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State of Minnesota

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Page No. **209**

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
- 04/25/2023 Calendar for the Day, Amended
Bill was laid on the Table as Amended
- 04/26/2023 Bill was taken from the Table as Amended
Read Third Time as Amended
- 04/27/2023 Passed by the House as Amended and transmitted to the Senate to include Committee and Floor Amendments
Senate refused to concur and a Conference Committee was appointed

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, subdivisions 1, 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; 609.66, subdivision 1f; 609.67,
 2.7 subdivisions 1, 2; 609.746, subdivision 1; 609.749, subdivision 3; 609A.01;
 2.8 609A.02, subdivision 3; 609A.03, subdivisions 5, 7a, 9; