative process;

83.1 (6) providing solutions and approaches that affirm and are tailored to specific cultures;
83.2 and

83.3 (7) implementing policies and procedures that are informed by the science of the social,
83.4 emotional, and cognitive development of children.

83.5 Subd. 2. **Establishment.** The Office of Restorative Practices is established within the
83.6 Department of Public Safety. The Office of Restorative Practices shall have the powers and
83.7 duties described in this section.

83.8 Subd. 3. **Department of Children, Youth, and Family; automatic transfer.** In the
83.9 event that a Department of Children, Youth, and Family is created as an independent agency,
83.10 the Office of Restorative Practices shall be transferred to that department pursuant to section
83.11 15.039 effective six months following the effective date for legislation creating that
83.12 department.

83.13 Subd. 4. **Director; other staff.** (a) The commissioner of public safety shall appoint a
83.14 director of the Office of Restorative Practices. The director should have qualifications that
83.15 include or are similar to the following:

83.16 (1) experience in the many facets of restorative justice and practices such as peacemaking
83.17 circles, sentencing circles, community conferencing, community panels, and family group
83.18 decision making;

83.19 (2) experience in victim-centered and trauma-informed practices;

83.20 (3) knowledge of the range of social problems that bring children and families to points
83.21 of crisis such as poverty, racism, unemployment, and unequal opportunity;

83.22 (4) knowledge of the many ways youth become involved in other systems such as truancy,
83.23 juvenile delinquency, child protection; and

83.24 (5) understanding of educational barriers.

83.25 (b) The director shall hire additional staff to perform the duties of the Office of
83.26 Restorative Practices. The staff shall be in the classified service of the state and their
83.27 compensation shall be established pursuant to chapter 43A.

83.28 Subd. 5. **Duties.** (a) The Office of Restorative Practices shall promote the use of
83.29 restorative practices across multiple disciplines, including but not limited to:

83.30 (1) pretrial diversion programs established pursuant to section 388.24;

83.31 (2) delinquency, criminal justice, child welfare, and education systems; and

84.1 (3) community violence prevention practices.

84.2 (b) The Office of Restorative Practices shall collaborate with Tribal communities,
84.3 counties, multicounty agencies, other state agencies, nonprofit agencies, and other
84.4 jurisdictions, and with existing restorative practices initiatives in those jurisdictions to
84.5 establish new restorative practices initiatives, support existing restorative practices initiatives,
84.6 and identify effective restorative practices initiatives.

84.7 (c) The Office of Restorative Practices shall encourage collaboration between jurisdictions
84.8 by creating a statewide network, led by restorative practitioners, to share effective methods
84.9 and practices.

84.10 (d) The Office of Restorative Practices shall create a statewide directory of restorative
84.11 practices initiatives. The office shall make this directory available to all restorative practices
84.12 initiatives, counties, multicounty agencies, nonprofit agencies, and Tribes in order to facilitate
84.13 referrals to restorative practices initiatives and programs.

84.14 (e) The Office of Restorative Practices shall work throughout the state to build capacity
84.15 for the use of restorative practices in all jurisdictions and shall encourage every county to
84.16 have at least one available restorative practices initiative.

84.17 (f) The Office of Restorative Practices shall engage restorative practitioners in discerning
84.18 ways to measure the effectiveness of restorative efforts throughout the state.

84.19 (g) The Office of Restorative Practices shall oversee the coordination and establishment
84.20 of local restorative practices advisory committees. The office shall oversee compliance with
84.21 the conditions of this funding program. If a complaint or concern about a local advisory
84.22 committee or a grant recipient is received, the Office of Restorative Practices shall exercise
84.23 oversight as provided in this section.

84.24 (h) The Office of Restorative Practices shall provide information to local restorative
84.25 practices advisory committees, or restorative practices initiatives in Tribal communities and
84.26 governments, counties, multicounty agencies, other state agencies, and other jurisdictions
84.27 about best practices that are developmentally tailored to youth, trauma-informed, and
84.28 healing-centered, and provide technical support. Providing information includes but is not
84.29 limited to sharing data on successful practices in other jurisdictions, sending notification
84.30 about available training opportunities, and sharing known resources for financial support.
84.31 The Office of Restorative Practices shall also provide training and technical support to local
84.32 restorative practices advisory committees. Training includes but is not limited to the use
84.33 and scope of restorative practices, victim-centered restorative practices, and trauma-informed
84.34 care.

85.1 (i) The Office of Restorative Practices shall annually establish minimum requirements
85.2 for the grant application process.

85.3 (j) The Office of Restorative Practices shall work with Tribes, counties, multicounty
85.4 agencies, and nonprofit agencies throughout the state to educate those entities about the
85.5 application process for grants and encourage applications.

85.6 Subd. 6. **Grants.** (a) Within available appropriations, the director shall award grants to
85.7 establish and support restorative practices initiatives. An approved applicant must receive
85.8 a grant of up to \$500,000 each year.

85.9 (b) On an annual basis, the Office of Restorative Practices shall establish a minimum
85.10 number of applications that must be received during the application process. If the minimum
85.11 number of applications is not received, the office must reopen the application process.

85.12 (c) Grants may be awarded to private and public nonprofit agencies; local units of
85.13 government, including cities, counties, and townships; local educational agencies; and Tribal
85.14 governments. A restorative practices advisory committee may support multiple entities
85.15 applying for grants based on community needs, the number of youth and families in the
85.16 jurisdiction, and the number of restorative practices available to the community. Budgets
85.17 supported by grant funds can include contracts with partner agencies.

85.18 (d) Applications must include the following:

85.19 (1) a list of willing restorative practices advisory committee members;

85.20 (2) letters of support from potential restorative practices advisory committee members;

85.21 (3) a description of the planning process that includes:

85.22 (i) a description of the origins of the initiative, including how the community provided
85.23 input; and

85.24 (ii) an estimated number of participants to be served; and

85.25 (4) a formal document containing a project description that outlines the proposed goals,
85.26 activities, and outcomes of the initiative including, at a minimum:

85.27 (i) a description of how the initiative meets the minimum eligibility requirements of the
85.28 grant;

85.29 (ii) the roles and responsibilities of key staff assigned to the initiative;

85.30 (iii) identification of any key partners, including a summary of the roles and
85.31 responsibilities of those partners;

86.1 (iv) a description of how volunteers and other community members are engaged in the
86.2 initiative; and

86.3 (v) a plan for evaluation and data collection.

86.4 (e) In determining the appropriate amount of each grant, the Office of Restorative
86.5 Practices shall consider the number of individuals likely to be served by the local restorative
86.6 practices initiative.

86.7 Subd. 7. Restorative practices advisory committees; membership and duties. (a)
86.8 Restorative practices advisory committees must include:

86.9 (1) a judge of the judicial district that will be served by the restorative practices initiative;

86.10 (2) the county attorney of a county that will be served by the restorative practices initiative
86.11 or a designee;

86.12 (3) the chief district public defender in the district that will be served by the local
86.13 restorative justice program or a designee;

86.14 (4) a representative from the children's unit of a county social services agency assigned
86.15 to the area that will be served by the restorative practices initiative;

86.16 (5) a representative from the local probation department or community corrections
86.17 agency that works with youth in the area that will be served by the restorative practices
86.18 initiative;

86.19 (6) a representative from a local law enforcement agency that operates in the area that
86.20 will be served by the restorative practices initiative;

86.21 (7) a school administrator or designee from a school or schools that operate in the area
86.22 that will be served by the restorative practices initiative;

86.23 (8) multiple community members that reflect the racial, socioeconomic, and other
86.24 diversity of the population of a county that will be served by the local restorative justice
86.25 program and the individuals most frequently involved in the truancy, juvenile offender, and
86.26 juvenile safety and placement systems;

86.27 (9) restorative practitioners, including restorative practitioners from within the community
86.28 if available and, if not, from nearby communities;

86.29 (10) parents, youth, and justice-impacted participants; and

86.30 (11) at least one representative from a victims advocacy group.

87.1 (b) Community members described in paragraph (a), clause (8), must make up at least
87.2 one-third of the restorative practices advisory committee.

87.3 (c) Community members, parents, youth, and justice-impacted participants participating
87.4 in the advisory committee may receive a per diem from grant funds in the amount determined
87.5 by the General Services Administration.

87.6 (d) The restorative practices advisory committees must utilize restorative practices in
87.7 their decision-making process and come to consensus when developing, expanding, and
87.8 maintaining restorative practices criteria and referral processes for their communities.

87.9 (e) Restorative practices advisory committees shall be responsible for establishing
87.10 eligibility requirements for referrals to the local restorative practices initiative. Once
87.11 restorative practices criteria and referral processes are developed, children, families, and
87.12 cases, depending upon the point of prevention or intervention, must be referred to the local
87.13 restorative practices initiatives or programs that serve the county, local community, or Tribal
87.14 community where the child and family reside.

87.15 (f) Referrals may be made under circumstances, including but not limited to:

87.16 (1) as an alternative to arrest as outlined in section 260B.1755;

87.17 (2) for a juvenile petty offense;

87.18 (3) for a juvenile traffic offense;

87.19 (4) for a juvenile delinquency offense, including before and after a delinquency petition
87.20 has been filed;

87.21 (5) for a child protection case, including before and after adjudication;

87.22 (6) for a children's mental health case;

87.23 (7) for a juvenile status offense, including but not limited to truancy or running away;

87.24 (8) for substance use issues;

87.25 (9) for situations involving transition to or from the community; and

87.26 (10) through self-referral.

87.27 **Subd. 8. Oversight of restorative practices advisory committees.** (a) Complaints by
87.28 restorative practices advisory committee members, community members, restorative practices
87.29 initiatives, or restorative practices practitioners regarding concerns about grant recipients
87.30 may be made to the Office of Restorative Practices.

88.1 (b) The Office of Restorative Practices may prescribe the methods by which complaints
88.2 to the office are to be made, reviewed, and acted upon.

88.3 (c) The Office of Restorative Practices shall establish and use a restorative process to
88.4 respond to complaints so that grant recipients are being held to their agreed upon
88.5 responsibilities and continue to meet the minimum eligibility requirements for grants to
88.6 local restorative practices initiatives for the duration of the grant.

88.7 Subd. 9. **Report.** By February 15 of each year, the director shall report to the chairs and
88.8 ranking minority members of the legislative committees and divisions with jurisdiction over
88.9 public safety, human services, and education, on the work of the Office of Restorative
88.10 Practices, any grants issued pursuant to this section, and the status of local restorative
88.11 practices initiatives in the state that were reviewed in the previous year.

88.12 Sec. 4. Minnesota Statutes 2022, section 297I.06, subdivision 1, is amended to read:

88.13 Subdivision 1. **Insurance policies surcharge.** (a) Except as otherwise provided in
88.14 subdivision 2, each licensed insurer engaged in writing policies of homeowner's insurance
88.15 authorized in section 60A.06, subdivision 1, clause (1)(c), or commercial fire policies or
88.16 commercial nonliability policies shall collect a surcharge as provided in this paragraph.
88.17 ~~Through June 30, 2013, The surcharge is equal to 0.65 percent of the gross premiums and~~
88.18 ~~assessments, less return premiums, on direct business received by the company, or by its~~
88.19 ~~agents for it, for homeowner's insurance policies, commercial fire policies, and commercial~~
88.20 ~~nonliability insurance policies in this state. Beginning July 1, 2013, the surcharge is 0.5~~
88.21 ~~percent.~~

88.22 (b) The surcharge amount collected under paragraph (a) or subdivision 2, paragraph (b),
88.23 may not be considered premium for any other purpose. The surcharge amount under
88.24 paragraph (a) must be separately stated on either a billing or policy declaration or document
88.25 containing similar information sent to an insured.

88.26 (c) Amounts collected by the commissioner under this section must be deposited in the
88.27 fire safety account established pursuant to subdivision 3.

88.28 Sec. 5. Minnesota Statutes 2022, section 299A.38, is amended to read:

88.29 **299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

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

88.31 ~~(a)~~ (1) "commissioner" means the commissioner of public safety;

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

89.3 ~~(b)~~ (3) "peace officer" means a person who is licensed under section 626.84, subdivision
89.4 1, paragraph (c);

89.5 (4) "public safety officer" means a firefighter or qualified emergency medical service
89.6 provider;

89.7 (5) "qualified emergency medical service provider" means a person certified under
89.8 section 144E.101 who is actively employed by a Minnesota licensed ambulance service;
89.9 and

89.10 ~~(e)~~ (6) "vest" means bullet-resistant soft body armor that is flexible, concealable, and
89.11 custom fitted to the peace officer to provide ballistic and trauma protection.

89.12 **Subd. 2. State and local reimbursement.** Peace officers and heads of local law
89.13 enforcement agencies and public safety officers and heads of agencies and entities who buy
89.14 vests for the use of peace officer employees, public safety officer employees, or both may
89.15 apply to the commissioner for reimbursement of funds spent to buy vests. On approving an
89.16 application for reimbursement, the commissioner shall pay the applicant an amount equal
89.17 to the lesser of one-half of the vest's purchase price or \$600, as adjusted according to
89.18 subdivision 2a. The political subdivision, agency, or entity that employs the peace officer
89.19 or public safety officer shall pay at least the lesser of one-half of the vest's purchase price
89.20 or \$600, as adjusted according to subdivision 2a. The political subdivision, agency, or entity
89.21 may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar
89.22 allowance otherwise provided to the peace officer by the law enforcement agency or public
89.23 safety officer by the employing agency or entity.

89.24 **Subd. 2a. Adjustment of reimbursement amount.** On October 1, 2006, the
89.25 commissioner of public safety shall adjust the \$600 reimbursement amounts specified in
89.26 subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the
89.27 reimbursement amount applicable immediately preceding that October 1 date. The adjusted
89.28 rate must reflect the annual percentage change in the Consumer Price Index for all urban
89.29 consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year
89.30 period ending on the preceding June 1.

89.31 **Subd. 3. Eligibility requirements.** (a) Only vests that either meet or exceed the
89.32 requirements of standard 0101.03 of the National Institute of Justice or that meet or exceed
89.33 the requirements of that standard, except wet armor conditioning, are eligible for
89.34 reimbursement.

90.1 (b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by
90.2 or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a)
90.3 before the purchase, or (2) who owned a vest that was at least five years old.

90.4 (c) The requirement set forth in paragraph (b), clauses (1) and (2), shall not apply to any
90.5 peace officer who purchases a vest constructed from a zylon-based material, provided that
90.6 the peace officer provides proof of purchase or possession of the vest prior to July 1, 2005.

90.7 Subd. 4. **Rules.** The commissioner may adopt rules under chapter 14 to administer this
90.8 section.

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

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

90.19 Sec. 6. Minnesota Statutes 2022, section 299A.41, subdivision 3, is amended to read:

90.20 Subd. 3. **Killed in the line of duty.** "Killed in the line of duty" does not include deaths
90.21 from natural causes, except as provided in this subdivision. In the case of a public safety
90.22 officer, killed in the line of duty includes the death of a public safety officer caused by
90.23 accidental means while the public safety officer is acting in the course and scope of duties
90.24 as a public safety officer. Killed in the line of duty also means if a public safety officer dies
90.25 as the direct and proximate result of a heart attack, stroke, or vascular rupture, that officer
90.26 shall be presumed to have died as the direct and proximate result of a personal injury
90.27 sustained in the line of duty if:

90.28 (1) that officer, while on duty:

90.29 (i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous
90.30 physical law enforcement, fire suppression, rescue, hazardous material response, emergency
90.31 medical services, prison security, disaster relief, or other emergency response activity; or

90.32 (ii) participated in a training exercise, and that participation involved nonroutine stressful
90.33 or strenuous physical activity;

- 91.1 (2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:
- 91.2 (i) while engaging or participating under clause (1);
- 91.3 (ii) while still on duty after engaging or participating under clause (1); or
- 91.4 (iii) not later than 24 hours after engaging or participating under clause (1); ~~and~~
- 91.5 (3) that officer died due to suicide secondary to a diagnosis of posttraumatic stress
- 91.6 disorder as described in the most recent edition of the Diagnostic and Statistical Manual of
- 91.7 Mental Disorders published by the American Psychiatric Association;
- 91.8 (4) within 45 days of the end of exposure, while on duty, to a traumatic event. As used
- 91.9 in this section, "traumatic event" means an officer exposed to an event that is:
- 91.10 (i) a homicide, suicide, or the violent or gruesome death of another individual, including
- 91.11 but not limited to a death resulting from a mass casualty event, mass fatality event, or mass
- 91.12 shooting;
- 91.13 (ii) a harrowing circumstance posing an extraordinary and significant danger or threat
- 91.14 to the life of or of serious bodily harm to any individual, including but not limited to a death
- 91.15 resulting from a mass casualty event, mass fatality event, or mass shooting; or
- 91.16 (iii) an act of criminal sexual violence committed against any individual; and
- 91.17 ~~(3)~~ (5) the presumption is not overcome by competent medical evidence to the contrary.

91.18 Sec. 7. Minnesota Statutes 2022, section 299A.85, subdivision 6, is amended to read:

91.19 Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its

91.20 statutory duties, along with specific objectives and outcome measures proposed for the

91.21 following year. The report must include data and statistics on missing and murdered

91.22 Indigenous women, children, and Two-Spirit relatives in Minnesota, including names, dates

91.23 of disappearance, and dates of death, to the extent the data is publicly available. The report

91.24 must also identify and describe the work of any reward advisory group and itemize the

91.25 expenditures of the Gaagige-Mikwendaagoziwag reward account, if any. The office must

91.26 submit the report by January 15 each year to the chairs and ranking minority members of

91.27 the legislative committees with primary jurisdiction over public safety.

92.1 Sec. 8. [299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN
92.2 AND GIRLS.

92.3 Subdivision 1. Establishment. The commissioner shall establish and maintain an office
92.4 dedicated to preventing and ending the targeting of Black women and girls within the
92.5 Minnesota Office of Justice Programs.

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

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

92.12 (c) The director and full-time staff shall be members of the Minnesota State Retirement
92.13 Association.

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

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

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

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

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

92.27 (5) collect data on missing person and homicide cases involving Black women and girls,
92.28 including the total number of cases, the rate at which the cases are solved, the length of time
92.29 the cases remain open, and a comparison to similar cases involving different demographic
92.30 groups;

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

93.4 (7) collect data on reports of missing Black girls, including the number classified as
93.5 voluntary runaways, and a comparison to similar cases involving different demographic
93.6 groups;

93.7 (8) analyze and assess the intersection between cases involving missing and murdered
93.8 Black women and girls and labor trafficking and sex trafficking;

93.9 (9) develop recommendations for legislative, agency, and community actions to address
93.10 the intersection between cases involving missing and murdered Black women and girls and
93.11 labor trafficking and sex trafficking;

93.12 (10) analyze and assess the intersection between cases involving murdered Black women
93.13 and girls and domestic violence, including prior instances of domestic violence within the
93.14 family or relationship, whether an offender had prior convictions for domestic assault or
93.15 related offenses, and whether the offender used a firearm in the murder or any prior instances
93.16 of domestic assault;

93.17 (11) develop recommendations for legislative, agency, and community actions to address
93.18 the intersection between cases involving murdered Black women and girls and domestic
93.19 violence;

93.20 (12) develop tools and processes to evaluate the implementation and impact of the efforts
93.21 of the office;

93.22 (13) track and collect Minnesota data on missing and murdered Black women and girls,
93.23 and provide statistics upon public or legislative inquiry;

93.24 (14) facilitate technical assistance for local and Tribal law enforcement agencies during
93.25 active cases involving missing and murdered Black women and girls;

93.26 (15) conduct case reviews and report on the results of case reviews for the following
93.27 types of cases involving missing and murdered Black women and girls: cold cases for
93.28 missing Black women and girls and death investigation review for cases of Black women
93.29 and girls ruled as suicide or overdose under suspicious circumstances;

93.30 (16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
93.31 committed a violent or exploitative crime against a Black woman or girl. These case reviews
93.32 must identify those cases where the perpetrator is a repeat offender;

94.1 (17) prepare draft legislation as necessary to allow the office access to the data necessary
94.2 for the office to conduct the reviews required in this section and advocate for passage of
94.3 that legislation;

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

94.7 (19) develop and maintain communication with relevant divisions in the Department of
94.8 Public Safety, including but not limited to the Bureau of Criminal Apprehension, regarding
94.9 any cases involving missing and murdered Black women and girls and on procedures for
94.10 investigating cases involving missing and murdered Black women and girls;

94.11 (20) consult with the Council for Minnesotans of African Heritage established in section
94.12 15.0145; and

94.13 (21) coordinate, as relevant, with federal efforts, and efforts in neighboring states and
94.14 Canada.

94.15 (b) As used in this subdivision:

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

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

94.18 Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may
94.19 coordinate, as useful, with stakeholder groups that were represented on the Task Force on
94.20 Missing and Murdered African American Women and state agencies that are responsible
94.21 for the systems that play a role in investigating, prosecuting, and adjudicating cases involving
94.22 violence committed against Black women and girls; those who have a role in supporting or
94.23 advocating for missing or murdered Black women and girls and the people who seek justice
94.24 for them; and those who represent the interests of Black people. This includes the following
94.25 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
94.26 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
94.27 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
94.28 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
94.29 Coast Guard; state agencies, including the Departments of Health, Human Services,
94.30 Education, Corrections, and Public Safety; service providers who offer legal services,
94.31 advocacy, and other services to Black women and girls; Black women and girls who are
94.32 survivors; and organizations and leadership from urban and statewide Black communities.

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

95.8 Subd. 6. **Acceptance of gifts and receipt of grants.** (a) A missing and murdered Black
95.9 women and girls account is established in the special revenue fund. Money in the account,
95.10 including interest earned, is appropriated to the office for the purposes of carrying out the
95.11 office's duties, including but not limited to issuing grants to community-based organizations.

95.12 (b) Notwithstanding sections 16A.013 to 16A.016, the office may accept funds
95.13 contributed by individuals and may apply for and receive grants from public and private
95.14 entities. The funds accepted or received under this subdivision must be deposited in the
95.15 missing and murdered Black women and girls account created under paragraph (a).

95.16 Subd. 7. **Grants to organizations.** (a) The office shall issue grants to community-based
95.17 organizations that provide services designed to prevent or end the targeting of Black women
95.18 or girls, or to provide assistance to victims of offenses that targeted Black women or girls.

95.19 (b) Grant recipients must use money to:

95.20 (1) provide services designed to reduce or prevent crimes or other negative behaviors
95.21 that target Black women or girls;

95.22 (2) provide training to the community about how to handle situations and crimes involving
95.23 the targeting of Black women and girls, including but not limited to training for law
95.24 enforcement officers, county attorneys, city attorneys, judges, and other criminal justice
95.25 partners; or

95.26 (3) provide services to Black women and girls who are victims of crimes or other offenses,
95.27 or to the family members of missing and murdered Black women and girls.

95.28 (c) Applicants must apply in a form and manner established by the office.

95.29 (d) Grant recipients must provide an annual report to the office that includes:

95.30 (1) the services provided by the grant recipient;

95.31 (2) the number of individuals served in the previous year; and

95.32 (3) any other information required by the office.

96.1 (e) On or before February 1 of each year, the office shall report to the legislative
96.2 committees and divisions with jurisdiction over public safety on the work of grant recipients,
96.3 including a description of the number of entities awarded grants, the amount of those grants,
96.4 and the number of individuals served by the grantees.

96.5 (f) The office may enter into agreements with the Office of Justice Programs for the
96.6 administration of grants issued under this subdivision.

96.7 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access
96.8 to corrections and detention data and medical data maintained by an agency and classified
96.9 as private data on individuals or confidential data on individuals to the extent the data is
96.10 necessary for the office to perform its duties under this section.

96.11 **Sec. 9. [299C.055] LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.**

96.12 (a) The superintendent must prepare an annual report for the public and the legislature
96.13 on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC;
96.14 the types of activities it monitors; the scale of information it collects; the local, state, and
96.15 federal agencies with which it shares information; and the quantifiable benefits it produces.
96.16 None of the reporting requirements in this section supersede chapter 13 or any other state
96.17 or federal law. The superintendent must report on activities for the preceding calendar year
96.18 unless another time period is specified. The report must include the following information,
96.19 to the extent allowed by other law:

96.20 (1) the MNFC's operating budget for the current biennium, number of staff, and staff
96.21 duties;

96.22 (2) the number of publications generated and an overview of the type of information
96.23 provided in the publications, including products such as law enforcement briefs, partner
96.24 briefs, risk assessments, threat assessments, and operational reports;

96.25 (3) a summary of audit findings for the MNFC and what corrective actions were taken
96.26 pursuant to audits;

96.27 (4) the number of data requests received by the MNFC and a general description of those
96.28 requests;

96.29 (5) the types of surveillance and data analysis technologies utilized by the MNFC, such
96.30 as artificial intelligence or social media analysis tools;

96.31 (6) a description of the commercial and governmental databases utilized by the MNFC
96.32 to the extent permitted by law;

97.1 (7) the number of suspicious activity reports (SARs) received and processed by the
97.2 MNFC;

97.3 (8) the number of SARs received and processed by the MNFC that were converted into
97.4 Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of
97.5 Investigation, or that were referred to local law enforcement agencies;

97.6 (9) the number of SARs received and processed by the MNFC that involve an individual
97.7 on the Terrorist Screening Center watchlist;

97.8 (10) the number of requests for information (RFIs) that the MNFC received from law
97.9 enforcement agencies and the number of responses to federal requests for RFIs;

97.10 (11) the names of the federal agencies the MNFC received data from or shared data
97.11 with;

97.12 (12) the names of the agencies that submitted SARs;

97.13 (13) a summary description of the MNFC's activities with the Joint Terrorism Task
97.14 Force; and

97.15 (14) the number of investigations aided by the MNFC's use of SARs and RFIs.

97.16 (b) The report shall be provided to the chairs and ranking minority members of the
97.17 committees of the house of representatives and senate with jurisdiction over data practices
97.18 and public safety issues, and shall be posted on the MNFC website by February 15 each
97.19 year beginning on February 15, 2024.

97.20 **Sec. 10. [299C.061] STATE FRAUD UNIT.**

97.21 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
97.22 provided:

97.23 (1) "fraud" includes any violation of sections 609.466, 609.611, 609.651, 609.7475, or
97.24 609.821;

97.25 (2) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
97.26 (c);

97.27 (3) "state agency" has the meaning given in section 13.02, subdivision 17;

97.28 (4) "superintendent" means the superintendent of the Bureau of Criminal Apprehension;
97.29 and

97.30 (5) "unit" means the State Fraud Unit housed at the Bureau of Criminal Apprehension.

98.1 Subd. 2. **State Fraud Unit.** The superintendent shall form a State Fraud Unit within the
98.2 Bureau of Criminal Apprehension to conduct investigations into fraud involving state-funded
98.3 programs or services subject to availability of funds.

98.4 Subd. 3. **Mandatory referral; duty to investigate.** A state agency shall refer all
98.5 suspected fraudulent activity under the provisions noted within subdivision 1, clause (1),
98.6 equaling \$100,000 or more, to the unit for evaluation and investigation or appropriate
98.7 referral. Upon receipt of this referral, the unit shall review and, where appropriate, conduct
98.8 criminal investigations into such allegations. The unit has sole discretion as to which
98.9 allegations are investigated further, referred back to the reporting agency for appropriate
98.10 regulatory investigation, or referred to another law enforcement agency with appropriate
98.11 jurisdiction.

98.12 Subd. 4. **Discretionary referral.** (a) A state agency may refer suspected fraudulent
98.13 activity related to any state-funded programs or services equaling less than \$100,000 to the
98.14 unit for investigation. Upon referral, the unit shall:

98.15 (1) accept the referral and, where appropriate, conduct criminal investigations into the
98.16 allegations and make appropriate referrals for criminal prosecution; or

98.17 (2) redirect the referral to another appropriate law enforcement agency or civil
98.18 investigative authority, offering assistance where appropriate.

98.19 Subd. 5. **State agency reporting.** By January 15 of each year, each state agency must
98.20 report all suspected fraudulent activities equaling \$10,000 or more to the unit to be
98.21 summarized in the report under subdivision 6.

98.22 Subd. 6. **State Fraud Unit annual report.** By February 1 of each odd-numbered year,
98.23 the superintendent shall report to the commissioner, the governor, and the chairs and ranking
98.24 minority members of the legislative committees with jurisdiction over public safety finance
98.25 and policy the following information about the unit:

98.26 (1) the number of investigations initiated;

98.27 (2) the number of allegations investigated;

98.28 (3) the outcomes or current status of each investigation;

98.29 (4) the charging decisions made by the prosecuting authority of incidents investigated
98.30 by the unit;

98.31 (5) the number of plea agreements reached in incidents investigated by the unit;

98.32 (6) the number of reports received under subdivision 5; and

99.1 (7) any other information relevant to the unit's mission.

99.2 **EFFECTIVE DATE.** Subdivisions 1, 3, 5, and 6 are effective July 1, 2023. Subdivisions
99.3 3 and 4 are effective January 1, 2024.

99.4 Sec. 11. Minnesota Statutes 2022, section 299C.106, subdivision 3, is amended to read:

99.5 Subd. 3. **Submission and storage of sexual assault examination kits.** (a) Within 60
99.6 days of receiving an unrestricted sexual assault examination kit, a law enforcement agency
99.7 shall submit the kit for testing to a forensic laboratory. The testing laboratory shall return
99.8 unrestricted sexual assault examination kits to the submitting agency for storage after testing
99.9 is complete. The submitting agency must store unrestricted sexual assault examination kits
99.10 indefinitely.

99.11 (b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or
99.12 a law enforcement agency receiving a restricted sexual assault examination kit from a
99.13 hospital, the hospital or the agency shall submit the kit to ~~the Bureau of Criminal~~
99.14 ~~Apprehension~~ a forensic laboratory. The ~~bureau~~ laboratory shall store all restricted sexual
99.15 assault examination kits collected by hospitals or law enforcement agencies in the state.
99.16 The ~~bureau~~ laboratory shall retain a restricted sexual assault examination kit for at least 30
99.17 months from the date the ~~bureau~~ laboratory receives the kit.

99.18 (c) The receiving forensic laboratory must test the sexual assault examination kit within
99.19 90 days of receipt from a hospital or law enforcement agency. Upon completion of testing,
99.20 the forensic laboratory will update the kit-tracking database to indicate that testing is
99.21 complete. The forensic laboratory must notify the submitting agency when any kit testing
99.22 does not meet the 90-day deadline and provide an estimated time frame for testing
99.23 completion.

99.24 Sec. 12. Minnesota Statutes 2022, section 299C.53, subdivision 3, is amended to read:

99.25 Subd. 3. **Missing and endangered persons.** The Bureau of Criminal Apprehension
99.26 must operate a missing person alert program. If the Bureau of Criminal Apprehension
99.27 receives a report from a law enforcement agency indicating that a person is missing and
99.28 endangered, the superintendent must originate an alert. The superintendent may assist the
99.29 law enforcement agency in conducting the preliminary investigation, offer resources, and
99.30 assist the agency in helping implement the investigation policy with particular attention to
99.31 the need for immediate action. The law enforcement agency shall promptly notify all
99.32 appropriate law enforcement agencies in the state and is required to issue a missing person
99.33 alert utilizing the Crime Alert Network as prescribed in section 299A.61 and, if deemed

100.1 appropriate, law enforcement agencies in adjacent states or jurisdictions of any information
100.2 that may aid in the prompt location and safe return of a missing and endangered person.
100.3 The superintendent shall provide guidance on issuing alerts using this system and provide
100.4 the system for law enforcement agencies to issue these alerts. The Bureau of Criminal
100.5 Apprehension may provide assistance to agencies in issuing missing person alerts as required
100.6 by this section.

100.7 Sec. 13. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

100.8 Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public
100.9 safety to inspect, or cause to be inspected, at least once every three years, every hotel in
100.10 this state; and, for that purpose, the commissioner, or the commissioner's deputies or
100.11 designated alternates or agents, shall have the right to enter or have access thereto at any
100.12 reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected
100.13 does not conform to or is not being operated in accordance with the provisions of sections
100.14 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection
100.15 of hotels, or the rules promulgated thereunder, or is being maintained or operated in such
100.16 manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,
100.17 subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire
100.18 protection of hotels, the commissioner and the deputies or designated alternates or agents
100.19 shall report such a situation to the hotel inspector who shall proceed as provided for in
100.20 chapter 157.

100.21 (b) The word "hotel", as used in this subdivision, has the meaning given in section
100.22 299F.391.

100.23 Sec. 14. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
100.24 to read:

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

100.28 Sec. 15. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
100.29 to read:

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

101.1 Sec. 16. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

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

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

101.7 Sec. 17. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

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

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

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

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

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

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

101.24 Sec. 18. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

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

101.30 (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon
101.31 monoxide may be exempted from the requirements of subdivision 1, provided that such

102.1 owner certifies to the commissioner of public safety that such multifamily dwelling poses
102.2 no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

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

102.5 Sec. 19. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision
102.6 to read:

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

102.10 Sec. 20. Minnesota Statutes 2022, section 299M.10, is amended to read:

102.11 **299M.10 MONEY CREDITED TO GENERAL FUND.**

102.12 The fees and penalties collected under this chapter, ~~except as provided in section~~
102.13 ~~299M.07,~~ must be deposited in the state treasury and credited to the ~~general fund.~~ Money
102.14 ~~received by the State Fire Marshal Division in the form of gifts, grants, reimbursements, or~~
102.15 ~~appropriation from any source for the administration of this chapter must also be deposited~~
102.16 ~~in the state treasury and credited to the general fund.~~ state fire marshal account, which is
102.17 established in the special revenue fund. Money in the state fire marshal account is annually
102.18 appropriated to the commissioner of public safety to administer the programs under this
102.19 chapter.

102.20 Sec. 21. Minnesota Statutes 2022, section 326.32, subdivision 10, is amended to read:

102.21 Subd. 10. **License holder.** "License holder" means any individual, partnership as defined
102.22 in section 323A.0101, clause (8), or corporation licensed to perform the duties of a private
102.23 detective or a protective agent.

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

102.25 Sec. 22. **[604.32] CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION**
102.26 **OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

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

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

103.4 (1) which appears to authentically depict any speech or conduct of an individual who
103.5 did not in fact engage in such speech or conduct; and

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

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

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

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

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

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

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

103.18 (4) a person's geolocation data.

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

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

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

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

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

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

103.28 (1) a person disseminated a deep fake without the consent of the depicted individual;

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

104.1 (i) the intimate parts of another individual presented as the intimate parts of the depicted
104.2 individual;

104.3 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
104.4 individual; or

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

104.6 (3) the depicted individual is identifiable:

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

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

104.9 (b) The fact that the depicted individual consented to the creation of the deep fake or to
104.10 the voluntary private transmission of the deep fake is not a defense to liability for a person
104.11 who has disseminated the deep fake without consent.

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

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

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

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

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

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

104.22 (b) The court may issue a civil fine for the violation of a court order in an amount up to
104.23 \$1,000 per day for failure to comply with an order granted under this section.

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

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

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

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

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

105.5 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
105.6 of goods or services, including the creation of artistic products for sale or display, and the
105.7 depicted individual knew that a deep fake would be created and disseminated in a commercial
105.8 setting;

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

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

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

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

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

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

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

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

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

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

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

106.5 Sec. 23. Minnesota Statutes 2022, section 609.35, is amended to read:

106.6 **609.35 COSTS OF MEDICAL EXAMINATION.**

106.7 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
106.8 facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other
106.9 licensed health care provider for the examination of a victim of criminal sexual conduct
106.10 ~~when the examination is performed for the purpose of gathering evidence~~ that occurred in
106.11 the state shall be paid by the ~~county in which the criminal sexual conduct occurred~~ state.
106.12 These costs include, but are not limited to, the full cost of the ~~rape kit~~ medical forensic
106.13 examination, associated tests and treatments relating to the complainant's sexually transmitted
106.14 disease status infection, and pregnancy status, including emergency contraception. A hospital,
106.15 emergency medical facility, or health care provider shall submit the costs for examination
106.16 and any associated tests and treatment to the Office of Justice Programs for payment. Upon
106.17 receipt of the costs, the commissioner shall provide payment to the facility or health care
106.18 provider. The cost of the examination and any associated test and treatments shall not exceed
106.19 the amount of \$1,400. Beginning on January 1, 2024, the maximum amount of an award
106.20 shall be adjusted annually by the inflation rate.

106.21 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
106.22 liabilities of any insurer, whether public or private. ~~However, a county~~ The hospital or other
106.23 licensed health care provider performing the examination may seek insurance reimbursement
106.24 from the victim's insurer only if authorized by the victim. This authorization may only be
106.25 sought after the examination is performed. When seeking this authorization, the ~~county~~
106.26 hospital or other licensed health care provider shall inform the victim that if the victim does
106.27 not authorize this, the ~~county~~ state is required by law to pay for the examination and that
106.28 the victim is in no way liable for these costs or obligated to authorize the reimbursement.

106.29 (c) The applicability of this section does not depend upon whether the victim reports
106.30 the offense to law enforcement or the existence or status of any investigation or prosecution.

106.31 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to any
106.32 examination that occurs on or after that date.

107.1 Sec. 24. Minnesota Statutes 2022, section 611A.211, subdivision 1, is amended to read:

107.2 Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs
107.3 which provide support services or emergency shelter and housing supports as defined by
107.4 section 611A.31 to victims of sexual assault. The commissioner shall also award grants for
107.5 training, technical assistance, and the development and implementation of education programs
107.6 to increase public awareness of the causes of sexual assault, the solutions to preventing and
107.7 ending sexual assault, and the problems faced by sexual assault victims.

107.8 Sec. 25. Minnesota Statutes 2022, section 611A.31, subdivision 2, is amended to read:

107.9 Subd. 2. ~~**Battered woman**~~ **Domestic abuse victim.** ~~"Battered woman"~~ "Domestic abuse
107.10 victim" means a ~~woman~~ person who is being or has been victimized by domestic abuse as
107.11 defined in section 518B.01, subdivision 2.

107.12 Sec. 26. Minnesota Statutes 2022, section 611A.31, subdivision 3, is amended to read:

107.13 Subd. 3. **Emergency shelter services.** "Emergency shelter services" include, but are
107.14 not limited to, secure crisis shelters for ~~battered women~~ domestic abuse victims and housing
107.15 networks for ~~battered women~~ domestic abuse victims.

107.16 Sec. 27. Minnesota Statutes 2022, section 611A.31, is amended by adding a subdivision
107.17 to read:

107.18 Subd. 3a. **Housing supports.** "Housing supports" means services and supports used to
107.19 enable victims to secure and maintain transitional and permanent housing placement. Housing
107.20 supports include but are not limited to rental assistance and financial assistance to maintain
107.21 housing stability. Transitional housing placements may take place in communal living,
107.22 clustered site or scattered site programs, or other transitional housing models.

107.23 Sec. 28. Minnesota Statutes 2022, section 611A.32, is amended to read:

107.24 **611A.32 ~~BATTERED WOMEN~~ DOMESTIC ABUSE PROGRAMS.**

107.25 Subdivision 1. **Grants awarded.** The commissioner shall award grants to programs
107.26 which provide emergency shelter services ~~to battered women,~~ housing supports, and support
107.27 services to ~~battered women~~ and domestic abuse victims and their children. The commissioner
107.28 shall also award grants for training, technical assistance, and for the development and
107.29 implementation of education programs to increase public awareness of the causes of ~~battering~~
107.30 domestic abuse, the solutions to preventing and ending domestic violence, and the problems
107.31 faced by ~~battered women~~ and domestic abuse victims. Grants shall be awarded in a manner

108.1 that ensures that they are equitably distributed to programs serving metropolitan and
108.2 nonmetropolitan populations. ~~By July 1, 1995, community-based domestic abuse advocacy~~
108.3 ~~and support services programs must be established in every judicial assignment district.~~

108.4 Subd. 1a. **Program for American Indian ~~women~~ domestic abuse victims.** The
108.5 commissioner shall establish at least one program under this section to provide emergency
108.6 shelter services and support services to ~~battered~~ American Indian ~~women~~ domestic abuse
108.7 victims and their children. The commissioner shall grant continuing operating expenses to
108.8 the program established under this subdivision in the same manner as operating expenses
108.9 are granted to programs established under subdivision 1.

108.10 Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the
108.11 commissioner for a grant to provide emergency shelter services to ~~battered women~~, housing
108.12 supports, support services, and one or more of these services and supports to domestic abuse
108.13 victims, ~~or both, to battered women~~ and their children. The application shall be submitted
108.14 in a form approved by the commissioner by rule adopted under chapter 14 and shall include:

108.15 (1) a proposal for the provision of emergency shelter services ~~for battered women~~,
108.16 housing supports, support services, and one or more of these services and supports for
108.17 domestic abuse victims, ~~or both, for battered women~~ and their children;

108.18 (2) a proposed budget;

108.19 (3) the agency's overall operating budget, including documentation on the retention of
108.20 financial reserves and availability of additional funding sources;

108.21 (4) evidence of an ability to integrate into the proposed program the uniform method of
108.22 data collection and program evaluation established under section 611A.33;

108.23 (5) evidence of an ability to represent the interests of ~~battered women~~ and domestic
108.24 abuse victims and their children to local law enforcement agencies and courts, county welfare
108.25 agencies, and local boards or departments of health;

108.26 (6) evidence of an ability to do outreach to unserved and underserved populations and
108.27 to provide culturally and linguistically appropriate services; and

108.28 (7) any other content the commissioner may require by rule adopted under chapter 14;
108.29 ~~after considering the recommendations of the advisory council.~~

108.30 Programs which have been approved for grants in prior years may submit materials
108.31 which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal
108.32 funding. Nothing in this subdivision may be construed to require programs to submit
108.33 complete applications for each year of renewal funding.

109.1 Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives
109.2 a grant to provide emergency shelter services to ~~battered women~~ and, housing supports, or
109.3 support services to ~~battered women~~ and domestic abuse victims shall comply with all rules
109.4 of the commissioner related to the administration of the ~~pilot~~ programs.

109.5 Subd. 5. **Classification of data collected by grantees.** Personal history information and
109.6 other information collected, used or maintained by a grantee from which the identity or
109.7 location of any victim of domestic abuse may be determined is private data on individuals,
109.8 as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in
109.9 accordance with the provisions of chapter 13.

109.10 Sec. 29. **RULES; SOFT BODY ARMOR REIMBURSEMENT.**

109.11 The commissioner of public safety shall amend rules adopted under Minnesota Statutes,
109.12 section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public
109.13 safety officers under that section.

109.14 Sec. 30. **GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT FOR**
109.15 **INFORMATION ON MISSING AND MURDERED INDIGENOUS RELATIVES.**

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

109.17 (1) "Gaagige-Mikwendaagoziwag" means "they will be remembered forever";

109.18 (2) "missing and murdered Indigenous relatives" means missing and murdered Indigenous
109.19 people from or descended from a federally recognized Indian Tribe; and

109.20 (3) "Two-Spirit" means cultural, spiritual, sexual, and gender identity as reflected in
109.21 complex Indigenous understandings of gender roles, spirituality, and the long history of
109.22 gender diversity in Indigenous cultures.

109.23 Subd. 2. **Account created.** An account for rewards for information on missing and
109.24 murdered Indigenous women, girls, boys, and Two-Spirit relatives is created in the special
109.25 revenue fund. Money deposited into the account is appropriated to the commissioner of
109.26 public safety to pay rewards and for the purposes provided under this section.

109.27 Subd. 3. **Reward.** The director of the Office for Missing and Murdered Indigenous
109.28 Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group:

109.29 (1) shall determine the eligibility criteria and procedures for granting rewards under this
109.30 section; and

110.1 (2) is authorized to pay a reward to any person who provides relevant information relating
110.2 to a missing and murdered Indigenous woman, girl, boy, and Two-Spirit relative
110.3 investigation.

110.4 Subd. 4. **Reward advisory group.** (a) The director of the Office for Missing and
110.5 Murdered Indigenous Relatives, in consultation with the stakeholder groups described in
110.6 Minnesota Statutes, section 299A.85, subdivision 5, shall appoint an advisory group to make
110.7 recommendations on:

110.8 (1) paying rewards under this section;

110.9 (2) supporting community-based efforts through funding community-led searches and
110.10 search kits, including but not limited to global position system devices and vests;
110.11 community-led communications, including but not limited to flyers, staples, and duct tape;
110.12 and other justice-related expenses;

110.13 (3) funding for community-led communications and outreach, including but not limited
110.14 to billboards and other media-related expenses;

110.15 (4) funding activities and programs to gather information on missing and murdered
110.16 Indigenous women, girls, boys, and Two-Spirit relatives and to partner with and support
110.17 community-led efforts;

110.18 (5) developing, implementing, and coordinating prevention and awareness programming
110.19 based on best practices and data-driven research; and

110.20 (6) any other funding activities and needs.

110.21 (b) The advisory group shall consist of the following individuals:

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

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

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

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

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

110.31 (6) a representative from the Minnesota Human Trafficking Task Force; and

111.1 (7) a survivor or family member of a missing and murdered Indigenous woman, girl,
111.2 boy, or Two-Spirit relative.

111.3 (c) Each member shall serve as long as the member occupies the position which made
111.4 the member eligible for the appointment. Vacancies shall be filled by the appointing authority.

111.5 (d) The advisory group shall meet as necessary but at a minimum twice per year to carry
111.6 out its duties and shall elect a chair from among its members at its first meeting. The director
111.7 shall convene the group's first meeting. The director shall provide necessary office space
111.8 and administrative support to the group. Members of the group serve without compensation
111.9 but shall receive expense reimbursement as provided in Minnesota Statutes, section 15.059.

111.10 (e) The representative from the Office for Missing and Murdered Indigenous Relatives
111.11 may fully participate in the advisory group's activities but may not vote on issues before
111.12 the group.

111.13 Subd. 5. **Advertising.** The director of the Office for Missing and Murdered Indigenous
111.14 Relatives, in consultation with the reward advisory group, may spend up to four percent of
111.15 available funds on an advertising or public relations campaign to increase public awareness
111.16 on the availability of rewards under this section.

111.17 Subd. 6. **Grants; donations.** The director of the Office for Missing and Murdered
111.18 Indigenous Relatives, in consultation with the reward advisory group, may apply for and
111.19 accept grants and donations from the public and from public and private entities to implement
111.20 this section. The commissioner of public safety shall deposit any grants or donations received
111.21 under this subdivision into the account established under subdivision 1.

111.22 Subd. 7. **Expiration.** This section expires on June 30, 2025.

111.23 Sec. 31. **REPEALER.**

111.24 Minnesota Statutes 2022, section 299C.80, subdivision 7, is repealed.

111.25 **ARTICLE 7**

111.26 **SENTENCING**

111.27 Section 1. Minnesota Statutes 2022, section 244.09, subdivision 2, is amended to read:

111.28 Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the
111.29 following:

111.30 (1) the chief justice of the supreme court or a designee;

112.1 (2) one judge of the court of appeals, appointed by the chief ~~justice of the supreme court~~
112.2 judge of the appellate court;

112.3 (3) one district court judge appointed by the ~~chief justice of the supreme court~~ Judicial
112.4 Council upon recommendation of the Minnesota District Judges Association;

112.5 (4) one public defender appointed by the governor upon recommendation of the state
112.6 public defender;

112.7 (5) one county attorney appointed by the governor upon recommendation of the board
112.8 of directors of the Minnesota County Attorneys Association;

112.9 (6) the commissioner of corrections or a designee;

112.10 (7) one peace officer as defined in section 626.84 appointed by the governor;

112.11 (8) one probation officer or ~~parole~~ supervised release officer appointed by the governor;
112.12 ~~and~~

112.13 (9) one person who works for an organization that provides treatment or rehabilitative
112.14 services for individuals convicted of felony offenses appointed by the governor;

112.15 (10) one person who is an academic with a background in criminal justice or corrections
112.16 appointed by the governor; and

112.17 (11) three public members appointed by the governor, one of whom shall be a person
112.18 who has been the victim of a crime defined as a felony or a victims' advocate, and one of
112.19 whom shall be a person who has been formerly convicted of and discharged from a
112.20 felony-level sentence.

112.21 When an appointing authority selects individuals for membership on the commission,
112.22 the authority shall make reasonable efforts to appoint qualified members of protected groups,
112.23 as defined in section 43A.02, subdivision 33.

112.24 One of the members shall be designated by the governor as chair of the commission.

112.25 Sec. 2. Minnesota Statutes 2022, section 244.09, subdivision 3, is amended to read:

112.26 Subd. 3. **Appointment terms.** (a) Except as provided in paragraph (b), each appointed
112.27 member shall be appointed for four years and shall continue to serve during that time as
112.28 long as the member occupies the position which made the member eligible for the
112.29 appointment. Each member shall continue in office until a successor is duly appointed.
112.30 Members shall be eligible for reappointment, and appointment may be made to fill an
112.31 unexpired term.

113.1 (b) The term of any member appointed or reappointed by the governor before the first
113.2 Monday in January ~~1991~~ 2027 expires on that date. ~~The term of any member appointed or~~
113.3 ~~reappointed by the governor after the first Monday in January 1991 is coterminous with the~~
113.4 ~~governor.~~ The terms of members appointed or reappointed by the governor to fill the
113.5 vacancies that occur on the first Monday in January 2027 shall be staggered so that five
113.6 members shall be appointed for initial terms of four years and four members shall be
113.7 appointed for initial terms of two years.

113.8 (c) The members of the commission shall elect any additional officers necessary for the
113.9 efficient discharge of their duties.

113.10 Sec. 3. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to
113.11 read:

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

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

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

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

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

113.22 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

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

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

113.27 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
113.28 364 days or to payment of a fine of not more than \$3,000, or both; or

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

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

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

114.7 Sec. 6. [609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.

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

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

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

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

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

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

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

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

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

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

115.2 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**
115.3 **ALTERNATIVE PLACEMENT.**

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

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

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

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

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

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

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

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

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

115.30 (c) The commissioner of corrections, a supervising agent, or an offender may request
115.31 that a prosecutor review an individual case. A prosecutor is not required to respond to a
115.32 request. Inaction by a prosecutor shall not be considered by any court as grounds for an

116.1 offender, a supervising agent, or the commissioner of corrections to petition for a sentence
116.2 adjustment under this section or for a court to adjust a sentence without a petition.

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

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

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

116.10 (3) the individual's address;

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

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

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

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

116.16 (iii) whether there is a current order for protection, restraining order, or other no contact
116.17 order prohibiting the individual from contacting the victims or whether there has ever been
116.18 a prior order for protection or restraining order prohibiting the individual from contacting
116.19 the victims;

116.20 (iv) the court file number; and

116.21 (v) the date of conviction;

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

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

116.29 (8) the individual's criminal charges record indicating all prior and pending criminal
116.30 charges against the individual in this state or another jurisdiction, including all criminal

117.1 charges that have been continued for dismissal, stayed for adjudication, or were the subject
117.2 of pretrial diversion; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119.6 EFFECTIVE DATE. This section is effective August 1, 2023.

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

119.8 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
119.9 condition of probation and if the defendant fails to pay the restitution in accordance with
119.10 the payment schedule or structure established by the court or the probation officer, the
119.11 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
119.12 motion or at the request of the victim, ask the court to hold a hearing to determine whether
119.13 or not the conditions of probation should be changed or probation should be revoked. The
119.14 defendant's probation officer shall ask for the hearing if the restitution ordered has not been
119.15 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
119.16 this hearing and take appropriate action, including action under subdivision 2, paragraph
119.17 ~~(g)~~ (h), before the defendant's term of probation expires.

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

119.20 EFFECTIVE DATE. This section is effective August 1, 2023.

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

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

119.29 EFFECTIVE DATE. This section is effective August 1, 2023.

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

120.2 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),
120.3 if the conviction is for a felony ~~other than section 609.2113, subdivision 1 or 2, 609.2114,~~
120.4 ~~subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section~~
120.5 ~~609.21, subdivision 1a, paragraph (b) or (c),~~ the stay shall be for not more than ~~four~~ five
120.6 years or the maximum period for which the sentence of imprisonment might have been
120.7 imposed, whichever is ~~longer~~ less.

120.8 (b) If the conviction is for a felony described in section 609.19, 609.195, 609.20,
120.9 609.2112, 609.2662, 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345,
120.10 609.3451, 609.3458, or 609.749, the stay shall be for not more than the maximum period
120.11 for which the sentence of imprisonment might have been imposed.

120.12 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20,
120.13 609.2113, subdivision 3, or 609.3451, ~~or for a felony described in section 609.2113,~~
120.14 ~~subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a,~~ the stay shall
120.15 be for not more than ~~six~~ five years. The court shall provide for unsupervised probation for
120.16 the last year of the stay unless the court finds that the defendant needs supervised probation
120.17 for all or part of the last year.

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

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

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

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

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

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

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

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

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

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

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

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

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

121.19 Sec. 14. **LIABILITY FOR MURDER COMMITTED BY ANOTHER;**
121.20 **RETROACTIVE APPLICATION.**

121.21 Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes,
121.22 section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), and in the
121.23 custody of the commissioner of corrections or under court supervision is entitled to petition
121.24 to have the person's conviction vacated pursuant to this section.

121.25 Subd. 2. **Notification.** (a) By October 1, 2023, the commissioner of corrections shall
121.26 notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph
121.27 (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file a preliminary
121.28 application for relief if:

121.29 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
121.30 paragraph (a), clause (3), and did not actually cause the death of a human being or
121.31 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with
121.32 the intent to cause the death of a human being; or

122.1 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
122.2 subdivision 2, clause (1), and did not actually cause the death of a human being or was not
122.3 a major participant in the underlying felony who acted with extreme indifference to human
122.4 life.

122.5 (b) The notice shall include the address of the Ramsey County District Court court
122.6 administration.

122.7 (c) The commissioner of corrections may coordinate with the judicial branch to establish
122.8 a standardized notification form.

122.9 Subd. 3. Preliminary application. (a) An applicant shall submit a preliminary application
122.10 to the Ramsey County District Court. The preliminary application must contain:

122.11 (1) the applicant's name and, if different, the name under which the person was convicted;

122.12 (2) the applicant's date of birth;

122.13 (3) the district court case number of the case for which the person is seeking relief;

122.14 (4) a statement as to whether the applicant was convicted following a trial or pursuant
122.15 to a plea;

122.16 (5) a statement as to whether the person filed a direct appeal from the conviction, a
122.17 petition for postconviction relief, or both;

122.18 (6) a brief statement, not to exceed 2,000 words, explaining why the applicant is entitled
122.19 to relief from a conviction for the death of a human being caused by another; and

122.20 (7) the name and address of any attorney representing the applicant.

122.21 (b) The preliminary application may contain:

122.22 (1) the name, date of birth, and district court case number of any other person charged
122.23 with, or convicted of, a crime arising from the same set of circumstances for which the
122.24 applicant was convicted; and

122.25 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
122.26 investigation or life imprisonment report, describing the facts of the case for which the
122.27 applicant was convicted.

122.28 (c) The judicial branch may establish a standardized preliminary application form, but
122.29 shall not reject a preliminary application for failure to use a standardized form.

122.30 (d) Any person seeking relief under this section must submit a preliminary application
122.31 no later than October 1, 2024. Submission is complete upon mailing.

123.1 (e) Submission of a preliminary application shall be without costs or any fees charged
123.2 to the applicant.

123.3 Subd. 4. **Review of preliminary application.** (a) Upon receipt of a preliminary
123.4 application, the court administrator of the Ramsey County District Court shall immediately
123.5 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
123.6 behalf who shall promptly assign the matter to a judge in said district.

123.7 (b) The judicial branch may appoint a special master to review preliminary applications
123.8 and may assign additional staff as needed to assist in the review of preliminary applications.

123.9 (c) The reviewing judge shall determine whether, in the discretion of that judge, there
123.10 is a reasonable probability that the applicant is entitled to relief under this section.

123.11 (d) In making the determination under paragraph (c), the reviewing judge shall consider
123.12 the preliminary application and any materials submitted with the preliminary application
123.13 and may consider relevant records in the possession of the judicial branch.

123.14 (e) The court may summarily deny an application when the applicant is not in the custody
123.15 of the commissioner of corrections or under court supervision; the applicant was not
123.16 convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3),
123.17 or 609.19, subdivision 2, clause (1), before August 1, 2023; the issues raised in the application
123.18 are not relevant to the relief available under this section or have previously been decided
123.19 by the court of appeals or the supreme court in the same case; or the applicant has filed a
123.20 second or successive preliminary application.

123.21 (f) If the reviewing judge determines that there is a reasonable probability that the
123.22 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
123.23 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
123.24 the event the applicant is without counsel, the reviewing judge shall send notice to the state
123.25 public defender and shall advise the applicant of such referral.

123.26 (g) If the reviewing judge determines that there is not a reasonable probability that the
123.27 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
123.28 attorney, if any.

123.29 Subd. 5. **Petition for relief; hearing.** (a) Within 60 days of receipt of the notice sent
123.30 pursuant to subdivision 4, paragraph (f), the individual seeking relief shall file and serve a
123.31 petition to vacate the conviction. The petition shall contain the information identified in
123.32 subdivision 3, paragraph (a), and a statement of why the petitioner is entitled to relief. The
123.33 petition may contain any other relevant information including police reports, trial transcripts,

124.1 and plea transcripts involving the petitioner or any other person investigated for, charged
124.2 with, or convicted of a crime arising out of the same set of circumstances for which the
124.3 petitioner was convicted. The filing of the petition and any document subsequent thereto
124.4 and all proceedings thereon shall be without costs or any fees charged to the petitioner.

124.5 (b) A county attorney representing the prosecutorial office shall respond to the petition
124.6 by answer or motion within 30 days after the filing of the petition pursuant to paragraph
124.7 (a), unless extended for good cause. The response shall be filed with the court administrator
124.8 of the district court and served on the petitioner if unrepresented or on the petitioner's
124.9 attorney. The response may serve notice of the intent to support the petition or include a
124.10 statement explaining why the petitioner is not entitled to relief along with any supporting
124.11 documents. The filing of the response and any document subsequent thereto and all
124.12 proceedings thereon shall be without costs or any fees charged to the county attorney.

124.13 (c) Within 30 days of receipt of the response from the county attorney, the court shall:

124.14 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or
124.15 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an
124.16 intent to support the petition;

124.17 (2) issue an order denying the petition if additional information or submissions establish
124.18 that there is not a reasonable probability that the applicant is entitled to relief under this
124.19 section; or

124.20 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
124.21 of evidence or identification of witnesses.

124.22 (d) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
124.23 section 590.04, except that the petitioner must be present at the hearing, unless excused
124.24 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

124.25 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of
124.26 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
124.27 relief if the petitioner:

124.28 (1) did not cause the death of a human being; and

124.29 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
124.30 another with the intent to cause the death of a human being.

124.31 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
124.32 subdivision 2, clause (1), is entitled to relief if the petitioner:

125.1 (1) did not cause the death of a human being; and

125.2 (2) was not a major participant in the underlying felony and did not act with extreme
125.3 indifference to human life.

125.4 (c) If the court determines that the petitioner does not qualify for relief, the court shall
125.5 issue an order denying the petition. If the court determines that the petitioner is entitled to
125.6 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
125.7 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
125.8 and either:

125.9 (1) resentence the petitioner for any other offense for which the petitioner was convicted;
125.10 or

125.11 (2) enter a conviction and impose a sentence for any other predicate felony arising out
125.12 of the course of conduct that served as the factual basis for the conviction vacated by the
125.13 court.

125.14 (d) The court shall state in writing or on the record the reasons for its decision on the
125.15 petition.

125.16 (e) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
125.17 the court must hold the hearing at a time that allows any victim an opportunity to submit a
125.18 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
125.19 a good faith and reasonable effort to notify any person determined to be a victim of the
125.20 hearing and the right to submit or make a statement. A sentence imposed under this
125.21 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was
125.22 serving a stayed sentence, increase the period of supervision. A person resentenced under
125.23 this paragraph is entitled to credit for time served in connection with the vacated offense.

125.24 (f) Relief granted under this section shall not be treated as an exoneration for purposes
125.25 of the Incarceration and Exoneration Remedies Act.

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

125.27 **Sec. 15. PROBATION LIMITS; RETROACTIVE APPLICATION.**

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

125.30 (1) the person was placed on probation for a felony violation;

125.31 (2) the court placed the person on probation for a length of time that exceeded five years;

126.1 (3) under Minnesota Statutes, section 609.135, subdivision 2, the maximum length of
126.2 probation the court could have ordered the person to serve on or after August 1, 2023, is
126.3 five years; and

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

126.5 (b) Eligibility for resentencing within the maximum length of probation the court could
126.6 have ordered the person to serve on or after August 1, 2023, applies to each period of
126.7 probation ordered by the court. Upon resentencing, periods of probation must be served
126.8 consecutively if a court previously imposed consecutive periods of probation on the person.
126.9 The court may not increase a previously ordered period of probation under this section or
126.10 order that periods of probation be served consecutively unless the court previously imposed
126.11 consecutive periods of probation.

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

126.13 (d) The term of the stay of probation for any person who is eligible for resentencing
126.14 under paragraph (a) and who has served five or more years of probation as of August 1,
126.15 2023, shall be considered to have expired on October 1, 2023, unless:

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

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

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

126.22 **Sec. 16. SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

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

126.26 **Sec. 17. REVISOR INSTRUCTION.**

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

127.1

ARTICLE 8

127.2

EXPUNGEMENT

127.3 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

127.4 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
127.5 of data contained in a petition for expungement of a criminal record are included in section
127.6 609A.03.

127.7 (b) Provisions regarding the classification and sharing of data related to automatic
127.8 expungements are included in sections 299C.097 and 609A.015.

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

127.10 Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

127.11 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
127.12 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
127.13 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
127.14 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
127.15 for possession of a controlled substance, who:

127.16 (1) has not previously participated in or completed a diversion program authorized under
127.17 section 401.065;

127.18 (2) has not previously been placed on probation without a judgment of guilty and
127.19 thereafter been discharged from probation under this section; and

127.20 (3) has not been convicted of a felony violation of this chapter, including a felony-level
127.21 attempt or conspiracy, or been convicted by the United States or another state of a similar
127.22 offense that would have been a felony under this chapter if committed in Minnesota, unless
127.23 ten years have elapsed since discharge from sentence.

127.24 (b) The court must defer prosecution as provided in paragraph (c) for any person found
127.25 guilty of a violation of section 152.025, subdivision 2, who:

127.26 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

127.27 (2) has not previously been convicted of a felony offense under any state or federal law
127.28 or of a gross misdemeanor under section 152.025.

127.29 (c) In granting relief under this section, the court shall, without entering a judgment of
127.30 guilty and with the consent of the person, defer further proceedings and place the person
127.31 on probation upon such reasonable conditions as it may require and for a period, not to

128.1 exceed the maximum sentence provided for the violation. The court may give the person
128.2 the opportunity to attend and participate in an appropriate program of education regarding
128.3 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
128.4 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
128.5 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
128.6 person and discharge the person from probation before the expiration of the maximum
128.7 period prescribed for the person's probation. If during the period of probation the person
128.8 does not violate any of the conditions of the probation, then upon expiration of the period
128.9 the court shall discharge the person and dismiss the proceedings against that person.
128.10 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
128.11 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
128.12 the purpose of use by the courts in determining the merits of subsequent proceedings against
128.13 the person. The not public record may also be opened only upon court order for purposes
128.14 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
128.15 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
128.16 or citing law enforcement agency and direct that agency to seal its records related to the
128.17 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
128.18 shall notify the requesting party of the existence of the not public record and the right to
128.19 seek a court order to open it pursuant to this section. The court shall forward a record of
128.20 any discharge and dismissal under this subdivision to the bureau which shall make and
128.21 maintain the not public record of it as provided under this subdivision. The discharge or
128.22 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
128.23 imposed by law upon conviction of a crime or for any other purpose.

128.24 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
128.25 subdivision 8a.

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

128.27 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

128.28 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding
128.29 a criminal history record of an employee or former employee may not be introduced as
128.30 evidence in a civil action against a private employer or its employees or agents that is based
128.31 on the conduct of the employee or former employee, if:

128.32 (1) the duties of the position of employment did not expose others to a greater degree
128.33 of risk than that created by the employee or former employee interacting with the public
128.34 outside of the duties of the position or that might be created by being employed in general;

- 129.1 (2) before the occurrence of the act giving rise to the civil action;
- 129.2 (i) a court order sealed any record of the criminal case;
- 129.3 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
- 129.4 including but not limited to a grant of expungement made pursuant to section 609A.015;
- 129.5 or
- 129.6 (iii) the employee or former employee received a pardon;
- 129.7 (3) the record is of an arrest or charge that did not result in a criminal conviction; or
- 129.8 (4) the action is based solely upon the employer's compliance with section 364.021.
- 129.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

129.10 Sec. 4. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

129.11 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)

129.12 For a background study conducted by the Department of Human Services, the commissioner

129.13 shall review:

129.14 (1) information related to names of substantiated perpetrators of maltreatment of

129.15 vulnerable adults that has been received by the commissioner as required under section

129.16 626.557, subdivision 9c, paragraph (j);

129.17 (2) the commissioner's records relating to the maltreatment of minors in licensed

129.18 programs, and from findings of maltreatment of minors as indicated through the social

129.19 service information system;

129.20 (3) information from juvenile courts as required in subdivision 4 for individuals listed

129.21 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

129.22 (4) information from the Bureau of Criminal Apprehension, including information

129.23 regarding a background study subject's registration in Minnesota as a predatory offender

129.24 under section 243.166;

129.25 (5) except as provided in clause (6), information received as a result of submission of

129.26 fingerprints for a national criminal history record check, as defined in section 245C.02,

129.27 subdivision 13c, when the commissioner has reasonable cause for a national criminal history

129.28 record check as defined under section 245C.02, subdivision 15a, or as required under section

129.29 144.057, subdivision 1, clause (2);

129.30 (6) for a background study related to a child foster family setting application for licensure,

129.31 foster residence settings, children's residential facilities, a transfer of permanent legal and

130.1 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
130.2 background study required for family child care, certified license-exempt child care, child
130.3 care centers, and legal nonlicensed child care authorized under chapter 119B, the
130.4 commissioner shall also review:

130.5 (i) information from the child abuse and neglect registry for any state in which the
130.6 background study subject has resided for the past five years;

130.7 (ii) when the background study subject is 18 years of age or older, or a minor under
130.8 section 245C.05, subdivision 5a, paragraph (c), information received following submission
130.9 of fingerprints for a national criminal history record check; and

130.10 (iii) when the background study subject is 18 years of age or older or a minor under
130.11 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
130.12 license-exempt child care, licensed child care centers, and legal nonlicensed child care
130.13 authorized under chapter 119B, information obtained using non-fingerprint-based data
130.14 including information from the criminal and sex offender registries for any state in which
130.15 the background study subject resided for the past five years and information from the national
130.16 crime information database and the national sex offender registry; and

130.17 (7) for a background study required for family child care, certified license-exempt child
130.18 care centers, licensed child care centers, and legal nonlicensed child care authorized under
130.19 chapter 119B, the background study shall also include, to the extent practicable, a name
130.20 and date-of-birth search of the National Sex Offender Public website.

130.21 (b) Notwithstanding expungement by a court, the commissioner may consider information
130.22 obtained under paragraph (a), clauses (3) and (4), unless:

130.23 (1) the commissioner received notice of the petition for expungement and the court order
130.24 for expungement is directed specifically to the commissioner; or

130.25 (2) the commissioner received notice of the expungement order issued pursuant to section
130.26 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
130.27 to the commissioner.

130.28 (c) The commissioner shall also review criminal case information received according
130.29 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
130.30 to individuals who have already been studied under this chapter and who remain affiliated
130.31 with the agency that initiated the background study.

130.32 (d) When the commissioner has reasonable cause to believe that the identity of a
130.33 background study subject is uncertain, the commissioner may require the subject to provide

131.1 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
131.2 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
131.3 shall not be saved by the commissioner after they have been used to verify the identity of
131.4 the background study subject against the particular criminal record in question.

131.5 (e) The commissioner may inform the entity that initiated a background study under
131.6 NETStudy 2.0 of the status of processing of the subject's fingerprints.

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

131.8 Sec. 5. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

131.9 Subd. 2. **Background studies conducted by a county agency for family child care.** (a)
131.10 Before the implementation of NETStudy 2.0, for a background study conducted by a county
131.11 agency for family child care services, the commissioner shall review:

131.12 (1) information from the county agency's record of substantiated maltreatment of adults
131.13 and the maltreatment of minors;

131.14 (2) information from juvenile courts as required in subdivision 4 for:

131.15 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13
131.16 through 23 living in the household where the licensed services will be provided; and

131.17 (ii) any other individual listed under section 245C.03, subdivision 1, when there is
131.18 reasonable cause; and

131.19 (3) information from the Bureau of Criminal Apprehension.

131.20 (b) If the individual has resided in the county for less than five years, the study shall
131.21 include the records specified under paragraph (a) for the previous county or counties of
131.22 residence for the past five years.

131.23 (c) Notwithstanding expungement by a court, the county agency may consider information
131.24 obtained under paragraph (a), clause (3), unless:

131.25 (1) the commissioner received notice of the petition for expungement and the court order
131.26 for expungement is directed specifically to the commissioner; or

131.27 (2) the commissioner received notice of the expungement order issued pursuant to section
131.28 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
131.29 to the commissioner.

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

132.1 Sec. 6. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE
132.2 FOR EXPUNGEMENT.

132.3 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
132.4 computerized data system relating to petty misdemeanor and misdemeanor offenses that
132.5 may become eligible for expungement pursuant to section 609A.015 and which do not
132.6 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
132.7 the criminal history system.

132.8 (b) These data are private data on individuals under section 13.02, subdivision 12.

132.9 EFFECTIVE DATE. This section is effective January 1, 2024.

132.10 Sec. 7. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

132.11 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
132.12 corrections agencies operating secure juvenile detention facilities shall take or cause to be
132.13 taken immediately ~~finger fingerprints~~ and ~~thumb prints~~ thumbprints, photographs, distinctive
132.14 physical mark identification data, information on any known aliases or street names, and
132.15 other identification data requested or required by the superintendent of the bureau, of the
132.16 following:

132.17 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
132.18 misdemeanor, or targeted misdemeanor;

132.19 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
132.20 or alleged to have committed felonies or gross misdemeanors as distinguished from those
132.21 committed by adult offenders;

132.22 (3) adults and juveniles admitted to jails or detention facilities;

132.23 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

132.24 (5) persons in whose possession, when arrested, are found concealed firearms or other
132.25 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
132.26 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
132.27 to be intended for such purposes;

132.28 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
132.29 or gross misdemeanor offense; and

132.30 (7) persons currently involved in the criminal justice process, on probation, on parole,
132.31 or in custody for any offense whom the superintendent of the bureau identifies as being the
132.32 subject of a court disposition record which cannot be linked to an arrest record, and whose

133.1 fingerprints are necessary to reduce the number of suspense files, or to comply with the
133.2 mandates of section 299C.111, relating to the reduction of the number of suspense files.
133.3 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
133.4 shall include the requirement that fingerprints be taken in post-arrest interviews, while
133.5 making court appearances, while in custody, or while on any form of probation, diversion,
133.6 or supervised release.

133.7 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
133.8 of taking the fingerprints and data, the fingerprint records and other identification data
133.9 specified under paragraph (a) must be electronically entered into a bureau-managed
133.10 searchable database in a manner as may be prescribed by the superintendent.

133.11 (c) Prosecutors, courts, and probation officers and their agents, employees, and
133.12 subordinates shall attempt to ensure that the required identification data is taken on a person
133.13 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
133.14 presently on probation.

133.15 (d) ~~Finger~~ Fingerprints and ~~thumb prints~~ thumbprints must be obtained no later than:

133.16 (1) release from booking; or

133.17 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

133.18 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
133.19 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
133.20 and thumb prints have not been successfully received by the bureau, an individual may,
133.21 upon order of the court, be taken into custody for no more than eight hours so that the taking
133.22 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
133.23 period may be extended upon a showing that additional time in custody is essential for the
133.24 successful taking of prints.

133.25 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
133.26 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
133.27 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
133.28 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
133.29 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

133.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
133.31 that occur on or after that date.

134.1 Sec. 8. Minnesota Statutes 2022, section 299C.11, subdivision 1, is amended to read:

134.2 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police
134.3 shall furnish the bureau, upon such form as the superintendent shall prescribe, with such
134.4 ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical
134.5 mark identification data, information on known aliases and street names, and other
134.6 identification data as may be requested or required by the superintendent of the bureau,
134.7 which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs
134.8 of police shall furnish this identification data to the bureau for individuals found to have
134.9 been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten
134.10 years immediately preceding their arrest. When the bureau learns that an individual who is
134.11 the subject of a background check has used, or is using, identifying information, including,
134.12 but not limited to, name and date of birth, other than those listed on the criminal history,
134.13 the bureau shall convert into an electronic format, if necessary, and enter into a
134.14 bureau-managed searchable database the new identifying information when supported by
134.15 fingerprints within three business days of learning the information if the information is not
134.16 entered by a law enforcement agency.

134.17 (b) No petition under chapter 609A is required if the person has not been convicted of
134.18 any felony or gross misdemeanor, either within or without the state, within the period of
134.19 ten years immediately preceding the determination of all pending criminal actions or
134.20 proceedings in favor of the arrested person, and either of the following occurred:

134.21 (1) all charges were dismissed prior to a determination of probable cause; or

134.22 (2) the prosecuting authority declined to file any charges and a grand jury did not return
134.23 an indictment.

134.24 Where these conditions are met, the bureau or agency shall, upon demand, destroy the
134.25 arrested person's ~~finger and thumb prints~~ fingerprints and thumbprints, photographs,
134.26 distinctive physical mark identification data, information on known aliases and street names,
134.27 and other identification data, and all copies and duplicates of them.

134.28 (c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints,
134.29 photographs, distinctive physical mark identification data, information on known aliases
134.30 and street names, and other identification data and all copies and duplicates of them without
134.31 the demand of any person or the granting of a petition under chapter 609A if:

134.32 (1) the sheriff, chief of police, bureau, or other arresting agency determines that the
134.33 person was arrested or identified as the result of mistaken identity before presenting
134.34 information to the prosecuting authority for a charging decision; or

135.1 (2) the prosecuting authority declines to file any charges or a grand jury does not return
135.2 an indictment based on a determination that the person was identified or arrested as the
135.3 result of mistaken identity.

135.4 (d) A prosecuting authority that determines a person was arrested or identified as the
135.5 result of mistaken identity and either declines to file any charges or receives notice that a
135.6 grand jury did not return an indictment shall notify the bureau and the applicable sheriff,
135.7 chief of police, or other arresting agency of the determination.

135.8 ~~(e)~~ (e) Except as otherwise provided in paragraph (b) or (c), upon the determination of
135.9 all pending criminal actions or proceedings in favor of the arrested person, and the granting
135.10 of the petition of the arrested person under chapter 609A, the bureau shall seal ~~finger and~~
135.11 ~~thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark
135.12 identification data, information on known aliases and street names, and other identification
135.13 data, and all copies and duplicates of them if the arrested person has not been convicted of
135.14 any felony or gross misdemeanor, either within or without the state, within the period of
135.15 ten years immediately preceding such determination.

135.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
135.17 determinations that a person was identified as the result of mistaken identity made on or
135.18 after that date.

135.19 Sec. 9. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

135.20 Subd. 3. **Definitions.** For purposes of this section:

135.21 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
135.22 person" does not include:

135.23 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
135.24 chapter 609A;

135.25 (ii) the arrested person's successful completion of a diversion program;

135.26 (iii) an order of discharge under section 609.165; or

135.27 (iv) a pardon granted under section 638.02; ~~and~~

135.28 (2) "mistaken identity" means the person was incorrectly identified as being a different
135.29 person:

135.30 (i) because the person's identity had been transferred, used, or possessed in violation of
135.31 section 609.527; or

136.1 (ii) as a result of misidentification by a witness or law enforcement, confusion on the
136.2 part of a witness or law enforcement as to the identity of the person who committed the
136.3 crime, misinformation provided to law enforcement as to the identity of the person who
136.4 committed the crime, or some other mistake on the part of a witness or law enforcement as
136.5 to the identity of the person who committed the crime; and

136.6 ~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision
136.7 1.

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

136.9 Sec. 10. Minnesota Statutes 2022, section 299C.111, is amended to read:

136.10 **299C.111 SUSPENSE FILE REPORTING.**

136.11 The superintendent shall immediately notify the appropriate entity or individual when
136.12 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
136.13 that cannot be linked to an arrest record.

136.14 **EFFECTIVE DATE.** This section is effective January 1, 2025.

136.15 Sec. 11. Minnesota Statutes 2022, section 299C.17, is amended to read:

136.16 **299C.17 REPORT BY COURT ADMINISTRATOR.**

136.17 The superintendent shall require the court administrator of every court which sentences
136.18 a defendant for a felony, gross misdemeanor, ~~or targeted~~ misdemeanor, or petty misdemeanor
136.19 to electronically transmit within 24 hours of the disposition of the case a report, in a form
136.20 prescribed by the superintendent providing information required by the superintendent with
136.21 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
136.22 kept on file in the office of the court administrator.

136.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

136.24 Sec. 12. Minnesota Statutes 2022, section 609A.01, is amended to read:

136.25 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

136.26 This chapter provides the grounds and procedures for expungement of criminal records
136.27 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
136.28 sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02,
136.29 subdivision 3; or other applicable law. The remedy available is limited to a court order or
136.30 grant of expungement under section 609A.015 sealing the records and prohibiting the

137.1 disclosure of their existence or their opening except under court order or statutory authority.
137.2 Nothing in this chapter authorizes the destruction of records or their return to the subject
137.3 of the records.

137.4 **EFFECTIVE DATE.** This section is effective January 1, 2025.

137.5 Sec. 13. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

137.6 Subdivision 1. **Eligibility; dismissal; exoneration.** (a) A person who is the subject of
137.7 a criminal record or delinquency record is eligible for a grant of expungement relief without
137.8 the filing of a petition:

137.9 (1) if the person was arrested and all charges were dismissed after a case was filed unless
137.10 dismissal was based on a finding that the defendant was incompetent to proceed;

137.11 (2) upon the dismissal and discharge of proceedings against a person under section
137.12 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
137.13 of a controlled substance; or

137.14 (3) if all pending actions or proceedings were resolved in favor of the person.

137.15 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not
137.16 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is
137.17 resolved in favor of the person if the petitioner received an order under section 590.11
137.18 determining that the person is eligible for compensation based on exoneration.

137.19 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
137.20 of expungement relief if the person has successfully completed the terms of a diversion
137.21 program or stay of adjudication for a qualifying offense that is not a felony and has not been
137.22 petitioned or charged with a new offense, other than an offense that would be a petty
137.23 misdemeanor, in Minnesota:

137.24 (1) for one year immediately following completion of the diversion program or stay of
137.25 adjudication; or

137.26 (2) for one year immediately preceding a subsequent review performed pursuant to
137.27 subdivision 5, paragraph (a).

137.28 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant
137.29 of expungement relief if the person:

137.30 (1) was convicted of a qualifying offense;

- 138.1 (2) has not been convicted of a new offense, other than an offense that would be a petty
138.2 misdemeanor, in Minnesota:
- 138.3 (i) during the applicable waiting period immediately following discharge of the disposition
138.4 or sentence for the crime; or
- 138.5 (ii) during the applicable waiting period immediately preceding a subsequent review
138.6 performed pursuant to subdivision 5, paragraph (a); and
- 138.7 (3) is not charged with an offense, other than an offense that would be a petty
138.8 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
138.9 period or at the time of a subsequent review.
- 138.10 (b) As used in this subdivision, "qualifying offense" means a conviction for:
- 138.11 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
138.12 to the operation or parking of motor vehicles;
- 138.13 (2) any misdemeanor offense other than:
- 138.14 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
138.15 while impaired);
- 138.16 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 138.17 (iii) section 609.224 (assault in the fifth degree);
- 138.18 (iv) section 609.2242 (domestic assault);
- 138.19 (v) section 609.748 (violation of a harassment restraining order);
- 138.20 (vi) section 609.78 (interference with emergency call);
- 138.21 (vii) section 609.79 (obscene or harassing phone calls);
- 138.22 (viii) section 617.23 (indecent exposure);
- 138.23 (ix) section 609.746 (interference with privacy); or
- 138.24 (x) section 629.75 (violation of domestic abuse no contact order);
- 138.25 (3) any gross misdemeanor offense other than:
- 138.26 (i) section 169A.25 (second-degree driving while impaired);
- 138.27 (ii) section 169A.26 (third-degree driving while impaired);
- 138.28 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 138.29 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);

- 139.1 (v) section 609.2231 (assault in the fourth degree);
- 139.2 (vi) section 609.224 (assault in the fifth degree);
- 139.3 (vii) section 609.2242 (domestic assault);
- 139.4 (viii) section 609.233 (criminal neglect);
- 139.5 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 139.6 (x) section 609.377 (malicious punishment of child);
- 139.7 (xi) section 609.485 (escape from custody);
- 139.8 (xii) section 609.498 (tampering with witness);
- 139.9 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 139.10 (xiv) section 609.746 (interference with privacy);
- 139.11 (xv) section 609.748 (violation of a harassment restraining order);
- 139.12 (xvi) section 609.749 (harassment; stalking);
- 139.13 (xvii) section 609.78 (interference with emergency call);
- 139.14 (xviii) section 617.23 (indecent exposure);
- 139.15 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 139.16 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 139.17 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 139.18 than:
- 139.19 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 139.20 degree);
- 139.21 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 139.22 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 139.23 commitment for mental illness); or
- 139.24 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
- 139.25 violation or minor victim).
- 139.26 (c) As used in this subdivision, "applicable waiting period" means:
- 139.27 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

140.1 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
140.2 crime;

140.3 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
140.4 for the crime;

140.5 (4) if the offense was a felony violation of section 152.025, four years since the discharge
140.6 of the sentence for the crime; and

140.7 (5) if the offense was any other felony, five years since discharge of the sentence for the
140.8 crime.

140.9 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
140.10 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
140.11 misdemeanor offenses ineligible for a grant of expungement under this section remain
140.12 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

140.13 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
140.14 automatic expungement under this section of that eligibility at any hearing where the court
140.15 dismisses and discharges proceedings against a person under section 152.18, subdivision
140.16 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
140.17 substance; concludes that all pending actions or proceedings were resolved in favor of the
140.18 person; grants a person's placement into a diversion program; or sentences a person or
140.19 otherwise imposes a consequence for a qualifying offense.

140.20 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
140.21 coordinators or supervisors of a diversion program shall notify a person who may become
140.22 eligible for an automatic expungement under this section of that eligibility.

140.23 (c) If any party gives notification under this subdivision, the notification shall inform
140.24 the person that:

140.25 (1) a record expunged under this section may be opened for purposes of a background
140.26 study by the Department of Human Services under section 245C.08 and for purposes of a
140.27 background check by the Professional Educator Licensing and Standards Board as required
140.28 under section 122A.18, subdivision 8; and

140.29 (2) the person can file a petition to expunge the record and request that the petition be
140.30 directed to the commissioner of human services and the Professional Educator Licensing
140.31 and Standards Board.

140.32 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**
140.33 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records

141.1 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,
141.2 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of
141.3 eligibility within 30 days of the end of the applicable waiting period. If a record is not
141.4 eligible for a grant of expungement at the time of the initial determination, the Bureau of
141.5 Criminal Apprehension shall make subsequent eligibility determinations annually until the
141.6 record is eligible for a grant of expungement.

141.7 (b) In making the determination under paragraph (a), the Bureau of Criminal
141.8 Apprehension shall identify individuals who are the subject of relevant records through the
141.9 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where
141.10 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall
141.11 identify individuals through the use of the person's name and date of birth. Records containing
141.12 the same name and date of birth shall be presumed to refer to the same individual unless
141.13 other evidence establishes, by a preponderance of the evidence, that they do not refer to the
141.14 same individual. The Bureau of Criminal Apprehension is not required to review any other
141.15 evidence in making a determination.

141.16 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
141.17 persons and seal its own records without requiring an application, petition, or motion.
141.18 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
141.19 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
141.20 information establishes that the records are not eligible for expungement.

141.21 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
141.22 and subject to a grant of expungement relief shall display a notation stating "expungement
141.23 relief granted pursuant to section 609A.015."

141.24 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
141.25 for which expungement relief was granted pursuant to this section. Notification may be
141.26 through electronic means and may be made in real time or in the form of a monthly report.
141.27 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
141.28 indictment or information, trial, verdict, or dismissal and discharge for any case in which
141.29 expungement relief was granted and shall issue any order deemed necessary to achieve this
141.30 purpose.

141.31 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency
141.32 that its records may be affected by a grant of expungement relief. Notification may be
141.33 through electronic means. Each notified law enforcement agency that receives a request to
141.34 produce records shall first contact the Bureau of Criminal Apprehension to determine if the

142.1 records were subject to a grant of expungement under this section. The law enforcement
142.2 agency must not disclose records relating to an arrest, indictment or information, trial,
142.3 verdict, or dismissal and discharge for any case in which expungement relief was granted
142.4 and must maintain the data consistent with the classification in paragraph (g). This paragraph
142.5 does not apply to requests from a criminal justice agency as defined in section 609A.03,
142.6 subdivision 7a, paragraph (f), for the purposes of:

142.7 (1) initiating, furthering, or completing a criminal investigation or prosecution or for
142.8 sentencing purposes or providing probation or other correctional services; or

142.9 (2) evaluating a prospective employee in a criminal justice agency without a court order.

142.10 (g) Data on the person whose offense has been expunged under this subdivision, including
142.11 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
142.12 13.02, subdivision 12.

142.13 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
142.14 expungement under this section in the manner provided in section 611A.03, subdivisions
142.15 1 and 2.

142.16 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
142.17 criminal record may be pleaded and has the same effect as if the relief had not been granted.

142.18 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
142.19 system to provide criminal justice agencies with uniform statewide access to criminal records
142.20 sealed by expungement.

142.21 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
142.22 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
142.23 the decision to exercise or the decision to decline to exercise, the powers granted by this
142.24 section or for any act or omission occurring within the scope of the performance of their
142.25 duties under this section.

142.26 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses
142.27 that meet the eligibility criteria on or after that date and retroactively to offenses that met
142.28 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal
142.29 Apprehension's criminal history system as of January 1, 2025.

142.30 Sec. 14. **[609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

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

143.1 (b) "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of
143.2 guilty by a court.

143.3 (c) "Mistaken identity" means a person was incorrectly identified as being a different
143.4 person:

143.5 (1) because the person's identity had been transferred, used, or possessed in violation of
143.6 section 609.527; or

143.7 (2) as a result of misidentification by a witness or law enforcement, confusion on the
143.8 part of a witness or law enforcement as to the identity of the person who committed the
143.9 crime, misinformation provided to law enforcement as to the identity of the person who
143.10 committed the crime, or some other mistake on the part of a witness or law enforcement as
143.11 to the identity of the person who committed the crime.

143.12 Subd. 2. **Determination by prosecutor; notification.** If, before a conviction, a prosecutor
143.13 determines that a defendant was issued a citation, charged, indicted, or otherwise prosecuted
143.14 as the result of mistaken identity, the prosecutor must dismiss or move to dismiss the action
143.15 or proceeding and must state in writing or on the record that mistaken identity is the reason
143.16 for the dismissal.

143.17 Subd. 3. **Order of expungement.** (a) The court shall issue an order of expungement
143.18 without the filing of a petition when an action or proceeding is dismissed based on a
143.19 determination that a defendant was issued a citation, charged, indicted, or otherwise
143.20 prosecuted as the result of mistaken identity. The order shall cite this section as the basis
143.21 for the order.

143.22 (b) An order issued under this section is not subject to the considerations or standards
143.23 identified in section 609A.025 or 609A.03, subdivision 5, paragraph (a), (b), or (c).

143.24 Subd. 4. **Effect of order.** (a) An order issued under this section is not subject to the
143.25 limitations in section 609A.03, subdivision 7a or 9. The effect of the court order to seal the
143.26 record of the proceedings shall be to restore the person, in the contemplation of the law, to
143.27 the status the person occupied before the arrest, indictment, or information. The person shall
143.28 not be guilty of perjury or otherwise of giving a false statement if the person fails to
143.29 acknowledge the arrest, indictment, information, or trial in response to any inquiry made
143.30 for any purpose.

143.31 (b) A criminal justice agency may seek access to a record that was sealed under this
143.32 section for purposes of determining whether the subject of the order was identified in any
143.33 other action or proceeding as the result of mistaken identity or for a criminal investigation,

144.1 prosecution, or sentencing involving any other person. The requesting agency must obtain
144.2 an ex parte court order after stating a good-faith basis to believe that opening the record
144.3 may lead to relevant information.

144.4 (c) The court administrator must distribute and confirm receipt of an order issued under
144.5 this section pursuant to section 609A.03, subdivision 8.

144.6 (d) Data on the person whose offense has been expunged contained in a letter or other
144.7 notification sent under this subdivision are private data on individuals as defined in section
144.8 13.02.

144.9 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
144.10 determinations that a person was identified as the result of mistaken identity on or after that
144.11 date.

144.12 Sec. 15. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

144.13 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
144.14 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
144.15 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

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

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

144.24 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor
144.25 or misdemeanor or the sentence imposed was within the limits provided by law for a
144.26 misdemeanor and the petitioner has not been convicted of a new crime for at least two years
144.27 since discharge of the sentence for the crime;

144.28 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor
144.29 or the sentence imposed was within the limits provided by law for a gross misdemeanor
144.30 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since
144.31 discharge of the sentence for the crime; ~~or~~

145.1 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
145.2 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
145.3 of a new crime for at least three years since discharge of the sentence for the crime;

145.4 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
145.5 been convicted of a new crime for at least four years since discharge of the sentence for the
145.6 crime;

145.7 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
145.8 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
145.9 convicted of a new crime for at least five years since discharge of the sentence for the crime;
145.10 or

145.11 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation
145.12 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
145.13 ~~five~~ four years since discharge of the sentence for the crime.

145.14 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:

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

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

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

145.18 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
145.19 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
145.20 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
145.21 substance);

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

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

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

145.26 (8) section 256.984 (false declaration in assistance application);

145.27 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

145.28 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

145.29 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

145.30 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
145.31 and solicitations);

- 146.1 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 146.2 (14) section 349.2127; or 349.22 (gambling regulations);
- 146.3 (15) section 588.20 (contempt);
- 146.4 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 146.5 (17) section 609.31 (leaving state to evade establishment of paternity);
- 146.6 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 146.7 commitment for mental illness);
- 146.8 (19) section 609.49 (failure to appear in court);
- 146.9 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
- 146.10 subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced
- 146.11 under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk
- 146.12 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,
- 146.13 clause (3)(a);
- 146.14 (21) section 609.521 (possession of shoplifting gear);
- 146.15 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 146.16 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 146.17 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
- 146.18 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
- 146.19 check); or 609.529 (mail theft);
- 146.20 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 146.21 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
- 146.22 over \$500);
- 146.23 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 146.24 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 146.25 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 146.26 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 146.27 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 146.28 (32) section 609.59 (possession of burglary or theft tools);

- 147.1 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
147.2 (a) (criminal damage to property);
- 147.3 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 147.4 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
147.5 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
147.6 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 147.7 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
147.8 4, paragraph (a) (lottery fraud);
- 147.9 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);
- 147.10 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
147.11 or 609.66, subdivision 1b (furnishing firearm to minor);
- 147.12 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 147.13 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 147.14 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
147.15 subsequent violation or minor victim);
- 147.16 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);
- 147.17 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 147.18 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
- 147.19 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 147.20 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
147.21 transit operator);
- 147.22 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 147.23 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
147.24 fraud);
- 147.25 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 147.26 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
147.27 property);
- 147.28 ~~(48)~~ (51) section 609.896 (movie pirating);

148.1 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
148.2 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
148.3 subdivision 2 (transfer of pistol to ineligible person); or
148.4 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).

148.5 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses
148.6 that meet the eligibility criteria on or after that date.

148.7 Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

148.8 **Subd. 5. Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
148.9 (b), expungement of a criminal record under this section is an extraordinary remedy to be
148.10 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
148.11 commensurate with the disadvantages to the public and public safety of:

148.12 (1) sealing the record; and

148.13 (2) burdening the court and public authorities to issue, enforce, and monitor an
148.14 expungement order.

148.15 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
148.16 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
148.17 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
148.18 whose records would be affected establishes by clear and convincing evidence that the
148.19 interests of the public and public safety outweigh the disadvantages to the petitioner of not
148.20 sealing the record.

148.21 (c) In making a determination under this subdivision, the court shall consider:

148.22 (1) the nature and severity of the underlying crime, the record of which would be sealed;

148.23 (2) the risk, if any, the petitioner poses to individuals or society;

148.24 (3) the length of time since the crime occurred;

148.25 (4) the steps taken by the petitioner toward rehabilitation following the crime;

148.26 (5) aggravating or mitigating factors relating to the underlying crime, including the
148.27 petitioner's level of participation and context and circumstances of the underlying crime;

148.28 (6) the reasons for the expungement, including the petitioner's attempts to obtain
148.29 employment, housing, or other necessities;

148.30 (7) the petitioner's criminal record;

149.1 (8) the petitioner's record of employment and community involvement;

149.2 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
149.3 officials;

149.4 (10) the recommendations of victims or whether victims of the underlying crime were
149.5 minors;

149.6 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
149.7 toward payment, and the measures in place to help ensure completion of restitution payment
149.8 after expungement of the record if granted; and

149.9 (12) other factors deemed relevant by the court.

149.10 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
149.11 issues an expungement order it may require that the criminal record be sealed, the existence
149.12 of the record not be revealed, and the record not be opened except as required under
149.13 subdivision 7. Records must not be destroyed or returned to the subject of the record.

149.14 (e) Information relating to a criminal history record of an employee, former employee,
149.15 or tenant that has been expunged before the occurrence of the act giving rise to the civil
149.16 action may not be introduced as evidence in a civil action against a private employer or
149.17 landlord or its employees or agents that is based on the conduct of the employee, former
149.18 employee, or tenant.

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

149.20 Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

149.21 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
149.22 of an expungement order related to a charge supported by probable cause, the DNA samples
149.23 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
149.24 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
149.25 destroyed.

149.26 (b) Notwithstanding the issuance of an expungement order:

149.27 (1) except as provided in clause (2), an expunged record may be opened, used, or
149.28 exchanged between criminal justice agencies without a court order for the purposes of
149.29 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
149.30 purposes or providing probation or other correctional services;

149.31 (2) when a criminal justice agency seeks access to a record that was sealed under section
149.32 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing

150.1 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
150.2 sentencing, the requesting agency must obtain an ex parte court order after stating a
150.3 good-faith basis to believe that opening the record may lead to relevant information;

150.4 (3) an expunged record of a conviction may be opened for purposes of evaluating a
150.5 prospective employee in a criminal justice agency without a court order;

150.6 (4) an expunged record of a conviction may be opened for purposes of a background
150.7 study under section 245C.08 unless the commissioner had been properly served with notice
150.8 of the petition for expungement and the court order for expungement is directed specifically
150.9 to the commissioner of human services following proper service of a petition, or following
150.10 proceedings under section 609A.025 or 609A.035 upon service of an order to the
150.11 commissioner of human services;

150.12 (5) an expunged record of a conviction may be opened for purposes of a background
150.13 check required under section 122A.18, subdivision 8, unless the court order for expungement
150.14 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

150.15 (6) the court may order an expunged record opened upon request by the victim of the
150.16 underlying offense if the court determines that the record is substantially related to a matter
150.17 for which the victim is before the court;

150.18 (7) a prosecutor may request, and the district court shall provide, certified records of
150.19 conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02,
150.20 609A.025, and 609A.035, and the certified records of conviction may be disclosed and
150.21 introduced in criminal court proceedings as provided by the rules of court and applicable
150.22 law; and

150.23 (8) the subject of an expunged record may request, and the court shall provide, certified
150.24 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
150.25 609A.017, 609A.02, 609A.025, and 609A.035.

150.26 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
150.27 in a manner that provides access to the record by a criminal justice agency under paragraph
150.28 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
150.29 of Criminal Apprehension shall notify the commissioner of human services or the
150.30 Professional Educator Licensing and Standards Board of the existence of a sealed record
150.31 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
150.32 agency or jurisdiction subject to the expungement order shall provide access to the record
150.33 to the commissioner of human services or the Professional Educator Licensing and Standards
150.34 Board under paragraph (b), clause (4) or (5).

151.1 (d) An expunged record that is opened or exchanged under this subdivision remains
151.2 subject to the expungement order in the hands of the person receiving the record.

151.3 (e) A criminal justice agency that receives an expunged record under paragraph (b),
151.4 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
151.5 record to the investigation, prosecution, or sentencing for which it was obtained.

151.6 (f) For purposes of this section, a "criminal justice agency" means a court or government
151.7 agency that performs the administration of criminal justice under statutory authority.

151.8 (g) This subdivision applies to expungement orders subject to its limitations and effective
151.9 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
151.10 2025.

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

151.12 Sec. 18. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

151.13 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
151.14 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
151.15 during the appeal period. A person or an agency or jurisdiction whose records would be
151.16 affected by the order may appeal the order within 60 days of service of notice of filing of
151.17 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
151.18 or supersedeas bond in order to further stay the proceedings or file an appeal.

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

151.20 Sec. 19. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

151.21 (a) Notwithstanding section 609A.02, if the Board of Pardons grants a petition for a
151.22 pardon extraordinary pursuant to section 638.02, subdivision 2, it shall file a copy of the
151.23 pardon extraordinary with the district court of the county in which the conviction occurred.

151.24 (b) The district court shall issue an expungement order sealing all records wherever held
151.25 relating to the arrest, indictment or information, trial, verdict, and pardon for the pardoned
151.26 offense without the filing of a petition and send an expungement order to each government
151.27 entity whose records are affected.

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

152.1 Sec. 20. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

152.2 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
152.3 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
152.4 make a reasonable and good faith effort to inform the victim of:

152.5 (1) the contents of the plea agreement recommendation, including the amount of time
152.6 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
152.7 ~~and~~

152.8 (2) the right to be present at the sentencing hearing and at the hearing during which the
152.9 plea is presented to the court and to express orally or in writing, at the victim's option, any
152.10 objection to the agreement or to the proposed disposition. If the victim is not present when
152.11 the court considers the recommendation, but has communicated objections to the prosecuting
152.12 attorney, the prosecuting attorney shall make these objections known to the court; and

152.13 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

152.14 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to plea
152.15 agreements entered into on or after that date.

152.16 Sec. 21. Minnesota Statutes 2022, section 638.02, subdivision 2, is amended to read:

152.17 Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any
152.18 court of this state, who has served the sentence imposed by the court and has been discharged
152.19 of the sentence either by order of court or by operation of law, may petition the Board of
152.20 Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly
152.21 provides otherwise in writing by unanimous vote, the application for a pardon extraordinary
152.22 may not be filed until the applicable time period in clause (1) or (2) has elapsed:

152.23 (1) if the person was convicted of a crime of violence as defined in section 624.712,
152.24 subdivision 5, ten years must have elapsed since the sentence was discharged and during
152.25 that time the person must not have been convicted of any other crime; and

152.26 (2) if the person was convicted of any crime not included within the definition of crime
152.27 of violence under section 624.712, subdivision 5, five years must have elapsed since the
152.28 sentence was discharged and during that time the person must not have been convicted of
152.29 any other crime.

152.30 If the Board of Pardons determines that the person is of good character and reputation, the
152.31 board may, in its discretion, grant the person a pardon extraordinary. The pardon
152.32 extraordinary, when granted, has the effect of setting aside and nullifying the conviction

153.1 and of purging the person of it, and the person shall never after that be required to disclose
153.2 the conviction at any time or place other than in a judicial proceeding or as part of the
153.3 licensing process for peace officers. The pardon extraordinary, after being granted and filed
153.4 with the district court in which the conviction occurred, will also seal all records wherever
153.5 held related to the arrest, indictment or information, trial, verdict, and pardon.

153.6 The application for a pardon extraordinary, the proceedings to review an application,
153.7 and the notice requirements are governed by the statutes and the rules of the board in respect
153.8 to other proceedings before the board. The application shall contain any further information
153.9 that the board may require.

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

153.11 Sec. 22. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

153.12 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
153.13 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
153.14 in which the conviction occurred, and the court shall order the conviction set aside and
153.15 include a copy of the pardon in the court file. The court shall order all records wherever
153.16 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
153.17 prohibit the disclosure of the existence of the records or the opening of the records except
153.18 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1),
153.19 (7) or (8). The court shall send a copy of its order and the pardon to the Bureau of Criminal
153.20 Apprehension and all other government entities that hold affected records. The court
153.21 administrator under section 609A.03, subdivision 8, shall send a copy of the expungement
153.22 order to each government entity whose records are affected by the order, including but not
153.23 limited to the Department of Corrections, the Department of Public Safety, and law
153.24 enforcement agencies.

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

153.26 ARTICLE 9

153.27 CLEMENCY REFORM

153.28 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 8, is amended to read:

153.29 Subd. 8. ~~Board of Pardons~~ **Clemency Review Commission** records. Access to ~~Board~~
153.30 ~~of Pardons~~ records of the Clemency Review Commission is governed by section ~~638.07~~
153.31 638.20.

154.1 Sec. 2. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

154.2 Subd. 3. **Definitions.** For purposes of this section:

154.3 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
154.4 person" does not include:

154.5 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
154.6 chapter 609A;

154.7 (ii) the arrested person's successful completion of a diversion program;

154.8 (iii) an order of discharge under section 609.165; or

154.9 (iv) a pardon granted under ~~section 638.02~~ chapter 638; and

154.10 (2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

154.11 Sec. 3. Minnesota Statutes 2022, section 638.01, is amended to read:

154.12 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

154.13 The Board of Pardons ~~shall consist~~ consists of the governor, the chief justice of the
154.14 supreme court, and the attorney general. ~~The board~~ governor in conjunction with the board
154.15 may grant pardons and reprieves and commute the sentence of any person convicted of any
154.16 offense against the laws of the state, in the manner and under the conditions and rules
154.17 hereinafter prescribed, but not otherwise clemency according to this chapter.

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

154.19 Sec. 4. **[638.011] DEFINITIONS.**

154.20 Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section have
154.21 the meanings given.

154.22 Subd. 2. **Board.** "Board" means the Board of Pardons under section 638.01.

154.23 Subd. 3. **Clemency.** Unless otherwise provided, "clemency" includes a pardon,
154.24 commutation, and reprieve after conviction for a crime against the state except in cases of
154.25 impeachment.

154.26 Subd. 4. **Commission.** "Commission" means the Clemency Review Commission under
154.27 section 638.09.

154.28 Subd. 5. **Department.** "Department" means the Department of Corrections.

155.1 Subd. 6. **Waiver request.** "Waiver request" means a request to waive a time restriction
155.2 under sections 638.12, subdivisions 2 and 3, and 638.19, subdivision 1.

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

155.4 Sec. 5. **[638.09] CLEMENCY REVIEW COMMISSION.**

155.5 Subdivision 1. **Establishment; duties.** (a) The Clemency Review Commission is
155.6 established to:

155.7 (1) review each eligible clemency application and waiver request that it receives;

155.8 (2) recommend to the board, in writing, whether to grant or deny the application or
155.9 waiver request, with each member's vote reported;

155.10 (3) recommend to the board, in writing, whether the board should conduct a hearing on
155.11 a clemency application, with each member's vote reported; and

155.12 (4) provide victim support services, assistance to applicants, and other assistance as the
155.13 board requires.

155.14 (b) Unless otherwise provided:

155.15 (1) the commission's recommendations under this chapter are nonbinding on the governor
155.16 or the board; and

155.17 (2) chapter 15 applies unless otherwise inconsistent with this chapter.

155.18 Subd. 2. **Composition.** (a) The commission consists of nine members, each serving a
155.19 term coterminous with the governor.

155.20 (b) The governor, the attorney general, and the chief justice of the supreme court must
155.21 each appoint three members to serve on the commission and replace members when the
155.22 members' terms expire. Members serve at the pleasure of their appointing authority.

155.23 Subd. 3. **Appointments to commission.** (a) An appointing authority is encouraged to
155.24 consider the following criteria when appointing a member:

155.25 (1) expertise in law, corrections, victims' services, correctional supervision, mental
155.26 health, and substance abuse treatment; and

155.27 (2) experience addressing systemic disparities, including but not limited to disparities
155.28 based on race, gender, and ability.

155.29 (b) An appointing authority must seek out and encourage qualified individuals to apply
155.30 to serve on the commission, including:

156.1 (1) members of Indigenous communities, Black communities, and other communities
156.2 of color;

156.3 (2) members diverse as to gender identity; and

156.4 (3) members diverse as to age and ability.

156.5 (c) If there is a vacancy, the appointing authority who selected the vacating member
156.6 must make an interim appointment to expire at the end of the vacating member's term.

156.7 (d) A member may continue to serve until the member's successor is appointed, but a
156.8 member may not serve more than eight years in total.

156.9 Subd. 4. **Commission; generally.** (a) The commission must biennially elect one of its
156.10 members as chair and one as vice-chair. The chair serves as the board's secretary.

156.11 (b) Each commission member must be:

156.12 (1) compensated at a rate of \$150 for each day or part of the day spent on commission
156.13 activities; and

156.14 (2) reimbursed for all reasonable expenses actually paid or incurred by the member while
156.15 performing official duties.

156.16 (c) Beginning January 1, 2025, and annually thereafter, the board may set a new per
156.17 diem rate for commission members, not to exceed an amount ten percent higher than the
156.18 previous year's rate.

156.19 Subd. 5. **Executive director.** (a) The board must appoint a commission executive director
156.20 knowledgeable about clemency and criminal justice. The executive director serves at the
156.21 pleasure of the board in the unclassified service as an executive branch employee.

156.22 (b) The executive director's salary is set in accordance with section 15A.0815, subdivision
156.23 3.

156.24 (c) The executive director may obtain office space and supplies and hire administrative
156.25 staff necessary to carry out the commission's official functions, including providing
156.26 administrative support to the board and attending board meetings. Any additional staff serve
156.27 in the unclassified service at the pleasure of the executive director.

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

156.29 Sec. 6. **[638.10] CLEMENCY APPLICATION.**

156.30 Subdivision 1. **Required contents.** A clemency application must:

- 157.1 (1) be in writing;
- 157.2 (2) be signed under oath by the applicant; and
- 157.3 (3) state the clemency sought, state why the clemency should be granted, and contain
157.4 the following information and any additional information that the commission or board
157.5 requires:
- 157.6 (i) the applicant's name, address, and date and place of birth, and every alias by which
157.7 the applicant is or has been known;
- 157.8 (ii) the applicant's demographic information, including race, ethnicity, gender, disability
157.9 status, and age, only if voluntarily reported;
- 157.10 (iii) the name of the crime for which clemency is requested, the date and county of
157.11 conviction, the sentence imposed, and the sentence's expiration or discharge date;
- 157.12 (iv) the names of the sentencing judge, the prosecuting attorney, and any victims of the
157.13 crime;
- 157.14 (v) a brief description of the crime and the applicant's age at the time of the crime;
- 157.15 (vi) the date and outcome of any prior clemency application, including any application
157.16 submitted before July 1, 2024;
- 157.17 (vii) to the best of the applicant's knowledge, a statement of any past criminal conviction
157.18 and any pending criminal charge or investigation;
- 157.19 (viii) for an applicant under the department's custody, a statement describing the
157.20 applicant's reentry plan should clemency be granted; and
- 157.21 (ix) an applicant statement acknowledging and consenting to the disclosure to the
157.22 commission, board, and public of any private data on the applicant in the application or in
157.23 any other record relating to the clemency being sought, including conviction and arrest
157.24 records.
- 157.25 Subd. 2. **Required form.** (a) An application must be made on a commission-approved
157.26 form or forms and filed with the commission by commission-prescribed deadlines. The
157.27 commission must consult with the board on the forms and deadlines.
- 157.28 (b) The application must include language informing the applicant that the board and
157.29 the commission will consider any and all past convictions and that the applicant may provide
157.30 information about the convictions.

158.1 Subd. 3. **Reviewing application for completeness.** The commission must review an
158.2 application for completeness. An incomplete application must be returned to the applicant,
158.3 who may then provide the missing information and resubmit the application within a
158.4 commission-prescribed period.

158.5 Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency
158.6 application, the commission must notify the applicant of the scheduled date, time, and
158.7 location that the applicant must appear before the commission for a meeting under section
158.8 638.14.

158.9 Subd. 5. **Equal access to information.** Each board and commission member must have
158.10 equal access to information under this chapter that is used when making a clemency decision.

158.11 Sec. 7. **[638.11] THIRD-PARTY NOTIFICATIONS.**

158.12 Subdivision 1. **Notice to victim; victim rights.** (a) After receiving a clemency
158.13 application, the commission must make all reasonable efforts to locate any victim of the
158.14 applicant's crime.

158.15 (b) At least 30 calendar days before the commission meeting at which the application
158.16 will be heard, the commission must notify any located victim of:

158.17 (1) the application;

158.18 (2) the meeting's scheduled date, time, and location; and

158.19 (3) the victim's right to attend the meeting and submit an oral or written statement to the
158.20 commission.

158.21 (c) The commission must make all reasonable efforts to ensure that a victim can:

158.22 (1) submit an oral or written statement; and

158.23 (2) receive victim support services as necessary to help the victim submit a statement
158.24 and participate in the clemency process.

158.25 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** (a) At least 30 calendar
158.26 days before the commission meeting at which the application will be heard, the commission
158.27 must notify the sentencing judge and prosecuting attorney or their successors of the
158.28 application and solicit the judge's and attorney's written statements on whether to grant
158.29 clemency.

158.30 (b) Unless otherwise provided in this chapter, "law enforcement agency" includes the
158.31 sentencing judge and prosecuting attorney or their successors.

159.1 Subd. 3. **Notice to public.** At least 30 calendar days before the commission meeting at
159.2 which the application will be heard, the commission must publish notice of an application
159.3 in a qualified newspaper of general circulation in the county in which the applicant's crime
159.4 occurred.

159.5 Sec. 8. [638.12] **TYPES OF CLEMENCY; ELIGIBILITY AND WAIVER.**

159.6 Subdivision 1. **Types of clemency; requirements.** (a) The board may:

159.7 (1) pardon a criminal conviction imposed under the laws of this state;

159.8 (2) commute a criminal sentence imposed by a court of this state to time served or a
159.9 lesser sentence; or

159.10 (3) grant a reprieve of a sentence imposed by a court of this state.

159.11 (b) A grant of clemency must be in writing and has no force or effect if the governor or
159.12 a board majority duly convened opposes the clemency. Every conditional grant of clemency
159.13 must state the terms and conditions upon which it was granted, and every commutation
159.14 must specify the terms of the commuted sentence.

159.15 (c) A granted pardon sets aside the conviction and purges the conviction from an
159.16 individual's criminal record. The individual is not required to disclose the conviction at any
159.17 time or place other than:

159.18 (1) in a judicial proceeding; or

159.19 (2) during the licensing process for peace officers.

159.20 Subd. 2. **Pardon eligibility; waiver.** (a) An individual convicted of a crime in a court
159.21 of this state may apply for a pardon of the individual's conviction on or after five years from
159.22 the sentence's expiration or discharge date.

159.23 (b) An individual may request the board to waive the waiting period if there is a showing
159.24 of unusual circumstances and special need.

159.25 (c) The commission must review a waiver request and recommend to the board whether
159.26 to grant the request. When considering a waiver request, the commission is exempt from
159.27 the meeting requirements under section 638.14 and chapter 13D.

159.28 (d) The board must grant a waiver request unless the governor or a board majority
159.29 opposes the waiver.

159.30 Subd. 3. **Commutation eligibility.** (a) An individual may apply for a commutation of
159.31 an unexpired criminal sentence imposed by a court of this state, including an individual

160.1 confined in a correctional facility or on probation, parole, supervised release, or conditional
160.2 release. An application for commutation may not be filed until the date that the individual
160.3 has served at least one-half of the sentence imposed or on or after five years from the
160.4 conviction date, whichever is earlier.

160.5 (b) An individual may request the board to waive the waiting period if there is a showing
160.6 of unusual circumstances and special need.

160.7 (c) The commission must review a waiver request and recommend to the board whether
160.8 to grant the request. When considering a waiver request, the commission is exempt from
160.9 the meeting requirements under section 638.14 and chapter 13D.

160.10 (d) The board must grant a waiver request unless the governor or a board majority
160.11 opposes the waiver.

160.12 **Sec. 9. [638.13] ACCESS TO RECORDS; ISSUING SUBPOENA.**

160.13 Subdivision 1. **Access to records.** (a) Notwithstanding chapter 13 or any other law to
160.14 the contrary, upon receiving a clemency application, the board or commission may request
160.15 and obtain any relevant reports, data, and other information from state courts, law
160.16 enforcement agencies, or state agencies. The board and the commission must have access
160.17 to all relevant sealed or otherwise inaccessible court records, presentence investigation
160.18 reports, police reports, criminal history reports, prison records, and any other relevant
160.19 information.

160.20 (b) State courts, law enforcement agencies, and state agencies must promptly respond
160.21 to record requests from the board or the commission.

160.22 Subd. 2. **Issuing subpoena.** The board or the commission may issue a subpoena requiring
160.23 the presence of any person before the commission or board and the production of papers,
160.24 records, and exhibits in any pending matter. When a person is summoned before the
160.25 commission or the board, the person may be allowed compensation for travel and attendance
160.26 as the commission or the board considers reasonable.

160.27 **Sec. 10. [638.14] COMMISSION MEETINGS.**

160.28 Subdivision 1. **Frequency.** The commission must meet at least four times each year for
160.29 one or more days at each meeting to hear eligible clemency applications and recommend
160.30 appropriate action to the board on each application. One or more of the meetings may be
160.31 held at a department-operated correctional facility.

161.1 Subd. 2. **When open to the public.** All commission meetings are open to the public as
161.2 provided under chapter 13D, but the commission may hold closed meetings:

161.3 (1) as provided under chapter 13D; or

161.4 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
161.5 identity, and (ii) sensitive or confidential victim testimony.

161.6 Subd. 3. **Recording.** When possible, the commission must record its meetings by audio
161.7 or audiovisual means.

161.8 Subd. 4. **Board attendance.** The governor, attorney general, and chief justice, or their
161.9 designees, may attend commission meetings as ex officio nonvoting members, but their
161.10 attendance does not affect whether the commission has a quorum.

161.11 Subd. 5. **Applicant appearance; third-party statements.** (a) An applicant for clemency
161.12 must appear before the commission either in person or through available forms of
161.13 telecommunication.

161.14 (b) The victim of an applicant's crime may appear and speak at the meeting or submit a
161.15 written statement to the commission. The commission may treat a victim's written statement
161.16 as confidential and not disclose the statement to the applicant or the public if there is or has
161.17 been an order for protection, harassment restraining order, or other no-contact order
161.18 prohibiting the applicant from contacting the victim.

161.19 (c) A law enforcement agency's representative may provide the agency's position on
161.20 whether the commission should recommend clemency by:

161.21 (1) appearing and speaking at the meeting; or

161.22 (2) submitting a written statement to the commission.

161.23 (d) The sentencing judge and the prosecuting attorney, or their successors, may provide
161.24 their positions on whether the commission should recommend clemency by:

161.25 (1) appearing and speaking at the meeting; or

161.26 (2) submitting their statements under section 638.11, subdivision 2.

161.27 Sec. 11. **[638.15] COMMISSION RECOMMENDATION.**

161.28 Subdivision 1. **Grounds for recommending clemency.** (a) When recommending whether
161.29 to grant clemency, the commission must consider any factors that the commission deems
161.30 appropriate, including but not limited to:

162.1 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's
162.2 age at the time of the crime; and the time that has elapsed between the crime and the
162.3 application;

162.4 (2) the successful completion or revocation of previous probation, parole, supervised
162.5 release, or conditional release;

162.6 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

162.7 (4) the extent to which the applicant has demonstrated rehabilitation through
162.8 postconviction conduct, character, and reputation;

162.9 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
162.10 and made restitution to victims;

162.11 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
162.12 history and any sentence received by an accomplice and with due regard given to:

162.13 (i) any plea agreement;

162.14 (ii) the sentencing judge's views; and

162.15 (iii) the sentencing ranges established by law;

162.16 (7) whether the applicant's age or medical status indicates that it is in the best interest
162.17 of society that the applicant receive clemency;

162.18 (8) the applicant's asserted need for clemency, including family needs and barriers to
162.19 housing or employment created by the conviction;

162.20 (9) for an applicant under the department's custody, the adequacy of the applicant's
162.21 reentry plan;

162.22 (10) the amount of time already served by the applicant and the availability of other
162.23 forms of judicial or administrative relief;

162.24 (11) the extent to which there is credible evidence indicating that the applicant is or may
162.25 be innocent of the crime for which they were convicted; and

162.26 (12) if provided by the applicant, the applicant's demographic information, including
162.27 race, ethnicity, gender, disability status, and age.

162.28 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
162.29 the commission or the board must not prejudice an applicant for failing to identify past
162.30 criminal convictions.

163.1 Subd. 2. **Recommending denial of commutation without hearing.** (a) At a meeting
163.2 under section 638.14, the commission may recommend denying a commutation application
163.3 without a board hearing if:

163.4 (1) the applicant is challenging the conviction or sentence through court proceedings;

163.5 (2) the applicant has failed to exhaust all available state court remedies for challenging
163.6 the sentence; or

163.7 (3) the commission determines that the matter should first be considered by the parole
163.8 authority.

163.9 (b) A commission recommendation to deny an application under paragraph (a) must be
163.10 sent to the board along with the application.

163.11 Subd. 3. **Considering public statements.** When making its recommendation on an
163.12 application, the commission must consider any statement provided by a victim or law
163.13 enforcement agency.

163.14 Subd. 4. **Commission recommendation; notifying applicant.** (a) Before the board's
163.15 next meeting at which the clemency application may be considered, the commission must
163.16 send to the board:

163.17 (1) the application;

163.18 (2) the commission's recommendation;

163.19 (3) any recording of the commission's meeting related to the application; and

163.20 (4) all statements from victims and law enforcement agencies.

163.21 (b) No later than 14 calendar days after its dated recommendation, the commission must
163.22 notify the applicant in writing of its recommendation.

163.23 Sec. 12. **[638.16] BOARD MEETINGS.**

163.24 Subdivision 1. **Frequency.** (a) The board must meet at least two times each year to
163.25 consider clemency applications that have received favorable recommendations under section
163.26 638.09, subdivision 1, paragraph (a), clauses (2) and (3), from the commission and any
163.27 other applications for which at least one board member seeks consideration.

163.28 (b) Any board member may request a hearing on any application.

163.29 Subd. 2. **When open to the public.** All board meetings are open to the public as provided
163.30 under chapter 13D, but the board may hold closed meetings:

164.1 (1) as provided under chapter 13D; or

164.2 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
164.3 identity, and (ii) sensitive or confidential victim testimony.

164.4 Subd. 3. **Executive director; attendance required.** Unless excused by the board, the
164.5 executive director and the commission's chair or vice-chair must attend all board meetings.

164.6 Subd. 4. **Considering statements.** (a) Applicants, victims, and law enforcement agencies
164.7 may not submit oral or written statements at a board meeting unless:

164.8 (1) a board member requests a hearing on an application; or

164.9 (2) the commission has recommended a hearing on an application.

164.10 (b) The board must consider any statements provided to the commission when
164.11 determining whether to consider a clemency application.

164.12 Sec. 13. **[638.17] BOARD DECISION; NOTIFYING APPLICANT.**

164.13 Subdivision 1. **Board decision.** (a) At each meeting, the board must render a decision
164.14 on each clemency application considered at the meeting or continue the matter to a future
164.15 board meeting. If the board continues consideration of an application, the commission must
164.16 notify the applicant in writing and explain why the matter was continued.

164.17 (b) If the commission recommends denying an application and no board member seeks
164.18 consideration of the recommendation, it is presumed that the board concurs with the adverse
164.19 recommendation and that the application has been considered and denied on the merits.

164.20 Subd. 2. **Notifying applicant.** The commission must notify the applicant in writing of
164.21 the board's decision to grant or deny clemency no later than 14 calendar days from the date
164.22 of the board's decision.

164.23 Sec. 14. **[638.18] FILING COPY OF CLEMENCY; COURT ACTION.**

164.24 Subdivision 1. **Filing with district court.** After clemency has been granted, the
164.25 commission must file a copy of the pardon, commutation, or reprieve with the district court
164.26 of the county in which the conviction and sentence were imposed.

164.27 Subd. 2. **Court action; pardon.** For a pardon, the court must:

164.28 (1) order the conviction set aside;

164.29 (2) include a copy of the pardon in the court file; and

164.30 (3) send a copy of the order and the pardon to the Bureau of Criminal Apprehension.

165.1 Subd. 3. **Court action; commutation.** For a commutation, the court must:

165.2 (1) amend the sentence to reflect the specific relief granted by the board;

165.3 (2) include a copy of the commutation in the court file; and

165.4 (3) send a copy of the amended sentencing order and commutation to the commissioner

165.5 of corrections and the Bureau of Criminal Apprehension.

165.6 Sec. 15. **[638.19] REAPPLYING FOR CLEMENCY.**

165.7 Subdivision 1. **Time-barred from reapplying; exception.** (a) After the board has
165.8 considered and denied a clemency application on the merits, an applicant may not file a
165.9 subsequent application for five years after the date of the most recent denial.

165.10 (b) An individual may request permission to reapply before the five-year period expires
165.11 based only on new and substantial information that was not and could not have been
165.12 previously considered by the board or commission.

165.13 (c) If a waiver request contains new and substantial information, the commission must
165.14 review the request and recommend to the board whether to waive the time restriction. When
165.15 considering a waiver request, the commission is exempt from the meeting requirements
165.16 under section 638.14 and chapter 13D.

165.17 (d) The board must grant a waiver request unless the governor or a board majority
165.18 opposes the waiver.

165.19 Subd. 2. **Applying for pardon not precluded.** An applicant who is denied or granted
165.20 a commutation is not precluded from later seeking a pardon of the criminal conviction once
165.21 the eligibility requirements of this chapter have been met.

165.22 Sec. 16. **[638.20] COMMISSION RECORD KEEPING.**

165.23 Subdivision 1. **Record keeping.** The commission must keep a record of every application
165.24 received, its recommendation on each application, and the final disposition of each
165.25 application.

165.26 Subd. 2. **When open to public.** The commission's records and files are open to public
165.27 inspection at all reasonable times, except for:

165.28 (1) sealed court records;

165.29 (2) presentence investigation reports;

165.30 (3) Social Security numbers;

166.1 (4) financial account numbers;

166.2 (5) driver's license information;

166.3 (6) medical records;

166.4 (7) confidential Bureau of Criminal Apprehension records;

166.5 (8) the identities of victims who wish to remain anonymous and confidential victim

166.6 statements; and

166.7 (9) any other confidential data on individuals, private data on individuals, not public

166.8 data, or nonpublic data under chapter 13.

166.9 **Sec. 17. [638.21] LANGUAGE ACCESS AND VICTIM SUPPORT.**

166.10 Subdivision 1. **Language access.** The commission and the board must take reasonable

166.11 steps to provide meaningful language access to applicants and victims. Applicants and

166.12 victims must have language access to information, documents, and services under this

166.13 chapter, with each communicated in a language or manner that the applicant or victim can

166.14 understand.

166.15 Subd. 2. **Interpreters.** (a) Applicants and victims are entitled to interpreters as necessary

166.16 to fulfill the purposes of this chapter, including oral or written communication. Sections

166.17 546.42 to 546.44 apply, to the extent consistent with this section.

166.18 (b) The commission or the board may not discriminate against an applicant or victim

166.19 who requests or receives interpretation services.

166.20 Subd. 3. **Victim services.** The commission and the board must provide or contract for

166.21 victim support services as necessary to support victims under this chapter.

166.22 **Sec. 18. [638.22] LEGISLATIVE REPORT.**

166.23 Beginning February 15, 2025, and every February 15 thereafter, the commission must

166.24 submit a written report to the chairs and ranking minority members of the house of

166.25 representatives and senate committees with jurisdiction over public safety, corrections, and

166.26 judiciary that contains at least the following information:

166.27 (1) the number of clemency applications received by the commission during the preceding

166.28 calendar year;

166.29 (2) the number of favorable and adverse recommendations made by the commission for

166.30 each type of clemency;

167.1 (3) the number of applications granted and denied by the board for each type of clemency;

167.2 (4) the crimes for which the applications were granted by the board, the year of each
167.3 conviction, and the individual's age at the time of the crime; and

167.4 (5) summary data voluntarily reported by applicants, including but not limited to
167.5 demographic information on race, ethnicity, gender, disability status, and age, of applicants
167.6 recommended or not recommended for clemency by the commission.

167.7 **Sec. 19. [638.23] RULEMAKING.**

167.8 (a) The board and commission may jointly adopt rules, including amending Minnesota
167.9 Rules, chapter 6600, to:

167.10 (1) enforce their powers and duties under this chapter and ensure the efficient processing
167.11 of applications; and

167.12 (2) allow for expedited review of applications if there is unanimous support from the
167.13 sentencing judge or successor, the prosecuting attorney or successor, and any victims of the
167.14 crime.

167.15 (b) The time limit to adopt rules under section 14.125 does not apply.

167.16 **Sec. 20. TRANSITION PERIOD.**

167.17 (a) Beginning August 1, 2023, through March 1, 2024, the Department of Corrections
167.18 must provide the Clemency Review Commission with administrative assistance, technical
167.19 assistance, office space, and other assistance necessary for the commission to carry out its
167.20 duties under sections 4 to 21.

167.21 (b) Beginning July 1, 2024, the Clemency Review Commission must begin reviewing
167.22 applications for pardons, commutations, and reprieves. Applications received after the
167.23 effective date of this section but before July 1, 2024, must be considered according to
167.24 Minnesota Statutes 2022, sections 638.02, subdivisions 2 to 5, and 638.03 to 638.08.

167.25 (c) A pardon, commutation, or reprieve that is granted during the transition period has
167.26 no force or effect if the governor or a board majority duly convened opposes the clemency.

167.27 (d) By July 1, 2024, the Clemency Review Commission must develop application forms
167.28 in consultation with the Board of Pardons.

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

168.1 Sec. 21. **REPEALER.**

168.2 Minnesota Statutes 2022, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
168.3 638.075; and 638.08, are repealed.

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

168.5 Sec. 22. **EFFECTIVE DATE.**

168.6 Sections 1, 2, and 6 to 19 are effective July 1, 2024.

168.7 **ARTICLE 10**

168.8 **EVIDENCE GATHERING AND REPORTING**

168.9 Section 1. Minnesota Statutes 2022, section 13A.02, subdivision 1, is amended to read:

168.10 Subdivision 1. **Access by government.** Except as authorized by this chapter, no
168.11 government authority may have access to, or obtain copies of, or the information contained
168.12 in, the financial records of any customer from a financial institution unless the financial
168.13 records are reasonably described and:

168.14 (1) the customer has authorized the disclosure;

168.15 (2) the financial records are disclosed in response to a search warrant;

168.16 (3) the financial records are disclosed in response to a judicial or administrative subpoena;

168.17 (4) the financial records are disclosed to law enforcement, a lead investigative agency
168.18 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating
168.19 financial exploitation of a vulnerable adult in response to a judicial subpoena or
168.20 administrative subpoena under section 388.23; or

168.21 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
168.22 statute or rule.

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

168.24 Sec. 2. Minnesota Statutes 2022, section 13A.02, subdivision 2, is amended to read:

168.25 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of
168.26 a financial institution, may provide to any government authority access to, or copies of, or
168.27 the information contained in, the financial records of any customer except in accordance
168.28 with the provisions of this chapter.

169.1 Nothing in this chapter shall require a financial institution to inquire or determine that
169.2 those seeking disclosure have duly complied with the requirements of this chapter, provided
169.3 only that the customer authorization, search warrant, subpoena, or written certification
169.4 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
169.5 or rule, served on or delivered to a financial institution shows compliance on its face.

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

169.7 Sec. 3. Minnesota Statutes 2022, section 609.527, subdivision 1, is amended to read:

169.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
169.9 meanings given them in this subdivision.

169.10 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
169.11 (b), whose identity has been transferred, used, or possessed in violation of this section.

169.12 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
169.13 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
169.14 address, email address, postal address, telephone number, or any other identifying information
169.15 of a for-profit or not-for-profit business or organization or of a government agency, to which
169.16 the user has no legitimate claim of right.

169.17 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

169.18 (e) "Identity" means any name, number, or data transmission that may be used, alone or
169.19 in conjunction with any other information, to identify a specific individual or entity, including
169.20 any of the following:

169.21 (1) a name, Social Security number, date of birth, official government-issued driver's
169.22 license or identification number, government passport number, or employer or taxpayer
169.23 identification number;

169.24 (2) unique electronic identification number, address, account number, or routing code;
169.25 or

169.26 (3) telecommunication identification information or access device.

169.27 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
169.28 paragraph (b), other than a direct victim.

169.29 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
169.30 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
169.31 section.

170.1 ~~(g)~~ (h) "Unlawful activity" means:

170.2 (1) any felony violation of the laws of this state or any felony violation of a similar law
170.3 of another state or the United States; and

170.4 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
170.5 forgery, fraud, or giving false information to a public official, or any nonfelony violation
170.6 of a similar law of another state or the United States.

170.7 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
170.8 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
170.9 information encoded on a computer chip or magnetic strip or stripe of a payment card,
170.10 driver's license, or state-issued identification card.

170.11 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
170.12 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
170.13 identification card, onto the computer chip or magnetic strip or stripe of a different payment
170.14 card, driver's license, or state-issued identification card, or any electronic medium that
170.15 allows an authorized transaction to occur.

170.16 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
170.17 that:

170.18 (1) is issued to an authorized card user; and

170.19 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
170.20 anything of value.

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

170.22 Sec. 4. Minnesota Statutes 2022, section 609.527, is amended by adding a subdivision to
170.23 read:

170.24 **Subd. 8. Release of limited account information to law enforcement authorities.** (a)
170.25 A financial institution may release the information described in paragraph (b) to a law
170.26 enforcement or prosecuting authority that certifies in writing that it is investigating or
170.27 prosecuting a crime of identity theft under this section. The certification must describe with
170.28 reasonable specificity the nature of the suspected identity theft that is being investigated or
170.29 prosecuted, including the dates of the suspected criminal activity.

170.30 (b) This subdivision applies to requests for the following information relating to a
170.31 potential victim's account:

170.32 (1) the name of the account holder or holders; and

171.1 (2) the last known home address and telephone numbers of the account holder or holders.

171.2 (c) A financial institution may release the information requested under this subdivision
171.3 that it possesses within a reasonable time after the request. The financial institution may
171.4 not impose a fee for furnishing the information.

171.5 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
171.6 information in accordance with this subdivision.

171.7 (e) Release of limited account information to a law enforcement agency under this
171.8 subdivision is criminal investigative data under section 13.82, subdivision 7, except that
171.9 when the investigation becomes inactive the account information remains confidential data
171.10 on individuals or protected nonpublic data.

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

171.12 Sec. 5. Minnesota Statutes 2022, section 626.14, subdivision 2, is amended to read:

171.13 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
171.14 a search warrant authorizing peace officers to enter ~~certain premises~~ a dwelling without
171.15 ~~first knocking and~~ loudly and understandably announcing the officer's presence or purpose
171.16 and waiting a reasonable amount of time thereafter prior to entering the premises dwelling
171.17 to allow the subject to become alert and able to comply. No-knock search warrants may
171.18 also be referred to as dynamic entry warrants.

171.19 Sec. 6. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
171.20 read:

171.21 Subd. 2a. **No-knock search warrants prohibited.** A court may not issue or approve a
171.22 no-knock search warrant.

171.23 Sec. 7. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
171.24 read:

171.25 Subd. 2b. **Execution.** If a peace officer enters a dwelling to serve or execute a search
171.26 warrant without loudly and understandably announcing the officer's presence or purpose
171.27 and waiting a reasonable amount of time thereafter prior to entering the dwelling, any
171.28 evidence seized, discovered, or obtained as a result of the entry must be suppressed and
171.29 may not be used as evidence unless exigent circumstances or another exception to the warrant
171.30 requirement would justify a warrantless entry.

172.1 Sec. 8. Minnesota Statutes 2022, section 626.15, is amended to read:

172.2 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**

172.3 (a) Except as provided in paragraph ~~(b)~~ (c), a search warrant must be executed and
172.4 returned to the court which issued it within ten days after its date. After the expiration of
172.5 this time, the warrant is void unless previously executed.

172.6 (b) A search warrant on a financial institution for financial records is valid for 30 days.

172.7 (c) A district court judge may grant an extension of a the warrant ~~on a financial institution~~
172.8 ~~for financial records~~ upon an application under oath stating that the financial institution has
172.9 not produced the requested financial records within ~~ten days~~ the 30-day period and that an
172.10 extension is necessary to achieve the purposes for which the search warrant was granted.
172.11 Each extension may not exceed 30 days.

172.12 (d) For the purposes of this ~~paragraph~~ section, "financial institution" has the meaning
172.13 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
172.14 section 13A.01, subdivision 3.

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

172.16 Sec. 9. Minnesota Statutes 2022, section 626.21, is amended to read:

172.17 **626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.**

172.18 (a) A person aggrieved by an unlawful search and seizure may move the district court
172.19 for the district in which the property was seized or the district court having jurisdiction of
172.20 the substantive offense for the return of the property and to suppress the use, as evidence,
172.21 of anything so obtained on the ground that:

172.22 (1) the property was illegally seized,~~or;~~

172.23 (2) the property was illegally seized without warrant,~~or;~~

172.24 (3) the warrant is insufficient on its face,~~or;~~

172.25 (4) the property seized is not that described in the warrant,~~or;~~

172.26 (5) there was not probable cause for believing the existence of the grounds on which the
172.27 warrant was issued,~~or;~~

172.28 (6) the warrant was illegally executed,~~or;~~

172.29 (7) the warrant was improvidently issued; or

172.30 (8) the warrant was executed or served in violation of section 626.14.

173.1 (b) The judge shall receive evidence on any issue of fact necessary to the decision of
173.2 the motion. If the motion is granted the property shall be restored unless otherwise subject
173.3 to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The
173.4 motion to suppress evidence may also be made in the district where the trial is to be had.
173.5 The motion shall be made before trial or hearing unless opportunity therefor did not exist
173.6 or the defendant was not aware of the grounds for the motion, but the court in its discretion
173.7 may entertain the motion at the trial or hearing.

173.8 Sec. 10. **[626.5535] CARJACKING; REPORTING REQUIRED.**

173.9 Subdivision 1. **Definition.** For purposes of this section, "carjacking" means taking a
173.10 motor vehicle from a person or in the presence of another while having knowledge of not
173.11 being entitled to the motor vehicle and using or threatening the imminent use of force against
173.12 any person to overcome the person's resistance or powers of resistance to, or to compel
173.13 acquiescence in, the taking of the motor vehicle.

173.14 Subd. 2. **Use of information collected.** (a) The head of a local law enforcement agency
173.15 or state law enforcement department that employs peace officers, as defined in section
173.16 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
173.17 from the agency's or department's jurisdiction for the previous year to the commissioner of
173.18 public safety by January 15 each year:

173.19 (1) the number of carjacking attempts;

173.20 (2) the number of carjackings;

173.21 (3) the ages of the offenders;

173.22 (4) the number of persons injured in each offense;

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

173.24 (6) weapons used in each offense, if any.

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

173.27 Sec. 11. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision
173.28 to read:

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

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

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

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

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

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

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

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

174.19 Sec. 12. **REPEALER.**

174.20 Minnesota Statutes 2022, section 626.14, subdivisions 3 and 4, are repealed.

174.21 **ARTICLE 11**

174.22 **POLICING AND PRIVATE SECURITY**

174.23 Section 1. Minnesota Statutes 2022, section 13.825, subdivision 2, is amended to read:

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

174.27 (1) data that record, describe, or otherwise document actions and circumstances
174.28 surrounding either the discharge of a firearm by a peace officer in the course of duty, if a
174.29 notice is required under section 626.553, subdivision 2, or the use of force by a peace officer
174.30 that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are
174.31 public;

175.1 (2) data are public if a subject of the data requests it be made accessible to the public,
175.2 except that, if practicable, (i) data on a subject who is not a peace officer and who does not
175.3 consent to the release must be redacted, and (ii) data on a peace officer whose identity is
175.4 protected under section 13.82, subdivision 17, clause (a), must be redacted;

175.5 (3) subject to paragraphs (b) to (d), portable recording system data that are active criminal
175.6 investigative data are governed by section 13.82, subdivision 7, and portable recording
175.7 system data that are inactive criminal investigative data are governed by this section;

175.8 (4) portable recording system data that are public personnel data under section 13.43,
175.9 subdivision 2, clause (5), are public; and

175.10 (5) data that are not public data under other provisions of this chapter retain that
175.11 classification.

175.12 (b) Notwithstanding section 13.82, subdivision 7, when an individual dies as a result of
175.13 a use of force by a peace officer, an involved officer's law enforcement agency must allow
175.14 the following individuals, upon their request, to inspect all portable recording system data,
175.15 redacted no more than what is required by law, documenting the incident within five days
175.16 of the request, subject to paragraphs (c) and (d):

175.17 (1) the deceased individual's next of kin;

175.18 (2) the legal representative of the deceased individual's next of kin; and

175.19 (3) the other parent of the deceased individual's child.

175.20 (c) A law enforcement agency may deny a request to inspect portable recording system
175.21 data under paragraph (b) if the agency determines that there is a compelling reason that
175.22 inspection would interfere with an active investigation. If the agency denies access under
175.23 this paragraph, the chief law enforcement officer must provide a prompt, written denial to
175.24 the individual in paragraph (b) who requested the data with a short description of the
175.25 compelling reason access was denied and must provide notice that relief may be sought
175.26 from the district court pursuant to section 13.82, subdivision 7.

175.27 (d) When an individual dies as a result of a use of force by a peace officer, an involved
175.28 officer's law enforcement agency shall release all portable recording system data, redacted
175.29 no more than what is required by law, documenting the incident no later than 14 days after
175.30 the incident, unless the chief law enforcement officer asserts in writing that the public
175.31 classification would interfere with an ongoing investigation, in which case the data remain
175.32 classified by section 13.82, subdivision 7.

176.1 ~~(b)~~ (e) A law enforcement agency may redact or withhold access to portions of data that
176.2 are public under this subdivision if those portions of data are clearly offensive to common
176.3 sensibilities.

176.4 ~~(e)~~ (f) Section 13.04, subdivision 2, does not apply to collection of data classified by
176.5 this subdivision.

176.6 ~~(d)~~ (g) Any person may bring an action in the district court located in the county where
176.7 portable recording system data are being maintained to authorize disclosure of data that are
176.8 private or nonpublic under this section or to challenge a determination under paragraph (b)
176.9 to redact or withhold access to portions of data because the data are clearly offensive to
176.10 common sensibilities. The person bringing the action must give notice of the action to the
176.11 law enforcement agency and subjects of the data, if known. The law enforcement agency
176.12 must give notice to other subjects of the data, if known, who did not receive the notice from
176.13 the person bringing the action. The court may order that all or part of the data be released
176.14 to the public or to the person bringing the action. In making this determination, the court
176.15 shall consider whether the benefit to the person bringing the action or to the public outweighs
176.16 any harm to the public, to the law enforcement agency, or to a subject of the data and, if
176.17 the action is challenging a determination under paragraph (b), whether the data are clearly
176.18 offensive to common sensibilities. The data in dispute must be examined by the court in
176.19 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to
176.20 obtain access to portable recording system data under the Rules of Criminal Procedure.

176.21 Sec. 2. Minnesota Statutes 2022, section 214.10, subdivision 10, is amended to read:

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

176.31 Sec. 3. Minnesota Statutes 2022, section 326.3311, is amended to read:

176.32 **326.3311 POWERS AND DUTIES.**

176.33 The board has the following powers and duties:

- 177.1 (1) to receive and review all applications for private detective and protective agent
177.2 licenses;
- 177.3 (2) to approve applications for private detective and protective agent licenses and issue,
177.4 or reissue licenses as provided in sections 326.32 to 326.339;
- 177.5 (3) to deny applications for private detective and protective agent licenses if the applicants
177.6 do not meet the requirements of sections 326.32 to 326.339; upon denial of a license
177.7 application, the board shall notify the applicant of the denial and the facts and circumstances
177.8 that constitute the denial; the board shall advise the applicant of the right to a contested case
177.9 hearing under chapter 14;
- 177.10 (4) to enforce all laws and rules governing private detectives and protective agents; ~~and~~
- 177.11 (5) to suspend or revoke the license of a license holder or impose a civil penalty on a
177.12 license holder for violations of any provision of sections 326.32 to 326.339 or the rules of
177.13 the board;
- 177.14 (6) to investigate and refer for prosecution all criminal violations by individuals and
177.15 entities; and
- 177.16 (7) to investigate and refer for prosecution any individuals and entities operating as
177.17 private detectives or protective agents without a license.

177.18 Sec. 4. Minnesota Statutes 2022, section 326.336, subdivision 2, is amended to read:

177.19 Subd. 2. **Identification card.** An identification card must be issued by the license holder
177.20 to each employee. The card must be in the possession of the employee to whom it is issued
177.21 at all times. The identification card must contain the license holder's name, logo (if any),
177.22 address or Minnesota office address, and the employee's photograph and physical description.
177.23 The card must be signed by the employee and by the license holder, qualified representative,
177.24 or Minnesota office manager. The card must be presented upon request.

177.25 Sec. 5. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

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

177.27 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of
177.28 employment, or evidence that the employee has successfully completed equivalent training
177.29 before the start of employment. Notwithstanding any statute or rule to the contrary, this
177.30 clause is satisfied if the employee provides a prospective employer with a certificate or a
177.31 copy of a certificate demonstrating that the employee successfully completed this training

178.1 prior to employment with a different Minnesota licensee and completed this training within
178.2 three previous calendar years, or successfully completed this training with a Minnesota
178.3 licensee while previously employed with a Minnesota licensee. The certificate or a copy of
178.4 the certificate is the property of the employee who completed the training, regardless of
178.5 who paid for the training or how training was provided. Upon a current or former employee's
178.6 request, a current or former licensed employer must provide a copy of a certificate
178.7 demonstrating the employee's successful completion of training to the current or former
178.8 employee. The current or former licensed employer must not charge the employee a fee for
178.9 a copy of the certificate. The employee who completed the training is entitled to access a
178.10 copy of the certificate at no charge according to sections 181.960 to 181.966. A current or
178.11 former employer must comply with sections 181.960 to 181.966;

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

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

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

178.21 Sec. 6. Minnesota Statutes 2022, section 326.3387, subdivision 1, is amended to read:

178.22 Subdivision 1. **Basis for action.** The board may revoke or suspend or refuse to issue or
178.23 reissue a private detective or protective agent license if:

178.24 (1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted
178.25 under those sections;

178.26 (2) the license holder has engaged in fraud, deceit, or misrepresentation while in the
178.27 business of private detective or protective agent;

178.28 (3) the license holder has made a false statement in an application submitted to the board
178.29 or in a document required to be submitted to the board; ~~or~~

178.30 (4) the license holder violates an order of the board; or

178.31 (5) the individual or entity previously operated without a license.

179.1 Sec. 7. Minnesota Statutes 2022, section 626.5531, subdivision 1, is amended to read:

179.2 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
179.3 department every violation of chapter 609 or a local criminal ordinance if the officer has
179.4 reason to believe, or if the victim alleges, that the ~~offender was motivated to commit the~~
179.5 act by was committed in whole or in substantial part because of the victim's actual or
179.6 perceived race, color, ethnicity, religion, ~~national origin~~, sex, gender, sexual orientation,
179.7 gender identity, gender expression, age, national origin, or disability as defined in section
179.8 363A.03, or ~~characteristics identified as sexual orientation~~ because of the victim's actual or
179.9 perceived association with another person or group of a certain actual or perceived race,
179.10 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
179.11 age, national origin, or disability as defined in section 363A.03. The superintendent of the
179.12 Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement
179.13 agencies in making the reports required under this section. The reports must include for
179.14 each incident all of the following:

179.15 (1) the date of the offense;

179.16 (2) the location of the offense;

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

179.18 (4) the crime committed;

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

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

179.22 (7) the disposition of the case;

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

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

179.27 Sec. 8. Minnesota Statutes 2022, section 626.843, is amended by adding a subdivision to
179.28 read:

179.29 Subd. 1c. **Rules governing certain misconduct.** No later than January 1, 2024, the
179.30 board must adopt rules under chapter 14 that permit the board to take disciplinary action
179.31 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,

180.1 whether or not criminal charges have been filed and in accordance with the evidentiary
180.2 standards and civil processes for boards under chapter 214.

180.3 Sec. 9. Minnesota Statutes 2022, section 626.8432, subdivision 1, is amended to read:

180.4 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may
180.5 refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure,
180.6 or revoke a peace officer or part-time peace officer license for any of the following causes:

180.7 (1) fraud or misrepresentation in obtaining a license;

180.8 (2) failure to meet licensure requirements; ~~or~~

180.9 (3) a violation of section 626.8436, subdivision 1; or

180.10 (4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

180.11 (b) Unless otherwise provided by the board, a revocation or suspension applies to each
180.12 license, renewal, or reinstatement privilege held by the individual at the time final action
180.13 is taken by the board. A person whose license or renewal privilege has been suspended or
180.14 revoked shall be ineligible to be issued any other license by the board during the pendency
180.15 of the suspension or revocation.

180.16 Sec. 10. **[626.8436] HATE OR EXTREMIST GROUPS.**

180.17 Subdivision 1. **Prohibition.** (a) A peace officer may not join, support, advocate for,
180.18 maintain membership, or participate in the activities of:

180.19 (1) a hate or extremist group; or

180.20 (2) a criminal gang as defined in section 609.229, subdivision 1.

180.21 (b) This section does not apply when the conduct is sanctioned by the law enforcement
180.22 agency as part of the officer's official duties.

180.23 Subd. 2. **Definitions.** (a) "Hate or extremist group" means a group that, as demonstrated
180.24 by its official statements or principles, the statements of its leaders or members, or its
180.25 activities:

180.26 (1) promotes the use of threats, force, violence, or criminal activity:

180.27 (i) against a local, state, or federal entity, or the officials of such an entity;

180.28 (ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota
180.29 or United States Constitution; or

- 181.1 (iii) to achieve goals that are political, religious, discriminatory, or ideological in nature;
- 181.2 (2) promotes seditious activities; or
- 181.3 (3) advocates for differences in the right to vote, speak, assemble, travel, or maintain
- 181.4 citizenship based on a person's perceived race, color, creed, religion, national origin,
- 181.5 disability, sex, sexual orientation, gender identity, public assistance status, or any protected
- 181.6 class as defined in Minnesota Statutes or federal law.
- 181.7 (b) For the purposes of this section, advocacy, membership, or participation in a hate or
- 181.8 extremist group or criminal gang is demonstrated by:
- 181.9 (1) dissemination of material that promotes:
- 181.10 (i) the use of threats, force, violence, or criminal activity;
- 181.11 (ii) seditious activities; or
- 181.12 (iii) the objectives described in paragraph (a), clause (3);
- 181.13 (2) engagement in cyber or social media posts, chats, forums, and other forms of
- 181.14 promotion of the group's activities;
- 181.15 (3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated
- 181.16 with the group;
- 181.17 (4) direct financial or in-kind contributions to the group;
- 181.18 (5) a physical or cyber presence in the group's events; or
- 181.19 (6) other conduct that could reasonably be considered support, advocacy, or participation
- 181.20 in the group's activities.

181.21 Sec. 11. Minnesota Statutes 2022, section 626.8451, subdivision 1, is amended to read:

181.22 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must ~~prepare~~

181.23 a ~~approve a list of training course courses~~ to assist peace officers in identifying and,

181.24 responding to, and reporting crimes ~~motivated by~~ committed in whole or in substantial part

181.25 because of the victim's or another's actual or perceived race, color, ethnicity, religion,

181.26 ~~national origin~~, sex, gender, sexual orientation, gender identity, gender expression, age,

181.27 national origin, or disability as defined in section 363A.03, or ~~characteristics identified as~~

181.28 ~~sexual orientation~~ because of the victim's actual or perceived association with another person

181.29 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual

181.30 orientation, gender identity, gender expression, age, national origin, or disability as defined

181.31 in section 363A.03. The course must include material to help officers distinguish bias crimes

182.1 from other crimes, to help officers in understanding and assisting victims of these crimes,
182.2 and to ensure that bias crimes will be accurately reported as required under section 626.5531.
182.3 ~~The course must be updated periodically~~ board must review the approved courses every
182.4 three years and update the list of approved courses as the board, in consultation with
182.5 communities most targeted by hate crimes because of their characteristics as described
182.6 above, organizations with expertise in providing training on hate crimes, and the statewide
182.7 coalition of organizations representing communities impacted by hate crimes , considers
182.8 appropriate.

182.9 (b) In updating the list of approved training courses described in paragraph (a), the board
182.10 must consult and significantly incorporate input from communities most targeted by hate
182.11 crimes because of their characteristics as described in paragraph (a), organizations with
182.12 expertise in providing training on hate crimes, and the statewide coalition of organizations
182.13 representing communities impacted by hate crimes.

182.14 Sec. 12. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
182.15 to read:

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

182.20 (b) Upon written request from the board that a matter alleging misconduct within its
182.21 regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement
182.22 officer, city, county, or public official shall provide the board with all requested public and
182.23 private data about the alleged misconduct involving the licensed peace officer, including
182.24 any pending or final disciplinary or arbitration proceeding, any settlement or compromise,
182.25 and any investigative files including but not limited to body worn camera or other audio or
182.26 video files. Confidential data must only be disclosed when the board specifies that the
182.27 particular identified data is necessary to fulfill its investigatory obligation concerning an
182.28 allegation of misconduct within its regulatory authority.

182.29 (c) If a licensed peace officer is discharged or resigns from employment after engaging
182.30 in any conduct that initiates and results in an investigation of alleged misconduct within the
182.31 board's regulatory authority, regardless of whether the licensee was criminally charged or
182.32 an administrative or internal affairs investigation was commenced or completed, a chief
182.33 law enforcement officer must report the conduct to the board and provide the board with
182.34 all public and not public data requested under paragraph (b). If the conduct involves the

183.1 chief law enforcement officer, the overseeing city, county, or public official must report
183.2 the conduct to the board and provide the board with all public and not public data requested
183.3 under paragraph (b).

183.4 (d) Data obtained by the board shall be classified and governed as articulated in sections
183.5 13.03, subdivision 4, and 13.09, as applicable.

183.6 (e) A chief law enforcement officer, city, county, or public official is not required to
183.7 comply with this subdivision when there is an active criminal investigation or active criminal
183.8 proceeding regarding the same incident or misconduct that is being investigated by the
183.9 board.

183.10 Sec. 13. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
183.11 to read:

183.12 Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or
183.13 public official and employees of the law enforcement agency are immune from civil or
183.14 criminal liability, including any liability under chapter 13, for reporting or releasing public
183.15 or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement
183.16 officer, city, county, or public official or employees of the law enforcement agency presented
183.17 false information to the board with the intention of causing reputational harm to the peace
183.18 officer.

183.19 Sec. 14. Minnesota Statutes 2022, section 626.8469, subdivision 1, is amended to read:

183.20 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
183.21 enforcement officer of every state and local law enforcement agency shall provide in-service
183.22 training in crisis intervention and mental illness crises; conflict management and mediation;
183.23 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
183.24 bias training; and training to assist peace officers in identifying, responding to, and reporting
183.25 incidents committed in whole or in substantial part because of the victim's actual or perceived
183.26 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
183.27 expression, age, national origin, or disability as defined in section 363A.03, or because of
183.28 the victim's actual or perceived association with another person or group of a certain actual
183.29 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
183.30 gender expression, age, national origin, or disability as defined in section 363A.03, to every
183.31 peace officer and part-time peace officer employed by the agency. The training shall comply
183.32 with learning objectives developed and approved by the board and shall meet board
183.33 requirements for board-approved continuing education credit. Every three years the board

184.1 shall review the learning objectives and must consult and collaborate with communities
184.2 most targeted by hate crimes because of their characteristics as described above, organizations
184.3 with expertise in providing training on hate crimes, and the statewide coalition of
184.4 organizations representing communities impacted by hate crimes in identifying appropriate
184.5 objectives and training courses related to identifying, responding to, and reporting incidents
184.6 committed in whole or in substantial part because of the victim's or another's actual or
184.7 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
184.8 gender expression, age, national origin, or disability as defined in section 363A.03, or
184.9 because of the victim's actual or perceived association with another person or group of a
184.10 certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
184.11 gender identity, gender expression, age, national origin, or disability as defined in section
184.12 363A.03. The training shall consist of at least 16 continuing education credits within an
184.13 officer's three-year licensing cycle. Each peace officer with a license renewal date after June
184.14 30, 2018, is not required to complete this training until the officer's next full three-year
184.15 licensing cycle.

184.16 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
184.17 by an approved entity. The board shall create a list of approved entities and training courses
184.18 and make the list available to the chief law enforcement officer of every state and local law
184.19 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
184.20 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
184.21 is not required to receive this training by an approved entity until the officer's next full
184.22 three-year licensing cycle.

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

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

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

184.29 Sec. 15. Minnesota Statutes 2022, section 626.8473, subdivision 3, is amended to read:

184.30 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
184.31 and local law enforcement agency that uses or proposes to use a portable recording system
184.32 must establish and enforce a written policy governing its use. In developing and adopting
184.33 the policy, the law enforcement agency must provide for public comment and input as
184.34 provided in subdivision 2. Use of a portable recording system without adoption of a written

185.1 policy meeting the requirements of this section is prohibited. The written policy must be
185.2 posted on the agency's website, if the agency has a website.

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

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

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

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

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

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

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

185.23 (4) mandate that, notwithstanding any law to the contrary, when an individual dies as a
185.24 result of a use of force by a peace officer, an involved officer's law enforcement agency
185.25 must allow the following individuals, upon their request, to inspect all portable recording
185.26 system data, redacted no more than what is required by law, documenting the incident within
185.27 five days of the request, except as otherwise provided in this clause and clause (5):

185.28 (i) the deceased individual's next of kin;

185.29 (ii) the legal representative of the deceased individual's next of kin; and

185.30 (iii) the other parent of the deceased individual's child.

185.31 A law enforcement agency may deny a request if the agency determines that there is a
185.32 compelling reason that inspection would interfere with an active investigation. If the agency

186.1 denies access, the chief law enforcement officer must provide a prompt, written denial to
186.2 the individual who requested the data with a short description of the compelling reason
186.3 access was denied and must provide notice that relief may be sought from the district court
186.4 pursuant to section 13.82, subdivision 7;

186.5 (5) mandate that, when an individual dies as a result of a use of force by a peace officer,
186.6 an involved officer's law enforcement agency shall release all portable recording system
186.7 data, redacted no more than what is required by law, documenting the incident no later than
186.8 14 days after the incident, unless the chief law enforcement officer asserts in writing that
186.9 the public classification would interfere with an ongoing investigation, in which case the
186.10 data remain classified by section 13.82, subdivision 7;

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

186.12 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements
186.13 for documentation by the officer using the system at the time of a malfunction or failure;

186.14 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion
186.15 of the officer using the system;

186.16 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

186.17 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,
186.18 response, or incident is ongoing;

186.19 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the
186.20 creation of backup copies of the data; and

186.21 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which
186.22 must include, at a minimum, supervisory or internal audits and reviews, and the employee
186.23 discipline standards for unauthorized access to data contained in section 13.09.

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

186.29 **Sec. 16. [626.8516] INTENSIVE COMPREHENSIVE PEACE OFFICER**
186.30 **EDUCATION AND TRAINING PROGRAM.**

186.31 Subdivision 1. Establishment; title. A program is established within the Department
186.32 of Public Safety to fund the intensive comprehensive law enforcement education and training

187.1 of college degree holders. The program shall be known as the intensive comprehensive
187.2 peace officer education and training program.

187.3 Subd. 2. **Purpose.** The program is intended to address the critical shortage of peace
187.4 officers in the state. The program shall reimburse law enforcement agencies that recruit,
187.5 educate, and train highly qualified college graduates to become licensed peace officers in
187.6 the state.

187.7 Subd. 3. **Eligibility for reimbursement grant; grant cap.** (a) The chief law enforcement
187.8 officer of a law enforcement agency may apply to the commissioner for reimbursement of
187.9 the cost of educating, training, paying, and insuring an eligible peace officer candidate until
187.10 the candidate is licensed by the board as a peace officer.

187.11 (b) The commissioner must reimburse an agency for the actual cost of educating, training,
187.12 paying, and insuring an eligible peace officer candidate up to \$50,000.

187.13 (c) The commissioner shall not award a grant under this section until the candidate has
187.14 been licensed by the board.

187.15 Subd. 4. **Eligibility for retention bonus reimbursement grant.** (a) The chief law
187.16 enforcement officer of a law enforcement agency may apply to the commissioner for a
187.17 onetime reimbursement grant for a retention bonus awarded to an eligible peace officer
187.18 candidate after the candidate has worked for a minimum of two years as a licensed peace
187.19 officer for the applicant's agency.

187.20 (b) The commissioner must reimburse an agency for the actual cost of an eligible retention
187.21 bonus up to \$10,000.

187.22 Subd. 5. **Eligibility for student loan reimbursement grant.** (a) An eligible peace officer
187.23 candidate, after serving for consecutive years as a licensed peace officer in good
187.24 standing for a law enforcement agency, may apply to the commissioner for a grant to cover
187.25 student loan debt incurred by the applicant in earning the applicant's two- or four-year
187.26 degree.

187.27 (b) The commissioner shall reimburse the applicant for the amount of the applicant's
187.28 student loan debt up to \$20,000.

187.29 Subd. 6. **Forms.** The commissioner must prepare the necessary grant application forms
187.30 and make them available on the agency's public website.

187.31 Subd. 7. **Intensive education and skills training program.** No later than February 1,
187.32 2024, the commissioner, in consultation with the executive director of the board and the
187.33 institutions designated as education providers under subdivision 8, shall develop an intensive

188.1 comprehensive law enforcement education and skills training curriculum that will provide
188.2 eligible peace officer candidates with the law enforcement education and skills training
188.3 needed to be licensed as a peace officer. The curriculum must be designed to be completed
188.4 in eight months or less and shall be offered at the institutions designated under subdivision
188.5 8. The curriculum may overlap, coincide with, or draw upon existing law enforcement
188.6 education and training programs at institutions designated as education providers under
188.7 subdivision 8. The commissioner may designate existing law enforcement education and
188.8 training programs that are designed to be completed in eight months or less as intensive
188.9 comprehensive law enforcement education and skills training programs for purposes of this
188.10 section.

188.11 Subd. 8. **Education providers; sites.** (a) No later than September 1, 2023, the Board
188.12 of Trustees of the Minnesota State Colleges and Universities shall designate at least two
188.13 regionally diverse system campuses to provide the required intensive comprehensive law
188.14 enforcement education and skills training to eligible peace officer candidates.

188.15 (b) In addition to the campuses designated under paragraph (a), the commissioner may
188.16 designate private, nonprofit postsecondary institutions to provide the required intensive
188.17 comprehensive law enforcement education and skills training to eligible peace officer
188.18 candidates.

188.19 Subd. 9. **Account established.** An intensive comprehensive peace officer education and
188.20 training program account is created in the special revenue fund for depositing money
188.21 appropriated to or received by the department for this program. Money deposited in the
188.22 account is appropriated to the commissioner, does not cancel, and is continuously available
188.23 to fund the requirements of this section.

188.24 Subd. 10. **Definitions.** (a) For purposes of this section, the following terms have the
188.25 meanings given.

188.26 (b) "Commissioner" means the commissioner of public safety.

188.27 (c) "Eligible peace officer candidate" means a person who:

188.28 (1) holds a two- or four-year degree from an accredited college or university;

188.29 (2) is a citizen of the United States;

188.30 (3) passed a thorough background check, including searches by local, state, and federal
188.31 agencies, to disclose the existence of any criminal record or conduct which would adversely
188.32 affect the candidate's performance of peace officer duties;

189.1 (4) possesses a valid Minnesota driver's license or, in case of residency therein, a valid
189.2 driver's license from another state, or eligibility to obtain either license; and

189.3 (5) is sponsored by a state or local law enforcement agency.

189.4 (d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
189.5 paragraph (f), clause (1).

189.6 (e) "Program" means the intensive comprehensive peace officer education and training
189.7 program.

189.8 Sec. 17. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to
189.9 read:

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

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

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

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

189.30 Sec. 18. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

189.31 Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement
189.32 agency, an employer shall disclose or otherwise make available for inspection employment

190.1 information of an employee or former employee who is the subject of an investigation under
190.2 subdivision 1 or who is a candidate for employment with a law enforcement agency in any
190.3 other capacity. The request for disclosure of employment information must be in writing,
190.4 must be accompanied by an ~~original~~ authorization and release signed by the employee or
190.5 former employee, and must be signed by a ~~sworn peace officer or other~~ an authorized
190.6 representative of the law enforcement agency conducting the background investigation.

190.7 Sec. 19. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

190.8 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose
190.9 employment information in accordance with this section, upon request the district court
190.10 may issue an ex parte order directing the disclosure of the employment information. The
190.11 request must be made by a ~~sworn peace officer~~ an authorized representative from the law
190.12 enforcement agency conducting the background investigation and must include a copy of
190.13 the ~~original~~ request for disclosure made upon the employer or former employer and the
190.14 authorization and release signed by the employee or former employee. The request must be
190.15 signed by the ~~peace officer~~ person requesting the order and an attorney representing the
190.16 state or the political subdivision on whose behalf the background investigation is being
190.17 conducted. It is not necessary for the request or the order to be filed with the court
190.18 administrator. Failure to comply with the court order subjects the person or entity who fails
190.19 to comply to civil or criminal contempt of court.

190.20 Sec. 20. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

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

- 190.24 (1) the candidate's full name and date of birth; and
190.25 (2) the candidate's peace officer license number, if known.

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

190.30 Sec. 21. Minnesota Statutes 2022, section 626.89, subdivision 17, is amended to read:

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

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

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

191.6 (b) A local unit of government may establish a civilian review board, commission, or
191.7 other oversight body shall not have council and grant the council the authority to make a
191.8 finding of fact or determination regarding a complaint against an officer or impose discipline
191.9 on an officer. A civilian review board, commission, or other oversight body may make a
191.10 recommendation regarding the merits of a complaint, however, the recommendation shall
191.11 be advisory only and shall not be binding on nor limit the authority of the chief law
191.12 enforcement officer of any unit of government.

191.13 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
191.14 oversight council may conduct an investigation into allegations of peace officer misconduct
191.15 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
191.16 council may subpoena or compel testimony and documents in an investigation. Upon
191.17 completion of an investigation, a council may make a finding of misconduct and recommend
191.18 appropriate discipline against peace officers employed by the agency. If the governing body
191.19 grants a council the authority, the council may impose discipline on peace officers employed
191.20 by the agency. A council may submit investigation reports that contain findings of peace
191.21 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
191.22 and Training Board's complaint committee. A council may also make policy
191.23 recommendations to the chief law enforcement officer and the Peace Officer Standards and
191.24 Training Board.

191.25 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
191.26 of a civilian oversight council shall cooperate with the council and facilitate the council's
191.27 achievement of its goals. However, the officer is under no obligation to agree with individual
191.28 recommendations of the council and may oppose a recommendation. If the officer fails to
191.29 implement a recommendation that is within the officer's authority, the officer shall inform
191.30 the council of the failure along with the officer's underlying reasons.

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

192.1 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
192.2 council related to an investigation of a peace officer are personnel data as defined by section
192.3 13.43, subdivision 1, and are governed by that section.

192.4 Sec. 22. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

193.4 Sec. 23. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

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

193.8 (1) the community agrees to be subject to liability for its torts and those of its officers,
193.9 employees, and agents acting within the scope of their employment or duties arising out of
193.10 the law enforcement agency powers conferred by this section to the same extent as a
193.11 municipality under chapter 466, and the community further agrees, notwithstanding section
193.12 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from
193.13 this liability;

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

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

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

193.23 (b) The community ~~shall~~ may enter into an agreement under section 471.59 with the
193.24 Redwood County sheriff to define and regulate the provision of law enforcement services
193.25 under this section and to provide for mutual aid and cooperation. If entered, the agreement
193.26 must identify and describe the trust property involved in the agreement. For purposes of
193.27 entering into this agreement, the community shall be considered a "governmental unit" as
193.28 that term is defined in section 471.59, subdivision 1.

193.29 Sec. 24. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

193.30 Subd. 4. **Peace officers.** If the community complies with the requirements set forth in
193.31 subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as
193.32 defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace

194.1 officers employed by the Redwood County sheriff over the persons and the geographic
194.2 areas described in subdivision 3.

194.3 Sec. 25. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

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

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

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

194.20 (3) the band files with the Board of Peace Officer Standards and Training a certificate
194.21 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits
194.22 under the United States Constitution or establishes that liability coverage exists under the
194.23 Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended
194.24 to the band pursuant to the Indian Self-Determination and Education Assistance Act of
194.25 1975, United States Code, title 25, section 450F(c); and

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

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

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

194.33 (2) the responsibilities of the county sheriffs;

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

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

195.3 Sec. 26. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

195.4 Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority
195.5 under this section with the Carlton County and St. Louis County Sheriffs' Departments over
195.6 crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by~~
195.7 ~~the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b);~~
195.8 ~~and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2,
195.9 paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision
195.10 2, paragraph (b), is entered into.

195.11 Sec. 27. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

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

195.16 Sec. 28. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

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

195.22 Sec. 29. **REPEALER.**

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

195.24 ARTICLE 12

195.25 CORRECTIONS POLICY

195.26 Section 1. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

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

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

196.3 (b) To determine the place of confinement of committed persons in a correctional facility
196.4 or other facility of the Department of Corrections and to prescribe reasonable conditions
196.5 and rules for their employment, conduct, instruction, and discipline within or outside the
196.6 facility. After July 1, 2023, the commissioner shall not allow inmates who have not been
196.7 conditionally released from prison, whether on parole, supervised release, work release, or
196.8 an early release program, to be housed in correctional facilities that are not owned and
196.9 operated by the state, a local unit of government, or a group of local units of government.
196.10 Inmates shall not exercise custodial functions or have authority over other inmates.

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

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

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

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

196.22 (g) To organize the department and employ personnel the commissioner deems necessary
196.23 to discharge the functions of the department, including a chief executive officer for each
196.24 facility under the commissioner's control who shall serve in the unclassified civil service
196.25 and may, under the provisions of section 43A.33, be removed only for cause.

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

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

197.1 (j) To publish, administer, and award grant contracts with state agencies, local units of
197.2 government, and other entities for correctional programs embodying rehabilitative concepts,
197.3 for restorative programs for crime victims and the overall community, and for implementing
197.4 legislative directives.

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

197.6 Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 1d, is amended to read:

197.7 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
197.8 facility under this section is revoked or suspended, or use of the facility is restricted for any
197.9 reason under a conditional license order, or a correction order is issued to a facility, the
197.10 commissioner shall post the facility, the status of the facility's license, and the reason for
197.11 the correction order, restriction, revocation, or suspension publicly and on the department's
197.12 website.

197.13 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

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

197.23 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

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

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

197.30 (2) renew a license under this section to operate a correctional facility for the detention
197.31 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of

198.1 Minnesota without an agreement with the entity placing the juvenile at the facility that
198.2 obligates the entity to pay the educational expenses of the juvenile.

198.3 Sec. 5. [241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON
198.4 STRIP SEARCHES AND DISCIPLINE.

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

198.7 Subd. 2. Definitions. (a) As used in this section, the following terms have the meanings
198.8 given.

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

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

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

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

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

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

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

198.22 (1) a health care professional; or

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

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

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

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

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

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

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

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

199.13 (1) how often strip searches were performed;

199.14 (2) how often juveniles were isolated;

199.15 (3) the length of each period of isolation used and, for juveniles isolated in the previous
199.16 year, the total cumulative amount of time that the juvenile was isolated that year; and

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

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

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

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

199.26 Sec. 6. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

199.27 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
199.28 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
199.29 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
199.30 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
199.31 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary

200.1 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
200.2 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
200.3 discretionary and statutory released violators and Department of Corrections' escapees and
200.4 this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit
200.5 may respond to a law enforcement agency's request to exercise general law enforcement
200.6 duties during the course of official duties by carrying out law enforcement activities at the
200.7 direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate
200.8 criminal offenses in agency-operated correctional facilities and surrounding property.

200.9 Sec. 7. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

200.10 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
200.11 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
200.12 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
200.13 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
200.14 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
200.15 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
200.16 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
200.17 subsequent investigations or law enforcement efforts being carried out by the primary
200.18 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
200.19 are not within the agency's jurisdiction must be referred to the appropriate local law
200.20 enforcement agency for further investigation or disposition.

200.21 Sec. 8. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

200.22 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
200.23 required under state law for law enforcement agencies. The fugitive apprehension unit also
200.24 must develop a policy for contacting law enforcement agencies in a city or county before
200.25 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
200.26 ~~These policies must be filed with the board of peace officers standards and training by~~
200.27 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
200.28 ten days of the effective date of the revision. The Department of Corrections shall train all
200.29 of its peace officers regarding the application of these policies.

201.1 Sec. 9. Minnesota Statutes 2022, section 241.90, is amended to read:

201.2 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
201.3 **FUNCTION.**

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

201.13 Sec. 10. **243.95 PRIVATE PRISON CONTRACTS PROHIBITED.**

201.14 (a) The commissioner may not contract with privately owned and operated prisons for
201.15 the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

201.16 (b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner
201.17 from contracting with privately owned residential facilities, such as halfway houses, group
201.18 homes, work release centers, or treatment facilities, to provide for the care, custody, and
201.19 rehabilitation of inmates who have been released from prison under section 241.26, 244.05,
201.20 244.0513, 244.065, or 244.172, or any other form of supervised or conditional release.

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

201.22 Sec. 11. **244.049 INDETERMINATE SENTENCE RELEASE BOARD.**

201.23 Subdivision 1. Establishment; membership. (a) As provided under paragraph (b) and
201.24 section 244.05, subdivision 5, the Indeterminate Sentence Release Board is established to
201.25 review eligible cases and make release and final discharge decisions for:

201.26 (1) inmates serving life sentences with the possibility of parole or supervised release
201.27 under sections 243.05, subdivision 1, and 244.05, subdivision 5; and

201.28 (2) inmates serving indeterminate sentences for crimes committed on or before April
201.29 30, 1980.

202.1 (b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge
202.2 previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph
202.3 (a), and 3; 244.08; and 609.12 is transferred to the board.

202.4 (c) The board consists of five members as follows:

202.5 (1) four members appointed by the governor from which each of the majority leaders
202.6 and minority leaders of the house of representatives and the senate provides two candidate
202.7 recommendations for consideration; and

202.8 (2) the commissioner, who serves as chair.

202.9 (d) Appointed board members must meet the following qualifications, at a minimum:

202.10 (1) a law degree or a bachelor's degree in criminology, corrections, or a related social
202.11 science;

202.12 (2) five years of experience in corrections, a criminal justice or community corrections
202.13 field, rehabilitation programming, behavioral health, or criminal law; and

202.14 (3) demonstrated knowledge of victim issues and correctional processes.

202.15 Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered
202.16 terms, but the terms of the initial members are as follows:

202.17 (1) two members must be appointed for terms that expire January 1, 2026; and

202.18 (2) two members must be appointed for terms that expire January 1, 2028.

202.19 (b) An appointed member is eligible for reappointment, and a vacancy must be filled
202.20 according to subdivision 1.

202.21 (c) For appointed members, compensation and removal are as provided in section 15.0575.

202.22 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
202.23 quorum.

202.24 (b) An appointed board member must visit at least one state correctional facility every
202.25 12 months.

202.26 (c) The commissioner must provide the board with personnel, supplies, equipment, office
202.27 space, and other administrative services necessary and incident to fulfilling the board's
202.28 functions.

202.29 Subd. 4. **Limitation.** Nothing in this section or section 244.05, subdivision 5:

203.1 (1) supersedes the commissioner's authority to set conditions of release or revoke an
203.2 inmate's release for violating any of the conditions; or

203.3 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
203.4 case.

203.5 Subd. 5. **Report.** (a) Beginning February 15, 2025, and each year thereafter, the board
203.6 must submit to the legislative committees with jurisdiction over criminal justice policy a
203.7 written report that:

203.8 (1) details the number of inmates reviewed;

203.9 (2) identifies inmates granted release or final discharge in the preceding year; and

203.10 (3) provides demographic data of inmates who were granted release or final discharge
203.11 and inmates who were denied release or final discharge.

203.12 (b) The report must also include the board's recommendations to the commissioner for
203.13 policy modifications that influence the board's duties.

203.14 Sec. 12. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

203.15 Subd. 2. **Rules.** (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause
203.16 (1), the commissioner of corrections shall ~~must~~ adopt by rule standards and procedures for
203.17 the revocation of ~~revoking~~ supervised or conditional release; and shall ~~must~~ specify the
203.18 period of revocation for each violation of release ~~except in accordance with subdivision 5,~~
203.19 paragraph (i), for inmates serving life sentences.

203.20 (b) Procedures for the revocation of ~~revoking~~ release shall ~~must~~ provide due process of
203.21 law for the inmate.

203.22 **EFFECTIVE DATE.** This section is effective July 1, 2024.

203.23 Sec. 13. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

203.24 Subd. 5. **Supervised release; life sentence and indeterminate sentences.** (a) The
203.25 commissioner of corrections ~~board~~ may, under rules ~~promulgated~~ adopted by the
203.26 commissioner, ~~give~~ grant supervised release or parole to an inmate serving a mandatory
203.27 life sentence ~~under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455,~~
203.28 ~~subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3;~~

203.29 (1) after the inmate has served the minimum term of imprisonment specified in
203.30 subdivision 4 or section 243.05, subdivision 1, paragraph (a); or

204.1 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
204.2 committed on or before April 30, 1980.

204.3 (b) No earlier than three years before an inmate reaches their minimum term of
204.4 imprisonment or parole eligibility date, the commissioner must conduct a formal review
204.5 and make programming recommendations relevant to the inmate's release review under this
204.6 subdivision.

204.7 (c) The ~~commissioner shall~~ board must require the preparation of a community
204.8 investigation report and ~~shall~~ consider the findings of the report when making a supervised
204.9 release or parole decision under this subdivision. The report ~~shall~~ must:

204.10 (1) reflect the sentiment of the various elements of the community toward the inmate,
204.11 both at the time of the offense and at the present time;

204.12 ~~The report shall~~ (2) include the views of the sentencing judge, the prosecutor, any law
204.13 enforcement personnel who may have been involved in the case, and any successors to these
204.14 individuals who may have information relevant to the supervised release decision; and

204.15 ~~The report shall also~~ (3) include the views of the victim and the victim's family unless
204.16 the victim or the victim's family chooses not to participate.

204.17 ~~(e)~~ (d) The commissioner shall must make reasonable efforts to notify the victim, in
204.18 advance, of the time and place of the inmate's supervised release review hearing. The victim
204.19 has a right to submit an oral or written statement at the review hearing. The statement may
204.20 summarize the harm suffered by the victim as a result of the crime and give the victim's
204.21 recommendation on whether the inmate should be given supervised release or parole at this
204.22 time. ~~The commissioner must consider the victim's statement when making the supervised~~
204.23 ~~release decision.~~

204.24 ~~(d)~~ (e) Supervised release or parole must be granted with a majority vote of the board
204.25 members. When considering whether to give grant supervised release or parole to an inmate
204.26 -serving a life sentence under section 609.3455, subdivision 3 or 4 or indeterminate sentence,
204.27 ~~the commissioner shall~~ board must consider, at a minimum, the following:

204.28 (1) the risk the inmate poses to the community if released;

204.29 (2) the inmate's progress in treatment;

204.30 (3) the inmate's behavior while incarcerated;

204.31 (4) psychological or other diagnostic evaluations of the inmate;

204.32 (5) the inmate's criminal history;

- 205.1 (6) a victim statement under paragraph (d), if submitted; and
- 205.2 (7) any other relevant conduct of the inmate while incarcerated or before incarceration.
- 205.3 (f) The ~~commissioner~~ board may not ~~give grant~~ supervised release or parole to the an
- 205.4 inmate unless:
- 205.5 (1) while in prison:
- 205.6 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;
- 205.7 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
- 205.8 has successfully completed substance use disorder treatment; and
- 205.9 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
- 205.10 successfully completed mental health treatment; and
- 205.11 (2) a comprehensive individual release plan is in place for the inmate that:
- 205.12 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
- 205.13 aftercare and community-based treatment. ~~The comprehensive plan also must include; and~~
- 205.14 (ii) includes a postprison employment or education plan for the inmate.
- 205.15 ~~(e)~~ (g) When granting supervised release under this subdivision, the board must set
- 205.16 prerelease conditions to be followed by the inmate before their actual release or before
- 205.17 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
- 205.18 the commissioner may rescind the grant of supervised release without a hearing at any time
- 205.19 before the inmate's release or before constructive parole becomes effective. A grant of
- 205.20 constructive parole becomes effective once the inmate begins serving the consecutive
- 205.21 sentence.
- 205.22 (h) If the commissioner rescinds a grant of supervised release or parole, the board:
- 205.23 (1) must set a release review date that occurs within 90 days of the commissioner's
- 205.24 rescission; and
- 205.25 (2) by majority vote, may set a new supervised release date or set another review date.
- 205.26 (i) If the commissioner revokes supervised release or parole for an inmate serving a life
- 205.27 sentence, the revocation is not subject to the limitations under section 244.30 and the board:
- 205.28 (1) must set a release review date that occurs within one year of the commissioner's final
- 205.29 revocation decision; and
- 205.30 (2) by majority vote, may set a new supervised release date or set another review date.

206.1 (j) The board may, by a majority vote, grant a person on supervised release or parole
206.2 for a life or indeterminate sentence a final discharge from their sentence in accordance with
206.3 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
206.4 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
206.5 that term.

206.6 ~~As used in~~ (k) For purposes of this subdivision;

206.7 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

206.8 (2) "constructive parole" means the status of an inmate who has been paroled from an
206.9 indeterminate sentence to begin serving a consecutive sentence in prison; and

206.10 (3) "victim" means ~~the~~ an individual who has directly suffered loss or harm as a result
206.11 of the from an inmate's crime or, ~~if the individual is deceased, the deceased's a murder~~
206.12 victim's surviving spouse ~~or~~, next of kin, or family kin.

206.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

206.14 Sec. 14. Minnesota Statutes 2022, section 260B.176, is amended by adding a subdivision
206.15 to read:

206.16 Subd. 1a. **Risk-assessment instrument.** (a) If a peace officer, probation officer, or
206.17 parole officer who takes a child into custody does not release the child according to
206.18 subdivision 1, the officer must communicate with or deliver the child to a juvenile secure
206.19 detention facility to determine whether the child should be released or detained.

206.20 (b) To determine whether a child should be released or detained, a facility's supervisor
206.21 must use an objective and racially, ethnically, and gender-responsive juvenile detention
206.22 risk-assessment instrument developed by the commissioner of corrections, county, group
206.23 of counties, or judicial district, in consultation with the state coordinator or coordinators of
206.24 the Minnesota Juvenile Detention Alternative Initiative.

206.25 (c) The risk-assessment instrument must:

206.26 (1) assess the likelihood that a child released from preadjudication detention under this
206.27 section or section 260B.178 would endanger others or not return for a court hearing;

206.28 (2) identify the appropriate setting for a child who might endanger others or not return
206.29 for a court hearing pending adjudication, with either continued detention or placement in a
206.30 noncustodial community-based supervision setting; and

207.1 (3) identify the type of noncustodial community-based supervision setting necessary to
207.2 minimize the risk that a child who is released from custody will endanger others or not
207.3 return for a court hearing.

207.4 (d) If, after using the instrument, a determination is made that the child should be released,
207.5 the person taking the child into custody or the facility supervisor must release the child
207.6 according to subdivision 1.

207.7 **EFFECTIVE DATE.** This section is effective August 15, 2023.

207.8 Sec. 15. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

207.9 Subdivision 1. **Placement prohibited.** After August 1, 2023, a sheriff shall not allow
207.10 inmates committed to the custody of the sheriff who are not on probation, work release, or
207.11 some other form of approved release status to be housed in facilities that are not owned and
207.12 operated by a local government, or a group of local units of government.

207.13 Subd. 2. **Contracts prohibited.** (a) Except as provided in paragraph (b), the county
207.14 board may not authorize the sheriff to contract with privately owned and operated prisons
207.15 for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

207.16 (b) Nothing in this section prohibits a county board from contracting with privately
207.17 owned residential facilities, such as halfway houses, group homes, work release centers, or
207.18 treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are
207.19 on probation, work release, or some other form of approved release status.

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

207.21 Sec. 16. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:

207.22 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
207.23 pay the costs of medical services provided to prisoners pursuant to this section. The amount
207.24 paid by the county board for a medical service shall not exceed the maximum allowed
207.25 medical assistance payment rate for the service, as determined by the commissioner of
207.26 human services. In the absence of a health or medical insurance or health plan that has a
207.27 contractual obligation with the provider or the prisoner, medical providers shall charge no
207.28 higher than the rate negotiated between the county and the provider. In the absence of an
207.29 agreement between the county and the provider, the provider may not charge an amount
207.30 that exceeds the maximum allowed medical assistance payment rate for the service, as
207.31 determined by the commissioner of human services. The county is entitled to reimbursement
207.32 from the prisoner for payment of medical bills to the extent that the prisoner to whom the

208.1 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
208.2 incur co-payment obligations for health care services provided by a county correctional
208.3 facility. The county board shall determine the co-payment amount. Notwithstanding any
208.4 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
208.5 by the county, to the extent possible. If there is a disagreement between the county and a
208.6 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
208.7 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
208.8 If a prisoner is covered by health or medical insurance or other health plan when medical
208.9 services are provided, the medical provider shall bill that health or medical insurance or
208.10 other plan. If the county providing the medical services for a prisoner that has coverage
208.11 under health or medical insurance or other plan, that county has a right of subrogation to
208.12 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
208.13 prisoner that are covered by the policy of insurance or health plan, in accordance with the
208.14 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
208.15 health plan. The county may maintain an action to enforce this subrogation right. The county
208.16 does not have a right of subrogation against the medical assistance program. The county
208.17 shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline,
208.18 a mental health provider, or calls for the purpose of providing case management or mental
208.19 health services as defined in section 245.462 to prisoners.

208.20 Sec. 17. Minnesota Statutes 2022, section 641.155, is amended to read:

208.21 **~~641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT~~**
208.22 **~~MENTAL ILLNESS.~~**

208.23 Subdivision 1. **Discharge plans.** The commissioner of corrections shall develop and
208.24 distribute a model discharge planning process for every offender with a serious and persistent
208.25 mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been
208.26 convicted and sentenced to serve three or more months and is being released from a county
208.27 jail or county regional jail. The commissioner may specify different model discharge plans
208.28 for prisoners who have been detained pretrial and prisoners who have been sentenced to
208.29 jail. The commissioner must consult best practices and the most current correctional health
208.30 care standards from national accrediting organizations. The commissioner must review and
208.31 update the model process as needed.

208.32 Subd. 2. **Discharge plans for people with serious and persistent mental illnesses.** An
208.33 offender A person with a serious and persistent mental illness, as defined in section 245.462,
208.34 subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more

209.1 months and is being released from a county jail or county regional jail shall be referred to
209.2 the appropriate staff in the county human services department at least 60 days before being
209.3 released. The county human services department ~~may carry out provisions of the model~~
209.4 ~~discharge planning process such as~~ must complete a discharge plan with the prisoner no
209.5 less than 14 days before release that may include:

209.6 (1) providing assistance in filling out an application for medical assistance or
209.7 MinnesotaCare;

209.8 (2) making a referral for case management as outlined under section 245.467, subdivision
209.9 4;

209.10 (3) providing assistance in obtaining a state photo identification;

209.11 (4) securing a timely appointment with a psychiatrist or other appropriate community
209.12 mental health providers; and

209.13 (5) providing prescriptions for a 30-day supply of all necessary medications.

209.14 Subd. 3. Reentry coordination programs. (a) A county may establish a program to
209.15 provide services and assist prisoners with reentering the community. Reentry services may
209.16 include but are not limited to:

209.17 (1) providing assistance in meeting the basic needs of the prisoner immediately after
209.18 release including but not limited to provisions for transportation, clothing, food, and shelter;

209.19 (2) providing assistance in filling out an application for medical assistance or
209.20 MinnesotaCare;

209.21 (3) providing assistance in obtaining a state photo identification;

209.22 (4) providing assistance in obtaining prescriptions for all necessary medications;

209.23 (5) coordinating services with the local county services agency or the social services
209.24 agency in the county where the prisoner is a resident; and

209.25 (6) coordinating services with a community mental health or substance use disorder
209.26 provider.

209.27 Sec. 18. MENTAL HEALTH UNIT PILOT PROGRAM.

209.28 (a) The commissioner of corrections shall establish a pilot program with interested
209.29 counties to provide mental health care to individuals with serious and persistent mental
209.30 illness who are incarcerated in county jails. The pilot program must require the participating
209.31 counties to pay according to Minnesota Statutes, section 243.51, a per diem for

210.1 reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park
210.2 Heights, and other costs incurred by the Department of Corrections.

210.3 (b) The commissioner in consultation with the Minnesota Sheriffs' Association shall
210.4 develop program protocols, guidelines, and procedures and qualifications for participating
210.5 counties and incarcerated individuals to be treated in the Mental Health Unit. The program
210.6 is limited to a total of five incarcerated individuals from the participating counties at any
210.7 one time. Incarcerated individuals must volunteer to be treated in the unit and be able to
210.8 participate in programming with other incarcerated individuals.

210.9 (c) The Minnesota Correctional Facility - Oak Park Heights warden, director of
210.10 psychology, and associate director of behavioral health, or a designee of each, in consultation
210.11 with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association
210.12 on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

210.13 (d) On November 15, 2024, the warden shall submit a report to the chairs and ranking
210.14 minority members of the legislative committees and divisions with jurisdiction over
210.15 corrections describing the protocols, guidelines, and procedures for participation in the pilot
210.16 program by counties and incarcerated individuals, challenges with staffing, cost sharing
210.17 with counties, capacity of the program, services provided to the incarcerated individuals,
210.18 program outcomes, concerns regarding the program, and recommendations for the viability
210.19 of a long-term program.

210.20 (e) The pilot program expires November 16, 2024.

210.21 **Sec. 19. REVISED FACILITY PLANS.**

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

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

210.28 **Sec. 20. RULEMAKING.**

210.29 (a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to
210.30 enforce the requirements under Minnesota Statutes, section 241.0215, including but not
210.31 limited to training, facility audits, strip searches, disciplinary room time, time-outs, and

211.1 seclusion. The commissioner may amend the rules to make technical changes and ensure
211.2 consistency with Minnesota Statutes, section 241.0215.

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

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

211.8 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
211.9 60, or any other law to the contrary, the joint rulemaking authority with the commissioner
211.10 of human services does not apply to rule amendments applicable only to the Department of
211.11 Corrections. A rule that is amending jointly administered rule parts must be related to
211.12 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be
211.13 necessary for consistency with this section.

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

211.15 Sec. 21. **REGIONAL AND COUNTY JAILS; STUDY AND REPORT.**

211.16 Subdivision 1. **Study.** The commissioner of corrections must study and make
211.17 recommendations on the consolidation or merger of county jails and alternatives to
211.18 incarceration for persons experiencing mental health disorders. The commissioner must
211.19 engage and solicit feedback from citizens who live in communities served by facilities that
211.20 may be impacted by the commissioner's recommendations for the consolidation or merger
211.21 of jails. The commissioner must consult with the following individuals on the study and
211.22 recommendations:

211.23 (1) county sheriffs;

211.24 (2) county and city attorneys who prosecute offenders;

211.25 (3) chief law enforcement officers;

211.26 (4) administrators of county jail facilities; and

211.27 (5) district court administrators.

211.28 Each party receiving a request for information from the commissioner under this section
211.29 shall provide the requested information in a timely manner.

211.30 Subd. 2. **Report.** The commissioner of corrections must file a report with the chairs and
211.31 ranking minority members of the senate and house of representatives committees and
211.32 divisions with jurisdiction over public safety and capital investment on the study and

- 212.1 recommendations under subdivision 1 on or before December 1, 2024. The report must, at
- 212.2 a minimum, provide the following information:
- 212.3 (1) the daily average number of offenders incarcerated in each county jail facility:
- 212.4 (i) who are in pretrial detention;
- 212.5 (ii) who cannot afford to pay bail;
- 212.6 (iii) for failure to pay fines and fees;
- 212.7 (iv) for offenses that stem from controlled substance addiction or mental health disorders;
- 212.8 (v) for nonfelony offenses;
- 212.9 (vi) who are detained pursuant to contracts with other authorities; and
- 212.10 (vii) for supervised release and probation violations;
- 212.11 (2) the actual cost of building a new jail facility, purchasing another facility, or repairing
- 212.12 a current facility;
- 212.13 (3) the age of current jail facilities;
- 212.14 (4) county population totals and trends;
- 212.15 (5) county crime rates and trends;
- 212.16 (6) the proximity of current jails to courthouses, probation services, social services,
- 212.17 treatment providers, and work-release employment opportunities;
- 212.18 (7) specific recommendations for alternatives to incarceration for persons experiencing
- 212.19 mental health disorders; and
- 212.20 (8) specific recommendations on the consolidation or merger of county jail facilities
- 212.21 and operations, including:
- 212.22 (i) where consolidated facilities should be located;
- 212.23 (ii) which counties are best suited for consolidation;
- 212.24 (iii) the projected costs of construction, renovation, or purchase of the facility; and
- 212.25 (iv) the projected cost of operating the facility.
- 212.26 Subd. 3. **Evaluation.** The commissioner, in consultation with the commissioner of
- 212.27 management and budget, must evaluate the need of any capital improvement project that
- 212.28 requests an appropriation of state capital budget money during an odd-numbered year to
- 212.29 construct a jail facility or for capital improvements to expand the number of incarcerated

213.1 offenders at an existing jail facility. The commissioner shall use the report under subdivision
213.2 2 to inform the evaluation. The commissioner must submit all evaluations under this
213.3 subdivision by January 15 of each even-numbered year to the chairs and ranking minority
213.4 members of the senate and house of representatives committees and divisions with jurisdiction
213.5 over public safety and capital investment on the study and recommendations under this
213.6 subdivision.

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

213.8 Sec. 22. **INDETERMINATE SENTENCE RELEASE BOARD.**

213.9 Notwithstanding Minnesota Statutes, section 244.049, subdivision 1, paragraph (a), the
213.10 Indeterminate Sentence Release Board may not begin to review eligible cases and make
213.11 release and final discharge decisions until July 1, 2024.

213.12 Sec. 23. **REVISOR INSTRUCTION.**

213.13 When necessary to reflect the transfer under Minnesota Statutes, section 244.049,
213.14 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner
213.15 of corrections" to "Indeterminate Sentence Release Board" or "board" in Minnesota Statutes,
213.16 sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12, and make any
213.17 other necessary grammatical changes.

213.18 **EFFECTIVE DATE.** This section is effective July 1, 2024.

213.19 **ARTICLE 13**
213.20 **MINNESOTA REHABILITATION AND REINVESTMENT ACT**

213.21 Section 1. Minnesota Statutes 2022, section 244.03, is amended to read:

213.22 **244.03 REHABILITATIVE PROGRAMS.**

213.23 Subdivision 1. **Commissioner responsibility.** (a) For individuals committed to the
213.24 commissioner's authority, the commissioner shall provide appropriate mental health programs
213.25 and vocational and educational programs with employment-related goals for inmates. The
213.26 selection, design and implementation of programs under this section shall be the sole
213.27 responsibility of the commissioner, acting within the limitations imposed by the funds
213.28 appropriated for such programs. must develop, implement, and provide, as appropriate:

213.29 (1) substance use disorder treatment programs;

213.30 (2) sexual offender treatment programming;

214.1 (3) domestic abuse programming;

214.2 (4) medical and mental health services;

214.3 (5) spiritual and faith-based programming;

214.4 (6) culturally responsive programming;

214.5 (7) vocational, employment and career, and educational programming; and

214.6 (8) other rehabilitative programs.

214.7 (b) While evidence-based programs must be prioritized, selecting, designing, and
214.8 implementing programs under this section are the sole responsibility of the commissioner,
214.9 acting within the limitations imposed by the funds appropriated for the programs under this
214.10 section.

214.11 Subd. 2. Challenge prohibited. No action challenging the level of expenditures for
214.12 rehabilitative programs authorized under this section, nor any action challenging the selection,
214.13 design, or implementation of these programs, including employee assignments, may be
214.14 maintained by an inmate in any court in this state.

214.15 Subd. 3. Disciplinary sanctions. The commissioner may impose disciplinary sanctions
214.16 ~~upon~~ on any inmate who refuses to participate in rehabilitative programs.

214.17 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

214.18 Subd. 1b. **Supervised release; offenders inmates who commit crimes on or after**
214.19 **August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to
214.20 prison for a felony offense committed on or after August 1, 1993, shall serve a supervised
214.21 release term upon completion of the inmate's term of imprisonment and any disciplinary
214.22 confinement period imposed by the commissioner due to the inmate's violation of any
214.23 disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative
214.24 program required under section 244.03. The amount of time the inmate serves on supervised
214.25 release ~~shall be~~ is equal in length to the amount of time remaining in to one-third of the
214.26 inmate's fixed executed sentence ~~after the inmate has served the term of imprisonment and~~
214.27 ~~any disciplinary confinement period imposed by the commissioner, less any disciplinary~~
214.28 confinement period imposed by the commissioner and regardless of any earned incentive
214.29 release credit applied toward the individual's term of imprisonment under section 244.44.

214.30 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
214.31 program as required under section 244.03 shall be placed on supervised release until the
214.32 inmate has served the disciplinary confinement period for that disciplinary sanction or until

215.1 the inmate is discharged or released from punitive ~~segregation~~ restrictive-housing
215.2 confinement, whichever is later. The imposition of a disciplinary confinement period shall
215.3 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
215.4 imposing the disciplinary confinement period and the rights of the inmate in the procedure
215.5 shall be those in effect for the imposition of other disciplinary sanctions at each state
215.6 correctional institution.

215.7 (c) For purposes of this subdivision, "earned incentive release credit" has the meaning
215.8 given in section 244.41, subdivision 7.

215.9 **Sec. 3. [244.40] MINNESOTA REHABILITATION AND REINVESTMENT ACT.**

215.10 Sections 244.40 to 244.51 may be cited as the "Minnesota Rehabilitation and
215.11 Reinvestment Act."

215.12 **Sec. 4. [244.41] DEFINITIONS.**

215.13 Subdivision 1. **Scope.** For purposes of the act, the terms defined in this section have the
215.14 meanings given.

215.15 Subd. 2. **Act.** "Act" means the Minnesota Rehabilitation and Reinvestment Act.

215.16 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections.

215.17 Subd. 4. **Correctional facility.** "Correctional facility" means a state facility under the
215.18 direct operational authority of the commissioner but does not include a commissioner-licensed
215.19 local detention facility.

215.20 Subd. 5. **Direct-cost per diem.** "Direct-cost per diem" means the actual nonsalary
215.21 expenditures, including encumbrances as of July 31 following the end of the fiscal year,
215.22 from the Department of Corrections expense budgets for food preparation; food provisions;
215.23 personal support for incarcerated persons, including clothing, linen, and other personal
215.24 supplies; transportation; and professional technical contracted health care services.

215.25 Subd. 6. **Earned compliance credit.** "Earned compliance credit" means a one-month
215.26 reduction from the period during active supervision of the supervised release term for every
215.27 two months that a supervised individual exhibits compliance with the conditions and goals
215.28 of the individual's supervision plan.

215.29 Subd. 7. **Earned incentive release credit.** "Earned incentive release credit" means credit
215.30 that is earned and included in calculating an incarcerated person's term of imprisonment for

216.1 completing objectives established by their individualized rehabilitation plan under section
216.2 244.42.

216.3 Subd. 8. **Earned incentive release savings.** "Earned incentive release savings" means
216.4 the calculation of the direct-cost per diem multiplied by the number of incarcerated days
216.5 saved for the period of one fiscal year.

216.6 Subd. 9. **Executed sentence.** "Executed sentence" means the total period for which an
216.7 incarcerated person is committed to the custody of the commissioner.

216.8 Subd. 10. **Incarcerated days saved.** "Incarcerated days saved" means the number of
216.9 days of an incarcerated person's original term of imprisonment minus the number of actual
216.10 days served, excluding days not served due to death or as a result of time earned in the
216.11 challenge incarceration program under sections 244.17 to 244.173.

216.12 Subd. 11. **Incarcerated person.** "Incarcerated person" has the meaning given "inmate"
216.13 in section 244.01, subdivision 2.

216.14 Subd. 12. **Supervised release.** "Supervised release" means the release of an incarcerated
216.15 person according to section 244.05.

216.16 Subd. 13. **Supervised release term.** "Supervised release term" means the period equal
216.17 to one-third of the individual's fixed executed sentence, less any disciplinary confinement
216.18 period or punitive restrictive-housing confinement imposed under section 244.05, subdivision
216.19 1b.

216.20 Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end
216.21 to active correctional supervision of a supervised individual without effect on the legal
216.22 expiration date of the individual's executed sentence less any earned incentive release credit.

216.23 Subd. 15. **Term of imprisonment.** "Term of imprisonment" has the meaning given in
216.24 section 244.01, subdivision 8.

216.25 Sec. 5. **[244.42] COMPREHENSIVE ASSESSMENT AND INDIVIDUALIZED**
216.26 **REHABILITATION PLAN REQUIRED.**

216.27 Subdivision 1. **Comprehensive assessment.** (a) The commissioner must develop a
216.28 comprehensive assessment process for each person who:

216.29 (1) is committed to the commissioner's custody and confined in a state correctional
216.30 facility on or after January 1, 2025; and

216.31 (2) has 365 or more days remaining until the person's scheduled supervised release date
216.32 or parole eligibility date.

217.1 (b) As part of the assessment process, the commissioner must take into account
217.2 appropriate rehabilitative programs under section 244.03.

217.3 Subd. 2. **Individualized rehabilitation plan.** After completing the assessment process,
217.4 the commissioner must ensure the development of an individualized rehabilitation plan,
217.5 along with identified goals, for every person committed to the commissioner's custody. The
217.6 individualized rehabilitation plan must be holistic in nature by identifying intended outcomes
217.7 for addressing:

217.8 (1) the incarcerated person's needs and risk factors;

217.9 (2) the person's identified strengths; and

217.10 (3) available and needed community supports, including victim safety considerations
217.11 as required under section 244.47, if applicable.

217.12 Subd. 3. **Victim input.** (a) If an individual is committed to the commissioner's custody
217.13 for a crime listed in section 609.02, subdivision 16, the commissioner must make reasonable
217.14 efforts to notify a victim of the opportunity to provide input during the assessment and
217.15 rehabilitation plan process. Victim input may include:

217.16 (1) a summary of victim concerns relative to release;

217.17 (2) concerns related to victim safety during the committed individual's term of
217.18 imprisonment; or

217.19 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
217.20 or supervised release.

217.21 (b) The commissioner must consider all victim input statements when developing an
217.22 individualized rehabilitation plan and establishing conditions governing confinement or
217.23 release.

217.24 Subd. 4. **Transition and release plan.** For an incarcerated person with less than 365
217.25 days remaining until the person's supervised release date, the commissioner, in consultation
217.26 with the incarcerated person, must develop a transition and release plan.

217.27 Subd. 5. **Scope of act.** This act is separate and distinct from other legislatively authorized
217.28 release programs, including the challenge incarceration program, work release, conditional
217.29 medical release, or the program for the conditional release of nonviolent controlled substance
217.30 offenders.

218.1 Sec. 6. [244.43] EARNED INCENTIVE RELEASE CREDIT.

218.2 Subdivision 1. Policy for earned incentive release credit; stakeholder consultation. (a)

218.3 To encourage and support rehabilitation when consistent with the public interest and public
218.4 safety, the commissioner must establish a policy providing for earned incentive release
218.5 credit as a part of the term of imprisonment. The policy must be established in consultation
218.6 with the following organizations:

218.7 (1) Minnesota County Attorneys Association;

218.8 (2) Minnesota Board of Public Defense;

218.9 (3) Minnesota Association of Community Corrections Act Counties;

218.10 (4) Minnesota Indian Women's Sexual Assault Coalition;

218.11 (5) Violence Free Minnesota;

218.12 (6) Minnesota Coalition Against Sexual Assault;

218.13 (7) Minnesota Alliance on Crime;

218.14 (8) Minnesota Sheriffs' Association;

218.15 (9) Minnesota Chiefs of Police Association;

218.16 (10) Minnesota Police and Peace Officers Association; and

218.17 (11) faith-based organizations that reflect the demographics of the incarcerated population.

218.18 (b) The policy must:

218.19 (1) provide circumstances upon which an incarcerated person may receive earned
218.20 incentive release credits, including participation in rehabilitative programming under section
218.21 244.03; and

218.22 (2) address circumstances where:

218.23 (i) the capacity to provide rehabilitative programming in the correctional facility is
218.24 diminished but the programming is available in the community; and

218.25 (ii) the conditions under which the incarcerated person could be released to the
218.26 community-based resource but remain subject to commitment to the commissioner and
218.27 could be considered for earned incentive release credit.

218.28 Subd. 2. Policy on disparities. The commissioner must develop a policy establishing a
218.29 process for assessing and addressing any systemic and programmatic gender and racial
218.30 disparities that may be identified when awarding earned incentive release credits.

219.1 **Sec. 7. [244.44] APPLYING EARNED INCENTIVE RELEASE CREDIT.**

219.2 Earned incentive release credits are included in calculating the term of imprisonment
219.3 but are not added to the person's supervised release term, the total length of which remains
219.4 unchanged. The maximum amount of earned incentive release credit that can be earned and
219.5 subtracted from the term of imprisonment is 17 percent of the total executed sentence.
219.6 Earned credit cannot reduce the term of imprisonment to less than one-half of the incarcerated
219.7 person's executed sentence. Once earned, earned incentive release credits are nonrevocable.

219.8 **Sec. 8. [244.45] INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.**

219.9 The following individuals are ineligible for earned incentive release credit:

219.10 (1) those serving life sentences;

219.11 (2) those given indeterminate sentences for crimes committed on or before April 30,
219.12 1980; or

219.13 (3) those subject to good time under section 244.04 or similar laws.

219.14 **Sec. 9. [244.46] EARNED COMPLIANCE CREDIT AND SUPERVISION**

219.15 **ABATEMENT STATUS.**

219.16 Subdivision 1. **Adopting policy for earned compliance credit; supervision abatement**
219.17 **status.** (a) The commissioner must adopt a policy providing for earned compliance credit.

219.18 (b) Except as otherwise provided in the act, once the time served on active supervision
219.19 plus earned compliance credits equals the total length of the supervised release term, the
219.20 commissioner must place the individual on supervision abatement status for the remainder
219.21 of the supervised release term.

219.22 Subd. 2. **Violating conditions of release; commissioner action.** If an individual violates
219.23 the conditions of release while on supervision abatement status, the commissioner may:

219.24 (1) return the individual to active supervision for the remainder of the supervised release
219.25 term, with or without modifying the conditions of release; or

219.26 (2) revoke the individual's supervised release in accordance with section 244.05,
219.27 subdivision 3.

219.28 Subd. 3. **Supervision abatement status; requirements.** A person who is placed on
219.29 supervision abatement status under this section must not be required to regularly report to
219.30 a supervised release agent or pay a supervision fee but must continue to:

- 220.1 (1) obey all laws;
220.2 (2) report any new criminal charges; and
220.3 (3) abide by section 243.1605 before seeking written authorization to relocate to another
220.4 state.

220.5 Subd. 4. **Applicability.** This section does not apply to individuals:

- 220.6 (1) serving life sentences;
220.7 (2) given indeterminate sentences for crimes committed on or before April 30, 1980; or
220.8 (3) subject to good time under section 244.04 or similar laws.

220.9 Sec. 10. **[244.47] VICTIM INPUT.**

220.10 Subdivision 1. **Notifying victim; victim input.** (a) If an individual is committed to the
220.11 custody of the commissioner for a crime listed in section 609.02, subdivision 16, and is
220.12 eligible for earned incentive release credit, the commissioner must make reasonable efforts
220.13 to notify the victim that the committed individual is eligible for earned incentive release
220.14 credit.

220.15 (b) Victim input may include:

- 220.16 (1) a summary of victim concerns relative to eligibility of earned incentive release credit;
220.17 (2) concerns related to victim safety during the committed individual's term of
220.18 imprisonment; or
220.19 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
220.20 or supervised release.

220.21 Subd. 2. **Victim input statements.** The commissioner must consider victim input
220.22 statements when establishing requirements governing conditions of release. The
220.23 commissioner must provide the name and telephone number of the local victim agency
220.24 serving the jurisdiction of release to any victim providing input on earned incentive release
220.25 credit.

220.26 Sec. 11. **[244.48] VICTIM NOTIFICATION.**

220.27 Nothing in this act limits any victim notification obligations of the commissioner required
220.28 by statute related to a change in custody status, committing offense, end-of-confinement
220.29 review, or notification registration.

221.1 **Sec. 12. [244.49] INTERSTATE COMPACT.**

221.2 (a) This section applies to a person serving a Minnesota sentence while being supervised
221.3 in another state according to the Interstate Compact for Adult Supervision.

221.4 (b) As may be allowed under section 243.1605, a person may be eligible for supervision
221.5 abatement status according to the act only if they meet eligibility criteria for earned
221.6 compliance credit as established under section 244.46.

221.7 **Sec. 13. [244.50] REALLOCATING EARNED INCENTIVE RELEASE SAVINGS.**

221.8 Subdivision 1. **Establishing reallocation revenue account.** The reallocation of earned
221.9 incentive release savings account is established in the special revenue fund in the state
221.10 treasury. Funds in the account are appropriated to the commissioner and must be expended
221.11 in accordance with the allocation established in subdivision 4 after the requirements of
221.12 subdivision 2 are met. Funds in the account are available until expended.

221.13 Subd. 2. **Certifying earned incentive release savings.** On or before the final closeout
221.14 date of each fiscal year, the commissioner must certify to Minnesota Management and
221.15 Budget the earned incentive release savings from the previous fiscal year. The commissioner
221.16 must provide the detailed calculation substantiating the savings amount, including
221.17 accounting-system-generated data where possible, supporting the direct-cost per diem and
221.18 the incarcerated days saved.

221.19 Subd. 3. **Savings to be transferred to reallocation revenue account.** After the
221.20 certification in subdivision 2 is completed, the commissioner must transfer funds from the
221.21 appropriation from which the savings occurred to the reallocation revenue account according
221.22 to the allocation in subdivision 4. Transfers must occur by September 1 each year.

221.23 Subd. 4. **Distributing reallocation funds.** The commissioner must distribute funds as
221.24 follows:

221.25 (1) 25 percent must be transferred to the Office of Justice Programs in the Department
221.26 of Public Safety for crime victim services;

221.27 (2) 25 percent must be transferred to the Community Corrections Act subsidy
221.28 appropriation and to the Department of Corrections for supervised release and intensive
221.29 supervision services, based upon a three-year average of the release jurisdiction of supervised
221.30 releasees and intensive supervised releasees across the state;

221.31 (3) 25 percent must be transferred to the Department of Corrections for:

222.1 (i) grants to develop and invest in community-based services that support the identified
222.2 needs of correctionally involved individuals or individuals at risk of becoming involved in
222.3 the criminal justice system; and

222.4 (ii) sustaining the operation of evidence-based programming in state and local correctional
222.5 facilities; and

222.6 (4) 25 percent must be transferred to the general fund.

222.7 **Sec. 14. [244.51] REPORTING REQUIRED.**

222.8 Subdivision 1. Annual report required. (a) Beginning January 15, 2026, and by January
222.9 15 each year thereafter for ten years, the commissioner must provide a report to the chairs
222.10 and ranking minority members of the house of representatives and senate committees and
222.11 divisions with jurisdiction over public safety and judiciary.

222.12 (b) For the 2026 report, the commissioner must report on implementing the requirements
222.13 in this act. Starting with the 2027 report, the commissioner must report on the status of the
222.14 requirements in this act for the previous fiscal year.

222.15 (c) Each report must be provided to the sitting president of the Minnesota Association
222.16 of Community Corrections Act Counties and the executive directors of the Minnesota
222.17 Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition,
222.18 the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against
222.19 Sexual Assault, and the Minnesota County Attorneys Association.

222.20 (d) The report must include but not be limited to:

222.21 (1) a qualitative description of policy development; implementation status; identified
222.22 implementation or operational challenges; strategies identified to mitigate and ensure that
222.23 the act does not create or exacerbate gender, racial, and ethnic disparities; and proposed
222.24 mechanisms for projecting future savings and reallocation of savings;

222.25 (2) the number of persons who were granted earned incentive release credit, the total
222.26 number of days of incentive release earned, a summary of committing offenses for those
222.27 persons who earned incentive release credit, a summary of earned incentive release savings,
222.28 and the demographic data for all persons eligible for earned incentive release credit and the
222.29 reasons and demographic data of those eligible persons for whom earned incentive release
222.30 credit was unearned or denied;

222.31 (3) the number of persons who earned supervision abatement status, the total number
222.32 of days of supervision abatement earned, the committing offenses for those persons granted

223.1 supervision abatement status, the number of revocations for reoffense while on supervision
223.2 abatement status, and the demographic data for all persons eligible for, considered for,
223.3 granted, or denied supervision abatement status and the reasons supervision abatement status
223.4 was unearned or denied;

223.5 (4) the number of persons deemed ineligible to receive earned incentive release credits
223.6 and supervise abatement and the demographic data for the persons; and

223.7 (5) the number of victims who submitted input, the number of referrals to local
223.8 victim-serving agencies, and a summary of the kinds of victim services requested.

223.9 Subd. 2. **Soliciting feedback.** (a) The commissioner must solicit feedback on
223.10 victim-related operational concerns from the Minnesota Indian Women's Sexual Assault
223.11 Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and
223.12 Violence Free Minnesota.

223.13 (b) The feedback should relate to applying earned incentive release credit and supervision
223.14 abatement status options. A summary of the feedback from the organizations must be
223.15 included in the annual report.

223.16 Subd. 3. **Evaluating earned incentive release credit and act.** The commissioner must
223.17 direct the Department of Corrections' research unit to regularly evaluate earned incentive
223.18 release credits and other provisions of the act. The findings must be published on the
223.19 Department of Corrections' website and in the annual report.

223.20 Sec. 15. **EFFECTIVE DATE.**

223.21 Sections 1 to 14 are effective August 1, 2023.

ARTICLE 14

FIREARMS BACKGROUND CHECKS

223.24 Section 1. Minnesota Statutes 2022, section 624.7131, subdivision 4, is amended to read:

223.25 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
223.26 sheriff ~~that~~ shall refuse to grant a transferee permit if the applicant is: (1) prohibited by
223.27 ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style
223.28 assault weapon ~~shall be the only basis for refusal to grant a transferee permit;~~ (2) determined
223.29 to be a danger to self or the public when in possession of firearms under paragraph (b); or
223.30 (3) listed in the criminal gang investigative data system under section 299C.091.

224.1 (b) A chief of police or sheriff shall refuse to grant a permit to a person if there exists a
224.2 substantial likelihood that the applicant is a danger to self or the public when in possession
224.3 of a firearm. To deny the application pursuant to paragraph (a), clause (2), the chief of police
224.4 or sheriff must provide the applicant with written notification and the specific factual basis
224.5 justifying the denial, including the source of the factual basis. The chief of police or sheriff
224.6 must inform the applicant of the applicant's right to submit, within 20 business days, any
224.7 additional documentation relating to the propriety of the denial. Upon receiving any additional
224.8 documentation, the chief of police or sheriff must reconsider the denial and inform the
224.9 applicant within 15 business days of the result of the reconsideration. Any denial after
224.10 reconsideration must be in the same form and substance as the original denial and must
224.11 specifically address any continued deficiencies in light of the additional documentation
224.12 submitted by the applicant. The applicant must be informed of the right to seek de novo
224.13 review of the denial as provided in subdivision 8.

224.14 (c) A person is not eligible to submit a permit application under this section if the person
224.15 has had an application denied pursuant to paragraph (b) and less than six months have
224.16 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
224.17 whichever is later.

224.18 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
224.19 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
224.20 joint jurisdiction over the proposed transferee's residence.

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

224.23 Sec. 2. Minnesota Statutes 2022, section 624.7131, subdivision 5, is amended to read:

224.24 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
224.25 permit or deny the application within ~~seven~~ 30 days of application for the permit.

224.26 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
224.27 written notification of a denial and the specific reason for the denial.

224.28 (c) The permits and their renewal shall be granted free of charge.

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

225.1 Sec. 3. Minnesota Statutes 2022, section 624.7131, subdivision 7, is amended to read:

225.2 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
225.3 that the holder becomes prohibited from possessing or receiving a pistol under section
225.4 624.713, in which event the holder shall return the permit within five days to the issuing
225.5 authority. If the chief law enforcement officer who issued the permit has knowledge that
225.6 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
225.7 revoke the permit and give notice to the holder in writing. Failure of the holder to return
225.8 the permit within the five days of learning that the permit is void or revoked is a gross
225.9 misdemeanor unless the court finds that the circumstances or the physical or mental condition
225.10 of the permit holder prevented the holder from complying with the return requirement.

225.11 (b) When a permit holder receives a court disposition that prohibits the permit holder
225.12 from possessing a firearm, the court must take possession of the permit, if it is available,
225.13 and send it to the issuing law enforcement agency. If the permit holder does not have the
225.14 permit when the court imposes a firearm prohibition, the permit holder must surrender the
225.15 permit to the assigned probation officer, if applicable. When a probation officer is assigned
225.16 upon disposition of the case, the court shall inform the probation agent of the permit holder's
225.17 obligation to surrender the permit. Upon surrender, the probation officer must send the
225.18 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
225.19 permit holder, the holder shall surrender the permit as provided in paragraph (a).

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

225.22 Sec. 4. Minnesota Statutes 2022, section 624.7131, subdivision 8, is amended to read:

225.23 Subd. 8. **Hearing upon denial.** (a) Any person aggrieved by denial of a transferee permit
225.24 may appeal the denial to the district court having jurisdiction over the county or municipality
225.25 in which the denial occurred. by petition to the district court having jurisdiction over the
225.26 county or municipality where the application was submitted. The petition must list the
225.27 applicable chief of police or sheriff as the respondent. The district court must hold a hearing
225.28 at the earliest practicable date and in any event no later than 60 days following the filing of
225.29 the petition for review. The court may not grant or deny any relief before the completion
225.30 of the hearing. The record of the hearing must be sealed. The matter must be heard de novo
225.31 without a jury.

225.32 (b) The court must issue written findings of fact and conclusions of law regarding the
225.33 issues submitted by the parties. The court must issue its writ of mandamus directing that

226.1 the permit be issued and order other appropriate relief unless the chief of police or sheriff
226.2 establishes by clear and convincing evidence that:

226.3 (1) the applicant is disqualified from possessing a firearm under state or federal law;

226.4 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
226.5 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
226.6 investigated and documented may not be considered; or

226.7 (3) the applicant is listed in the criminal gang investigative data system under section
226.8 299C.091.

226.9 (c) If an application is denied because the proposed transferee is listed in the criminal
226.10 gang investigative data system under section 299C.091, the applicant may challenge the
226.11 denial, after disclosure under court supervision of the reason for that listing, based on grounds
226.12 that the person:

226.13 (1) was erroneously identified as a person in the data system;

226.14 (2) was improperly included in the data system according to the criteria outlined in
226.15 section 299C.091, subdivision 2, paragraph (b); or

226.16 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
226.17 in the data system.

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

226.20 Sec. 5. Minnesota Statutes 2022, section 624.7131, subdivision 9, is amended to read:

226.21 Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714
226.22 constitutes a transferee permit for the purposes of this section and ~~section~~ sections 624.7132
226.23 and 624.7134.

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

226.26 Sec. 6. Minnesota Statutes 2022, section 624.7131, subdivision 11, is amended to read:

226.27 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
226.28 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
226.29 ~~misdemeanor~~ felony.

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

227.3 Sec. 7. Minnesota Statutes 2022, section 624.7132, subdivision 4, is amended to read:

227.4 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
227.5 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
227.6 until ~~five business~~ 30 days after the date the agreement to transfer is delivered to a chief of
227.7 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
227.8 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
227.9 all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or
227.10 sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period
227.11 concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic
227.12 military-style assault weapon because of a threat to the life of the transferee or of any member
227.13 of the household of the transferee. Prior to modifying the waiting period under the authority
227.14 granted in clause (2), the chief of police or sheriff must first determine that the proposed
227.15 transferee is not prohibited from possessing a firearm under state or federal law.

227.16 No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm
227.17 to a proposed transferee after receiving a written notification that the chief of police or
227.18 sheriff has determined that the proposed transferee is prohibited by section 624.713 from
227.19 possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

227.20 If the transferor makes a report of transfer and receives no written notification of
227.21 disqualification of the proposed transferee within ~~five~~ 30 business days after delivery of the
227.22 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm
227.23 may be delivered to the transferee, unless the transferor knows the transferee is ineligible
227.24 to possess firearms.

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

227.27 Sec. 8. Minnesota Statutes 2022, section 624.7132, subdivision 5, is amended to read:

227.28 Subd. 5. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
227.29 sheriff ~~that shall deny an application if the proposed transferee is:~~ (1) prohibited by section
227.30 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault
227.31 weapon shall be the sole basis for a notification of disqualification under this section; (2)
227.32 determined to be a danger to self or the public when in possession of firearms under paragraph
227.33 (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

228.1 (b) A chief of police or sheriff shall deny an application if there exists a substantial
228.2 likelihood that the proposed transferee is a danger to self or the public when in possession
228.3 of a firearm. To deny the application under this paragraph, the chief of police or sheriff
228.4 must provide the applicant with written notification and the specific factual basis justifying
228.5 the denial, including the source of the factual basis. The chief of police or sheriff must
228.6 inform the applicant of the applicant's right to submit, within 20 business days, any additional
228.7 documentation relating to the propriety of the denial. Upon receiving any additional
228.8 documentation, the chief of police or sheriff must reconsider the denial and inform the
228.9 applicant within 15 business days of the result of the reconsideration. Any denial after
228.10 reconsideration must be in the same form and substance as the original denial and must
228.11 specifically address any continued deficiencies in light of the additional documentation
228.12 submitted by the applicant. The applicant must be informed of the right to seek de novo
228.13 review of the denial as provided in subdivision 13.

228.14 (c) A chief of police or sheriff need not process an application under this section if the
228.15 person has had an application denied pursuant to paragraph (b) and less than six months
228.16 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
228.17 denied, whichever is later.

228.18 (d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must
228.19 provide a copy of the notice of disqualification to the chief of police or sheriff with joint
228.20 jurisdiction over the applicant's residence.

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

228.23 Sec. 9. Minnesota Statutes 2022, section 624.7132, subdivision 8, is amended to read:

228.24 Subd. 8. **Report not required.** If the proposed transferee presents ~~a valid transferee~~
228.25 ~~permit issued under section 624.7131~~ or a valid permit to carry issued under section 624.714,
228.26 the transferor need not file a transfer report.

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

228.29 Sec. 10. Minnesota Statutes 2022, section 624.7132, subdivision 10, is amended to read:

228.30 Subd. 10. **Restriction on records.** Except as provided in section 624.7134, subdivision
228.31 3, paragraph (e), if, after a determination that the transferee is not a person prohibited by
228.32 section 624.713 from possessing a pistol or semiautomatic military-style assault weapon,

229.1 a transferee requests that no record be maintained of the fact of who is the transferee of a
229.2 pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall
229.3 sign the transfer report and return it to the transferee as soon as possible. Thereafter, no
229.4 government employee or agency shall maintain a record of the transfer that identifies the
229.5 transferee, and the transferee shall retain the report of transfer.

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

229.8 Sec. 11. Minnesota Statutes 2022, section 624.7132, subdivision 13, is amended to read:

229.9 Subd. 13. **Appeal.** (a) A person aggrieved by the determination of a chief of police or
229.10 sheriff that the person is prohibited by section 624.713 from possessing a pistol or
229.11 semiautomatic military-style assault weapon may appeal the determination as provided in
229.12 this subdivision. The district court shall have jurisdiction of proceedings under this
229.13 subdivision. under subdivision 5 may appeal by petition to the district court having
229.14 jurisdiction over the county or municipality where the application was submitted. The
229.15 petition must list the applicable chief of police or sheriff as the respondent. The district
229.16 court must hold a hearing at the earliest practicable date and in any event no later than 60
229.17 days following the filing of the petition for review. The court may not grant or deny any
229.18 relief before the completion of the hearing. The record of the hearing must be sealed. The
229.19 matter must be heard de novo without a jury.

229.20 ~~On review pursuant to this subdivision, the court shall be limited to a determination of~~
229.21 ~~whether the proposed transferee is a person prohibited from possessing a pistol or~~
229.22 ~~semiautomatic military-style assault weapon by section 624.713.~~

229.23 (b) The court must issue written findings of fact and conclusions of law regarding the
229.24 issues submitted by the parties. The court must issue its writ of mandamus directing that
229.25 the permit be issued and order other appropriate relief unless the chief of police or sheriff
229.26 establishes by clear and convincing evidence that:

229.27 (1) the applicant is disqualified under state or federal law from possession of firearms;

229.28 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
229.29 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
229.30 investigated and documented may not be considered; or

229.31 (3) the applicant is listed in the criminal gang investigative data system under section
229.32 299C.091.

230.1 (c) If an application is denied because the proposed transferee is listed in the criminal
230.2 gang investigative data system under section 299C.091, the proposed transferee may
230.3 challenge the denial, after disclosure under court supervision of the reason for that listing,
230.4 based on grounds that the person:

230.5 (1) was erroneously identified as a person in the data system;

230.6 (2) was improperly included in the data system according to the criteria outlined in
230.7 section 299C.091, subdivision 2, paragraph (b); or

230.8 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
230.9 in the data system.

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

230.12 Sec. 12. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
230.13 **REQUIRED.**

230.14 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
230.15 meanings provided in this subdivision.

230.16 (b) "Firearms dealer" means a person who is licensed by the United States Department
230.17 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
230.18 title 18, section 923(a).

230.19 (c) "State or federally issued identification" means a document or card made or issued
230.20 by or under the authority of the United States government or the state that contains the
230.21 person's name, residence address, date of birth, and photograph and is of a type commonly
230.22 accepted for the purpose of identification of individuals.

230.23 (d) "Unlicensed person" means a person who does not hold a license under United States
230.24 Code, title 18, section 923(a).

230.25 Subd. 2. **Background check and evidence of identity.** An unlicensed person is prohibited
230.26 from transferring a pistol or semiautomatic military-style assault weapon to any other
230.27 unlicensed person, unless: (1) the transfer is made through a firearms dealer as provided
230.28 for in subdivision 3; or (2) the transferee presents a valid transferee permit issued under
230.29 section 624.7131 and a current state or federally issued identification.

230.30 Subd. 3. **Background check conducted by federally licensed firearms dealer.** (a)
230.31 Where both parties to a prospective transfer of a pistol or semiautomatic military-style
230.32 assault weapon are unlicensed persons, the transferor and transferee may appear jointly

231.1 before a federally licensed firearms dealer with the firearm and request that the federally
231.2 licensed firearms dealer conduct a background check on the transferee and facilitate the
231.3 transfer.

231.4 (b) Except as otherwise provided in this section, a federally licensed firearms dealer
231.5 who agrees to facilitate a transfer under this section shall:

231.6 (1) process the transfer as though transferring the firearm from the dealer's inventory to
231.7 the transferee; and

231.8 (2) comply with all requirements of federal and state law that would apply if the firearms
231.9 dealer were making the transfer, including, at a minimum, all background checks and
231.10 record-keeping requirements. The exception to the report of transfer process in section
231.11 624.7132, subdivision 12, clause (1), does not apply to transfers completed under this
231.12 subdivision.

231.13 (c) If the transferee is prohibited by federal law from purchasing or possessing the firearm
231.14 or not entitled under state law to possess the firearm, neither the federally licensed firearms
231.15 dealer nor the transferor shall transfer the firearm to the transferee.

231.16 (d) Notwithstanding any other law to the contrary, this section shall not prevent the
231.17 transferor from:

231.18 (1) removing the firearm from the premises of the federally licensed firearms dealer, or
231.19 the gun show or event where the federally licensed firearms dealer is conducting business,
231.20 as applicable, while the background check is being conducted, provided that the transferor
231.21 must return to the federally licensed firearms dealer with the transferee before the transfer
231.22 takes place, and the federally licensed firearms dealer must take possession of the firearm
231.23 in order to complete the transfer; and

231.24 (2) removing the firearm from the business premises of the federally licensed firearms
231.25 dealer if the results of the background check indicate the transferee is prohibited by federal
231.26 law from purchasing or possessing the firearm or not entitled under state law to possess the
231.27 firearm.

231.28 (e) A transferee who consents to participate in a transfer under this subdivision is not
231.29 entitled to have the transfer report returned as provided for in section 624.7132, subdivision
231.30 10.

231.31 (f) A firearms dealer may charge a reasonable fee for conducting a background check
231.32 and facilitating a transfer between the transferor and transferee pursuant to this section.

232.1 Subd. 4. **Record of transfer; required information.** (a) Unless a transfer is made
232.2 through a firearms dealer as provided in subdivision 3, when two unlicensed persons complete
232.3 the transfer of a pistol or semiautomatic military-style assault weapon, the transferor and
232.4 transferee must complete a record of transfer on a form designed and made publicly available
232.5 without fee for this purpose by the superintendent of the Bureau of Criminal Apprehension.
232.6 Each page of the record of transfer must be signed and dated by the transferor and the
232.7 transferee and contain the serial number of the pistol or semiautomatic military-style assault
232.8 weapon.

232.9 (b) The record of transfer must contain the following information:

232.10 (1) a clear copy of each person's current state or federally issued identification;

232.11 (2) a clear copy of the transferee permit presented by the transferee; and

232.12 (3) a signed statement by the transferee swearing that the transferee is not currently
232.13 prohibited by state or federal law from possessing a firearm.

232.14 (c) The record of transfer must also contain the following information regarding the
232.15 transferred pistol or semiautomatic military-style assault weapon:

232.16 (1) the type of pistol or semiautomatic military-style assault weapon;

232.17 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
232.18 assault weapon; and

232.19 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
232.20 serial number.

232.21 (d) Both the transferor and the transferee must retain a copy of the record of transfer
232.22 and any attachments to the record of transfer for 20 years from the date of the transfer. A
232.23 copy in digital form shall be acceptable for the purposes of this paragraph.

232.24 Subd. 5. **Compulsory production of a record of transfer; gross misdemeanor**

232.25 penalty. (a) Unless a transfer was completed under subdivision 3, the transferor and
232.26 transferee of a pistol or semiautomatic military-style assault weapon transferred under
232.27 subdivision 4 must produce the record of transfer when a peace officer requests the record
232.28 as part of a criminal investigation.

232.29 (b) A person who refuses or is unable to produce a record of transfer for a firearm
232.30 transferred under this section in response to a request for production made by a peace officer
232.31 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for

233.1 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
233.2 committed involving the transferred firearm.

233.3 Subd. 6. **Immunity.** A person is immune to a charge of violating this section if the person
233.4 presents a record of transfer that satisfies the requirements of subdivision 4.

233.5 Subd. 7. **Exclusions.** (a) This section shall not apply to the following transfers:

233.6 (1) a transfer by or to a federally licensed firearms dealer;

233.7 (2) a transfer by or to any law enforcement agency;

233.8 (3) to the extent the transferee is acting within the course and scope of employment and
233.9 official duties, a transfer to:

233.10 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

233.11 (ii) a member of the United States armed forces, the National Guard, or the Reserves of
233.12 the United States armed forces;

233.13 (iii) a federal law enforcement officer; or

233.14 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

233.15 (4) a transfer between immediate family members, which for the purposes of this section
233.16 means spouses, domestic partners, parents, children, siblings, grandparents, and
233.17 grandchildren;

233.18 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
233.19 or a trust that occurs by operation of law upon the death of the former owner of the firearm;

233.20 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

233.21 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
233.22 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
233.23 by United States Code, title 18, section 921(a)(13), who each have in their possession a
233.24 valid collector of curio and relics license issued by the United States Department of Justice,
233.25 Bureau of Alcohol, Tobacco, Firearms and Explosives;

233.26 (8) the temporary transfer of a firearm if:

233.27 (i) the transfer is necessary to prevent imminent death or great bodily harm; and

233.28 (ii) the person's possession lasts only as long as immediately necessary to prevent such
233.29 imminent death or great bodily harm;

234.1 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
234.2 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
234.3 and

234.4 (10) a temporary transfer if the transferee's possession of the firearm following the
234.5 transfer is only:

234.6 (i) at a shooting range that operates in compliance with the performance standards under
234.7 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
234.8 is not required by the governing body of the jurisdiction, at an established shooting range
234.9 operated consistently with local law in the jurisdiction;

234.10 (ii) at a lawfully organized competition involving the use of a firearm, or while
234.11 participating in or practicing for a performance by an organized group that uses firearms as
234.12 part of the performance;

234.13 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
234.14 transferee possesses the firearm and the transferee holds all licenses or permits required for
234.15 hunting or trapping;

234.16 (iv) at a lawfully organized educational or instructional course and under the direct
234.17 supervision of a certified instructor, as that term is defined in section 624.714, subdivision
234.18 2a, paragraph (d); or

234.19 (v) while in the actual presence of the transferor.

234.20 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
234.21 believe:

234.22 (1) that the transferee is prohibited by federal law from buying or possessing firearms
234.23 or not entitled under state law to possess firearms;

234.24 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
234.25 supervision and control of an adult, that the adult is prohibited by federal law from buying
234.26 or possessing firearms or not entitled under state law to possess firearms; or

234.27 (3) that the transferee will use or intends to use the firearm in the commission of a crime.

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

235.1 Sec. 13. **REPEALER.**

235.2 Minnesota Statutes 2022, sections 624.7131, subdivision 10; and 624.7132, subdivisions
235.3 6 and 14, are repealed.

235.4 **ARTICLE 15**

235.5 **EXTREME RISK PROTECTION ORDERS**

235.6 Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

235.7 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
235.8 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
235.9 (1), any other firearm:

235.10 (1) a person under the age of 18 years except that a person under 18 may possess
235.11 ammunition designed for use in a firearm that the person may lawfully possess and may
235.12 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
235.13 presence or under the direct supervision of the person's parent or guardian, (ii) for the
235.14 purpose of military drill under the auspices of a legally recognized military organization
235.15 and under competent supervision, (iii) for the purpose of instruction, competition, or target
235.16 practice on a firing range approved by the chief of police or county sheriff in whose
235.17 jurisdiction the range is located and under direct supervision; or (iv) if the person has
235.18 successfully completed a course designed to teach marksmanship and safety with a pistol
235.19 or semiautomatic military-style assault weapon and approved by the commissioner of natural
235.20 resources;

235.21 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
235.22 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
235.23 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
235.24 includes crimes in other states or jurisdictions which would have been crimes of violence
235.25 as herein defined if they had been committed in this state;

235.26 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
235.27 determination that the person is mentally ill, developmentally disabled, or mentally ill and
235.28 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
235.29 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
235.30 the person's ability to possess a firearm and ammunition has been restored under subdivision
235.31 4;

235.32 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
235.33 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date

236.1 of conviction and, during that time, the person has not been convicted of any other such
236.2 violation of chapter 152 or a similar law of another state; or a person who is or has ever
236.3 been committed by a judicial determination for treatment for the habitual use of a controlled
236.4 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
236.5 to possess a firearm and ammunition has been restored under subdivision 4;

236.6 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
236.7 by a judicial determination that the person is chemically dependent as defined in section
236.8 253B.02, unless the person has completed treatment or the person's ability to possess a
236.9 firearm and ammunition has been restored under subdivision 4. Property rights may not be
236.10 abated but access may be restricted by the courts;

236.11 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
236.12 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
236.13 of the treatment facility discharging or provisionally discharging the officer from the
236.14 treatment facility. Property rights may not be abated but access may be restricted by the
236.15 courts;

236.16 (7) a person, including a person under the jurisdiction of the juvenile court, who has
236.17 been charged with committing a crime of violence and has been placed in a pretrial diversion
236.18 program by the court before disposition, until the person has completed the diversion program
236.19 and the charge of committing the crime of violence has been dismissed;

236.20 (8) except as otherwise provided in clause (9), a person who has been convicted in
236.21 another state of committing an offense similar to the offense described in section 609.224,
236.22 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
236.23 unless three years have elapsed since the date of conviction and, during that time, the person
236.24 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
236.25 subdivision 3, or a similar law of another state;

236.26 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
236.27 household member and who was found by the court to have used a firearm in any way
236.28 during commission of the assault is prohibited from possessing any type of firearm or
236.29 ammunition for the period determined by the sentencing court;

236.30 (10) a person who:

236.31 (i) has been convicted in any court of a crime punishable by imprisonment for a term
236.32 exceeding one year;

- 237.1 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
237.2 for a crime or to avoid giving testimony in any criminal proceeding;
- 237.3 (iii) is an unlawful user of any controlled substance as defined in chapter 152;
- 237.4 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
237.5 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
237.6 public, as defined in section 253B.02;
- 237.7 (v) is an alien who is illegally or unlawfully in the United States;
- 237.8 (vi) has been discharged from the armed forces of the United States under dishonorable
237.9 conditions;
- 237.10 (vii) has renounced the person's citizenship having been a citizen of the United States;
237.11 or
- 237.12 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
237.13 922(g)(8) or (9), as amended through March 1, 2014;
- 237.14 (11) a person who has been convicted of the following offenses at the gross misdemeanor
237.15 level, unless three years have elapsed since the date of conviction and, during that time, the
237.16 person has not been convicted of any other violation of these sections: section 609.229
237.17 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
237.18 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
237.19 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
237.20 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
237.21 gross misdemeanor convictions include crimes committed in other states or jurisdictions
237.22 which would have been gross misdemeanors if conviction occurred in this state;
- 237.23 (12) a person who has been convicted of a violation of section 609.224 if the court
237.24 determined that the assault was against a family or household member in accordance with
237.25 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
237.26 the date of conviction and, during that time, the person has not been convicted of another
237.27 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~
- 237.28 (13) a person who is subject to an order for protection as described in section 260C.201,
237.29 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or
- 237.30 (14) a person who is subject to an extreme risk protection order as described in section
237.31 624.7172 or 624.7174.

238.1 A person who issues a certificate pursuant to this section in good faith is not liable for
238.2 damages resulting or arising from the actions or misconduct with a firearm or ammunition
238.3 committed by the individual who is the subject of the certificate.

238.4 The prohibition in this subdivision relating to the possession of firearms other than
238.5 pistols and semiautomatic military-style assault weapons does not apply retroactively to
238.6 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
238.7 weapon under this subdivision before August 1, 1994.

238.8 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
238.9 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
238.10 (2), applies only to offenders who are discharged from sentence or court supervision for a
238.11 crime of violence on or after August 1, 1993.

238.12 For purposes of this section, "judicial determination" means a court proceeding pursuant
238.13 to sections 253B.07 to 253B.09 or a comparable law from another state.

238.14 Sec. 2. [624.7171] EXTREME RISK PROTECTION ORDERS.

238.15 Subdivision 1. Definitions. (a) As used in sections 624.7171 to 624.7178, the following
238.16 terms have the meanings given.

238.17 (b) "Family or household members" means:

238.18 (1) spouses and former spouses of the respondent;

238.19 (2) parents and children of the respondent;

238.20 (3) persons who are presently residing with the respondent; or

238.21 (4) a person involved in a significant romantic or sexual relationship with the respondent.

238.22 In determining whether persons are in a significant romantic or sexual relationship under
238.23 clause (4), the court shall consider the length of time of the relationship; type of relationship;
238.24 and frequency of interaction between the parties.

238.25 (c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

238.26 (d) "Mental health professional" has the meaning given in section 245I.02, subdivision
238.27 27.

238.28 Subd. 2. Court jurisdiction. (a) An application for relief under sections 624.7172 and
238.29 624.7174 may be filed in the county of residence of the respondent except as provided for
238.30 in paragraph (b). Actions under sections 624.7172 and 624.7174 shall be given docket
238.31 priorities by the court.

239.1 (b) At the time of filing, a petitioner may request that the court allow the petitioner to
239.2 appear virtually at all proceedings. If the court denies the petitioner's request for virtual
239.3 participation, the petitioner may refile the petition in the county where the petitioner resides
239.4 or is officed.

239.5 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's
239.6 request, information maintained by the court regarding the petitioner's location or residence
239.7 is not accessible to the public and may be disclosed only to court personnel or law
239.8 enforcement for purposes of service of process, conducting an investigation, or enforcing
239.9 an order.

239.10 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme
239.11 risk protection order, which order shall enjoin and prohibit the respondent from possessing
239.12 or purchasing firearms for as long as the order remains in effect.

239.13 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by the chief
239.14 law enforcement officer, the chief law enforcement officer's designee, a city or county
239.15 attorney, any family or household members of the respondent, or a guardian, as defined in
239.16 section 524.1-201, clause (27), of the respondent.

239.17 (c) A petition for relief shall allege that the respondent poses a significant danger of
239.18 bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The
239.19 petition shall be accompanied by an affidavit made under oath stating specific facts and
239.20 circumstances forming a basis to allege that an extreme risk protection order should be
239.21 granted. The affidavit may include but is not limited to evidence showing any of the factors
239.22 described in section 624.7172, subdivision 2.

239.23 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
239.24 the respondent presents an immediate and present danger of either bodily harm to others or
239.25 of taking their life.

239.26 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
239.27 and location of any firearms believed by the petitioner to be possessed by the respondent.

239.28 (f) The court shall provide simplified forms and clerical assistance to help with the
239.29 writing and filing of a petition under this section.

239.30 (g) The state court administrator shall create all forms necessary under sections 624.7171
239.31 to 624.7178.

239.32 (h) The filing fees for an extreme risk protection order under this section are waived for
239.33 the petitioner and respondent. The court administrator, the sheriff of any county in this state,

240.1 and other law enforcement and corrections officers shall perform their duties relating to
240.2 service of process without charge to the petitioner. The court shall direct payment of the
240.3 reasonable costs of service of process if served by a private process server when the sheriff
240.4 or other law enforcement or corrections officer is unavailable or if service is made by
240.5 publication, without requiring the petitioner to make application under section 563.01.

240.6 (i) The court shall advise the petitioner of the right to serve the respondent by alternate
240.7 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
240.8 personal service by concealment or otherwise, and shall assist in the writing and filing of
240.9 the affidavit.

240.10 (j) The court shall advise the petitioner of the right to request a hearing under section
240.11 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner
240.12 that the respondent may request a hearing and that notice of the hearing date and time will
240.13 be provided to the petitioner by mail at least five days before the hearing.

240.14 (k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
240.15 civil or criminal remedies.

240.16 (l) All health records and other health information provided in a petition or considered
240.17 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
240.18 public disclosure but may be provided to law enforcement agencies as described in this
240.19 section.

240.20 (m) Any extreme risk protection order or subsequent extension issued under sections
240.21 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
240.22 local law enforcement agency with jurisdiction over the residence of the respondent and
240.23 electronically transmitted within three business days to the National Instant Criminal
240.24 Background Check System. When an order expires or is terminated by the court, the court
240.25 must submit a request that the order be removed from the National Instant Background
240.26 Check System. Each appropriate law enforcement agency shall make available to other law
240.27 enforcement officers, through a system for verification, information as to the existence and
240.28 status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

240.29 Subd. 5. **Mental health professionals.** When a mental health professional has a statutory
240.30 duty to warn another of a client's serious threat of physically violent behavior or determines
240.31 that a client presents a significant risk of suicide by possessing a firearm, the mental health
240.32 professional must communicate the threat or risk to the sheriff of the county where the client
240.33 resides and make a recommendation to the sheriff regarding the client's fitness to possess
240.34 firearms.

241.1 Sec. 3. [624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER
241.2 HEARING.

241.3 Subdivision 1. Hearing. (a) Upon receipt of the petition for an order after a hearing, the
241.4 court must schedule and hold a hearing within 14 days from the date the petition was
241.5 received.

241.6 (b) The court shall advise the petitioner of the right to request an emergency extreme
241.7 risk protection order under section 624.7174 separately from or simultaneously with the
241.8 petition under this subdivision.

241.9 (c) The petitioning agency shall be responsible for service of an extreme risk protection
241.10 order issued by the court and shall further be the agency responsible for the execution of
241.11 any legal process required for the seizure and storage of firearms subject to the order. Nothing
241.12 in this provision limits the ability of the law enforcement agency of record from cooperating
241.13 with other law enforcement entities. When a court issues an extreme risk protection order
241.14 for a person who resides on Tribal territory, the chief law enforcement officer of the law
241.15 enforcement agency responsible for serving the order must request the assistance and counsel
241.16 of the appropriate Tribal police department prior to serving the respondent. When the
241.17 petitioner is a family or household member of the respondent, the primary law enforcement
241.18 agency serving the jurisdiction of residency of the respondent shall be responsible for the
241.19 execution of any legal process required for the seizure and storage of firearms subject to
241.20 the order.

241.21 (d) Personal service of notice for the hearing may be made upon the respondent at any
241.22 time up to 48 hours prior to the time set for the hearing, provided that the respondent at the
241.23 hearing may request a continuance of up to 14 days if the respondent is served less than
241.24 five days prior to the hearing, which continuance shall be granted unless there are compelling
241.25 reasons not to do so. If the court grants the requested continuance, and an existing emergency
241.26 order under section 624.7174 will expire due to the continuance, the court shall also issue
241.27 a written order continuing the emergency order pending the new time set for the hearing.

241.28 (e) If personal service cannot be made, the court may order service of the petition and
241.29 any order issued under this section by alternate means. The application for alternate service
241.30 must include the last known location of the respondent; the petitioner's most recent contacts
241.31 with the respondent; the last known location of the respondent's employment; the names
241.32 and locations of the respondent's parents, siblings, children, and other close relatives; the
241.33 names and locations of other persons who are likely to know the respondent's whereabouts;
241.34 and a description of efforts to locate those persons. The court shall consider the length of

242.1 time the respondent's location has been unknown, the likelihood that the respondent's location
242.2 will become known, the nature of the relief sought, and the nature of efforts made to locate
242.3 the respondent. The court shall order service by first class mail, forwarding address requested,
242.4 to any addresses where there is a reasonable possibility that mail or information will be
242.5 forwarded or communicated to the respondent. The court may also order publication, within
242.6 or without the state, but only if it might reasonably succeed in notifying the respondent of
242.7 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
242.8 court-ordered publication.

242.9 (f) When a petitioner who is not the sheriff of the county where the respondent resides,
242.10 the sheriff's designee, or a family or household member files a petition, the petitioner must
242.11 provide notice of the action to the sheriff of the county where the respondent resides. When
242.12 a family or household member is the petitioner, the court must provide notice of the action
242.13 to the sheriff of the county where the respondent resides.

242.14 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by clear and
242.15 convincing evidence that the respondent poses a significant danger to other persons or is at
242.16 significant risk of suicide by possessing a firearm.

242.17 (b) In determining whether to grant the order after a hearing, the court shall consider
242.18 evidence of the following, whether or not the petitioner has provided evidence of the same:

242.19 (1) a history of threats or acts of violence by the respondent directed toward another
242.20 person;

242.21 (2) the history of use, attempted use, or threatened use of physical force by the respondent
242.22 against another person;

242.23 (3) a violation of any court order, including but not limited to orders issued under sections
242.24 624.7171 to 624.7178 or chapter 260C or 518B;

242.25 (4) a prior arrest for a felony offense;

242.26 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
242.27 under section 609.749, or for domestic assault under section 609.2242;

242.28 (6) a conviction for an offense of cruelty to animals under chapter 343;

242.29 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

242.30 (8) suicide attempts by the respondent or a serious mental illness; and

243.1 (9) whether the respondent is named in an existing order in effect under sections 624.7171
243.2 to 624.7178 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
243.3 other action under sections 624.7171 to 624.7178 or chapter 518B.

243.4 (c) In determining whether to grant the order after a hearing, the court may:

243.5 (1) subpoena peace officers who have had contact with the respondent to provide written
243.6 or sworn testimony regarding the officer's contacts with the respondent; and

243.7 (2) consider any other evidence that bears on whether the respondent poses a danger to
243.8 others or is at risk of suicide.

243.9 (d) If the court finds there is clear and convincing evidence to issue an extreme risk
243.10 protection order, the court shall issue the order prohibiting the person from possessing or
243.11 purchasing a firearm for the duration of the order. The court shall inform the respondent
243.12 that the respondent is prohibited from possessing or purchasing firearms and shall issue a
243.13 transfer order under section 624.7175. The court shall also give notice to the county attorney's
243.14 office, which may take action as it deems appropriate.

243.15 (e) The court shall determine the length of time the order is in effect, but may not set
243.16 the length of time for less than six months or more than one year, subject to renewal or
243.17 extension under section 624.7173.

243.18 (f) If there is no existing emergency order under section 624.7174 at the time an order
243.19 is granted under this section, the court shall determine by clear and convincing evidence
243.20 whether the respondent presents an immediate and present danger of bodily harm. If the
243.21 court so determines, the transfer order shall include the provisions described in section
243.22 624.7175, paragraph (d).

243.23 (g) If, after a hearing, the court does not issue an order of protection, the court shall
243.24 vacate any emergency extreme risk protection order currently in effect.

243.25 (h) A respondent may waive the respondent's right to contest the hearing and consent
243.26 to the court's imposition of an extreme risk protection order. The court shall seal the petition
243.27 filed under this section and section 624.7144 if a respondent who consents to imposition of
243.28 an extreme risk protection order requests that the petition be sealed, unless the court finds
243.29 that there is clear and convincing evidence that the interests of the public and public safety
243.30 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
243.31 protection orders based on the respondent being a danger to others shall remain public.
243.32 Extreme risk protection orders issued for respondents who are solely at risk of suicide shall
243.33 not be public.

244.1 Sec. 4. **[624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

244.2 (a) Upon application by any party entitled to petition for an order under section 624.7172,
244.3 and after notice to the respondent and a hearing, the court may extend the relief granted in
244.4 an existing order granted after a hearing under section 624.7172. Application for an extension
244.5 may be made any time within the three months before the expiration of the existing order.
244.6 The court may extend the order if the court makes the same findings by clear and convincing
244.7 evidence as required for granting of an initial order under section 624.7172, subdivision 2,
244.8 paragraph (d). The minimum length of time of an extension is six months and the maximum
244.9 length of time of an extension is one year. The court shall consider the same types of evidence
244.10 as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and
244.11 (c).

244.12 (b) Upon application by the respondent to an order issued under section 624.7172, the
244.13 court may terminate an order after a hearing at which the respondent shall bear the burden
244.14 of proving by clear and convincing evidence that the respondent does not pose a significant
244.15 danger to other persons or is at significant risk of suicide by possessing a firearm. Application
244.16 for termination may be made one time for each year an order is in effect. If an order has
244.17 been issued for a period of six months, the respondent may apply for termination one time.

244.18 Sec. 5. **[624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**
244.19 **ORDER.**

244.20 (a) In determining whether to grant an emergency extreme risk protection order, the
244.21 court shall consider evidence of all facts identified in section 624.7172, subdivision 2,
244.22 paragraphs (b) and (c).

244.23 (b) The court shall advise the petitioner of the right to request an order after a hearing
244.24 under section 624.7172 separately from or simultaneously with the petition.

244.25 (c) If the court finds there is probable cause that (1) the respondent poses a significant
244.26 danger of bodily harm to other persons or is at significant risk of suicide by possessing a
244.27 firearm, and (2) the respondent presents an immediate and present danger of either bodily
244.28 harm to others or of taking their life, the court shall issue an ex parte emergency order
244.29 prohibiting the respondent from possessing or purchasing a firearm for the duration of the
244.30 order. The order shall inform the respondent that the respondent is prohibited from possessing
244.31 or purchasing a firearm and shall issue a transfer order under section 624.7175, paragraph
244.32 (d).

245.1 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
245.2 protection order constitutes a finding that sufficient reasons exist not to require notice under
245.3 applicable court rules governing applications for ex parte relief.

245.4 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set
245.5 under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's
245.6 finding that no order is issued under section 624.7172.

245.7 (f) Except as provided in paragraph (g), the respondent shall be personally served
245.8 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
245.9 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
245.10 If the petitioner does not request a hearing under section 624.7172, an order served on a
245.11 respondent under this section must include a notice advising the respondent of the right to
245.12 request a hearing challenging the issuance of the emergency order, and must be accompanied
245.13 by a form that can be used by the respondent to request a hearing.

245.14 (g) Service of the emergency order may be made by alternate service as provided under
245.15 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
245.16 required under that subdivision. If the petitioner does not request a hearing under section
245.17 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
245.18 by the form for requesting a hearing described in paragraph (f).

245.19 **Sec. 6. [624.7175] TRANSFER OF FIREARMS.**

245.20 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
245.21 order, the court shall direct the respondent to transfer any firearms the person possesses as
245.22 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
245.23 firearms dealer or a law enforcement agency. If the respondent elects to transfer the
245.24 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
245.25 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
245.26 the receiving party to possess the firearm and does not transfer ownership or title. If the
245.27 respondent makes a temporary transfer, a federally licensed firearms dealer or law
245.28 enforcement agency may charge the respondent a reasonable fee to store the firearms and
245.29 may establish policies for disposal of abandoned firearms, provided these policies require
245.30 that the respondent be notified prior to disposal of abandoned firearms. If a respondent
245.31 permanently transfers the respondent's firearms to a law enforcement agency, the agency
245.32 is not required to compensate the respondent and may charge the respondent a reasonable
245.33 processing fee.

246.1 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
246.2 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
246.3 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
246.4 27, section 478.11, as amended, to a relative who does not live with the respondent after
246.5 confirming that the relative may lawfully own or possess a firearm.

246.6 (c) The respondent must file proof of transfer as provided in this paragraph.

246.7 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
246.8 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
246.9 proof of transfer must specify whether the firearms were permanently or temporarily
246.10 transferred and must include the name of the respondent, date of transfer, and the serial
246.11 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
246.12 licensed firearms dealer, the respondent shall, within two business days after being served
246.13 with the order, file a copy of proof of transfer with the law enforcement agency and attest
246.14 that all firearms owned or possessed at the time of the order have been transferred in
246.15 accordance with this section and that the person currently does not possess any firearms. If
246.16 the respondent claims not to own or possess firearms, the respondent shall file a declaration
246.17 of nonpossession with the law enforcement agency attesting that, at the time of the order,
246.18 the respondent neither owned nor possessed any firearms, and that the respondent currently
246.19 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
246.20 paragraph (b), the relative must sign an affidavit under oath before a notary public either
246.21 acknowledging that the respondent permanently transferred the respondent's antique firearms,
246.22 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
246.23 firearms, curios, or relics until such time as the respondent is legally permitted to possess
246.24 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
246.25 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

246.26 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
246.27 filed pursuant to this paragraph.

246.28 (d) If a court issues an emergency order under section 624.7174, or makes a finding of
246.29 immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and
246.30 there is probable cause to believe the respondent possesses firearms, the court shall issue a
246.31 search warrant to the local law enforcement agency to take possession of all firearms in the
246.32 respondent's possession as soon as practicable. The chief law enforcement officer or the
246.33 chief's designee shall notify the respondent of the option to voluntarily comply with the
246.34 order by surrendering the respondent's firearms to law enforcement prior to execution of
246.35 the search warrant. Only if the respondent refuses to voluntarily comply with the order to

247.1 surrender the respondent's firearms shall the officer or officers tasked with serving the search
247.2 warrant execute the warrant. The local law enforcement agency shall, upon written notice
247.3 from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a
247.4 local law enforcement agency transfers a firearm under this paragraph, the agency shall
247.5 require the federally licensed firearms dealer receiving the firearm to submit a proof of
247.6 transfer that complies with the requirements for proofs of transfer established in paragraph
247.7 (c). The agency shall file all proofs of transfer received by the court within two business
247.8 days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer
247.9 pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer
247.10 directly from the respondent. If the law enforcement agency does not receive written notice
247.11 from the respondent within three business days, the agency may charge a reasonable fee to
247.12 store the respondent's firearms. A law enforcement agency may establish policies for disposal
247.13 of abandoned firearms, provided these policies require that the respondent be notified prior
247.14 to disposal of abandoned firearms.

247.15 Sec. 7. **[624.7176] RETURN OF FIREARMS.**

247.16 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
247.17 temporary transfer of firearms under section 624.7175 shall return the firearms to the
247.18 respondent after the expiration of the order, provided the respondent is not otherwise
247.19 prohibited from possessing firearms under state or federal law.

247.20 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
247.21 transfer of firearms under section 624.7175 shall return the transferred firearms to the
247.22 respondent upon request after the expiration of the order, provided the respondent is not
247.23 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
247.24 firearms dealer returning firearms shall comply with state and federal law as though
247.25 transferring a firearm from the dealer's own inventory.

247.26 Sec. 8. **[624.7177] OFFENSES.**

247.27 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
247.28 risk protection order under section 624.7172 or 624.7174, knowing any information in the
247.29 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
247.30 gross misdemeanor.

247.31 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
247.32 have known that the person is prohibited from doing so by an extreme risk protection order
247.33 under section 624.7172 or 624.7174, or by an order of protection granted by a judge or

248.1 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
248.2 and shall be prohibited from possessing firearms for a period of five years. Each extreme
248.3 risk protection order granted under this chapter must contain a conspicuous notice to the
248.4 respondent regarding the penalty for violation of the order.

248.5 **Sec. 9. [624.7178] LIABILITY PROTECTION.**

248.6 **Subdivision 1. Liability protection for petition.** A chief law enforcement officer, the
248.7 chief law enforcement officer's designee, or a city or county attorney who, in good faith,
248.8 decides not to petition for an extreme risk protection order or emergency extreme risk
248.9 protection order shall be immune from criminal or civil liability.

248.10 **Subd. 2. Liability protection for storage of firearms.** A law enforcement agency shall
248.11 be immune from civil or criminal liability for any damage or deterioration of firearms,
248.12 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
248.13 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
248.14 negligence, or intentional misconduct by the law enforcement agency.

248.15 **Subd. 3. Liability protection for harm following service of an order or execution of**
248.16 **a search warrant.** A peace officer, law enforcement agency, and the state or a political
248.17 subdivision by which a peace officer is employed has immunity from any liability, civil or
248.18 criminal, for harm caused by a person who is the subject of an extreme risk protection order,
248.19 a search warrant issued pursuant to section 624.7175, paragraph (d), or both, after service
248.20 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
248.21 good faith in serving the order or executing the warrant.

248.22 **Subd. 4. Liability protection for mental health professionals.** A mental health
248.23 professional who provides notice to the sheriff under section 624.7171, subdivision 5, is
248.24 immune from monetary liability and no cause of action, or disciplinary action by the person's
248.25 licensing board, may arise against the mental health professional for disclosure of confidences
248.26 to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous disclosure
248.27 of confidences to the sheriff in a good faith effort to warn against or take precautions against
248.28 a client's violent behavior or threat of suicide.

248.29 **Sec. 10. [626.8481] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**
248.30 **OF MODEL PROCEDURES.**

248.31 By December 1, 2023, the Peace Officer Standards and Training Board, after consulting
248.32 with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys
248.33 Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association,

249.1 and the Minnesota Police and Peace Officers Association, shall develop model procedures
249.2 and standards for the storage of firearms transferred to law enforcement under section
249.3 624.7175.

249.4 Sec. 11. **FEDERAL BYRNE STATE CRISIS INTERVENTION PROGRAM.**

249.5 The Department of Public Safety is designated the state agency with the exclusive
249.6 authority to apply for federal Byrne State Crisis Intervention Program grants.

249.7 Sec. 12. **EFFECTIVE DATE.**

249.8 Sections 1 to 9 are effective January 1, 2024, and apply to firearm permit background
249.9 checks made on or after that date.

249.10 ARTICLE 16

249.11 CONTROLLED SUBSTANCES POLICY

249.12 Section 1. Minnesota Statutes 2022, section 121A.28, is amended to read:

249.13 **121A.28 LAW ENFORCEMENT RECORDS.**

249.14 A law enforcement agency shall provide notice of any drug incident occurring within
249.15 the agency's jurisdiction, in which the agency has probable cause to believe a student violated
249.16 section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092~~, 152.097,
249.17 or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided,
249.18 within two weeks after an incident occurs, to the chemical abuse preassessment team in the
249.19 school where the student is enrolled.

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

249.21 Sec. 2. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to
249.22 read:

249.23 **Subd. 43. Syringe services provider.** "Syringe services provider" means a
249.24 community-based public health program that offers cost-free comprehensive harm reduction
249.25 services, which may include: providing sterile needles, syringes, and other injection
249.26 equipment; making safe disposal containers for needles and syringes available; educating
249.27 participants and others about overdose prevention, safer injection practices, and infectious
249.28 disease prevention; providing blood-borne pathogen testing or referrals to blood-borne
249.29 pathogen testing; offering referrals to substance use disorder treatment, including substance
249.30 use disorder treatment with medications for opioid use disorder; and providing referrals to

250.1 medical treatment and services, mental health programs and services, and other social
250.2 services.

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

250.4 Sec. 3. Minnesota Statutes 2022, section 151.40, subdivision 1, is amended to read:

250.5 Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control,~~ manufacture;
250.6 ~~or sell, furnish, dispense, or otherwise dispose of~~ hypodermic syringes or needles or any
250.7 instrument or implement which can be adapted for subcutaneous injections, except for:

250.8 (1) the following persons when acting in the course of their practice or employment:

250.9 (i) licensed practitioners and their employees, agents, or delegates;

250.10 (ii) licensed pharmacies and their employees or agents;

250.11 (iii) licensed pharmacists;

250.12 (iv) registered nurses and licensed practical nurses;

250.13 (v) registered medical technologists;

250.14 (vi) medical interns and residents;

250.15 (vii) licensed drug wholesalers and their employees or agents;

250.16 (viii) licensed hospitals;

250.17 (ix) bona fide hospitals in which animals are treated;

250.18 (x) licensed nursing homes;

250.19 (xi) licensed morticians;

250.20 (xii) syringe and needle manufacturers and their dealers and agents;

250.21 (xiii) persons engaged in animal husbandry;

250.22 (xiv) clinical laboratories and their employees;

250.23 (xv) persons engaged in bona fide research or education or industrial use of hypodermic
250.24 syringes and needles provided such persons cannot use hypodermic syringes and needles
250.25 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,
250.26 and administered by a person lawfully authorized to do so; ~~and~~

250.27 (xvi) persons who administer drugs pursuant to an order or direction of a licensed
250.28 practitioner; and

250.29 (xvii) syringe services providers and their employees and agents;

251.1 (2) a person who self-administers drugs pursuant to either the prescription or the direction
251.2 of a practitioner, or a family member, caregiver, or other individual who is designated by
251.3 such person to assist the person in obtaining and using needles and syringes for the
251.4 administration of such drugs;

251.5 (3) a person who is disposing of hypodermic syringes and needles through an activity
251.6 or program developed under section 325F.785; ~~or~~

251.7 (4) a person who sells, ~~possesses~~, or handles hypodermic syringes and needles pursuant
251.8 to subdivision 2; or

251.9 (5) a participant receiving services from a syringe services provider, who accesses or
251.10 receives new syringes or needles from a syringe services provider or returns used syringes
251.11 or needles to a syringe services provider.

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

251.13 Sec. 4. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

251.14 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered
251.15 pharmacy or a licensed pharmacist may sell, without the prescription or direction of a
251.16 practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer~~, provided
251.17 the pharmacy or pharmacist complies with all of the requirements of this subdivision.

251.18 (b) At any location where hypodermic needles and syringes are kept for retail sale under
251.19 this subdivision, the needles and syringes shall be stored in a manner that makes them
251.20 available only to authorized personnel and not openly available to customers.

251.21 (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
251.22 syringes under this subdivision may give the purchaser the materials developed by the
251.23 commissioner of health under section 325F.785.

251.24 (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
251.25 syringes under this subdivision must certify to the commissioner of health participation in
251.26 an activity, including but not limited to those developed under section 325F.785, that supports
251.27 proper disposal of used hypodermic needles or syringes.

251.28 Sec. 5. Minnesota Statutes 2022, section 152.01, subdivision 12a, is amended to read:

251.29 Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the
251.30 federal government, the state, a local unit of government, a park district board, ~~or~~ a park
251.31 and recreation board in a city of the first class, or a federally recognized Indian Tribe. "Park

252.1 zone" includes the area within 300 feet or one city block, whichever distance is greater, of
252.2 the park boundary.

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

252.5 Sec. 6. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

252.6 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
252.7 paraphernalia" means all equipment, products, and materials of any kind, except those items
252.8 used in conjunction with permitted uses of controlled substances under this chapter or the
252.9 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
252.10 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
252.11 introducing into the human body a controlled substance, or (3) testing the strength,
252.12 effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled
252.13 substance.

252.14 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
252.15 of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2~~
252.16 hypodermic syringes or needles or any instrument or implement which can be adapted for
252.17 subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl
252.18 analog in a controlled substance.

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

252.21 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
252.22 read:

252.23 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
252.24 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
252.25 subdivisions 2 and 3.

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

252.27 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

252.28 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
252.29 degree if:

252.30 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
252.31 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

253.1 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
253.2 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine
253.3 and:

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

253.7 (ii) the offense involves two aggravating factors;

253.8 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
253.9 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
253.10 heroin or fentanyl;

253.11 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
253.12 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
253.13 cocaine, heroin, fentanyl, or methamphetamine;

253.14 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
253.15 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
253.16 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
253.17 more dosage units; or

253.18 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
253.19 more mixtures of a total weight of 25 kilograms or more containing marijuana or
253.20 Tetrahydrocannabinols.

253.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and
253.22 applies to crimes committed on or after that date.

253.23 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

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

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

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

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

254.1 (ii) the offense involves two aggravating factors;

254.2 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
254.3 or more, or 100 dosage units or more, containing heroin or fentanyl;

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

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

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

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

254.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and
254.16 applies to crimes committed on or after that date.

254.17 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

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

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

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

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

254.29 (ii) the offense involves three aggravating factors;

255.1 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
255.2 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
255.3 containing heroin or fentanyl;

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

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

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

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

255.16 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
255.17 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

255.18 (ii) one or more mixtures containing methamphetamine or amphetamine; or

255.19 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
255.20 or Tetrahydrocannabinols.

255.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and
255.22 applies to crimes committed on or after that date.

255.23 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

255.24 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
255.25 second degree if:

255.26 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
255.27 or more containing cocaine or methamphetamine;

255.28 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
255.29 or more containing cocaine or methamphetamine and:

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

256.4 (ii) the offense involves three aggravating factors;

256.5 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
256.6 or more, or 50 dosage units or more, containing heroin or fentanyl;

256.7 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
256.8 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

256.9 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
256.10 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
256.11 substance is packaged in dosage units, equaling 100 or more dosage units; or

256.12 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
256.13 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
256.14 more marijuana plants.

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

256.18 **EFFECTIVE DATE.** This section is effective the day following final enactment and
256.19 applies to crimes committed on or after that date.

256.20 Sec. 12. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

256.21 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
256.22 third degree if:

256.23 (1) on one or more occasions within a 90-day period the person unlawfully possesses
256.24 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
256.25 than heroin or fentanyl;

256.26 (2) on one or more occasions within a 90-day period the person unlawfully possesses
256.27 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
256.28 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

256.29 (3) on one or more occasions within a 90-day period the person unlawfully possesses
256.30 one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged
256.31 in dosage units, and equals 50 or more dosage units;

257.1 (4) on one or more occasions within a 90-day period the person unlawfully possesses
257.2 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
257.3 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
257.4 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
257.5 or a drug treatment facility;

257.6 (5) on one or more occasions within a 90-day period the person unlawfully possesses
257.7 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
257.8 Tetrahydrocannabinols; or

257.9 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
257.10 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
257.11 facility.

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

257.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and
257.16 applies to crimes committed on or after that date.

257.17 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

257.18 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
257.19 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

257.20 (1) the person unlawfully possesses one or more mixtures containing a controlled
257.21 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or a
257.22 residual amount of one or more mixtures of controlled substances contained in drug
257.23 paraphernalia; or

257.24 (2) the person procures, attempts to procure, possesses, or has control over a controlled
257.25 substance by any of the following means:

257.26 (i) fraud, deceit, misrepresentation, or subterfuge;

257.27 (ii) using a false name or giving false credit; or

257.28 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
257.29 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
257.30 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
257.31 obtaining a controlled substance.

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

258.3 Sec. 14. Minnesota Statutes 2022, section 152.093, is amended to read:

258.4 **152.093 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**
258.5 **PROHIBITED.**

258.6 It is unlawful for any person ~~knowingly or intentionally to deliver drug paraphernalia~~
258.7 ~~or knowingly or~~ to intentionally to possess or manufacture drug paraphernalia for delivery.
258.8 Any violation of this section is a misdemeanor.

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

258.11 Sec. 15. Minnesota Statutes 2022, section 152.205, is amended to read:

258.12 **152.205 LOCAL REGULATIONS.**

258.13 Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt
258.14 enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise
258.15 regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

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

258.17 Sec. 16. **[626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.**

258.18 Subdivision 1. **Training.** A chief law enforcement officer must provide basic training
258.19 to peace officers employed by the chief's agency on:

258.20 (1) identifying persons who are suffering from narcotics overdoses; and

258.21 (2) the proper use of opiate antagonists to treat a narcotics overdose.

258.22 Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient
258.23 supply of opiate antagonists to ensure that officers employed by the chief's agency can
258.24 satisfy the requirements of subdivision 3.

258.25 Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond
258.26 to emergency calls must have at least two unexpired opiate antagonist doses readily available
258.27 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
258.28 during the officer's shift shall replace the expended doses from the officer's agency's supply
258.29 so long as replacing the doses will not compromise public safety.

259.1 Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace
259.2 officers employed by the chief's agency to perform administration of an opiate antagonist
259.3 when an officer believes a person is suffering a narcotics overdose.

259.4 (b) In order to administer opiate antagonists, a peace officer must comply with section
259.5 151.37, subdivision 12, paragraph (b), clause (1).

259.6 Sec. 17. **REPEALER.**

259.7 Minnesota Statutes 2022, section 152.092, is repealed.

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

ARTICLE 17

CONTROLLED SUBSTANCES SCHEDULES

259.11 Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

259.12 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

259.13 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
259.14 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
259.15 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
259.16 and salts is possible:

259.17 (1) acetylmethadol;

259.18 (2) allylprodine;

259.19 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
259.20 acetate);

259.21 (4) alphameprodine;

259.22 (5) alphamethadol;

259.23 (6) alpha-methylfentanyl benzethidine;

259.24 (7) betacetylmethadol;

259.25 (8) betameprodine;

259.26 (9) betamethadol;

259.27 (10) betaprodine;

259.28 (11) clonitazene;

- 260.1 (12) dextromoramide;
- 260.2 (13) diampromide;
- 260.3 (14) diethylambutene;
- 260.4 (15) difenoxin;
- 260.5 (16) dimenoxadol;
- 260.6 (17) dimepheptanol;
- 260.7 (18) dimethylambutene;
- 260.8 (19) dioxaphetyl butyrate;
- 260.9 (20) dipipanone;
- 260.10 (21) ethylmethylthiambutene;
- 260.11 (22) etonitazene;
- 260.12 (23) etoxeridine;
- 260.13 (24) furethidine;
- 260.14 (25) hydroxypethidine;
- 260.15 (26) ketobemidone;
- 260.16 (27) levomoramide;
- 260.17 (28) levophenacilmorphan;
- 260.18 (29) 3-methylfentanyl;
- 260.19 (30) acetyl-alpha-methylfentanyl;
- 260.20 (31) alpha-methylthiofentanyl;
- 260.21 (32) benzylfentanyl beta-hydroxyfentanyl;
- 260.22 (33) beta-hydroxy-3-methylfentanyl;
- 260.23 (34) 3-methylthiofentanyl;
- 260.24 (35) thenylfentanyl;
- 260.25 (36) thiofentanyl;
- 260.26 (37) para-fluorofentanyl;
- 260.27 (38) morpheridine;

- 261.1 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 261.2 (40) noracymethadol;
- 261.3 (41) norlevorphanol;
- 261.4 (42) normethadone;
- 261.5 (43) norpipanone;
- 261.6 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 261.7 (45) phenadoxone;
- 261.8 (46) phenampromide;
- 261.9 (47) phenomorphan;
- 261.10 (48) phenoperidine;
- 261.11 (49) piritramide;
- 261.12 (50) proheptazine;
- 261.13 (51) properidine;
- 261.14 (52) propiram;
- 261.15 (53) racemoramide;
- 261.16 (54) tilidine;
- 261.17 (55) trimeperidine;
- 261.18 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 261.19 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 261.20 methylbenzamide(U47700);
- 261.21 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 261.22 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 261.23 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 261.24 fentanyl);
- 261.25 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 261.26 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 261.27 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 261.28 fentanyl);

- 262.1 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 262.2 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 262.3 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 262.4 (para-chloroisobutyryl fentanyl);
- 262.5 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
- 262.6 fentanyl);
- 262.7 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 262.8 (para-methoxybutyryl fentanyl);
- 262.9 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 262.10 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
- 262.11 fentanyl or para-fluoroisobutyryl fentanyl);
- 262.12 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
- 262.13 acryloylfentanyl);
- 262.14 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
- 262.15 fentanyl);
- 262.16 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
- 262.17 or 2-fluorofentanyl);
- 262.18 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
- 262.19 (tetrahydrofuranyl fentanyl); ~~and~~
- 262.20 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
- 262.21 esters and ethers, meaning any substance not otherwise listed under another federal
- 262.22 Administration Controlled Substance Code Number or not otherwise listed in this section,
- 262.23 and for which no exemption or approval is in effect under section 505 of the Federal Food,
- 262.24 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related
- 262.25 to fentanyl by one or more of the following modifications:
- 262.26 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether
- 262.27 or not further substituted in or on the monocycle;
- 262.28 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,
- 262.29 haloalkyl, amino, or nitro groups;
- 262.30 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
- 262.31 hydroxyl, halo, haloalkyl, amino, or nitro groups;

- 263.1 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further
263.2 substituted in or on the aromatic monocycle; or
- 263.3 (v) replacement of the N-propionyl group by another acyl group;
- 263.4 (76) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-
263.5 dihydro-2H-benzo[d]imidazol-2-one (bromphine);
- 263.6 (77) 4'-methyl acetyl fentanyl;
- 263.7 (78) beta-hydroxythiofentanyl;
- 263.8 (79) beta-methyl fentanyl;
- 263.9 (80) beta'-phenyl fentanyl;
- 263.10 (81) crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);
- 263.11 (82) cyclopropyl fentanyl
263.12 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- 263.13 (83) fentanyl carbamate;
- 263.14 (84) isotonitazene (N,N-diethyl-2-(2-(4
263.15 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- 263.16 (85) para-fluoro furanyl fentanyl;
- 263.17 (86) para-methylfentanyl;
- 263.18 (87) phenyl fentanyl;
- 263.19 (88) ortho-fluoroacryl fentanyl;
- 263.20 (89) ortho-fluorobutyryl fentanyl;
- 263.21 (90) ortho-fluoroisobutyryl fentanyl;
- 263.22 (91) ortho-methyl acetylfentanyl;
- 263.23 (92) thiofuranyl fentanyl;
- 263.24 (93) metonitazene
263.25 (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- 263.26 (94) metodesnitazene
263.27 (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 263.28 (95) etodesnitazene; etazene
263.29 (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);

- 264.1 (96) protonitazene
264.2 (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 264.3 (97) butonitazene
264.4 (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- 264.5 (98) flunitazene
264.6 (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine); and
- 264.7 (99) N-pyrrolidino etonitazene; etonitazepyne
264.8 (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole).
- 264.9 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
264.10 and salts of isomers, unless specifically excepted or unless listed in another schedule,
264.11 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 264.12 (1) acetorphine;
264.13 (2) acetyldihydrocodeine;
264.14 (3) benzylmorphine;
264.15 (4) codeine methylbromide;
264.16 (5) codeine-n-oxide;
264.17 (6) cyprenorphine;
264.18 (7) desomorphine;
264.19 (8) dihydromorphine;
264.20 (9) drotebanol;
264.21 (10) etorphine;
264.22 (11) heroin;
264.23 (12) hydromorphanol;
264.24 (13) methyl-desorphine;
264.25 (14) methyldihydromorphine;
264.26 (15) morphine methylbromide;
264.27 (16) morphine methylsulfonate;
264.28 (17) morphine-n-oxide;
264.29 (18) myrophine;

- 265.1 (19) nicocodeine;
- 265.2 (20) nicomorphine;
- 265.3 (21) normorphine;
- 265.4 (22) pholcodine; and
- 265.5 (23) thebacon.
- 265.6 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
- 265.7 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
- 265.8 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
- 265.9 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
- 265.10 possible:
- 265.11 (1) methylenedioxy amphetamine;
- 265.12 (2) methylenedioxymethamphetamine;
- 265.13 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 265.14 (4) n-hydroxy-methylenedioxyamphetamine;
- 265.15 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 265.16 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 265.17 (7) 4-methoxyamphetamine;
- 265.18 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 265.19 (9) alpha-ethyltryptamine;
- 265.20 (10) bufotenine;
- 265.21 (11) diethyltryptamine;
- 265.22 (12) dimethyltryptamine;
- 265.23 (13) 3,4,5-trimethoxyamphetamine;
- 265.24 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 265.25 (15) ibogaine;
- 265.26 (16) lysergic acid diethylamide (LSD);
- 265.27 (17) mescaline;
- 265.28 (18) parahexyl;

- 266.1 (19) N-ethyl-3-piperidyl benzilate;
- 266.2 (20) N-methyl-3-piperidyl benzilate;
- 266.3 (21) psilocybin;
- 266.4 (22) psilocyn;
- 266.5 (23) tenocyclidine (TPCP or TCP);
- 266.6 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 266.7 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 266.8 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 266.9 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 266.10 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 266.11 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 266.12 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 266.13 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 266.14 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 266.15 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 266.16 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 266.17 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 266.18 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 266.19 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 266.20 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 266.21 (2-CB-FLY);
- 266.22 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 266.23 (40) alpha-methyltryptamine (AMT);
- 266.24 (41) N,N-diisopropyltryptamine (DiPT);
- 266.25 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 266.26 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 266.27 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);

- 267.1 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 267.2 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 267.3 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 267.4 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 267.5 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 267.6 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 267.7 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 267.8 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 267.9 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 267.10 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 267.11 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 267.12 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 267.13 (57) methoxetamine (MXE);
- 267.14 (58) 5-iodo-2-aminoindane (5-IAI);
- 267.15 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 267.16 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 267.17 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 267.18 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 267.19 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 267.20 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 267.21 (65) N,N-Dipropyltryptamine (DPT);
- 267.22 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 267.23 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 267.24 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 267.25 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 267.26 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylnorketamine,
267.27 ethketamine, NENK);

268.1 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);

268.2 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and

268.3 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

268.4 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
268.5 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
268.6 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
268.7 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
268.8 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
268.9 Church, and members of the American Indian Church are exempt from registration. Any
268.10 person who manufactures peyote for or distributes peyote to the American Indian Church,
268.11 however, is required to obtain federal registration annually and to comply with all other
268.12 requirements of law.

268.13 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
268.14 another schedule, any material compound, mixture, or preparation which contains any
268.15 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
268.16 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

268.17 (1) mecloqualone;

268.18 (2) methaqualone;

268.19 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

268.20 (4) flunitrazepam;

268.21 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
268.22 methoxyketamine);

268.23 (6) tianeptine;

268.24 (7) clonazepam;

268.25 (8) etizolam;

268.26 (9) flubromazepam; and

268.27 (10) flubromazepam.

268.28 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
268.29 material compound, mixture, or preparation which contains any quantity of the following
268.30 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
268.31 analogs, salts, isomers, and salts of isomers is possible:

- 269.1 (1) aminorex;
- 269.2 (2) cathinone;
- 269.3 (3) fenethylamine;
- 269.4 (4) methcathinone;
- 269.5 (5) methylaminorex;
- 269.6 (6) N,N-dimethylamphetamine;
- 269.7 (7) N-benzylpiperazine (BZP);
- 269.8 (8) methylmethcathinone (mephedrone);
- 269.9 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 269.10 (10) methoxymethcathinone (methedrone);
- 269.11 (11) methylenedioxypropylone (MDPV);
- 269.12 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 269.13 (13) methylethcathinone (MEC);
- 269.14 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 269.15 (15) dimethylmethcathinone (DMMC);
- 269.16 (16) fluoroamphetamine;
- 269.17 (17) fluoromethamphetamine;
- 269.18 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 269.19 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 269.20 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 269.21 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 269.22 naphyrone);
- 269.23 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 269.24 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 269.25 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 269.26 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 269.27 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);

- 270.1 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 270.2 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 270.3 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 270.4 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 270.5 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 270.6 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 270.7 (33) 1-phenyl-2-(1-pyrrolidiny1)-1-heptanone (PV8);
- 270.8 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 270.9 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 270.10 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 270.11 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 270.12 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 270.13 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 270.14 ~~and~~
- 270.15 (40) any other substance, except bupropion or compounds listed under a different
- 270.16 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 270.17 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 270.18 compound is further modified in any of the following ways:
- 270.19 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
- 270.20 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 270.21 system by one or more other univalent substituents;
- 270.22 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 270.23 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 270.24 methoxybenzyl groups; or
- 270.25 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure;
- 270.26 (41) 4,4'-dimethylaminorex (4,4'-DMAR;
- 270.27 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine);
- 270.28 (42) 4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-A-PVP);

271.1 (43) para-methoxymethamphetamine (PMMA),
271.2 1-(4-methoxyphenyl)-N-methylpropan-2-amine; and

271.3 (44) N-ethylhexedrone.

271.4 (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
271.5 excepted or unless listed in another schedule, any natural or synthetic material, compound,
271.6 mixture, or preparation that contains any quantity of the following substances, their analogs,
271.7 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
271.8 of the isomers, esters, ethers, or salts is possible:

271.9 (1) marijuana;

271.10 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except
271.11 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation
271.12 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic
271.13 equivalents of the substances contained in the cannabis plant or in the resinous extractives
271.14 of the plant; or synthetic substances with similar chemical structure and pharmacological
271.15 activity to those substances contained in the plant or resinous extract, including, but not
271.16 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
271.17 cis or trans tetrahydrocannabinol;

271.18 (3) synthetic cannabinoids, including the following substances:

271.19 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
271.20 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
271.21 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
271.22 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
271.23 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
271.24 naphthoylindoles include, but are not limited to:

271.25 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

271.26 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

271.27 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

271.28 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

271.29 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

271.30 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

271.31 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

- 272.1 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);
- 272.2 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- 272.3 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).
- 272.4 (ii) Naphthylmethyloindoles, which are any compounds containing a
- 272.5 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
- 272.6 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 272.7 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
- 272.8 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
- 272.9 ring to any extent. Examples of naphthylmethyloindoles include, but are not limited to:
- 272.10 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);
- 272.11 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).
- 272.12 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
- 272.13 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
- 272.14 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 272.15 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
- 272.16 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
- 272.17 naphthoylpyrroles include, but are not limited to,
- 272.18 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).
- 272.19 (iv) Naphthylmethyloindenes, which are any compounds containing a naphthylideneindene
- 272.20 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
- 272.21 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 272.22 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
- 272.23 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
- 272.24 naphthylmethyloindenes include, but are not limited to,
- 272.25 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).
- 272.26 (v) Phenylacetyloindoles, which are any compounds containing a 3-phenylacetyloindole
- 272.27 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 272.28 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 272.29 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 272.30 extent, whether or not substituted in the phenyl ring to any extent. Examples of
- 272.31 phenylacetyloindoles include, but are not limited to:
- 272.32 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);
- 272.33 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

- 273.1 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);
- 273.2 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).
- 273.3 (vi) Cyclohexylphenols, which are compounds containing a
- 273.4 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
- 273.5 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 273.6 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
- 273.7 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
- 273.8 limited to:
- 273.9 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);
- 273.10 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
- 273.11 (Cannabicyclohexanol or CP 47,497 C8 homologue);
- 273.12 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
- 273.13 -phenol (CP 55,940).
- 273.14 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
- 273.15 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
- 273.16 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 273.17 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 273.18 extent and whether or not substituted in the phenyl ring to any extent. Examples of
- 273.19 benzoylindoles include, but are not limited to:
- 273.20 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 273.21 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 273.22 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
- 273.23 48,098 or Pravadoline).
- 273.24 (viii) Others specifically named:
- 273.25 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 273.26 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 273.27 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 273.28 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 273.29 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
- 273.30 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 273.31 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

- 274.1 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
274.2 (XLR-11);
- 274.3 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
274.4 (AKB-48(APINACA));
- 274.5 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
274.6 (5-Fluoro-AKB-48);
- 274.7 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 274.8 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
- 274.9 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
274.10 (AB-PINACA);
- 274.11 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
274.12 1H-indazole-3-carboxamide (AB-FUBINACA);
- 274.13 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
274.14 indazole-3-carboxamide(AB-CHMINACA);
- 274.15 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate
274.16 (5-fluoro-AMB);
- 274.17 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 274.18 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
274.19 (FUBIMINA);
- 274.20 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
274.21 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 274.22 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
274.23 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 274.24 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
274.25 -1H-indole-3-carboxamide;
- 274.26 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
274.27 -1H-indazole-3-carboxamide;
- 274.28 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 274.29 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
274.30 H-indazole-3-carboxamide (MAB-CHMINACA);

- 275.1 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
275.2 (ADB-PINACA);
- 275.3 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 275.4 (X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
275.5 3-carboxamide. (APP-CHMINACA);
- 275.6 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 275.7 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 275.8 (ix) Additional substances specifically named:
- 275.9 (A) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
275.10 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 275.11 (B) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide
275.12 (4-CN-Cumyl-Butinaca);
- 275.13 (C) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; CBL2201);
- 275.14 (D) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
275.15 H-indazole-3-carboxamide (5F-ABPINACA);
- 275.16 (E) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
275.17 (MDMB CHMICA);
- 275.18 (F) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
275.19 (5F-ADB; 5F-MDMB-PINACA); and
- 275.20 (G) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
275.21 1H-indazole-3-carboxamide (ADB-FUBINACA);
- 275.22 (H) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide;
- 275.23 (I) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3- tetramethylcyclopropyl)methanone;
- 275.24 (J) methyl 2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3,3-dimethylbutanoate;
- 275.25 (K) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 275.26 (L) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;
- 275.27 (M) methyl 2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3- methylbutanoate;
- 275.28 (N) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide; and
- 275.29 (O) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide.

276.1 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
276.2 for human consumption.

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

276.4 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 3, is amended to read:

276.5 Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

276.6 (b) Unless specifically excepted or unless listed in another schedule, any of the following
276.7 substances whether produced directly or indirectly by extraction from substances of vegetable
276.8 origin or independently by means of chemical synthesis, or by a combination of extraction
276.9 and chemical synthesis:

276.10 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
276.11 opiate.

276.12 (i) Excluding:

276.13 (A) apomorphine;

276.14 (B) thebaine-derived butorphanol;

276.15 (C) dextrophan;

276.16 (D) nalbuphine;

276.17 (E) nalmefene;

276.18 (F) naloxegol;

276.19 (G) naloxone;

276.20 (H) naltrexone; and

276.21 (I) their respective salts;

276.22 (ii) but including the following:

276.23 (A) opium, in all forms and extracts;

276.24 (B) codeine;

276.25 (C) dihydroetorphine;

276.26 (D) ethylmorphine;

276.27 (E) etorphine hydrochloride;

276.28 (F) hydrocodone;

- 277.1 (G) hydromorphone;
- 277.2 (H) metopon;
- 277.3 (I) morphine;
- 277.4 (J) oxycodone;
- 277.5 (K) oxymorphone;
- 277.6 (L) thebaine;
- 277.7 (M) oripavine;
- 277.8 (2) any salt, compound, derivative, or preparation thereof which is chemically equivalent
277.9 or identical with any of the substances referred to in clause (1), except that these substances
277.10 shall not include the isoquinoline alkaloids of opium;
- 277.11 (3) opium poppy and poppy straw;
- 277.12 (4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves
277.13 (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers
277.14 and derivatives), and any salt, compound, derivative, or preparation thereof which is
277.15 chemically equivalent or identical with any of these substances, except that the substances
277.16 shall not include decocainized coca leaves or extraction of coca leaves, which extractions
277.17 do not contain cocaine or ecgonine;
- 277.18 (5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid,
277.19 or powder form which contains the phenanthrene alkaloids of the opium poppy).
- 277.20 (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
277.21 of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule,
277.22 whenever the existence of such isomers, esters, ethers and salts is possible within the specific
277.23 chemical designation:
- 277.24 (1) alfentanil;
- 277.25 (2) alphaprodine;
- 277.26 (3) anileridine;
- 277.27 (4) bezitramide;
- 277.28 (5) bulk dextropropoxyphene (nondosage forms);
- 277.29 (6) carfentanil;
- 277.30 (7) dihydrocodeine;

- 278.1 (8) dihydromorphinone;
- 278.2 (9) diphenoxylate;
- 278.3 (10) fentanyl;
- 278.4 (11) isomethadone;
- 278.5 (12) levo-alpha-acetylmethadol (LAAM);
- 278.6 (13) levomethorphan;
- 278.7 (14) levorphanol;
- 278.8 (15) metazocine;
- 278.9 (16) methadone;
- 278.10 (17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 278.11 (18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic
- 278.12 acid;
- 278.13 (19) pethidine;
- 278.14 (20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;
- 278.15 (21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;
- 278.16 (22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 278.17 (23) phenazocine;
- 278.18 (24) piminodine;
- 278.19 (25) racemethorphan;
- 278.20 (26) racemorphan;
- 278.21 (27) remifentanil;
- 278.22 (28) sufentanil;
- 278.23 (29) tapentadol;
- 278.24 (30) 4-Anilino-N-phenethylpiperidine;
- 278.25 (31) oliceridine;
- 278.26 (32) norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide).

279.1 (d) Unless specifically excepted or unless listed in another schedule, any material,
279.2 compound, mixture, or preparation which contains any quantity of the following substances
279.3 having a stimulant effect on the central nervous system:

279.4 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

279.5 (2) methamphetamine, its salts, isomers, and salts of its isomers;

279.6 (3) phenmetrazine and its salts;

279.7 (4) methylphenidate;

279.8 (5) lisdexamfetamine.

279.9 (e) Unless specifically excepted or unless listed in another schedule, any material,
279.10 compound, mixture, or preparation which contains any quantity of the following substances
279.11 having a depressant effect on the central nervous system, including its salts, isomers, and
279.12 salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible
279.13 within the specific chemical designation:

279.14 (1) amobarbital;

279.15 (2) glutethimide;

279.16 (3) secobarbital;

279.17 (4) pentobarbital;

279.18 (5) phencyclidine;

279.19 (6) phencyclidine immediate precursors:

279.20 (i) 1-phenylcyclohexylamine;

279.21 (ii) 1-piperidinocyclohexanecarbonitrile;

279.22 (7) phenylacetone.

279.23 (f) Cannabinoids:

279.24 (1) nabilone;

279.25 (2) dronabinol [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)] in an oral solution
279.26 in a drug product approved for marketing by the United States Food and Drug Administration.

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

279.28 Sec. 3. Minnesota Statutes 2022, section 152.02, subdivision 5, is amended to read:

279.29 Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.

280.1 (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
280.2 any material, compound, mixture, or preparation containing any of the following narcotic
280.3 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
280.4 as follows:

280.5 (1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine
280.6 sulfate per dosage unit;

280.7 (2) dextropropoxyphene (Darvon and Darvocet);

280.8 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and
280.9 geometric isomers, and salts of these isomers (including tramadol);

280.10 (4) eluxadoline;

280.11 (5) pentazocine; and

280.12 (6) butorphanol (including its optical isomers).

280.13 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any
280.14 material, compound, mixture, or preparation containing any quantity of the following
280.15 substances, including its salts, isomers, and salts of isomers whenever the existence of the
280.16 salts, isomers, and salts of isomers is possible:

280.17 (1) alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);

280.18 (2) alprazolam;

280.19 (3) barbital;

280.20 (4) bromazepam;

280.21 (5) camazepam;

280.22 (6) carisoprodol;

280.23 (7) chloral betaine;

280.24 (8) chloral hydrate;

280.25 (9) chlordiazepoxide;

280.26 (10) clobazam;

280.27 (11) clonazepam;

280.28 (12) clorazepate;

280.29 (13) clotiazepam;

- 281.1 (14) cloxazolam;
- 281.2 (15) delorazepam;
- 281.3 (16) diazepam;
- 281.4 (17) dichloralphenazone;
- 281.5 (18) estazolam;
- 281.6 (19) ethchlorvynol;
- 281.7 (20) ethinamate;
- 281.8 (21) ethyl loflazepate;
- 281.9 (22) fludiazepam;
- 281.10 (23) flurazepam;
- 281.11 (24) fospropofol;
- 281.12 (25) halazepam;
- 281.13 (26) haloxazolam;
- 281.14 (27) ketazolam;
- 281.15 (28) loprozolam;
- 281.16 (29) lorazepam;
- 281.17 (30) lormetazepam mebutamate;
- 281.18 (31) medazepam;
- 281.19 (32) meprobamate;
- 281.20 (33) methohexital;
- 281.21 (34) methylphenobarbital;
- 281.22 (35) midazolam;
- 281.23 (36) nimetazepam;
- 281.24 (37) nitrazepam;
- 281.25 (38) nordiazepam;
- 281.26 (39) oxazepam;
- 281.27 (40) oxazolam;

- 282.1 (41) paraldehyde;
- 282.2 (42) petrichloral;
- 282.3 (43) phenobarbital;
- 282.4 (44) pinazepam;
- 282.5 (45) prazepam;
- 282.6 (46) quazepam;
- 282.7 (47) suvorexant;
- 282.8 (48) temazepam;
- 282.9 (49) tetrazepam;
- 282.10 (50) triazolam;
- 282.11 (51) zaleplon;
- 282.12 (52) zolpidem;
- 282.13 (53) zopiclone;
- 282.14 (54) brexanolone (3 α -hydroxy-5 α -pregnan-20-one);
- 282.15 (55) lemborexant;
- 282.16 (56) remimazolam (4H-imidazol[1,2-a][1,4]benzodiazepine-4-propionic acid).
- 282.17 (d) Any material, compound, mixture, or preparation which contains any quantity of the
- 282.18 following substance including its salts, isomers, and salts of such isomers, whenever the
- 282.19 existence of such salts, isomers, and salts of isomers is possible: fenfluramine.
- 282.20 (e) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 282.21 material, compound, mixture, or preparation which contains any quantity of the following
- 282.22 substances having a stimulant effect on the central nervous system, including its salts,
- 282.23 isomers, and salts of isomers:
- 282.24 (1) cathine (norpseudoephedrine);
- 282.25 (2) diethylpropion;
- 282.26 (3) fencamfamine;
- 282.27 (4) fenproporex;
- 282.28 (5) mazindol;

- 283.1 (6) mefenorex;
- 283.2 (7) modafinil;
- 283.3 (8) pemoline (including organometallic complexes and chelates thereof);
- 283.4 (9) phentermine;
- 283.5 (10) pipradol;
- 283.6 (11) sibutramine;
- 283.7 (12) SPA (1-dimethylamino-1,2-diphenylethane)-;
- 283.8 (13) serdexmethylphenidate;
- 283.9 (14) solriamfetol (2-amino-3-phenylpropyl car-bamate; benzenepropanol, beta-amino-,
- 283.10 carbamate (ester)).
- 283.11 (f) lorcaserin.

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

283.13 Sec. 4. Minnesota Statutes 2022, section 152.02, subdivision 6, is amended to read:

283.14 Subd. 6. **Schedule V; restrictions on methamphetamine precursor drugs.** (a) As used
283.15 in this subdivision, the following terms have the meanings given:

283.16 (1) "methamphetamine precursor drug" means any compound, mixture, or preparation
283.17 intended for human consumption containing ephedrine or pseudoephedrine as its sole active
283.18 ingredient or as one of its active ingredients; and

283.19 (2) "over-the-counter sale" means a retail sale of a drug or product but does not include
283.20 the sale of a drug or product pursuant to the terms of a valid prescription.

283.21 (b) The following items are listed in Schedule V:

283.22 (1) any compound, mixture, or preparation containing any of the following limited
283.23 quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal
283.24 ingredients in sufficient proportion to confer upon the compound, mixture or preparation
283.25 valuable medicinal qualities other than those possessed by the narcotic drug alone:

283.26 (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

283.27 (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

283.28 (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of
283.29 atropine sulfate per dosage unit;

284.1 (iv) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; or

284.2 (v) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine
284.3 sulfate per dosage unit.

284.4 (2) Stimulants. Unless specifically exempted or excluded or unless listed in another
284.5 schedule, any material, compound, mixture, or preparation that contains any quantity of the
284.6 following substance having a stimulant effect on the central nervous system, including its
284.7 salts, isomers, and salts of isomers: pyrovalerone.

284.8 (3) Depressants. Unless specifically exempted or excluded or unless listed in another
284.9 schedule, any material, compound, mixture, or preparation that contains any quantity of the
284.10 following substance having a depressant effect on the central nervous system, including its
284.11 salts, isomers, and salts of isomers:

284.12 (i) ezogabine;

284.13 (ii) pregabalin;

284.14 (iii) lacosamide;

284.15 (iv) cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl]carbamate.

284.16 (4) Any compound, mixture, or preparation containing ephedrine or pseudoephedrine
284.17 as its sole active ingredient or as one of its active ingredients.

284.18 (c) No person may sell in a single over-the-counter sale more than two packages of a
284.19 methamphetamine precursor drug or a combination of methamphetamine precursor drugs
284.20 or any combination of packages exceeding a total weight of six grams, calculated as the
284.21 base.

284.22 (d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

284.23 (1) packages containing not more than a total of three grams of one or more
284.24 methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine
284.25 base; or

284.26 (2) for nonliquid products, sales in blister packs, where each blister contains not more
284.27 than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit
284.28 dose packets or pouches.

284.29 (e) A business establishment that offers for sale methamphetamine precursor drugs in
284.30 an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a
284.31 checkout counter where the public is not permitted and are offered for sale only by a licensed

285.1 pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall
285.2 ensure that the person making the sale requires the buyer:

285.3 (1) to provide photographic identification showing the buyer's date of birth; and

285.4 (2) to sign a written or electronic document detailing the date of the sale, the name of
285.5 the buyer, and the amount of the drug sold.

285.6 A document described under clause (2) must be retained by the establishment for at least
285.7 three years and must at all reasonable times be open to the inspection of any law enforcement
285.8 agency.

285.9 Nothing in this paragraph requires the buyer to obtain a prescription for the drug's
285.10 purchase.

285.11 (f) No person may acquire through over-the-counter sales more than six grams of
285.12 methamphetamine precursor drugs, calculated as the base, within a 30-day period.

285.13 (g) No person may sell in an over-the-counter sale a methamphetamine precursor drug
285.14 to a person under the age of 18 years. It is an affirmative defense to a charge under this
285.15 paragraph if the defendant proves by a preponderance of the evidence that the defendant
285.16 reasonably and in good faith relied on proof of age as described in section 340A.503,
285.17 subdivision 6.

285.18 (h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a
285.19 misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to
285.20 payment of a fine of not more than \$1,000, or both.

285.21 (i) An owner, operator, supervisor, or manager of a business establishment that offers
285.22 for sale methamphetamine precursor drugs whose employee or agent is convicted of or
285.23 charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties
285.24 for violating any of those paragraphs if the person:

285.25 (1) did not have prior knowledge of, participate in, or direct the employee or agent to
285.26 commit the violation; and

285.27 (2) documents that an employee training program was in place to provide the employee
285.28 or agent with information on the state and federal laws and regulations regarding
285.29 methamphetamine precursor drugs.

285.30 (j) Any person employed by a business establishment that offers for sale
285.31 methamphetamine precursor drugs who sells such a drug to any person in a suspicious
285.32 transaction shall report the transaction to the owner, supervisor, or manager of the

286.1 establishment. The owner, supervisor, or manager may report the transaction to local law
286.2 enforcement. A person who reports information under this subdivision in good faith is
286.3 immune from civil liability relating to the report.

286.4 (k) Paragraphs (b) to (j) do not apply to:

286.5 (1) pediatric products labeled pursuant to federal regulation primarily intended for
286.6 administration to children under 12 years of age according to label instructions;

286.7 (2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as
286.8 being manufactured in a manner that prevents the drug from being used to manufacture
286.9 methamphetamine;

286.10 (3) methamphetamine precursor drugs in gel capsule or liquid form; or

286.11 (4) compounds, mixtures, or preparations in powder form where pseudoephedrine
286.12 constitutes less than one percent of its total weight and is not its sole active ingredient.

286.13 (l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall
286.14 certify methamphetamine precursor drugs that meet the requirements of paragraph (k),
286.15 clause (2), and publish an annual listing of these drugs.

286.16 (m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy
286.17 pursuant to sections ~~151.42 to 151.51~~ 151.43 to 151.471 and registered with and regulated
286.18 by the United States Drug Enforcement Administration are exempt from the
286.19 methamphetamine precursor drug storage requirements of this section.

286.20 (n) This section preempts all local ordinances or regulations governing the sale by a
286.21 business establishment of over-the-counter products containing ephedrine or
286.22 pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

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

286.24

ARTICLE 18

286.25

911 EMERGENCY COMMUNICATION SYSTEM

286.26 Section 1. Minnesota Statutes 2022, section 403.02, subdivision 7, is amended to read:

286.27 Subd. 7. **Automatic location identification.** "Automatic location identification" means
286.28 the process of electronically identifying and displaying ~~the name of the subscriber and the~~
286.29 ~~location, where available, of the calling telephone number~~ the name of the subscriber, the
286.30 communications device's current location, and the callback number to a person public safety
286.31 telecommunicator answering a 911 emergency call.

287.1 Sec. 2. Minnesota Statutes 2022, section 403.02, subdivision 9a, is amended to read:

287.2 Subd. 9a. **Callback number.** "Callback number" means a telephone number or
287.3 functionally equivalent Internet address or device identification number used by the public
287.4 safety answering point to ~~recontact~~ contact the ~~location~~ device from which the 911 call was
287.5 placed.

287.6 Sec. 3. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
287.7 read:

287.8 Subd. 10a. **Cost recovery.** "Cost recovery" means costs incurred by
287.9 commissioner-approved originating service providers specifically for the purpose of providing
287.10 access to the 911 network for their subscribers or maintenance of 911 customer databases.
287.11 These costs may be reimbursed to the requesting originating service provider. Recoverable
287.12 costs include only those costs that the requesting provider would avoid if the provider were
287.13 not providing access to the 911 network or maintenance of 911 customer databases.

287.14 Sec. 4. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
287.15 read:

287.16 Subd. 10b. **Cybersecurity.** "Cybersecurity" means the prevention of damage to,
287.17 unauthorized use of, exploitation of, and if needed, the restoration of, electronic information
287.18 and communications systems and services and the information contained therein to ensure
287.19 confidentiality, integrity, and availability.

287.20 Sec. 5. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
287.21 read:

287.22 Subd. 10c. **Emergency communications network service provider**
287.23 **(ECNSP).** "Emergency communications network service provider" or "ECNSP" means a
287.24 service provider, determined by the commissioner to be capable of providing effective and
287.25 efficient components of the 911 network or its management that provides or manages all
287.26 or portions of the statewide 911 emergency communications network. The ECNSP is the
287.27 entity or entities that the state contracts with to provide facilities and services associated
287.28 with operating and maintaining the Minnesota statewide 911 network.

287.29 Sec. 6. Minnesota Statutes 2022, section 403.02, subdivision 11b, is amended to read:

287.30 Subd. 11b. **Emergency response location.** "Emergency response location" means a
287.31 location to which a 911 ~~emergency response team~~ services may be dispatched. The location

288.1 must be specific enough to provide a reasonable opportunity for ~~the emergency response~~
288.2 ~~team to locate~~ a caller to be located anywhere within it.

288.3 Sec. 7. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.4 read:

288.5 Subd. 11c. **Emergency services.** "Emergency services" includes but is not limited to
288.6 firefighting, police, ambulance, medical, or other mobile services dispatched, monitored,
288.7 or controlled by a public safety answering point.

288.8 Sec. 8. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.9 read:

288.10 Subd. 11d. **Emergency Services Internet (ESInet).** "Emergency Services Internet" or
288.11 "ESInet" means an Internet protocol-based and multipurpose network supporting local,
288.12 regional, and national public safety communications services in addition to 911 services.
288.13 The ESInet is comprised of three network components, including ingress network, next
288.14 generation core services, and egress network.

288.15 Sec. 9. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.16 read:

288.17 Subd. 12a. **End user equipment.** "End user equipment" means any device held or
288.18 operated by an employee of a public safety agency, except for public safety
288.19 telecommunicators, for the purpose of receiving voice or data communications outside of
288.20 a public safety answering point. This includes but is not limited to mobile radios, portable
288.21 radios, pagers, mobile computers, tablets, and cellular telephones.

288.22 Sec. 10. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.23 read:

288.24 Subd. 13a. **Geographical Information System (GIS).** "Geographical Information
288.25 System" or "GIS" means a system for capturing, storing, displaying, analyzing, and managing
288.26 data and associated attributes that are spatially referenced.

288.27 Sec. 11. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
288.28 read:

288.29 Subd. 14a. **Internet protocol (IP).** "Internet protocol" or "IP" means the method by
288.30 which data are sent from one computer to another on the Internet or other networks.

289.1 Sec. 12. Minnesota Statutes 2022, section 403.02, subdivision 16a, is amended to read:

289.2 Subd. 16a. **Multiline telephone system (MLTS).** "Multiline telephone system" or
289.3 "MLTS" means a ~~private telephone~~ system comprised of common control units, ~~telephones,~~
289.4 ~~and telephone sets,~~ control hardware ~~and,~~ software ~~that share a common interface to the~~
289.5 ~~public switched telephone network,~~ and adjunct systems used to support the capabilities
289.6 outlined in this chapter. This includes network and premises-based systems such as Centrex,
289.7 VoIP, PBX, Hybrid, and Key Telephone Systems, as classified by the Federal
289.8 Communications Commission requirements under Code of Federal Regulations, title 47,
289.9 part 68, and systems owned or leased by governmental agencies ~~and,~~ nonprofit entities, ~~as~~
289.10 ~~well as~~ and for-profit businesses.

289.11 Sec. 13. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
289.12 read:

289.13 Subd. 16c. **Next generation core services (NGCS).** "Next generation core services" or
289.14 "NGCS" means the base set of services needed to process a 911 call on an ESInet. These
289.15 services include but are not limited to the Emergency Services Routing Proxy, Emergency
289.16 Call Routing Function, Location Validation Function, Border Control Function, Bridge,
289.17 Policy Store, Logging Services, and typical IP services such as DNS and DHCP. Next
289.18 generation core services includes only the services and not the network on which they
289.19 operate.

289.20 Sec. 14. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
289.21 read:

289.22 Subd. 16d. **Next generation 911 (NG911).** "Next generation 911" or "NG911" means
289.23 an Internet protocol-based system comprised of managed Emergency Services IP networks,
289.24 functional elements and applications, and databases that replicate the traditional E911
289.25 features and functions and that also provides additional capabilities based on industry
289.26 standards. NG911 is designed to provide access to emergency services from all connected
289.27 communications services and provide multimedia data capabilities for public safety answering
289.28 points and other emergency services organizations.

289.29 Sec. 15. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
289.30 read:

289.31 Subd. 16e. **911 call.** "911 call" means any form of communication requesting any type
289.32 of emergency services by contacting a public safety answering point, including voice or

290.1 nonvoice communications, as well as transmission of any analog or digital data. 911 call
290.2 includes a voice call, video call, text message, or data-only call.

290.3 Sec. 16. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
290.4 read:

290.5 Subd. 16f. **911 network.** "911 network" means:

290.6 (1) a legacy telecommunications network that supports basic and enhanced 911 service;
290.7 or

290.8 (2) the ESInet that is used for 911 calls that can be shared by all public safety answering
290.9 points and that provides the IP transport infrastructure upon which independent public safety
290.10 application platforms and core functional processes can be deployed, including but not
290.11 limited to those necessary for providing next generation 911 service capability.

290.12 A network may be constructed from a mix of dedicated and shared facilities and may be
290.13 interconnected at local, regional, state, national, and international levels.

290.14 Sec. 17. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
290.15 read:

290.16 Subd. 16g. **911 system.** "911 system" means a coordinated system of technologies,
290.17 networks, hardware, and software applications that a public safety answering point must
290.18 procure and maintain in order to connect to the state 911 network and provide 911 services.

290.19 Sec. 18. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
290.20 read:

290.21 Subd. 16h. **Originating service provider (OSP).** "Originating service provider" or
290.22 "OSP" means an entity that provides the capability for customers to originate 911 calls to
290.23 public safety answering points, including wire-line communications service providers, Voice
290.24 over Internet Protocol service providers, and wireless communications service providers.

290.25 Sec. 19. Minnesota Statutes 2022, section 403.02, subdivision 17, is amended to read:

290.26 Subd. 17. **911 service.** "911 service" means ~~a telecommunications service that~~
290.27 ~~automatically connects a person dialing the digits 911 to an established public safety~~
290.28 ~~answering point. 911 service includes:~~ the emergency response service a public safety
290.29 answering point provides as a result of processing 911 calls through its 911 system.

291.1 ~~(1) customer data and network components connecting to the common 911 network and~~
291.2 ~~database;~~

291.3 ~~(2) common 911 network and database equipment, as appropriate, for automatically~~
291.4 ~~selectively routing 911 calls to the public safety answering point serving the caller's~~
291.5 ~~jurisdiction; and~~

291.6 ~~(3) provision of automatic location identification if the public safety answering point~~
291.7 ~~has the capability of providing that service.~~

291.8 Sec. 20. Minnesota Statutes 2022, section 403.02, subdivision 17c, is amended to read:

291.9 Subd. 17c. **911 Public safety telecommunicator.** "911 Public safety telecommunicator"
291.10 means a person employed by a public safety answering point, an emergency medical dispatch
291.11 service provider, or both, who is qualified to answer incoming emergency telephone calls,
291.12 text messages, and computer notifications or provide for the appropriate emergency response
291.13 either directly or through communication with the appropriate public safety answering point.

291.14 Sec. 21. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
291.15 read:

291.16 Subd. 17e. **Point of interconnection (POI).** "Point of interconnection" or "POI" means
291.17 the location or locations within the 911 network where OSPs deliver 911 calls on behalf of
291.18 their users or subscribers for delivery to the appropriate public service answering point.

291.19 Sec. 22. Minnesota Statutes 2022, section 403.02, subdivision 18, is amended to read:

291.20 Subd. 18. **Public safety agency.** "Public safety agency" means a functional division of
291.21 a public agency which provides firefighting, police, medical, or other emergency services,
291.22 or a private entity which provides emergency medical or ambulance services an agency that
291.23 provides emergency services to the public.

291.24 Sec. 23. Minnesota Statutes 2022, section 403.02, subdivision 19, is amended to read:

291.25 Subd. 19. **Public safety answering point (PSAP).** "Public safety answering point" or
291.26 "PSAP" means a governmental agency operating a 24-hour communications facility operated
291.27 on a 24-hour basis which that first receives 911 and other emergency calls from persons in
291.28 a 911 service area and which may, as appropriate, central station notifications, text messages,
291.29 and computer notifications and directly dispatch public safety dispatches emergency response
291.30 services or extend, transfer, or relay 911 calls relays communications to appropriate public
291.31 safety agencies according to a specific operational policy.

292.1 Sec. 24. Minnesota Statutes 2022, section 403.02, subdivision 19a, is amended to read:

292.2 Subd. 19a. **Secondary public safety answering point.** "Secondary public safety
292.3 answering point" means a communications facility that: ~~(1) is operated on a 24-hour basis,~~
292.4 ~~in which a minimum of three public safety answering points (PSAPs) route calls for~~
292.5 ~~postdispatch or prearrival instructions; (2) receives calls directly from medical facilities to~~
292.6 ~~reduce call volume at the PSAPs; and (3) is able to receive 911 calls routed to it from a~~
292.7 ~~PSAP when the PSAP is unable to receive or answer 911 calls~~ receives calls transferred
292.8 from a public safety answering point and is connected to the 911 network.

292.9 Sec. 25. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.10 read:

292.11 Subd. 19c. **Public Utilities Commission (PUC).** "Public Utilities Commission" or
292.12 "PUC" means the Minnesota state commission defined in section 216A.03.

292.13 Sec. 26. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.14 read:

292.15 Subd. 19d. **Regional board.** "Regional board" means one of the seven emergency
292.16 services and emergency communications boards in this state.

292.17 Sec. 27. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.18 read:

292.19 Subd. 19e. **Service user.** "Service user" means any person who initiates a 911 call to
292.20 receive emergency services.

292.21 Sec. 28. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.22 read:

292.23 Subd. 19f. **Voice over Internet Protocol (VoIP) service provider.** "Voice over Internet
292.24 Protocol service provider" or "VoIP service provider" means an entity that provides distinct
292.25 packetized voice information in a digital format using the Internet protocol directly or
292.26 through a third party, marketed or sold as either a telephone service or an information service
292.27 interconnected with the PSTN, including both facilities-based service providers and resellers
292.28 of such services.

293.1 Sec. 29. Minnesota Statutes 2022, section 403.02, subdivision 20, is amended to read:

293.2 Subd. 20. **Wire-line ~~telecommunications~~ communications service provider.** "Wire-line
293.3 ~~telecommunications~~ communications service provider" means a person, firm, association,
293.4 corporation, or other legal entity, however organized, or combination of them, authorized
293.5 by state or federal regulatory agencies to furnish ~~telecommunications~~ communications
293.6 service, including local service, over wire-line facilities.

293.7 Sec. 30. Minnesota Statutes 2022, section 403.02, subdivision 20a, is amended to read:

293.8 Subd. 20a. **Wireless ~~telecommunications~~ communications service.** "Wireless
293.9 ~~telecommunications~~ communications service" means a commercial mobile radio service,
293.10 as that term is defined in Code of Federal Regulations, title 47, section 20.3, including all
293.11 broadband personal communication services, wireless radio telephone services, and
293.12 geographic area specialized mobile radio licensees, that offer real-time, two-way voice
293.13 service interconnected with the public switched telephone network.

293.14 Sec. 31. Minnesota Statutes 2022, section 403.02, subdivision 21, is amended to read:

293.15 Subd. 21. **Wireless ~~telecommunications~~ communications service provider.** "Wireless
293.16 ~~telecommunications~~ communications service provider" means a provider of wireless
293.17 ~~telecommunications~~ communications service.

293.18 Sec. 32. Minnesota Statutes 2022, section 403.025, is amended to read:

293.19 **403.025 911 EMERGENCY ~~TELECOMMUNICATIONS~~ COMMUNICATIONS**
293.20 **SYSTEM AND SERVICES REQUIRED.**

293.21 ~~Subdivision 1. **General requirement.** Each county shall operate and maintain a 911~~
293.22 ~~emergency telecommunications system.~~

293.23 Subd. 1a. **Emergency telephone number 911.** The digits 911, so designated by the
293.24 Federal Communications Commission, must be the primary emergency telephone number
293.25 within the ~~system~~ 911 network. A public safety agency may maintain a separate secondary
293.26 backup number for emergency calls and ~~shall~~ must maintain a separate number for
293.27 nonemergency telephone calls.

293.28 Subd. 1b. **State requirements.** The commissioner must establish, maintain, and make
293.29 available to all counties a statewide interoperable ESInet backbone 911 network that ensures
293.30 interoperability between all public safety answering points connected to the network and

294.1 meets the requirements of counties operating 911 systems that have an approved update to
294.2 their 911 plans.

294.3 Subd. 1c. **Contractual requirements.** (a) The commissioner must contract with one or
294.4 more ECNSPs to deliver the 911 network.

294.5 (b) The contract language or subsequent amendments to the contracts between the parties
294.6 must contain provisions on how the 911 call routing and location validation data provided
294.7 by the counties will be utilized by the ECNSPs, including how data coordination and quality
294.8 assurance with the counties will be conducted.

294.9 (c) The contract language or subsequent amendments to contracts between the parties
294.10 must contain provisions for resolving disputes.

294.11 (d) All data required under this chapter or Minnesota Rules, chapter 7580, to route 911
294.12 calls, provide caller location, or validate possible 911 caller location information that is
294.13 utilized or intended to be utilized by the 911 system must be provided by the counties and
294.14 the state without cost and may be utilized by ECNSPs and OSPs for purposes of performing
294.15 location data quality assurance, ensuring 911 system performance and statutory compliance.
294.16 Use of the data is governed by section 403.07 and Minnesota Rules, chapter 7580.

294.17 Subd. 1d. **Intergovernmental agreements.** Intergovernmental agreements may be
294.18 implemented between the commissioner and counties or regional boards to support 911
294.19 system plan changes, communicate the network design, and specify cybersecurity standards.
294.20 The commissioner must develop the master agreement in collaboration with the governmental
294.21 entity.

294.22 Subd. 1e. **County requirements.** (a) Each county must operate and maintain a 911
294.23 system and provide 911 services.

294.24 (b) Each county is responsible for creating and maintaining a master street address guide
294.25 and Geographical Information Systems data necessary to support accurate 911 call routing
294.26 and location validation required to support the 911 network.

294.27 Subd. 1f. **911 plans.** Each participating county, federal, Tribal, or other organization
294.28 must maintain and update a 911 plan that accurately documents current operations and 911
294.29 system configurations within the public safety answering point in accordance with Minnesota
294.30 Rules, chapter 7580. The commissioner must review 911 system plans for compliance with
294.31 911 network and cybersecurity standards required under Minnesota Rules, chapter 7580.

295.1 Subd. 1g. **Secondary public safety answering point requirements.** Secondary public
295.2 safety answering points may be required to engage in agreements with the commissioner
295.3 regarding network design standards, cybersecurity standards, and 911 fee audits.

295.4 Subd. 2. **Multijurisdictional system.** The 911 network, 911 services, and 911 systems
295.5 may be multijurisdictional and regional in character provided that design and implementation
295.6 are preceded by cooperative planning on a county-by-county basis with local public safety
295.7 agencies. An intergovernmental agreement must be in place between the participating
295.8 government entities in a multijurisdictional or regional system, and the commissioner must
295.9 be notified of the 911 plan change in accordance with Minnesota Rules, chapter 7580.

295.10 Subd. 3. **Connected telecommunications originating service provider**
295.11 requirements. ~~Every owner and operator of a wire-line or wireless circuit-switched or~~
295.12 ~~packet-based telecommunications system connected to the public-switched telephone network~~
295.13 ~~shall design and maintain the system to dial the 911 number without charge to the caller.~~
295.14 Every OSP must allow Minnesota customers to access 911 without charge and deliver the
295.15 request for emergency assistance to the 911 network at a state-designated POI and provide
295.16 caller location information unless there are circumstances beyond the control of the provider
295.17 to define a valid caller address, geographic location, and primary place of address.

295.18 Subd. 3a. **Originating service provider contractual requirements.** (a) The state may
295.19 contract with the appropriate wire-line telecommunications service providers or other entities
295.20 determined by the commissioner to be eligible for cost recovery for providing access to the
295.21 911 network for their subscribers.

295.22 (b) The contract language or subsequent amendments to the contract must include a
295.23 description of the costs that are being reimbursed. The contract language or subsequent
295.24 amendments must include the terms of compensation based on the effective tariff or price
295.25 list filed with the Public Utilities Commission or the prices agreed to by the parties.

295.26 (c) The contract language or subsequent amendments to contracts between the parties
295.27 must contain a provision for resolving disputes.

295.28 Subd. 4. **Wireless requirements.** ~~Every owner and operator of a wireless~~
295.29 ~~telecommunications system shall design and maintain the system to dial the 911 number~~
295.30 ~~without charge to the caller.~~

295.31 Subd. 5. **Pay phone requirements.** Every pay phone owner and operator ~~shall~~ must
295.32 permit dialing of the 911 number without coin and without charge to the caller.

296.1 Subd. 6. **Multistation or PBX system.** Every owner and operator of a multistation or
296.2 private branch exchange (PBX) multiline telephone system ~~shall~~ must design and maintain
296.3 the system to dial the 911 number without charge to the caller.

296.4 ~~Subd. 7. **Contractual requirements.** (a) The state shall contract with the county or other~~
296.5 ~~governmental agencies operating public safety answering points and with the appropriate~~
296.6 ~~wire-line telecommunications service providers or other entities determined by the~~
296.7 ~~commissioner to be capable of providing effective and efficient components of the 911~~
296.8 ~~system for the operation, maintenance, enhancement, and expansion of the 911 system.~~

296.9 ~~(b) The contract language or subsequent amendments to the contract must include a~~
296.10 ~~description of the services to be furnished to the county or other governmental agencies~~
296.11 ~~operating public safety answering points. The contract language or subsequent amendments~~
296.12 ~~must include the terms of compensation based on the effective tariff or price list filed with~~
296.13 ~~the Public Utilities Commission or the prices agreed to by the parties.~~

296.14 ~~(c) The contract language or subsequent amendments to contracts between the parties~~
296.15 ~~must contain a provision for resolving disputes.~~

296.16 Sec. 33. Minnesota Statutes 2022, section 403.03, subdivision 2, is amended to read:

296.17 Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) ~~On or before July~~
296.18 ~~1, 2021,~~ Every public safety answering point must maintain a telephone cardiopulmonary
296.19 resuscitation program by either:

296.20 (1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation;
296.21 or

296.22 (2) transferring callers to another public safety answering point with 911
296.23 telecommunicators that have received training in cardiopulmonary resuscitation.

296.24 (b) Training in cardiopulmonary resuscitation must, at a minimum, include:

296.25 (1) use of an evidence-based protocol or script for providing cardiopulmonary
296.26 resuscitation instruction that has been recommended by an academic institution or a nationally
296.27 recognized organization specializing in medical dispatch and, if the public safety answering
296.28 point has a medical director, approved by that medical director; and

296.29 (2) appropriate continuing education, as determined by the evidence-based protocol for
296.30 providing cardiopulmonary resuscitation instruction and, if the public safety answering
296.31 point has a medical director, approved by that medical director.

297.1 (c) A public safety answering point that transfers callers to another public safety
297.2 answering point must, at a minimum:

297.3 (1) use an evidence-based protocol for the identification of a person in need of
297.4 cardiopulmonary resuscitation;

297.5 (2) provide each 911 telecommunicator with appropriate training and continuing education
297.6 to identify a person in need of cardiopulmonary resuscitation through the use of an
297.7 evidence-based protocol; and

297.8 (3) ensure that any public safety answering point to which calls are transferred uses 911
297.9 telecommunicators who meet the training requirements under paragraph (b).

297.10 (d) Each public safety answering point shall conduct ongoing quality assurance of its
297.11 telephone cardiopulmonary resuscitation program.

297.12 Sec. 34. Minnesota Statutes 2022, section 403.05, is amended to read:

297.13 **403.05 911 SYSTEM NETWORK OPERATION AND MAINTENANCE.**

297.14 Subdivision 1. **Operate and maintain.** ~~Each county or any other governmental agency~~
297.15 ~~shall~~ The commissioner must operate and maintain its a statewide 911 system to meet
297.16 network meeting the requirements of governmental agencies whose services are available
297.17 through the 911 system and to permit future expansion or enhancement of the system. set
297.18 forth by the commissioner through rules established under chapter 14, including but not
297.19 limited to network and data performance measures, diversity, redundancy, interoperability,
297.20 and cybersecurity. Each county, federal, Tribal, or other organization connected to the
297.21 statewide 911 network must operate and maintain a 911 system that meets the requirements
297.22 of governmental agencies whose services are available through the 911 network.

297.23 Subd. 1a. **GIS validation and aggregation.** The commissioner must provide geospatial
297.24 data validation and aggregation tools that counties need in order to share the GIS data
297.25 required for the 911 network.

297.26 Subd. 2. **Rule requirements for 911 system plans.** ~~Each county or any other~~
297.27 ~~governmental agency shall maintain and update its 911 system plans as required under~~
297.28 ~~Minnesota Rules, chapter 7580.~~

297.29 Subd. 2a. **Responsibilities of PSAPs.** (a) Each PSAP connecting to the statewide 911
297.30 network must comply with state and, where applicable, regional 911 plans. Federal, Tribal,
297.31 or other governmental organizations operating their own 911 systems must be approved by
297.32 the commissioner.

298.1 (b) Any PSAP not connected to the state 911 network that desires to interact with a 911
298.2 system or has an agreement for shared 911 services must be interoperable with the state
298.3 911 network.

298.4 ~~Subd. 3. **Agreements for service.** Each county or any other governmental agency shall~~
298.5 ~~contract with the state for the recurring and nonrecurring costs associated with operating~~
298.6 ~~and maintaining 911 emergency communications systems. If requested by the county or~~
298.7 ~~other governmental agency, the county or agency is entitled to be a party to any contract~~
298.8 ~~between the state and any wire-line telecommunications service provider or 911 emergency~~
298.9 ~~telecommunications service provider providing components of the 911 system within the~~
298.10 ~~county. The state must contract for facilities and services associated with the operation and~~
298.11 ~~maintenance of the statewide 911 network and ESInet. The contract and any subsequent~~
298.12 ~~amendments must include a description of the services to be provided and the terms of~~
298.13 ~~compensation based on the prices agreed to by the parties.~~

298.14 Sec. 35. Minnesota Statutes 2022, section 403.06, is amended to read:

298.15 **403.06 COMMISSIONER'S DUTIES.**

298.16 Subdivision 1. **System coordination, improvements, variations, and agreements.** The
298.17 commissioner ~~shall~~ may coordinate with counties on the management and maintenance of
298.18 their 911 systems. ~~If requested, the commissioner shall~~ must aid counties in the formulation
298.19 of ~~concepts, methods,~~ their public safety answering point plans, system design plans,
298.20 performance and operational requirements, and procedures which will improve the operation
298.21 and maintenance of their 911 systems. ~~The commissioner shall establish procedures for~~
298.22 ~~determining and evaluating requests for variations from the established design standards.~~
298.23 ~~The commissioner shall respond to requests by wireless or wire-line telecommunications~~
298.24 ~~service providers or by counties or other governmental agencies for system agreements,~~
298.25 ~~contracts, and tariff language promptly and no later than within 45 days of the request unless~~
298.26 ~~otherwise mutually agreed to by the parties.~~

298.27 Subd. 1a. **Biennial budget; annual financial report.** The commissioner ~~shall~~ must
298.28 prepare a biennial budget ~~for maintaining the 911 system.~~ by December 15 of each year;
298.29 The commissioner ~~shall~~ must submit a report to the legislature detailing the expenditures
298.30 for maintaining the 911 ~~system~~ network, the 911 fees collected, the balance of the 911 fund,
298.31 ~~the~~ 911-related administrative expenses of the commissioner, and the most recent forecast
298.32 of revenues and expenditures for the 911 emergency telecommunications service account,
298.33 including a separate projection of ~~E911~~ 911 fees from prepaid wireless customers and
298.34 projections of year-end fund balances. The commissioner is authorized to expend money

299.1 that has been appropriated to pay for the maintenance, enhancements, and expansion of the
299.2 911 ~~system~~ network.

299.3 Subd. 1b. **Connection plan required; commissioner review and enforcement.** (a)
299.4 The commissioner must respond to network and database change requests by OSPs promptly
299.5 and no later than 45 days after the request unless otherwise mutually agreed to by the parties.
299.6 All network and location database variances requested by OSPs connecting to the ESInet
299.7 must comply with Minnesota Rules.

299.8 (b) All OSPs must submit and maintain a plan for connection to the 911 network POIs
299.9 in accordance with the requirements set forth in Minnesota Rules. The commissioner must
299.10 review all connection plans to ensure compliance with all 911 network and database design
299.11 and performance requirements.

299.12 Subd. 2. **Waiver.** Any county, ~~other governmental agency, wireless telecommunications~~
299.13 ~~service provider, or wire-line telecommunications service provider~~ federal, Tribal, or other
299.14 organization connected to the statewide 911 network or OSP may petition the commissioner
299.15 for a waiver of all or portions of the requirements. A waiver may be granted upon a
299.16 demonstration by the petitioner that the requirement is economically infeasible.

299.17 Sec. 36. Minnesota Statutes 2022, section 403.07, is amended to read:

299.18 **403.07 NETWORK STANDARDS ESTABLISHED; DATA PRIVACY.**

299.19 Subdivision 1. **Rules.** The commissioner ~~shall~~ must establish and adopt in accordance
299.20 with chapter 14, rules for the administration of this chapter and for the development of 911
299.21 ~~systems~~ network in the state including:

299.22 (1) design and performance standards for the 911 systems ~~incorporating the standards~~
299.23 ~~adopted pursuant to subdivision 2 for the seven-county metropolitan area network, including~~
299.24 but not limited to network, routing, and database standards for counties, OSPs, and ECNSPs;
299.25 and

299.26 (2) ~~a procedure for determining and evaluating requests for variations from the established~~
299.27 ~~design standards~~ design and performance standards for the ten-county metropolitan area,
299.28 incorporating the standards adopted pursuant to subdivision 2.

299.29 Subd. 2. **Design standards for metropolitan area.** The Metropolitan Emergency
299.30 Services Board ~~shall~~ must establish and adopt design and performance standards for the
299.31 ~~metropolitan area 911 system and transmit them to the commissioner for incorporation into~~
299.32 ~~the rules adopted pursuant to this section.~~ 911 network for the ten-county metropolitan area,
299.33 including but not limited to network design, routing, and database standards for counties,

300.1 OSP, and ECNSPs operating in the ten-county metropolitan area and provide them to the
300.2 commissioner in accordance with chapter 14 for incorporation into the rules adopted pursuant
300.3 to this section. The standards must be interoperable with the statewide 911 network and
300.4 data standards.

300.5 Subd. 3. **Database Location data.** ~~In 911 systems that have been approved by the~~
300.6 ~~commissioner for a local location identification database, each wire-line telecommunications~~
300.7 ~~service provider shall provide current customer names, service addresses, and telephone~~
300.8 ~~numbers to each public safety answering point within the 911 system and shall update the~~
300.9 ~~information according to a schedule prescribed by the county 911 plan. Information provided~~
300.10 ~~under this subdivision must be provided in accordance with the transactional record disclosure~~
300.11 ~~requirements of the federal Communications Act of 1934, United States Code, title 47,~~
300.12 ~~section 222, subsection (g).~~ All OSPs must provide to the 911 network, at the time of each
300.13 911 call, the location of the device making the 911 call, unless there are circumstances
300.14 beyond the control of the provider that prevents the OSP from sharing the location data.
300.15 Any OSP supplying the location of 911 calls in civic address form must prevalidate the
300.16 address to location data supplied by the county accessible through the NGCS.

300.17 Subd. 3a. **Access to data for accuracy.** (a) OSPs must, upon request of the state, a
300.18 region, the ECNSP, or a PSAP, provide a description or copy of subscriber address location
300.19 information or GIS data used by the OSP that is necessary to verify location and routing
300.20 accuracy of 911 calls. Any ECNSP routing 911 calls must, upon request of the state, provide
300.21 a copy of routing files used in determining PSAP selection for the purpose of verifying
300.22 routing accuracy.

300.23 (b) OSPs must, upon request of the state, a region, the ECNSP, or a PSAP, provide a
300.24 copy of subscriber address location information for uses specific to 911 systems. This request
300.25 may carry a cost to the requester.

300.26 Subd. 3b. **Database standards in metropolitan area.** The Metropolitan Emergency
300.27 Services Board must establish and adopt 911 database standards for OSPs operating in the
300.28 ten-county metropolitan area 911 system and provide them to the commissioner for
300.29 incorporation in accordance with chapter 14 into the rules adopted pursuant to this section.

300.30 Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone numbers
300.31 provided to a 911 system under subdivision 3 are private data and may be used only:

300.32 (1) to identify the location or identity, or both, of a person calling a 911 ~~public safety~~
300.33 ~~answering point~~ PSAP; or

300.34 (2) by a ~~public safety answering point~~ PSAP to notify the public of an emergency.

301.1 (b) The information furnished under ~~subdivision 3~~ this chapter and the rules adopted
301.2 pursuant to subdivision 1 may not be used or disclosed by 911 system agencies, their agents,
301.3 or their employees for any other purpose except under a court order.

301.4 ~~(b)~~ (c) For purposes of this subdivision, "emergency" means a situation in which property
301.5 or human life is in jeopardy and the prompt notification of the public by the public safety
301.6 answering point is essential.

301.7 Subd. 5. **Liability.** (a) ~~A wire-line telecommunications service provider~~ An OSP, its
301.8 employees, or its agents are not liable to any person who uses ~~enhanced 911~~
301.9 ~~telecommunications service~~ NG911 services for release of subscriber information required
301.10 under this chapter to any ~~public safety answering point~~ PSAP.

301.11 (b) ~~A wire-line telecommunications service provider~~ An OSP is not liable to any person
301.12 for the good-faith release to emergency communications personnel of information not in
301.13 the public record, including, but not limited to, nonpublished or nonlisted telephone numbers,
301.14 except for willful or wanton misconduct.

301.15 ~~(e) A wire-line telecommunications service provider, its employees, or its agents are not~~
301.16 ~~liable to any person for civil damages resulting from or caused by any act or omission in~~
301.17 ~~the development, design, installation, operation, maintenance, performance, or provision~~
301.18 ~~of enhanced 911 telecommunications service, except for willful or wanton misconduct.~~

301.19 ~~(d) A multiline telephone system manufacturer, provider, or operator is not liable for~~
301.20 ~~any civil damages or penalties as a result of any act or omission, except willful or wanton~~
301.21 ~~misconduct, in connection with developing, designing, installing, maintaining, performing,~~
301.22 ~~provisioning, adopting, operating, or implementing any plan or system required by section~~
301.23 ~~403.15.~~

301.24 ~~(e) A telecommunications service provider~~ (c) An OSP that participates in or cooperates
301.25 with the public safety answering point in notifying the public of an emergency, as authorized
301.26 under subdivision 4, is immune from liability arising out of the notification except for willful
301.27 or wanton misconduct.

301.28 Sec. 37. Minnesota Statutes 2022, section 403.08, is amended to read:

301.29 **403.08 WIRELESS TELECOMMUNICATIONS ORIGINATING SERVICE**
301.30 **PROVIDER PROVIDERS.**

301.31 Subd. 7. **Duties.** ~~Each wireless telecommunications service provider shall cooperate in~~
301.32 ~~planning and implementing integration with enhanced 911 systems operating in their service~~
301.33 ~~territories to meet Federal Communications Commission enhanced 911 standards. Each~~

302.1 ~~wireless telecommunications service provider shall annually develop and provide to the~~
302.2 ~~commissioner good faith estimates of installation and recurring expenses to integrate wireless~~
302.3 ~~911 service into the enhanced 911 networks to meet Federal Communications Commission~~
302.4 ~~phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties~~
302.5 ~~and affected public safety agency representatives in developing a statewide design and plan~~
302.6 ~~for implementation. Each originating service provider (OSP) must cooperate in planning~~
302.7 ~~and implementing integration with the statewide 911 network to meet Federal~~
302.8 ~~Communications Commission and Public Utilities Commission 911 requirements, as~~
302.9 ~~applicable.~~

302.10 Subd. 9. **Scope.** ~~Planning considerations must include cost, degree of integration into~~
302.11 ~~existing 911 systems, the retention of existing 911 infrastructure, and the potential~~
302.12 ~~implications of phase 2 of the Federal Communications Commission wireless enhanced~~
302.13 ~~911 standards a plan to interconnect to the 911 network POIs, the retention and reuse of~~
302.14 ~~existing 911 infrastructure, and the implications of the Federal Communications~~
302.15 ~~Commission's wireless location accuracy requirements.~~

302.16 Subd. 10. **Plan integration.** ~~Counties shall incorporate the statewide design when~~
302.17 ~~modifying county 911 plans to provide for integrating wireless 911 service into existing~~
302.18 ~~county 911 systems. An OSP must annually submit plans to the commissioner detailing~~
302.19 ~~how they will connect, or confirming how they already connect, to the statewide 911 network.~~

302.20 Subd. 11. **Liability.** (a) No ~~wireless enhanced 911 emergency telecommunications~~
302.21 ~~service provider OSP, its employees, or its agents are liable to any person for civil damages~~
302.22 ~~resulting from or caused by any act or omission in the development, design, installation,~~
302.23 ~~operation, maintenance, performance, or provision of enhanced 911 wireless service, except~~
302.24 ~~for willful or wanton misconduct.~~

302.25 ~~(b) No wireless carrier, its employees, or its agents are liable to any person who uses~~
302.26 ~~enhanced 911 wireless service for release of subscriber information required under this~~
302.27 ~~chapter to any public safety answering point.~~

302.28 ~~(b) A multiline telephone system manufacturer, provider, or operator is not liable for~~
302.29 ~~any civil damages or penalties as a result of any act or omission, except willful or wanton~~
302.30 ~~misconduct, in connection with developing, designing, installing, maintaining, performing,~~
302.31 ~~provisioning, adopting, operating, or implementing any plan or system required by section~~
302.32 ~~403.15.~~

302.33 Subd. 12. **Notification of subscriber.** ~~A provider of wireless telecommunications services~~
302.34 ~~shall notify its subscribers at the time of initial subscription and four times per year thereafter~~

303.1 ~~that a 911 emergency call made from a wireless telephone is not always answered by a local~~
303.2 ~~public safety answering point but may be routed to a State Patrol dispatcher and that,~~
303.3 ~~accordingly, the caller must provide specific information regarding the caller's location.~~

303.4 Sec. 38. Minnesota Statutes 2022, section 403.09, subdivision 2, is amended to read:

303.5 Subd. 2. **Commission authority.** At the request of the public utilities commission, the
303.6 attorney general may commence proceedings before the district court pursuant to section
303.7 237.27, against any ~~wire-line telecommunications~~ originating service provider that falls
303.8 under the commission's authority and refuses to comply with this chapter.

303.9 Sec. 39. Minnesota Statutes 2022, section 403.10, subdivision 2, is amended to read:

303.10 Subd. 2. **Notice to ~~public safety~~ government agency.** ~~Public safety~~ Government agencies
303.11 with jurisdictional responsibilities ~~shall~~ must in all cases be notified by the public safety
303.12 answering point of a request for service in their jurisdiction.

303.13 Sec. 40. Minnesota Statutes 2022, section 403.10, subdivision 3, is amended to read:

303.14 Subd. 3. **Allocating costs.** Counties, public agencies, operating public safety answering
303.15 points, and other local governmental units may enter into cooperative agreements under
303.16 section 471.59 for the allocation of operational and capital costs attributable to the 911
303.17 system and 911 services.

303.18 Sec. 41. Minnesota Statutes 2022, section 403.11, is amended to read:

303.19 **403.11 911 SYSTEM COST ACCOUNTING REQUIREMENTS; FEE.**

303.20 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
303.21 ~~of a wireless or wire-line switched or packet-based telecommunications~~ an originating
303.22 service provider connected to the public switched telephone network that furnishes service
303.23 capable of originating a 911 emergency telephone call is assessed a fee based upon the
303.24 number of wired or wireless telephone lines, or their equivalent, to provide access to the
303.25 911 network and maintenance of the 911 customer database, or when the only option, to
303.26 cover the costs of ongoing maintenance and related improvements for trunking and central
303.27 office switching equipment and maintenance of 911 customer databases for 911 emergency
303.28 telecommunications service, to offset administrative and staffing costs of the commissioner
303.29 related to managing the 911 emergency telecommunications service program, to make
303.30 distributions provided for in section 403.113, and to offset the costs, including administrative

304.1 and staffing costs, incurred by the State Patrol Division of the Department of Public Safety
304.2 in handling 911 emergency calls made from wireless phones.

304.3 (b) Money remaining in the 911 emergency telecommunications service account after
304.4 all other obligations are paid and defined reserves are met must not cancel and is carried
304.5 forward to subsequent years and may be appropriated ~~from time to time~~ to the commissioner
304.6 to provide financial assistance to ~~counties~~ eligible entities for the improvement of ~~local~~
304.7 ~~emergency telecommunications services~~ 911 systems in compliance with use as designated
304.8 in section 403.113, subdivision 3.

304.9 (c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each
304.10 customer access line or other basic access service, including trunk equivalents as designated
304.11 by the Public Utilities Commission for access charge purposes and including wireless
304.12 telecommunications services. With the approval of the commissioner of management and
304.13 budget, the commissioner of public safety ~~shall~~ must establish the amount of the fee within
304.14 the limits specified and inform the companies and carriers of the amount to be collected.
304.15 ~~When the revenue bonds authorized under section 403.27, subdivision 1, have been fully~~
304.16 ~~paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the~~
304.17 ~~bonds is no longer needed.~~ The commissioner ~~shall~~ must provide companies and carriers a
304.18 minimum of 45 days' notice of each fee change. The fee must be the same for all customers,
304.19 except that the fee imposed under this subdivision does not apply to prepaid wireless
304.20 telecommunications service, which is instead subject to the fee imposed under section
304.21 403.161, subdivision 1, paragraph (a).

304.22 (d) The fee must be collected by each ~~wireless or wire-line telecommunications~~
304.23 originating service provider subject to the fee. Fees are payable to and must be submitted
304.24 to the commissioner monthly before the 25th of each month following the month of
304.25 collection, except that fees may be submitted quarterly if less than \$250 a month is due, or
304.26 annually if less than \$25 a month is due. Receipts must be deposited in the state treasury
304.27 and credited to a 911 emergency telecommunications service account in the special revenue
304.28 fund. The money in the account may only be used for 911 telecommunications services.
304.29 The money in the account may only be used for costs outlined in section 403.113.

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

304.32 Subd. 1a. **Fee collection declaration.** If the commissioner disputes the accuracy of a
304.33 fee submission or if no fees are submitted by a ~~wireless, wire-line, or packet-based~~
304.34 ~~telecommunications service provider, the wireless, wire-line, or packet-based~~

305.1 ~~telecommunications~~ an originating service provider shall, the OSP must submit a sworn
305.2 declaration signed by an officer of the company certifying, under penalty of perjury, that
305.3 the information provided with the fee submission is true and correct. The sworn declaration
305.4 must specifically describe and affirm that the 911 fee computation is complete and accurate.
305.5 ~~When a wireless, wire-line, or packet-based telecommunications service provider~~ an OSP
305.6 fails to provide a sworn declaration within 90 days of notice by the commissioner that the
305.7 fee submission is disputed, the commissioner may estimate the amount due from the ~~wireless,~~
305.8 ~~wire-line, or packet-based telecommunications service provider~~ OSP and refer that amount
305.9 for collection under section 16D.04.

305.10 Subd. 1b. **Examination of fees.** If the commissioner determines that an examination is
305.11 necessary to document the fee submission and sworn declaration in subdivision 1a, the
305.12 ~~wireless, wire-line, or packet-based telecommunications service provider~~ OSP must contract
305.13 with an independent certified public accountant to conduct an examination of fees. The
305.14 examination must be conducted in accordance with attestation audit standards.

305.15 Subd. 3. **Method of payment.** (a) Any wireless or wire-line telecommunications service
305.16 provider incurring reimbursable costs under subdivision 1 ~~shall submit an invoice itemizing~~
305.17 ~~rate elements by county or service area to the commissioner for 911 services furnished under~~
305.18 ~~contract. Any wireless or wire-line telecommunications service provider is eligible to receive~~
305.19 ~~payment for 911 services rendered according to the terms and conditions specified in the~~
305.20 ~~contract. The commissioner shall pay the invoice within 30 days following receipt of the~~
305.21 ~~invoice unless the commissioner notifies the service provider that the commissioner disputes~~
305.22 ~~the invoice~~ must be paid in accordance with the amount and terms of their valid cost recovery
305.23 contract as described in section 403.025, subdivision 3a.

305.24 (b) The commissioner ~~shall~~ must estimate the amount required to reimburse 911
305.25 ~~emergency telecommunications service providers and wireless and wire-line~~
305.26 ~~telecommunications service providers~~ the OSP for the state's obligations under subdivision
305.27 1 and the governor ~~shall~~ must include the estimated amount in the biennial budget request.

305.28 Subd. 3a. **Timely invoices.** An invoice for services provided for in the contract with a
305.29 ~~wireless or wire-line telecommunications service provider~~ must be submitted to the
305.30 commissioner no later than 90 days after commencing a new or additional eligible 911
305.31 service. Each applicable contract must provide that, if certified expenses under the contract
305.32 deviate from estimates in the contract by more than ten percent, the commissioner may
305.33 reduce the level of service without incurring any termination fees.

306.1 ~~Subd. 3b. **Declaration.** If the commissioner disputes an invoice, the wireless and~~
306.2 ~~wire-line telecommunications service providers shall submit a declaration under section~~
306.3 ~~16A.41 signed by an officer of the company with the invoices for payment of service~~
306.4 ~~described in the service provider's 911 contract. The sworn declaration must specifically~~
306.5 ~~describe and affirm that the 911 service contracted for is being provided and the costs~~
306.6 ~~invoiced for the service are true and correct. When a wireless or wire-line telecommunications~~
306.7 ~~service provider fails to provide a sworn declaration within 90 days of notice by the~~
306.8 ~~commissioner that the invoice is disputed, the disputed amount of the invoice must be~~
306.9 ~~disallowed.~~

306.10 Subd. 3c. **Audit.** If the commissioner determines that an audit is necessary to document
306.11 ~~the invoice and sworn declaration in subdivision 3b~~ costs eligible for recovery as detailed
306.12 in subdivision 1, the ~~wireless or wire-line telecommunications service provider~~ OSP must
306.13 contract with an independent certified public accountant to conduct the audit. The audit
306.14 must be conducted according to generally accepted accounting principles. The ~~wireless or~~
306.15 ~~wire-line telecommunications service provider~~ OSP is responsible for any costs associated
306.16 with the audit.

306.17 Subd. 3d. **Eligible telecommunications carrier; requirement.** No ~~wireless~~
306.18 ~~communications provider~~ OSP may provide telecommunications services under a designation
306.19 of eligible telecommunications carrier, as provided under Minnesota Rules, part 7811.1400,
306.20 until and unless the commissioner of public safety certifies to the chair of the public utilities
306.21 commission that the wireless telecommunications provider is not in arrears in amounts owed
306.22 to the 911 emergency telecommunications service account in the special revenue fund.

306.23 Subd. 4. **Local recurring costs.** Recurring costs ~~of~~ not covered as part of the state 911
306.24 network contracts for telecommunications equipment and services at public safety answering
306.25 points must be borne by the local governmental agency operating the public safety answering
306.26 point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local
306.27 government electives for services not otherwise addressed under section 403.11 or 403.113
306.28 must be borne by the governmental agency requesting the elective service.

306.29 Subd. 5. **Tariff notification.** Wire-line telecommunications service providers or wireless
306.30 telecommunications service providers holding eligible telecommunications carrier status
306.31 ~~shall~~ must give notice to the commissioner and any other affected governmental agency of
306.32 tariff or price list changes related to 911 service at the same time that the filing is made with
306.33 the public utilities commission.

307.1 Subd. 6. **OSP report.** (a) ~~Beginning Each~~ September 1, 2013, and continuing
307.2 ~~semiannually thereafter and March 1~~, each ~~wireless telecommunications service provider~~
307.3 ~~shall~~ OSP must report to the commissioner, based on the ~~mobile~~ subscriber's telephone
307.4 number, ~~both~~. Wireless communication providers must include the total number of prepaid
307.5 wireless telecommunications subscribers sourced to Minnesota and the total number of
307.6 wireless telecommunications subscribers sourced to Minnesota. The report must be filed
307.7 on the same schedule as Federal Communications Commission Form 477.

307.8 (b) The commissioner ~~shall~~ must make a standard form available to all wireless
307.9 telecommunications service providers for submitting information required to compile the
307.10 report required under this subdivision.

307.11 (c) The information provided to the commissioner under this subdivision is considered
307.12 trade secret information under section 13.37 and may only be used for purposes of
307.13 administering this chapter.

307.14 Sec. 42. Minnesota Statutes 2022, section 403.113, is amended to read:

307.15 **403.113 ENHANCED 911 SERVICE COSTS; FEE.**

307.16 Subdivision 1. **Fee.** A portion of the fee collected under section 403.11 must be used to
307.17 fund implementation, operation, maintenance, enhancement, and expansion of ~~enhanced~~
307.18 the 911 service network, including acquisition of necessary equipment and the costs of the
307.19 commissioner to administer the program in accordance with Federal Communications
307.20 Commission rules.

307.21 Subd. 2. **Distribution of money.** (a) After payment of the costs of the commissioner to
307.22 administer the program, the commissioner ~~shall~~ must distribute the money collected under
307.23 this section as follows:

307.24 (1) one-half of the amount equally to all qualified counties, and after October 1, 1997,
307.25 to all qualified counties, existing ten public safety answering points operated by the
307.26 Minnesota State Patrol, and each governmental entity operating the individual public safety
307.27 answering points serving the Metropolitan Airports Commission, the Red Lake Indian
307.28 Reservation, and the University of Minnesota Police Department; and

307.29 (2) the remaining one-half to qualified counties and cities with existing 911 systems
307.30 based on each county's or city's percentage of the total population of qualified counties and
307.31 cities. The population of a qualified city with an existing system must be deducted from its
307.32 county's population when calculating the county's share under this clause if the city seeks
307.33 direct distribution of its share.

308.1 (b) A county's share under subdivision 1 must be shared pro rata between the county
308.2 and existing city systems in the county. A county or city or other governmental entity as
308.3 described in paragraph (a), clause (1), ~~shall~~ must deposit money received under this
308.4 subdivision in an interest-bearing fund or account separate from the governmental entity's
308.5 general fund and may use money in the fund or account only for the purposes specified in
308.6 subdivision 3.

308.7 (c) A county or city or other governmental entity as described in paragraph (a), clause
308.8 (1), is not qualified to share in the distribution of money for ~~enhanced~~ 911 service if it has
308.9 not implemented enhanced 911 service before December 31, 1998.

308.10 (d) For the purposes of this subdivision, "existing city system" means a city 911 system
308.11 that provides at least basic 911 service and that was implemented on or before April 1, 1993.

308.12 Subd. 3. **Local expenditures.** (a) Money distributed under subdivision 2 for ~~enhanced~~
308.13 911 service systems or services may be spent on ~~enhanced~~ 911 system costs for the purposes
308.14 stated in subdivision 1. ~~In addition, money may be spent to lease, purchase, lease-purchase,~~
308.15 ~~or maintain enhanced 911 equipment, including telephone equipment; recording equipment;~~
308.16 ~~computer hardware; computer software for database provisioning, addressing, mapping,~~
308.17 ~~and any other software necessary for automatic location identification or local location~~
308.18 ~~identification; trunk lines; selective routing equipment; the master street address guide;~~
308.19 ~~dispatcher public safety answering point equipment proficiency and operational skills; pay~~
308.20 ~~for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and~~
308.21 ~~the equipment necessary within the public safety answering point for community alert~~
308.22 ~~systems and to notify and communicate with the emergency services requested by the 911~~
308.23 ~~caller. as well as expenses deemed allowable in accordance with Code of Federal Regulations,~~
308.24 title 47, section 9.2.

308.25 (b) Money distributed for ~~enhanced~~ 911 service systems or services may not be spent
308.26 on:

308.27 (1) purchasing or leasing of real estate or cosmetic additions to or remodeling of
308.28 ~~communications centers~~ public safety answering points;

308.29 (2) ~~mobile communications vehicles~~, fire engines, ambulances, law enforcement vehicles,
308.30 or other emergency vehicles;

308.31 (3) signs, posts, or other markers related to addressing or any costs associated with the
308.32 installation or maintenance of signs, posts, or markers;;

308.33 (4) any purposes prohibited by the Federal Communications Commission;

309.1 (5) the transfer of 911 fees into a state or other jurisdiction's general fund or other fund
309.2 for non-911 purposes;

309.3 (6) public safety telecommunicator salaries unless associated with training functions;
309.4 and

309.5 (7) the leasing or purchase of end user equipment.

309.6 Subd. 4. **Audits.** (a) Each county and city or ~~other governmental entity~~ federal, Tribal,
309.7 or other organization connected to the statewide 911 network as described in subdivision
309.8 2, paragraph (a), clause (1), ~~shall~~ or secondary public safety answering point must conduct
309.9 an annual audit a compliance report in accordance with Minnesota Rules, chapter 7580, and
309.10 Code of Federal Regulations, title 47, section 9.25, on the use of funds distributed to it for
309.11 enhanced 911 service systems or services to ensure the distribution is spent according to
309.12 subdivision 3. A copy of each ~~audit~~ compliance report must be submitted to the
309.13 commissioner.

309.14 (b) The commissioner may request a state audit of a county, federal, Tribal, or other
309.15 organization connected to the statewide 911 network which receives 911 funds from the
309.16 state to operate its 911 system or service to ensure compliance with subdivision 3.

309.17 (c) Failure to submit a compliance report may result in a disruption of 911 fee distribution
309.18 until the compliance report is submitted.

309.19 Sec. 43. Minnesota Statutes 2022, section 403.15, subdivision 1, is amended to read:

309.20 Subdivision 1. **Multistation or PBX system.** Except as otherwise provided in this
309.21 section, every owner and operator of a new multistation or private branch exchange (PBX)
309.22 multiline telephone system purchased or upgraded after December 31, 2004, ~~shall~~ must
309.23 design and maintain the system to provide a callback number or ten-digit caller ID and
309.24 emergency response location.

309.25 Sec. 44. Minnesota Statutes 2022, section 403.15, subdivision 2, is amended to read:

309.26 Subd. 2. **Multiline telephone system user dialing instructions.** (a) Each multiline
309.27 telephone system (MLTS) operator must demonstrate or otherwise inform each new telephone
309.28 system user how to call for emergency assistance from that particular multiline telephone
309.29 system.

309.30 (b) MLTS platforms that are manufactured, imported, offered for first sale or lease, first
309.31 sold or leased, or installed after February 16, 2020, must enable users to directly initiate a
309.32 call to 911 from any station equipped with dialing facilities without dialing any additional

310.1 digit, code, prefix, or postfix, including any trunk-access code such as the digit nine,
310.2 regardless of whether the user is required to dial such a digit, code, prefix, or postfix for
310.3 other calls.

310.4 (c) MLTSs that are manufactured, imported, offered for first sale or lease, first sold or
310.5 leased, or installed after February 16, 2020, must be configured so that upon an occurrence
310.6 of a 911 call it will provide a notification that a 911 call has been made to a central location
310.7 at the facility where the system is installed or to another person or organization, regardless
310.8 of location, if the system is able to be configured to provide the notification without an
310.9 improvement to the hardware or software of the system.

310.10 Sec. 45. Minnesota Statutes 2022, section 403.15, subdivision 3, is amended to read:

310.11 Subd. 3. **Shared residential multiline telephone system.** On and after January 1, 2005,
310.12 operators of shared multiline telephone systems, whenever installed, serving residential
310.13 customers ~~shall~~ must ensure that the shared multiline telephone system is connected to the
310.14 public switched network and that 911 calls from the system result in at least one distinctive
310.15 automatic number identification and automatic location identification for each residential
310.16 unit, except those requirements do not apply if the residential facility maintains one of the
310.17 following:

310.18 (1) automatic location identification for each respective emergency response location;

310.19 (2) the ability to direct emergency responders to the 911 caller's location through an
310.20 alternative and adequate means, such as the establishment of a 24-hour private answering
310.21 point operated by the facility; or

310.22 (3) a connection to a switchboard operator, attendant, or other designated on-site
310.23 individual.

310.24 Sec. 46. Minnesota Statutes 2022, section 403.15, subdivision 4, is amended to read:

310.25 Subd. 4. **Hotel or motel multiline telephone system.** Operators of hotel and motel
310.26 multiline telephone systems ~~shall~~ must permit the dialing of 911 and ~~shall~~ must ensure that
310.27 911 calls originating from hotel or motel multiline telephone systems allow the 911 system
310.28 to clearly identify the address and specific location of the 911 caller.

310.29 Sec. 47. Minnesota Statutes 2022, section 403.15, subdivision 5, is amended to read:

310.30 Subd. 5. **Business multiline telephone system.** (a) An operator of business multiline
310.31 telephone systems connected to the public switched telephone network and serving business

311.1 locations of one employer ~~shall~~ must ensure that calls to 911 from any telephone on the
311.2 system result in one of the following:

311.3 (1) automatic location identification for each respective emergency response location;

311.4 (2) an ability to direct emergency responders to the 911 caller's location through an
311.5 alternative and adequate means, such as the establishment of a 24-hour private answering
311.6 point operated by the employer; or

311.7 (3) a connection to a switchboard operator, attendant, or other designated on-site
311.8 individual.

311.9 (b) Except as provided in paragraph (c), providers of multiline telephone systems serving
311.10 multiple employers' business locations ~~shall~~ must ensure that calls to 911 from any telephone
311.11 result in automatic location identification for the respective emergency response location
311.12 of each business location sharing the system.

311.13 (c) Only one emergency response location is required in the following circumstances:

311.14 (1) an employer's work space is less than 40,000 square feet, located on a single floor
311.15 and on a single contiguous property;

311.16 (2) an employer's work space is less than 7,000 square feet, located on multiple floors
311.17 and on a single contiguous property; or

311.18 (3) an employer's work space is a single public entrance, single floor facility on a single
311.19 contiguous property.

311.20 Sec. 48. Minnesota Statutes 2022, section 403.15, subdivision 6, is amended to read:

311.21 Subd. 6. **Schools.** A multiline telephone system operated by a public or private
311.22 educational institution, including a system serving dormitories and other residential
311.23 customers, is subject to this subdivision and is not subject to subdivision 3. The operator
311.24 of the education institution multiline system connected to the public switched network must
311.25 ensure that calls to 911 from any telephone on the system result in one of the following:

311.26 (1) automatic location identification for each respective emergency response location;

311.27 (2) an ability to direct emergency responders to the 911 caller's location through an
311.28 alternative and adequate means, such as the establishment of a 24-hour private answering
311.29 point operated by the educational institution; or

311.30 (3) a connection to a switchboard operator, attendant, or other designated on-site
311.31 individual.

312.1 Sec. 49. Minnesota Statutes 2022, section 403.15, is amended by adding a subdivision to
312.2 read:

312.3 Subd. 9. **MLTS location compliance notification.** Beginning July 1, 2023, all vendors
312.4 of MLTSs or hosted MLTS services in Minnesota must disclose to their customers the 911
312.5 location requirements in this chapter and include 911 location compliant capabilities in the
312.6 systems or services they sell.

312.7 Sec. 50. **RENUMBERING.**

312.8 In Minnesota Statutes, the revisor of statutes shall renumber the subdivisions of Minnesota
312.9 Statutes, section 403.02.

312.10 Sec. 51. **REPEALER.**

312.11 Minnesota Statutes 2022, sections 403.02, subdivision 13; and 403.09, subdivision 3,
312.12 are repealed.

312.13 **ARTICLE 19**

312.14 **COMMUNITY SUPERVISION REFORM**

312.15 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1, is amended to read:

312.16 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole
312.17 any person sentenced to confinement in any state correctional facility for adults under the
312.18 control of the commissioner of corrections, provided that:

312.19 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
312.20 than murder committed in violation of clause (1) of section 609.185 who has not been
312.21 previously convicted of a felony shall be paroled without having served 20 years, less the
312.22 diminution that would have been allowed for good conduct had the sentence been for 20
312.23 years;

312.24 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
312.25 has been previously convicted of a felony or though not previously convicted of a felony
312.26 is serving a life sentence for murder in the first degree committed in violation of clause (1)
312.27 of section 609.185 shall be paroled without having served 25 years, less the diminution
312.28 which would have been allowed for good conduct had the sentence been for 25 years;

312.29 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
312.30 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

313.1 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
313.2 corrections which has the effect of postponing eligibility for parole has prospective effect
313.3 only and applies only with respect to persons committing offenses after the effective date
313.4 of the new rule or policy or change.

313.5 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
313.6 under the control of the commissioner, subject at any time to be returned to a facility of the
313.7 Department of Corrections established by law for the confinement or treatment of convicted
313.8 persons and the parole rescinded by the commissioner.

313.9 (c) The written order of the commissioner of corrections, is sufficient authority for any
313.10 peace officer, state correctional investigator, or state parole and probation agent to retake
313.11 and place in actual custody any person on parole or supervised release. In addition, when
313.12 it appears necessary in order to prevent escape or enforce discipline, any state parole and
313.13 probation agent or state correctional investigator may, without order of warrant, take and
313.14 detain a parolee or person on supervised release or work release and bring the person to the
313.15 commissioner for action.

313.16 (d) The written order of the commissioner of corrections is sufficient authority for any
313.17 peace officer, state correctional investigator, or state parole and probation agent to retake
313.18 and place in actual custody any person on probation under the supervision of the
313.19 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
313.20 to prevent escape or enforce discipline, any state parole and probation agent or state
313.21 correctional investigator may, without an order, retake and detain a probationer and bring
313.22 the probationer before the court for further proceedings under section 609.14.

313.23 (e) The written order of the commissioner of corrections is sufficient authority for any
313.24 peace officer, state correctional investigator, or state parole and probation agent to detain
313.25 any person on pretrial release who absconds from pretrial release or fails to abide by the
313.26 conditions of pretrial release.

313.27 (f) Persons conditionally released, and those on probation under the supervision of the
313.28 commissioner of corrections pursuant to section 609.135 may be placed within or outside
313.29 the boundaries of the state at the discretion of the commissioner of corrections or the court,
313.30 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

313.31 (g) Except as otherwise provided in subdivision 1b, in considering applications for
313.32 conditional release or discharge, the commissioner is not required to hear oral argument
313.33 from any attorney or other person not connected with an adult correctional facility of the
313.34 Department of Corrections in favor of or against the parole or release of any inmates. The

314.1 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
314.2 as to the previous history, physical or mental condition, and character of the inmate and, to
314.3 that end, has the authority to require the attendance of the chief executive officer of any
314.4 state adult correctional facility and the production of the records of these facilities, and to
314.5 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
314.6 witnesses for these purposes.

314.7 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
314.8 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
314.9 ~~community work service for violating a condition of probation imposed by the court.~~
314.10 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
314.11 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
314.12 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
314.13 ~~period, beginning with the date on which community work service is first imposed. The~~
314.14 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
314.15 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~
314.16 ~~work service is first imposed. At the time community work service is imposed, parole and~~
314.17 ~~probation agents are required to provide written notice to the offender that states:~~

314.18 ~~(1) the condition of probation that has been violated;~~

314.19 ~~(2) the number of hours of community work service imposed for the violation; and~~

314.20 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
314.21 ~~period.~~

314.22 ~~An offender may challenge the imposition of community work service by filing a petition~~
314.23 ~~in district court. An offender must file the petition within five days of receiving written~~
314.24 ~~notice that community work service is being imposed. If the offender challenges the~~
314.25 ~~imposition of community work service, the state bears the burden of showing, by a~~
314.26 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
314.27 ~~under the circumstances.~~

314.28 ~~Community work service includes sentencing to service.~~

314.29 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~
314.30 ~~based on a technical violation, when the offender does not present a risk to the public and~~
314.31 ~~the offender is amenable to continued supervision in the community, a parole or probation~~
314.32 ~~agent must identify community options to address and correct the violation including, but~~
314.33 ~~not limited to, inpatient substance use disorder treatment. If a probation or parole agent~~
314.34 ~~determines that community options are appropriate, the agent shall seek to restructure the~~

315.1 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~
315.2 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~
315.3 ~~district court containing:~~

315.4 ~~(1) the specific nature of the technical violation of probation;~~

315.5 ~~(2) the recommended restructure to the terms of probation; and~~

315.6 ~~(3) a copy of the offender's signed stipulation indicating that the offender consents to~~
315.7 ~~the restructuring of probation.~~

315.8 ~~The recommended restructuring of probation becomes effective when confirmed by a~~
315.9 ~~judge. The order of the court shall be proof of such confirmation and amend the terms of~~
315.10 ~~the sentence imposed by the court under section 609.135. If a nonviolent controlled substance~~
315.11 ~~offender's parole or probation is revoked, the offender's agent must first attempt to place~~
315.12 ~~the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance~~
315.13 ~~offender" is a person who meets the criteria described under section 244.0513, subdivision~~
315.14 ~~2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order~~
315.15 ~~of probation or a condition of parole, except an allegation of a subsequent criminal act that~~
315.16 ~~is alleged in a formal complaint, citation, or petition.~~

315.17 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

315.18 Subd. 3. **Sanctions for violation.** (a) If an inmate violates the conditions of the inmate's
315.19 supervised release imposed by the commissioner, the commissioner may:

315.20 (1) continue the inmate's supervised release term; with or without:

315.21 (i) modifying or enlarging the conditions imposed on the inmate; or

315.22 (ii) transferring the inmate's case to a specialized caseload; or

315.23 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
315.24 period of time.

315.25 (b) Before revoking an inmate's supervised release because of a technical violation that
315.26 would result in reimprisonment, the commissioner must identify alternative interventions
315.27 to address and correct the violation only if:

315.28 (1) the inmate does not present a risk to the public; and

315.29 (2) the inmate is amenable to continued supervision.

315.30 (c) If alternative interventions are appropriate and available, the commissioner must
315.31 restructure the inmate's terms of release to incorporate the alternative interventions.

316.1 (d) Prior to revoking a nonviolent controlled substance offender's supervised release
316.2 based on a technical violation, when the offender does not present a risk to the public and
316.3 the offender is amenable to continued supervision in the community, the commissioner
316.4 must identify community options to address and correct the violation including, but not
316.5 limited to, inpatient substance use disorder treatment. If the commissioner determines that
316.6 community options are appropriate, the commissioner shall restructure the inmate's terms
316.7 of release to incorporate those options. If a nonviolent controlled substance offender's
316.8 supervised release is revoked, the offender's agent must first attempt to place the offender
316.9 in a local jail. For purposes of this subdivision, "nonviolent controlled substance offender"
316.10 is a person who meets the criteria described under section 244.0513, subdivision 2, clauses
316.11 (1), (2), and (5), and "technical violation" means a violation of a condition of supervised
316.12 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
316.13 citation, or petition.

316.14 (e) The period of time for which a supervised release may be revoked may not exceed
316.15 the period of time remaining in the inmate's sentence, except that if a sex offender is
316.16 sentenced and conditionally released under Minnesota Statutes 2004, section 609.108,
316.17 subdivision 5, the period of time for which conditional release may be revoked may not
316.18 exceed the balance of the conditional release term.

316.19 Sec. 3. Minnesota Statutes 2022, section 244.19, subdivision 1, is amended to read:

316.20 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
316.21 counties has established a human services board pursuant to chapter 402, the district court
316.22 may appoint one or more county probation officers as necessary to perform court services,
316.23 and the human services board shall appoint persons as necessary to provide correctional
316.24 services within the authority granted in chapter 402. In all counties of more than 200,000
316.25 population, which have not organized pursuant to chapter 402, the district court shall appoint
316.26 one or more persons of good character to serve as county probation officers during the
316.27 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
316.28 probation services to district courts in one of the following ways:

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

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

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

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

317.11 ~~(5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~
317.12 ~~serve~~ for a person who is enrolled or eligible to be enrolled in a Tribal Nation or who resides
317.13 in an enrolled member's household, a Tribal Nation may elect to provide probation services
317.14 within the county in which the person resides; and

317.15 (6) if a county receiving probation services under clause (3) decides to provide the
317.16 services under clause (1) or (2), the probation officers and other employees displaced by
317.17 the changeover shall be employed by the county at no loss of salary. Years of service in the
317.18 state are to be given full credit for future sick leave and vacation accrual purposes in the
317.19 county or counties they are now serving.

317.20 (b) A county providing probation services under paragraph (a), clause (1) or (2), is
317.21 designated a "CPO county" for purposes of receiving a subsidy under chapter 401. A county
317.22 receiving probation services under paragraph (a), clause (3), is not eligible for a subsidy
317.23 under chapter 401 and the commissioner of corrections is appropriated the county's share
317.24 of funding for the purpose of providing probation services and authority to seek
317.25 reimbursement from the county under subdivision 5.

317.26 (c) A county that requests the commissioner of corrections to provide probation services
317.27 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a
317.28 comprehensive plan as described in section 401.06.

317.29 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred
317.30 to state service under paragraph (a), clause (4), in the proper classifications in the classified
317.31 service. Each employee is appointed without examination at no loss in salary or accrued
317.32 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
317.33 may occur until the employee's total accrued vacation or sick leave benefits fall below the
317.34 maximum permitted by the state for the employee's position. An employee appointed under

318.1 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
318.2 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
318.3 to the commissioner of management and budget, who may uphold the decision, extend the
318.4 probation period, or certify the employee. The decision of the commissioner of management
318.5 and budget is final. The state shall negotiate with the exclusive representative for the
318.6 bargaining unit to which the employees are transferred regarding their seniority. For purposes
318.7 of computing seniority among those employees transferring from one county unit only, a
318.8 transferred employee retains the same seniority position as the employee had within that
318.9 county's probation office.

318.10 Sec. 4. Minnesota Statutes 2022, section 244.19, is amended by adding a subdivision to
318.11 read:

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

318.14 Sec. 5. Minnesota Statutes 2022, section 244.19, subdivision 2, is amended to read:

318.15 Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to
318.16 meet the needs of the district court in each county. County probation officers serving district
318.17 courts in all counties of not more than 200,000 population shall also, pursuant to subdivision
318.18 3, provide probation and parole services to wards of the commissioner of corrections resident
318.19 in their counties. To provide these probation services counties containing a city of 10,000
318.20 or more population shall, as far as practicable, have one probation officer for not more than
318.21 35,000 population; in counties that do not contain a city of such size, the commissioner of
318.22 corrections shall, after consultation with the chief judge of the district court ~~and~~, the county
318.23 commissioners, or Tribal Nation through an approved plan and, in the light of experience,
318.24 establish probation districts to be served by one officer.

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

319.1 Sec. 6. Minnesota Statutes 2022, section 244.19, subdivision 3, is amended to read:

319.2 Subd. 3. **Powers and duties.** All county or Tribal Nation probation officers serving a
319.3 district court shall act under the orders of the court in reference to any person committed
319.4 to their care by the court, and in the performance of their duties shall have the general powers
319.5 of a peace officer; and it shall be their duty to make such investigations with regard to any
319.6 person as may be required by the court before, during, or after the trial or hearing, and to
319.7 furnish to the court such information and assistance as may be required; to take charge of
319.8 any person before, during or after trial or hearing when so directed by the court, and to keep
319.9 such records and to make such reports to the court as the court may order. Tribal Nations
319.10 providing probation services have the same general powers provided to county probation
319.11 officers defined within statute or rule.

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

319.16 All probation officers serving a district court shall, under the direction of the authority
319.17 having power to appoint them, initiate programs for the welfare of persons coming within
319.18 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
319.19 community persons who come within the jurisdiction of the court and are properly subject
319.20 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
319.21 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
319.22 public or private character, and other groups concerned with the prevention of crime and
319.23 delinquency and the rehabilitation of persons convicted of crime and delinquency.

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

319.30 Sec. 7. Minnesota Statutes 2022, section 244.19, subdivision 5, is amended to read:

319.31 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~
319.32 ~~judges of the district court may direct the payment of such salary to probation officers as~~
319.33 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~
319.34 ~~necessary expenses incurred in the performance of their official duties.~~ In all counties which

320.1 obtain probation services from the commissioner of corrections the commissioner shall, out
320.2 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
320.3 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
320.4 service, office equipment and supplies, postage, telephone and telegraph services, and travel
320.5 and subsistence. Each county receiving probation services from the commissioner of
320.6 corrections shall reimburse the department of corrections for the total cost and expenses of
320.7 such services as incurred by the commissioner of corrections, excluding the cost and expense
320.8 of services provided under the state's obligation in section 244.20. Total annual costs for
320.9 each county shall be that portion of the total costs and expenses for the services of one
320.10 probation officer represented by the ratio which the county's population bears to the total
320.11 population served by one officer. For the purposes of this section, the population of any
320.12 county shall be the most recent estimate made by the Department of Health. At least every
320.13 six months the commissioner of corrections shall bill for the total cost and expenses incurred
320.14 by the commissioner on behalf of each county which has received probation services. The
320.15 commissioner of corrections shall notify each county of the cost and expenses and the county
320.16 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
320.17 shall be ~~deposited in the general fund~~ used to provide services for each county according
320.18 to their reimbursement amount. Objections by a county to all allocation of such cost and
320.19 expenses shall be presented to and determined by the commissioner of corrections. Each
320.20 county providing probation services under this section is hereby authorized to use unexpended
320.21 funds and to levy additional taxes for this purpose.

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

320.26 Sec. 8. Minnesota Statutes 2022, section 244.195, subdivision 1, is amended to read:

320.27 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to
320.28 244.1995, the following terms have the meanings given them.

320.29 (b) "Commissioner" means the commissioner of corrections.

320.30 (c) "Conditional release" means parole, supervised release, conditional release as
320.31 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
320.32 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
320.33 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
320.34 any other authorized temporary release from a correctional facility.

321.1 (d) "Court services director" means the director or designee of a county probation agency
321.2 that is not organized under section 244.19 or an agency organized under chapter 401.

321.3 (e) "Detain" means to take into actual custody, including custody within a local
321.4 correctional facility.

321.5 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
321.6 1.

321.7 (g) "Probation agency" means the Department of Corrections field office or a probation
321.8 agency organized under section 244.19 or chapter 401.

321.9 (h) "Probation officer" means a court services director, county probation officer, or any
321.10 other community supervision officer employed by the commissioner or by a probation
321.11 agency organized under section 244.19 or chapter 401.

321.12 (i) "Release" means to release from actual custody.

321.13 Sec. 9. Minnesota Statutes 2022, section 244.195, subdivision 2, is amended to read:

321.14 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
321.15 or to prevent a person on conditional release from escaping or absconding from supervision,
321.16 a court services director has the authority to issue a written order directing any peace officer
321.17 or any probation officer in the state serving the district and juvenile courts to detain and
321.18 bring the person before the court or the commissioner, whichever is appropriate, for
321.19 disposition. If the person on conditional release commits a violation described in section
321.20 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
321.21 belief that the order is necessary to prevent the person from escaping or absconding from
321.22 supervision or that the continued presence of the person in the community presents a risk
321.23 to public safety before issuing a written order. This written order is sufficient authority for
321.24 the peace officer or probation officer to detain the person for not more than 72 hours,
321.25 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
321.26 commissioner.

321.27 Sec. 10. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision
321.28 to read:

321.29 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
321.30 probation officer may require a person committed to the officer's care by the court to perform
321.31 community work service for violating a condition of probation imposed by the court.
321.32 Community work service may be imposed for the purpose of protecting the public, aiding

322.1 the person's rehabilitation, or both. A probation officer may impose up to eight hours of
322.2 community work service for each violation and up to a total of 24 hours per person per
322.3 12-month period, beginning on the date on which community work service is first imposed.
322.4 The court services director or probation agency may authorize an additional 40 hours of
322.5 community work service, for a total of 64 hours per person per 12-month period, beginning
322.6 with the date on which community work service is first imposed. At the time community
322.7 work service is imposed, probation officers are required to provide written notice to the
322.8 person that states:

322.9 (1) the condition of probation that has been violated;
322.10 (2) the number of hours of community work service imposed for the violation; and
322.11 (3) the total number of hours of community work service imposed to date in the 12-month
322.12 period.

322.13 (b) A person on supervision may challenge the imposition of community work service
322.14 by filing a petition in district court within five days of receiving written notice that
322.15 community work service is being imposed. If the person challenges the imposition of
322.16 community work service, the state bears the burden of showing, by a preponderance of the
322.17 evidence, that the imposition of community work service is reasonable under the
322.18 circumstances.

322.19 (c) Community work service includes sentencing to service.

322.20 Sec. 11. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision
322.21 to read:

322.22 Subd. 7. **Contacts.** Supervision contacts may be conducted over videoconference
322.23 technology in accordance with the probation agency's established policy.

322.24 Sec. 12. Minnesota Statutes 2022, section 244.20, is amended to read:

322.25 **244.20 PROBATION SUPERVISION.**

322.26 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
322.27 Department of Corrections shall have exclusive responsibility for providing probation
322.28 services for adult felons in counties that do not take part in the Community Corrections Act.
322.29 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~
322.30 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
322.31 ~~be discharged according to local judicial policy.~~

323.1 Sec. 13. Minnesota Statutes 2022, section 244.21, is amended to read:

323.2 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

323.3 Subdivision 1. **Collection of information by probation service providers; report**
323.4 **required.** By January 1, 1998, probation service providers shall begin collecting and
323.5 maintaining information on offenders under supervision. The commissioner of corrections
323.6 shall specify the nature and extent of the information to be collected. By April 1 of every
323.7 year, each probation service provider shall report a summary of the information collected
323.8 to the commissioner as a condition of state subsidy funding under chapter 401.

323.9 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2024, the
323.10 commissioner of corrections shall report to the chairs and ranking minority members of the
323.11 ~~senate crime prevention and house of representatives judiciary~~ legislative committees with
323.12 jurisdiction over public safety policy and finance on recommended methods of coordinating
323.13 the exchange of information collected on offenders under subdivision 1: (1) between
323.14 probation service providers; and (2) between probation service providers and the Department
323.15 of Corrections, ~~without requiring service providers to acquire uniform computer software.~~

323.16 Sec. 14. Minnesota Statutes 2022, section 401.01, is amended to read:

323.17 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS SUBSIDIES.**

323.18 Subdivision 1. **Grants Subsidies.** For the purpose of more effectively protecting society
323.19 and to promote efficiency and economy in the delivery of correctional services, the
323.20 commissioner is authorized to ~~make grants to assist~~ subsidize counties and Tribal Nations
323.21 in the development, implementation, and operation of community-based corrections programs
323.22 including preventive or diversionary correctional programs, conditional release programs,
323.23 community corrections centers, and facilities for the detention or confinement, care and
323.24 treatment of persons convicted of crime or adjudicated delinquent. ~~The commissioner may~~
323.25 ~~authorize the use of a percentage of a grant for the operation of an emergency shelter or~~
323.26 ~~make a separate grant for the rehabilitation of a facility owned by the grantee and used as~~
323.27 ~~a shelter to bring the facility into compliance with state and local laws pertaining to health,~~
323.28 ~~fire, and safety, and to provide security.~~

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

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

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

324.1 (d) "Conditional release" means parole, supervised release, conditional release as
324.2 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
324.3 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
324.4 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
324.5 any other authorized temporary release from a correctional facility.

324.6 (e) "County probation officer" means a probation officer appointed under section 244.19.

324.7 (f) "CPO county" means a county that participates in funding under this act by providing
324.8 local corrections service for all juveniles and individuals on probation for misdemeanors,
324.9 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

324.10 (g) "Detain" means to take into actual custody, including custody within a local
324.11 correctional facility.

324.12 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

324.13 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
324.14 1.

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

324.17 ~~(j)~~ (k) "Release" means to release from actual custody.

324.18 (l) "Tribal government" means one of the federally recognized Tribes described in section
324.19 3.922.

324.20 Sec. 15. Minnesota Statutes 2022, section 401.02, is amended to read:

324.21 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

324.22 Subdivision 1. **Qualification of counties or Tribal Nations.** (a) One or more counties,
324.23 ~~having an aggregate population of 30,000 or more persons,~~ Tribal Nations may qualify
324.24 for a ~~grant as provided in~~ subsidy under section 401.01 by ~~the enactment of appropriate~~
324.25 ~~resolutions creating and establishing a corrections advisory board,~~ designating the officer
324.26 or agency to be responsible for administering ~~grant funds~~ subsidies, and providing for the
324.27 preparation of a comprehensive plan for the development, implementation and operation
324.28 of the correctional services described in ~~section~~ sections 401.01 and 401.11, including the
324.29 assumption of those correctional services, other than the operation of state facilities, presently
324.30 provided in such counties by the Department of Corrections, or for Tribal Nations, probation
324.31 services within a Tribal Nation, and providing for centralized administration and control of
324.32 those correctional services described in section 401.01. Counties participating as a CCA

325.1 county must also enact the appropriate resolutions creating and establishing a corrections
325.2 advisory board.

325.3 Where counties or Tribal governments combine as authorized in this section, they shall
325.4 comply with the provisions of section 471.59.

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

325.7 (c) If a county or Tribal government withdraws from the subsidy program as outlined
325.8 in subdivision 1 and asks the commissioner of corrections or the legislature mandates the
325.9 commissioner of corrections to furnish probation services to the county, the probation
325.10 officers and other employees displaced by the changeover shall be employed by the
325.11 commissioner of corrections at no loss of salary. Years of service in the county probation
325.12 department are to be given full credit for future sick leave and vacation accrual purposes.

325.13 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
325.14 or Tribal Nations which have complied with the provisions of subdivision 1 and require
325.15 financial aid to defray all or a part of the expenses incurred by corrections advisory board
325.16 members in discharging their official duties pursuant to section 401.08, the commissioner
325.17 may designate counties or Tribal Nations as "planning counties", and, upon receipt of
325.18 resolutions by the governing boards of the counties or Tribal Nations certifying the need
325.19 for and inability to pay the expenses described in this subdivision, advance to the counties
325.20 or Tribal Nations an amount not to exceed five percent of the maximum quarterly subsidy
325.21 for which the counties or Tribal Nations are eligible. The expenses described in this
325.22 subdivision shall be paid in the same manner and amount as for state employees.

325.23 Subd. 3. **Establishment and reorganization of administrative structure.** Any county,
325.24 Tribal Nation, or group of counties which have qualified for participation in the ~~community~~
325.25 ~~corrections~~ subsidy program provided by this chapter may establish, organize, and reorganize
325.26 an administrative structure and provide for the budgeting, staffing, and operation of court
325.27 services and probation, construction or improvement to juvenile detention and juvenile
325.28 correctional facilities and adult detention and correctional facilities, and other activities
325.29 required to conform to the purposes of this chapter. No contrary general or special statute
325.30 divests any county or group of counties of the authority granted by this subdivision.

325.31 ~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county~~
325.32 ~~probation officers may require a person committed to the officer's care by the court to~~
325.33 ~~perform community work service for violating a condition of probation imposed by the~~
325.34 ~~court. Community work service may be imposed for the purpose of protecting the public,~~

326.1 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
326.2 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
326.3 ~~12-month period, beginning on the date on which community work service is first imposed.~~
326.4 ~~The chief executive officer of a community corrections agency may authorize an additional~~
326.5 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
326.6 ~~period, beginning with the date on which community work service is first imposed. At the~~
326.7 ~~time community work service is imposed, probation officers are required to provide written~~
326.8 ~~notice to the offender that states:~~

326.9 ~~(1) the condition of probation that has been violated;~~

326.10 ~~(2) the number of hours of community work service imposed for the violation; and~~

326.11 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
326.12 ~~period.~~

326.13 ~~An offender may challenge the imposition of community work service by filing a petition~~
326.14 ~~in district court. An offender must file the petition within five days of receiving written~~
326.15 ~~notice that community work service is being imposed. If the offender challenges the~~
326.16 ~~imposition of community work service, the state bears the burden of showing, by a~~
326.17 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
326.18 ~~under the circumstances.~~

326.19 ~~Community work service includes sentencing to service.~~

326.20 Sec. 16. Minnesota Statutes 2022, section 401.025, is amended to read:

326.21 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
326.22 **RELEASEES, AND PRETRIAL RELEASEES.**

326.23 Subdivision 1. **Peace officers and probation officers serving CCA counties**
326.24 **jurisdictions.** (a) When it appears necessary to enforce discipline or to prevent a person on
326.25 conditional release from escaping or absconding from supervision, the chief executive
326.26 officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has
326.27 the authority to issue a written order directing any peace officer or any probation officer in
326.28 the state serving the district and juvenile courts to detain and bring the person before the
326.29 court or the commissioner, whichever is appropriate, for disposition. If the person on
326.30 conditional release commits a violation described in section 609.14, subdivision 1a, paragraph
326.31 (a), the chief executive officer or designee must have a reasonable belief that the order is
326.32 necessary to prevent the person from escaping or absconding from supervision or that the
326.33 continued presence of the person in the community presents a risk to public safety before

327.1 issuing a written order. This written order is sufficient authority for the peace officer or
327.2 probation officer to detain the person for not more than 72 hours, excluding Saturdays,
327.3 Sundays, and holidays, pending a hearing before the court or the commissioner.

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

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

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

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

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

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

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

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

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

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

328.6 Sec. 17. Minnesota Statutes 2022, section 401.04, is amended to read:

328.7 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
328.8 **STRUCTURE; EMPLOYEES.**

328.9 Any county ~~or~~, group of counties, or Tribal Nation electing to come within the provisions
328.10 of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease
328.11 or transfer of custodial control, the lands, buildings and equipment necessary and incident
328.12 to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and
328.13 establish the administrative structure best suited to the efficient administration and delivery
328.14 of the correctional services described in section 401.01, and (c) employ a director and other
328.15 officers, employees and agents as deemed necessary to carry out the provisions of sections
328.16 401.01 to 401.16. To the extent that participating counties shall assume and take over state
328.17 and local correctional services presently provided in counties, employment shall be given
328.18 to those state and local officers, employees and agents thus displaced; if hired by a county,
328.19 employment shall, to the extent possible and notwithstanding the provisions of any other
328.20 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
328.21 enjoyed by such officer, employee or agent while in the service of the state or local
328.22 correctional service.

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

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

328.31 Sec. 18. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

328.32 Subdivision 1. **Authorization to use and accept funds.** Any ~~county~~ CCA jurisdiction
328.33 or group of counties electing to come within the provisions of sections 401.01 to 401.16

329.1 may, through their governing bodies, use unexpended funds; accept gifts, grants, and
329.2 subsidies from any lawful source; and apply for and accept federal funds.

329.3 Sec. 19. Minnesota Statutes 2022, section 401.06, is amended to read:

329.4 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
329.5 **COMPLIANCE.**

329.6 Subdivision 1. **Commissioner approval required.** (a) No county, Tribal Nation, or
329.7 group of counties or Tribal government or group of Tribal governments electing to provide
329.8 correctional services pursuant to sections 401.01 to 401.16 shall be under this chapter is
329.9 eligible for the subsidy herein provided unless and until its comprehensive plan shall have
329.10 has been approved by the commissioner. A comprehensive plan must comply with
329.11 commissioner-developed standards and reporting requirements and must sufficiently address
329.12 community needs and supervision standards.

329.13 (b) If the commissioner provides supervision to a county that elects not to provide the
329.14 supervision, the commissioner must prepare a comprehensive plan for the county and present
329.15 it to the local county board of commissioners. The Department of Corrections is subject to
329.16 all the standards and requirements under this chapter and supervision standards and policies.

329.17 (c) A comprehensive plan is valid for four years, and a corrections advisory board must
329.18 review and update the plan two years after the plan has been approved or two years after
329.19 submitted to the commissioner, whichever is earlier.

329.20 (d) All approved comprehensive plans, including updated plans, must be made publicly
329.21 available on the Department of Corrections website.

329.22 Subd. 2. **Rulemaking.** The commissioner shall must, pursuant to in accordance with
329.23 the Administrative Procedure Act, promulgate adopt rules establishing standards of eligibility
329.24 for CCA and CPO counties and Tribal Nations to receive funds under sections 401.01 to
329.25 401.16 this chapter.

329.26 Subd. 3. **Substantial compliance required.** (a) To remain eligible for the subsidy
329.27 counties shall, CCA jurisdictions must maintain substantial compliance with the minimum
329.28 standards established pursuant according to sections 401.01 to 401.16 this chapter and the
329.29 policies and procedures governing the services described in under section 401.025 as
329.30 prescribed by the commissioner.

329.31 (b) Counties shall also must:

330.1 (1) be in substantial compliance with other correctional operating standards permitted
330.2 by law and established by the commissioner; and ~~shall~~

330.3 (2) report statistics required by the commissioner, including but not limited to information
330.4 on individuals convicted as an extended jurisdiction juvenile ~~identified in~~ under section
330.5 241.016, subdivision 1, paragraph (c).

330.6 **Subd. 4. Commissioner review.** (a) The commissioner ~~shall~~ must review annually the
330.7 comprehensive plans submitted by participating ~~counties~~ CCA jurisdictions, including the
330.8 facilities and programs operated under the plans. The commissioner ~~is hereby authorized~~
330.9 ~~to~~ may enter upon any facility operated under the plan, and inspect books and records, for
330.10 purposes of recommending needed changes or improvements.

330.11 ~~When~~ (b) If the commissioner ~~shall determine~~ determines that there are reasonable
330.12 grounds to believe that a ~~county~~ CCA jurisdiction or group of counties or Tribal government
330.13 or group of Tribal governments is not in substantial compliance with minimum standards,
330.14 the commissioner must provide at least 30 days' notice ~~shall be given~~ to the county or
330.15 ~~counties and~~ CCA jurisdiction of a commissioner-conducted hearing ~~conducted by the~~
330.16 ~~commissioner~~ to ascertain whether there is substantial compliance or satisfactory progress
330.17 being made toward compliance.

330.18 **Subd. 5. Noncompliance with comprehensive plan.** (a) After a hearing, the
330.19 commissioner may sanction a county or group of counties or Tribal government or group
330.20 of Tribal governments under this subdivision if the commissioner determined that the agency
330.21 is not maintaining substantial compliance with minimum standards or that satisfactory
330.22 progress toward compliance has not been made.

330.23 (b) The commissioner may suspend all or a portion of any subsidy ~~until the required~~
330.24 ~~standard of operation has been met~~ without issuing a corrective action plan.

330.25 (c) The commissioner may issue a corrective action plan, which must:

330.26 (1) be in writing;

330.27 (2) identify all deficiencies;

330.28 (3) detail the corrective action required to remedy the deficiencies; and

330.29 (4) provide a deadline to:

330.30 (i) correct each deficiency; and

330.31 (ii) report to the commissioner progress toward correcting the deficiency.

331.1 (d) After the deficiency has been corrected, documentation must be submitted to the
331.2 commissioner detailing compliance with the corrective action plan. If the commissioner
331.3 determines that the county or group of counties or Tribal government or group of Tribal
331.4 governments has not complied with the plan, the commissioner may suspend all or a portion
331.5 of the subsidy.

331.6 Sec. 20. Minnesota Statutes 2022, section 401.08, subdivision 2, is amended to read:

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

331.12 Sec. 21. Minnesota Statutes 2022, section 401.08, subdivision 4, is amended to read:

331.13 Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections
331.14 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan
331.15 for the development, implementation, and operation of the correctional program and services
331.16 described in section 401.01, and shall make a formal recommendation to the county board,
331.17 Tribal government, or joint board at least annually concerning the comprehensive plan and
331.18 its implementation during the ensuing year.

331.19 Sec. 22. Minnesota Statutes 2022, section 401.09, is amended to read:

331.20 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

331.21 Failure of a ~~county~~ CCA jurisdiction or group of counties to elect to come within the
331.22 provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state
331.23 grant or subsidy for correctional purposes otherwise provided by law. Any comprehensive
331.24 plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected
331.25 correctional services from the state by contract, including the temporary detention and
331.26 confinement of persons convicted of crime or adjudicated delinquent; confinement to be in
331.27 an appropriate state facility as otherwise provided by law. The commissioner shall annually
331.28 determine the costs of the purchase of services under this section and deduct them from the
331.29 subsidy due and payable to the county or counties concerned; provided that no contract
331.30 shall exceed in cost the amount of subsidy to which the participating county or counties are
331.31 eligible.

332.1 Sec. 23. Minnesota Statutes 2022, section 401.10, is amended to read:

332.2 **401.10 COMMUNITY CORRECTIONS AID.**

332.3 Subdivision 1. ~~Aid calculations~~ Funding formula. ~~To determine the community~~
332.4 ~~corrections aid amount to be paid to each participating county, the commissioner of~~
332.5 ~~corrections must apply the following formula:~~

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

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

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

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

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

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

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

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

332.28 (3) ~~For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
332.29 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
332.30 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
332.31 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
332.32 ~~87 counties.~~

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

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

333.7 ~~(6) Each participating county's weighted need percent must be added to the weighted~~
333.8 ~~need percent of each other participating county to yield the "total weighted need percent~~
333.9 ~~for participating counties."~~

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

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

333.20 ~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts~~
333.21 ~~for all participating counties. If a county that participated under this section chooses not to~~
333.22 ~~participate in any given year, then the aggregate base funding amount must be reduced by~~
333.23 ~~that county's base funding amount. If a county that did not participate under this section in~~
333.24 ~~fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base~~
333.25 ~~funding amount must be increased by the amount of aid that the county would have received~~
333.26 ~~had it participated in fiscal year 1995 plus the estimated amount it would have received in~~
333.27 ~~caseload or workload reduction, felony caseload reduction, and sex offender supervision~~
333.28 ~~grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount~~
333.29 ~~of increase shall be that county's base funding amount.~~

333.30 ~~(10) In any given year, the total amount appropriated for this purpose first must be~~
333.31 ~~allocated to participating counties in accordance with each county's base funding amount.~~
333.32 ~~Then, any remaining amount in excess of the aggregate base funding amount must be~~
333.33 ~~allocated to participating counties in proportion to each county's share percent, and is referred~~
333.34 ~~to as the county's "formula amount."~~

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

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

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

334.10 (a) Beginning in fiscal year 2024, the subsidy paid to each county and Tribal government
334.11 and the commissioner of corrections for supervision in counties or Tribal jurisdictions served
334.12 by the department shall equal the sum of:

334.13 (1) a base funding amount equal to \$200,000, plus:

334.14 (i) ten percent of the total for all appropriations to the commissioner for community
334.15 supervision and postrelease services during the fiscal year prior to the fiscal year for which
334.16 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
334.17 total population as determined by the most recent census; and

334.18 (ii) ten percent of the total for all appropriations to the commissioner for community
334.19 supervision and postrelease services during the fiscal year prior to the fiscal year for which
334.20 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
334.21 total geographic area; and

334.22 (2) a community supervision formula equal to the sum of:

334.23 (i) for felony cases, a felony per diem rate of \$5.33 multiplied by the sum of the county's
334.24 adult felony population, adult supervised release and parole populations, and juvenile
334.25 supervised release and parole populations as reported in the most recent probation survey
334.26 published by the commissioner, multiplied by 365, and

334.27 (ii) for gross misdemeanor, misdemeanor, and juvenile probation cases, the felony per
334.28 diem rate used in item (i) multiplied by 0.5 and then multiplied by the sum of the county's
334.29 gross misdemeanor, misdemeanor, and juvenile populations as reported in the most recent
334.30 probation survey published by the commissioner, multiplied by 365.

334.31 (b) Each participating county's community corrections aid amount equals the sum of (1)
334.32 the county's base funding amount, and (2) the county's formula amount.

335.1 (c) If in any year the total amount appropriated for the purpose of this section is more
335.2 than or less than the total of base funding plus community supervision formula funding for
335.3 all counties, the sum of each county's base funding plus community supervision formula
335.4 funding shall be adjusted by the ratio of amounts appropriated for this purpose divided by
335.5 the total of base funding plus community supervision formula funding for all counties.

335.6 (d) For each Tribal Nation, a base funding amount of \$250,000 is allotted annually
335.7 through legislative appropriation to each Tribal Nation to purchase probation services
335.8 regardless of participation in a CCA jurisdiction. An additional formula amount through
335.9 legislative appropriation must be developed and approved by the commissioner for equitable
335.10 distribution for Tribal Nations under a CCA jurisdiction.

335.11 **Subd. 2. Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
335.12 of corrections, after notifying the committees on finance of the senate and ways and means
335.13 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
335.14 funds, including funds available due the withdrawal of a county under section 401.16, in
335.15 any appropriation to the Department of Corrections to the appropriation under sections
335.16 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
335.17 of sections 401.01 to 401.16.

335.18 **Subd. 3. Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~
335.19 ~~over community corrections funding decisions in the house of representatives and the senate,~~
335.20 ~~in consultation with the Department of Corrections and any interested county organizations,~~
335.21 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
335.22 ~~its continuation, modification, replacement, or discontinuation.~~ For fiscal year 2025 and
335.23 subsequent fiscal years, the commissioner shall make a funding recommendation based
335.24 upon the commissioner's workload study and the caseload data collected by the commissioner.

335.25 **Subd. 4. Report; supervision fees.** (a) The commissioner must collect annual summary
335.26 expenditure data and funding from each community supervision provider in the state.

335.27 (b) On January 15, 2025, and every year thereafter, the commissioner must submit a
335.28 report to the chairs and ranking minority members of the legislative committees with
335.29 jurisdiction over public safety finance and policy on the data collected under paragraph (a).
335.30 The report may be made in conjunction with reporting under section 244.21.

336.1 Sec. 24. Minnesota Statutes 2022, section 401.11, is amended to read:

336.2 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

336.3 Subdivision 1. Items. The comprehensive plan submitted to the commissioner for
336.4 approval ~~shall~~ must include ~~those~~ items prescribed by ~~rule~~ policy of the commissioner,
336.5 ~~which may require the inclusion of the following~~ including but not limited to:

336.6 ~~(a)~~ (1) the manner in which presentence and postsentence investigations and reports for
336.7 the district courts and social history reports for the juvenile courts will be made;

336.8 ~~(b)~~ (2) the manner in which conditional release services to the courts and persons under
336.9 jurisdiction of the commissioner ~~of corrections~~ will be provided;

336.10 ~~(c)~~ (3) a program for ~~the detention, supervision, and treatment of~~ detaining, supervising,
336.11 and treating persons under pretrial detention or under commitment;

336.12 ~~(d)~~ (4) delivery of other local correctional services ~~defined in section 401.01;~~

336.13 ~~(e)~~ (5) proposals for new programs, which proposals must demonstrate a need for the
336.14 program, ~~its~~ and the program's purpose, objective, administrative structure, staffing pattern,
336.15 staff training, financing, evaluation process, degree of community involvement, client
336.16 participation, and duration ~~of program; and~~

336.17 (6) outcome and output data, expenditures, and costs.

336.18 Subd. 2. Review. ~~In addition to the foregoing requirements made by this section,~~ Each
336.19 participating CCA county or group of counties ~~shall~~ must develop and implement a procedure
336.20 for ~~the review of grant~~ reviewing subsidy applications made to the corrections advisory
336.21 board and for the manner in which corrections advisory board action will be taken on ~~them~~
336.22 the applications. A description of ~~this~~ the procedure must be made available to members of
336.23 the public upon request.

336.24 Sec. 25. Minnesota Statutes 2022, section 401.12, is amended to read:

336.25 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

336.26 Participating counties or Tribal Nations shall not diminish their current level of spending
336.27 for correctional expenses as defined in section 401.01, to the extent of any subsidy received
336.28 pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the
336.29 expenditure for correctional purposes in excess of those funds currently being expended.

336.30 Should a participating ~~county~~ CCA jurisdiction be unable to expend the full amount of the
336.31 subsidy to which it would be entitled in any one year under the provisions of sections 401.01
336.32 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following

337.1 year wherein such ~~county~~ CCA jurisdiction can demonstrate a need for and ability to expend
337.2 same for the purposes provided in section 401.01. If in any biennium the subsidy is increased
337.3 by an inflationary adjustment which results in the ~~county~~ CCA jurisdiction receiving more
337.4 actual subsidy than it did in the previous calendar year, the ~~county~~ CCA jurisdiction shall
337.5 be eligible for that increase only if the current level of spending is increased by a percentage
337.6 equal to that increase within the same biennium.

337.7 Sec. 26. Minnesota Statutes 2022, section 401.14, subdivision 1, is amended to read:

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

337.13 Sec. 27. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

337.14 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
337.15 for community corrections services to each ~~county~~ CCA jurisdiction in 12 installments per
337.16 year. The commissioner shall ensure that the pertinent payment of the allotment for each
337.17 month is made to each ~~county~~ CCA jurisdiction on the first working day after the end of
337.18 each month of the calendar year, except for the last month of the calendar year. The
337.19 commissioner shall ensure that each county receives its payment of the allotment for that
337.20 month no later than the last working day of that month. ~~The payment described in this~~
337.21 ~~subdivision for services rendered during June 1985 shall be made on the first working day~~
337.22 ~~of July 1985.~~

337.23 Sec. 28. Minnesota Statutes 2022, section 401.15, subdivision 1, is amended to read:

337.24 Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days
337.25 of the end of each calendar quarter, participating ~~counties~~ CCA jurisdictions which have
337.26 received the payments authorized by section 401.14 shall submit to the commissioner
337.27 certified statements detailing the amounts expended and costs incurred in furnishing the
337.28 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified
337.29 statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12,
337.30 determine the amount each participating county is entitled to receive, making any adjustments
337.31 necessary to rectify any disparity between the amounts received pursuant to the estimate
337.32 provided in section 401.14 and the amounts actually expended. If the amount received
337.33 pursuant to the estimate is greater than the amount actually expended during the quarter,

338.1 the commissioner may withhold the difference from any subsequent monthly payments
338.2 made pursuant to section 401.14. Upon certification by the commissioner of the amount a
338.3 participating ~~county~~ CCA jurisdiction is entitled to receive under the provisions of section
338.4 401.14 or of this subdivision the commissioner of management and budget shall thereupon
338.5 issue a payment to the chief fiscal officer of each participating ~~county~~ CCA jurisdiction for
338.6 the amount due together with a copy of the certificate prepared by the commissioner.

338.7 Sec. 29. Minnesota Statutes 2022, section 401.16, is amended to read:

338.8 **401.16 WITHDRAWAL FROM PROGRAM.**

338.9 Any participating ~~county~~ CCA jurisdiction may, at the beginning of any calendar quarter,
338.10 by resolution of its board of commissioners or Tribal Council leaders, notify the
338.11 commissioner of its intention to withdraw from the subsidy program established by sections
338.12 401.01 to 401.16, and the withdrawal shall be effective the last day of the ~~last month of the~~
338.13 ~~quarter in~~ third quarter after which the notice was given. ~~Upon withdrawal, the unexpended~~
338.14 ~~balance of moneys allocated to the county, or that amount necessary to reinstate state~~
338.15 ~~correctional services displaced by that county's participation, including complement positions,~~
338.16 ~~may, upon approval of the legislative advisory commission, be transferred to the~~
338.17 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~
338.18 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

338.19 Sec. 30. **[401.17] COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

338.20 Subdivision 1. Establishment; members. (a) The commissioner must establish a
338.21 Community Supervision Advisory Committee to develop and make recommendations to
338.22 the commissioner on standards for probation, supervised release, and community supervision.
338.23 The committee consists of 17 members as follows:

338.24 (1) two directors appointed by the Minnesota Association of Community Corrections
338.25 Act Counties;

338.26 (2) two probation directors appointed by the Minnesota Association of County Probation
338.27 Officers;

338.28 (3) three county commissioner representatives appointed by the Association of Minnesota
338.29 Counties;

338.30 (4) two behavioral health, treatment, or programming providers who work directly with
338.31 individuals on correctional supervision, one appointed by the Department of Human Services
338.32 and one appointed by the Minnesota Association of County Social Service Administrators;

- 339.1 (5) two representatives appointed by the Minnesota Indian Affairs Council;
339.2 (6) one commissioner-appointed representative from the Department of Corrections;
339.3 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;
339.4 (8) three individuals who have been supervised, either individually or collectively, under
339.5 each of the state's three community supervision delivery systems appointed by the
339.6 commissioner in consultation with the Minnesota Association of County Probation Officers
339.7 and the Minnesota Association of Community Corrections Act Counties; and
339.8 (9) an advocate for victims of crime appointed by the commissioner.

339.9 (b) When an appointing authority selects an individual for membership on the committee,
339.10 the authority must make reasonable efforts to reflect geographic diversity and to appoint
339.11 qualified members of protected groups, as defined under section 43A.02, subdivision 33.

339.12 (c) The commissioner must convene the first meeting of the committee on or before July
339.13 15, 2024.

339.14 Subd. 2. **Terms; removal; reimbursement.** (a) If there is a vacancy, the appointing
339.15 authority must appoint an individual to fill the vacancy. Committee members must elect
339.16 any officers and create any subcommittees necessary for the efficient discharge of committee
339.17 duties.

339.18 (b) A member may be removed by the appointing authority at any time at the pleasure
339.19 of the appointing authority.

339.20 (c) Each committee member must be reimbursed for all reasonable expenses actually
339.21 paid or incurred by that member in the performance of official duties in the same manner
339.22 as other employees of the state. The public members of the committee must be compensated
339.23 at the rate of \$55 for each day or part of the day spent on committee activities.

339.24 Subd. 3. **Duties; committee.** (a) The committee must comply with section 401.10.

339.25 (b) By June 30, 2024, the committee must provide written advice and recommendations
339.26 to the commissioner on developing policy on:

339.27 (1) developing statewide supervision standards and definitions to be applied to community
339.28 supervision provided by CPO counties, CCA counties, the Department of Corrections, and
339.29 Tribal governments;

339.30 (2) requiring community supervision agencies to use the same agreed-upon risk screener
339.31 and risk and needs assessment tools as the main supervision assessment methods or a
339.32 universal five-level matrix allowing for consistent supervision levels and that all tools in

340.1 use be validated on Minnesota's community supervision population and revalidated every
340.2 five years;

340.3 (3) requiring the use of assessment-driven, formalized collaborative case planning to
340.4 focus case planning goals on identified criminogenic and behavioral health need areas for
340.5 moderate- and high-risk individuals;

340.6 (4) limiting standard conditions required for all people on supervision across all
340.7 supervision systems and judicial districts, ensuring that conditions of supervision are directly
340.8 related to the offense of the person on supervision, and tailoring special conditions to people
340.9 on supervision identified as high-risk and high-need;

340.10 (5) providing gender-responsive, culturally appropriate services and trauma-informed
340.11 approaches;

340.12 (6) developing a statewide incentives and sanctions grid to guide responses to client
340.13 behavior while under supervision to be reviewed and updated every five years to maintain
340.14 alignment with national best practices;

340.15 (7) developing performance indicators for supervision success as well as recidivism;

340.16 (8) developing a statewide training, coaching, and quality assurance system overseen
340.17 by an evidence-based practices coordinator; and

340.18 (9) devising a plan, by December 1, 2024, to eliminate the financial penalty incurred by
340.19 a jurisdiction that successfully discharges an offender from supervision before the offender's
340.20 term of supervision concludes.

340.21 (c) By December 1, 2024, and every six years thereafter, the committee must review
340.22 and reassess the existing workload study published by the commissioner under subdivision
340.23 4 and make recommendations to the commissioner based on the committee's review.

340.24 (d) By June 30, 2024, the committee must submit a report on supervision fees to the
340.25 commissioner and the chairs and ranking minority members of the legislative committees
340.26 with jurisdiction over corrections finance and policy. The committee must collect data on
340.27 supervision fees and include the data in the report.

340.28 Subd. 4. **Duties; commissioner.** The commissioner, in consultation with the committee,
340.29 must complete a workload study by December 1, 2024, to develop a capitated rate for
340.30 equitably funding community supervision throughout the state. The study must be updated
340.31 every six years after the initial study is completed.

341.1 Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in
341.2 consultation with the Minnesota Counties Computer Cooperative, must create a method to
341.3 (1) standardize data classifications across the three delivery systems, and (2) collect data
341.4 for the commissioner to publish in an annual report to the chairs and ranking minority
341.5 members of the legislative committees and divisions with jurisdiction over public safety
341.6 finance and policy.

341.7 (b) The advisory committee's method, at a minimum, must provide for collecting the
341.8 following data:

341.9 (1) the number of offenders placed on probation each year;

341.10 (2) the offense levels and offense types for which offenders are placed on probation;

341.11 (3) violation and revocation rates and the identified grounds for the violations and
341.12 revocations, including final disposition of the violation action such as execution of the
341.13 sentence, imposition of new conditions, or a custodial sanction;

341.14 (4) the number of offenders granted early discharge from probation;

341.15 (5) the number of offenders restructured on supervision, including imposition of new
341.16 conditions of release; and

341.17 (6) the number of offenders revoked from supervision and the identified grounds for
341.18 revocation.

341.19 (c) On February 1, 2025, and every year thereafter, the commissioner must prepare a
341.20 report that contains the data collected under the method established by the committee under
341.21 this subdivision. The report must provide an analysis of the collected data disaggregated
341.22 by race, gender, and county.

341.23 (d) Nothing in this section overrides the commissioner's authority to require additional
341.24 data be provided under sections 241.065, 401.06, 401.10, and 401.11.

341.25 Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations,
341.26 the commissioner must respond in writing to the committee's advice and recommendations
341.27 under subdivision 3. The commissioner's response must explain:

341.28 (1) whether the agency will adopt policy changes based on the recommendations;

341.29 (2) the timeline for adopting policy changes; and

341.30 (3) why the commissioner will not or cannot include any individual recommendations
341.31 of the committee in the agency's policy.

342.1 (b) The commissioner must submit the advice and recommendations of the committee
342.2 to the chairs and ranking minority members of the legislative committees with jurisdiction
342.3 over public safety finance and policy.

342.4 Subd. 7. Staff; meeting room; office equipment. The commissioner must provide the
342.5 committee with a committee administrator, staff support, a meeting room, and access to
342.6 office equipment and services.

342.7 Sec. 31. Minnesota Statutes 2022, section 609.14, subdivision 1, is amended to read:

342.8 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
342.9 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
342.10 which warrants the imposing or execution of sentence, the court may without notice revoke
342.11 the stay and direct that the defendant be taken into immediate custody. Revocation shall
342.12 only be used as a last resort when rehabilitation has failed.

342.13 (b) When it appears that the defendant violated any of the conditions of probation during
342.14 the term of the stay, but the term of the stay has since expired, the defendant's probation
342.15 officer or the prosecutor may ask the court to initiate probation revocation proceedings
342.16 under the Rules of Criminal Procedure at any time within six months after the expiration
342.17 of the stay. The court also may initiate proceedings under these circumstances on its own
342.18 motion. If proceedings are initiated within this six-month period, the court may conduct a
342.19 revocation hearing and take any action authorized under rule 27.04 at any time during or
342.20 after the six-month period.

342.21 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
342.22 proceedings to revoke the stay have been initiated by a court order revoking the stay and
342.23 directing either that the defendant be taken into custody or that a summons be issued in
342.24 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
342.25 the summary hearing provided by subdivision 2 may be conducted after the expiration of
342.26 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
342.27 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
342.28 term of the stay or after the six-month period. The ability or inability to locate or apprehend
342.29 the defendant prior to the expiration of the stay or during or after the six-month period shall
342.30 not preclude the court from conducting the summary hearing unless the defendant
342.31 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
342.32 advantage.

342.33 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
342.34 that occur on or after that date.

343.1 Sec. 32. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
343.2 read:

343.3 Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional
343.4 treatment is better provided through a community resource than through confinement and
343.5 would not unduly depreciate the seriousness of the violation if probation was not revoked.
343.6 Policies favoring probation outweigh the need for confinement if a person has not previously
343.7 violated a condition of probation or intermediate sanction and does any of the following in
343.8 violation of a condition imposed by the court:

343.9 (1) fails to abstain from the use of controlled substances without a valid prescription,
343.10 unless the person is under supervision for a violation of section:

343.11 (i) 169A.20;

343.12 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

343.13 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
343.14 (6);

343.15 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
343.16 violation of section:

343.17 (i) 169A.20;

343.18 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

343.19 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
343.20 (6);

343.21 (3) possesses drug paraphernalia in violation of section 152.092;

343.22 (4) fails to obtain or maintain employment;

343.23 (5) fails to pursue a course of study or vocational training;

343.24 (6) fails to report a change in employment, unless the person is prohibited from having
343.25 contact with minors and the employment would involve such contact;

343.26 (7) violates a curfew;

343.27 (8) fails to report contact with a law enforcement agency, unless the person was charged
343.28 with a misdemeanor, gross misdemeanor, or felony; or

343.29 (9) commits any offense for which the penalty is a petty misdemeanor.

344.1 (b) A violation by a person described in paragraph (a) does not warrant the imposition
344.2 or execution of sentence and the court may not direct that the person be taken into immediate
344.3 custody unless the court receives a written report, signed under penalty of perjury pursuant
344.4 to section 358.116, showing probable cause to believe the person violated probation and
344.5 establishing by a preponderance of the evidence that the continued presence of the person
344.6 in the community would present a risk to public safety. If the court does not direct that the
344.7 person be taken into custody, the court may request a supplemental report from the
344.8 supervising agent containing:

344.9 (1) the specific nature of the violation;

344.10 (2) the response of the person under supervision to the violation, if any; and

344.11 (3) the actions the supervising agent has taken or will take to address the violation.

344.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
344.13 that occur on or after that date.

344.14 **Sec. 33. LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.**

344.15 By August 1, 2025, each local correctional agency under Minnesota Statutes, section
344.16 244.18, must provide a plan for phasing out local correctional fees. A copy of the plan must
344.17 be provided to all individuals under supervision by the agency. Local correctional fees must
344.18 not increase from the effective date of this section through August 1, 2025.

344.19 **Sec. 34. COMMUNITY SUPERVISION ADVISORY COMMITTEE; REPORT.**

344.20 (a) By January 15, 2025, the committee must submit a report to the chairs and ranking
344.21 minority members of the legislative committees with jurisdiction over public safety policy
344.22 and finance on progress toward developing standards and recommendations under Minnesota
344.23 Statutes, section 401.17, subdivision 3.

344.24 (b) By January 15, 2026, the committee must submit a final report to the chairs and
344.25 ranking minority members of the legislative committees with jurisdiction over public safety
344.26 policy and finance on the standards and recommendations developed according to Minnesota
344.27 Statutes, section 401.17, subdivision 3. At a minimum, the recommendations must include
344.28 a proposed state-level Community Supervision Advisory Board with a governance structure
344.29 and duties for the board.

345.1 Sec. 35. **REPEALER.**

345.2 (a) Minnesota Statutes 2022, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
345.3 and 244.30, are repealed.

345.4 (b) Minnesota Statutes 2022, section 244.18, is repealed.

345.5 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2023, and paragraph (b) is
345.6 effective August 1, 2025.

152.092 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

(a) It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.

(b) A person who violates paragraph (a) and has previously violated paragraph (a) on two or more occasions has committed a crime and may be sentenced to imprisonment for up to 90 days or to payment of a fine up to \$1,000, or both.

244.18 LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.

Subdivision 1. **Definition.** As used in this section, "local correctional fees" include fees for the following correctional services:

- (1) community service work placement and supervision;
- (2) restitution collection;
- (3) supervision;
- (4) court ordered investigations;
- (5) any other court ordered service;
- (6) postprison supervision or other form of release; or

(7) supervision or other services provided to probationers or parolees under section 243.1605 to be provided by a local probation and parole agency established under section 244.19 or community corrections agency established under chapter 401.

Subd. 2. **Local correctional fees.** A local correctional agency may establish a schedule of local correctional fees to charge persons under the supervision and control of the local correctional agency to defray costs associated with correctional services. The local correctional fees on the schedule must be reasonably related to defendants' abilities to pay and the actual cost of correctional services.

Subd. 3. **Fee collection.** The chief executive officer of a local correctional agency may impose and collect local correctional fees. The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. A local probation and parole agency established under section 244.19 or community corrections agency established under section 401.02 may not impose a fee under this section if the offender is supervised by the commissioner of corrections and the commissioner of corrections imposes and collects a fee under section 241.272. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Subd. 4. **Exemption from fee.** The chief executive officer of the local correctional agency may waive payment of the fee if the officer determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the local correctional agency may require the offender to perform community work service as a means of paying the fee.

Subd. 5. **Restitution payment priority.** If a defendant has been ordered by a court to pay restitution, the defendant shall be obligated to pay the restitution ordered before paying the local correctional fee. However, if the defendant is making reasonable payments to satisfy the restitution obligation, the local correctional agency may also collect a local correctional fee.

Subd. 6. **Use of fees.** The local correctional fees shall be used by the local correctional agency to pay the costs of local correctional services. Local correctional fees may not be used to supplant existing local funding for local correctional services.

244.19 PROBATION OFFICERS.

Subd. 6. **Reimbursement of counties.** In order to reimburse the counties for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties which provide their own probation services to the district court under subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an

estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.

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

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

244.22 PROBATION SERVICE PROVIDERS; CASELOAD REDUCTION GRANT MONEY.

(a) The commissioner of corrections shall review the planned expenditures of probation service providers before allocating probation caseload reduction grants appropriated by the legislature. The review must determine whether the planned expenditures comply with applicable law.

(b) In counties where probation services are provided by both county and Department of Corrections employees, a collaborative plan addressing the local needs shall be developed. The commissioner of corrections shall specify the manner in which probation caseload reduction grant money shall be distributed between the providers according to the approved plan.

244.24 CLASSIFICATION SYSTEM FOR ADULT OFFENDERS.

By February 1, 1998, all probation agencies shall adopt written policies for classifying adult offenders. The commissioner of corrections shall assist probation agencies in locating organizations that may provide training and technical assistance to the agencies concerning methods to develop and implement effective, valid classification systems.

244.30 CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.

(a) If the commissioner revokes the supervised release of a person whose release on the current offense has not previously been revoked, the commissioner may order the person to be incarcerated for no more than 90 days or until the expiration of the person's sentence, whichever is less.

(b) This section does not apply to offenders on supervised release for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

(c) The commissioner may order a person described in this section to be incarcerated for more than 90 days if the commissioner determines that substantial and compelling reasons exist to believe that the longer incarceration period is necessary to protect the public.

299C.80 INDEPENDENT USE OF FORCE INVESTIGATIONS UNIT.

Subd. 7. **Expiration.** The independent Use of Force Investigations Unit expires August 1, 2024.

403.02 DEFINITIONS.

Subd. 13. **Enhanced 911 service.** "Enhanced 911 service" means the use of automatic location identification or local location identification as part of local 911 service provided by an enhanced

911 system consisting of a common 911 network and database and customer data and network components connecting to the common 911 network and database.

403.09 ENFORCEMENT.

Subd. 3. **Dispute resolution.** Disputes between parties must be resolved pursuant to section 403.025, subdivision 7, paragraph (c).

609.281 DEFINITIONS.

Subd. 2. **Blackmail.** "Blackmail" means a threat to expose any fact or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule.

609.293 SODOMY.

Subdivision 1. **Definition.** "Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 5. **Consensual acts.** Whoever, in cases not coming within the provisions of sections 609.342 or 609.344, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

609.34 FORNICATION.

When any man and single woman have sexual intercourse with each other, each is guilty of fornication, which is a misdemeanor.

609.36 ADULTERY.

Subdivision 1. **Acts constituting.** When a married woman has sexual intercourse with a man other than her husband, whether married or not, both are guilty of adultery and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 2. **Limitations.** No prosecution shall be commenced under this section except on complaint of the husband or the wife, except when such husband or wife lacks the mental capacity, nor after one year from the commission of the offense.

Subd. 3. **Defense.** It is a defense to violation of this section if the marital status of the woman was not known to the defendant at the time of the act of adultery.

624.7131 TRANSFEREE PERMIT; PENALTY.

Subd. 10. **Transfer report not required.** A person who transfers a pistol or semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

624.7132 REPORT OF TRANSFER.

Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.

(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.

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(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this subdivision is guilty of a misdemeanor.

626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.

Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum:

- (1) all documentation and materials the issuing court requires;
- (2) the information specified in paragraph (b); and
- (3) a sworn affidavit as provided in section 626.08.

(b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following:

(1) why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the residence through the use of a knock and announce warrant;

(2) what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed or able to be performed; and

(3) whether the warrant can be effectively executed during daylight hours according to subdivision 1.

(c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties.

(d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

Subd. 4. **Reporting requirements regarding no-knock search warrants.** (a) Law enforcement agencies shall report to the commissioner of public safety regarding the use of no-knock search warrants in a format prescribed by the commissioner. An agency must report the use of a no-knock search warrant to the commissioner no later than three months after the date the warrant was issued. The report shall include the following information:

- (1) the number of no-knock search warrants requested;
- (2) the number of no-knock search warrants the court issued;
- (3) the number of no-knock search warrants executed;
- (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians in the execution of no-knock search warrants; and
- (5) any other information the commissioner requests.

(b) The commissioner of public safety shall report the information provided under paragraph (a) annually to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety.

626.93 LAW ENFORCEMENT AUTHORITY; TRIBAL PEACE OFFICERS.

Subd. 7. **Exception; Prairie Island Indian Community.** Notwithstanding any contrary provision in subdivision 3 or 4, the Prairie Island Indian Community of the Mdewakanton Dakota tribe has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the community's reservation to enforce state criminal law if the requirements of subdivision 2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered into.

638.02 PARDONS.

Subdivision 1. **Absolute or conditional pardons; commutation of sentences.** The Board of Pardons may grant an absolute or a conditional pardon, but every conditional pardon shall state the terms and conditions on which it was granted. Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless granted by a unanimous vote of the board duly convened.

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Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the Board of Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:

(1) if the person was convicted of a crime of violence as defined in section 624.712, subdivision 5, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and

(2) if the person was convicted of any crime not included within the definition of crime of violence under section 624.712, subdivision 5, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.

If the Board of Pardons determines that the person is of good character and reputation, the board may, in its discretion, grant the person a pardon extraordinary. The pardon extraordinary, when granted, has the effect of setting aside and nullifying the conviction and of purging the person of it, and the person shall never after that be required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

The application for a pardon extraordinary, the proceedings to review an application, and the notice requirements are governed by the statutes and the rules of the board in respect to other proceedings before the board. The application shall contain any further information that the board may require.

Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, and the court shall order the conviction set aside and include a copy of the pardon in the court file. The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension.

Subd. 4. **Grandfather provision.** Any person granted a pardon extraordinary by the Board of Pardons prior to April 12, 1974 may apply to the district court of the county in which the conviction occurred for an order setting aside the conviction as set forth in subdivision 3.

Subd. 5. **Records.** The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, trial, appeal, dismissal and discharge, which relate to the conviction for which the pardon extraordinary has been granted.

638.03 WARRANT; RETURN.

The Board of Pardons may issue its warrant, under its seal, to any proper officers to carry into effect any pardon, commutation, or reprieve. As soon as may be after the execution of the warrant, the officer to whom it is directed shall make return thereof, under hand, with the doings thereon, to the governor. Such officer shall also file with the court administrator in which the offender was convicted an attested copy of the warrant and return, a brief abstract of which such court administrator shall subjoin to the record of the conviction.

638.04 MEETINGS.

The Board of Pardons shall hold meetings at least twice each year and shall hold a meeting whenever it takes formal action on an application for a pardon or commutation of sentence. All board meetings shall be open to the public as provided in chapter 13D.

The victim of an applicant's crime has a right to submit an oral or written statement at the meeting. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the application for a pardon or commutation should be granted or denied. In addition, any law enforcement agency may submit an oral or written statement at the meeting, giving its recommendation on whether the application should be granted or denied. The board must consider the victim's and the law enforcement agency's statement when making its decision on the application.

638.05 APPLICATION FOR PARDON.

Every application for relief by the Pardon Board shall be in writing, addressed to the Board of Pardons, signed under oath by the convict or someone in the convict's behalf, shall state concisely the grounds upon which the relief is sought, and in addition shall contain the following facts:

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- (1) the name under which the convict was indicted, and every alias by which the convict is or was known;
- (2) the date and terms of sentence, and the names of the offense for which it was imposed;
- (3) the name of the trial judge and the county attorney who participated in the trial of the convict, together with that of the county of trial;
- (4) a succinct statement of the evidence adduced at the trial, with the endorsement of the judge or county attorney who tried the case that the statement is substantially correct. If this statement and endorsement are not furnished, the reason for failing to furnish them shall be stated;
- (5) the age, birthplace, and occupation and residence of the convict during five years immediately preceding conviction;
- (6) a statement of other arrests, indictments, and convictions, if any, of the convict.

Every application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the relief is sought. In addition, if the applicant resided in another state after the sentence was discharged, the application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any data concerning the applicant that was collected or maintained by the foreign state relating to the grounds on which the relief is sought, including disclosure of criminal arrest and conviction records.

638.06 ACTION ON APPLICATION.

Every application for relief by the Pardon Board shall be filed with the secretary of the Board of Pardons not less than 60 days before the meeting of the board at which consideration of the application is desired. If an application for a pardon or commutation has been once heard and denied on the merits, no subsequent application shall be filed without the consent of two members of the board endorsed on the application. Immediately on receipt of any application, the secretary to the board shall mail notice of the application, and of the time and place of hearing on it, to the judge of the court where the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or a successor in office. Additionally, the secretary shall publish notice of an application for a pardon extraordinary in the local newspaper of the county where the crime occurred. The secretary shall also make all reasonable efforts to locate any victim of the applicant's crime. The secretary shall mail notice of the application and the time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board as provided in section 638.04.

638.07 RECORDS; SECRETARY.

The Board of Pardons shall keep a record of every petition received, and of every pardon, reprieve, or commutation of sentence granted or refused, and the reasons assigned therefor, and shall have a seal, with which every pardon, reprieve, or commutation of sentence shall be attested. It may adopt such additional necessary and proper rules as are not inconsistent herewith. The commissioner of corrections or a designee shall be the secretary of the board. The commissioner shall have charge of and keep its records and perform such other duties as the board may from time to time direct. The commissioner is hereby authorized and empowered to serve subpoenas and other writs or processes necessary to return parole violators to prison, and to bring before the board witnesses to be heard in matters pending before it. The records and all the files shall be kept and preserved by the secretary, and shall be open to public inspection at all reasonable times.

638.075 ANNUAL REPORTS TO LEGISLATURE.

By February 15 of each year, the Board of Pardons shall file a written report with the legislature containing the following information:

- (1) the number of applications received by the board during the preceding calendar year for pardons, pardons extraordinary, and commutations of sentence;
- (2) the number of applications granted by the board for each category; and
- (3) the crimes for which the applications were granted by the board, the year of each conviction, and the age of the offender at the time of the offense.

638.08 ISSUANCE OF PROCESS; WITNESSES; STANDING APPROPRIATION.

The Board of Pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matter pending, and may take such reasonable steps in the matter as it may deem necessary to a proper determination thereof. When any person is summoned before the board by its authority, the person may be allowed such compensation for travel and attendance as it may deem reasonable.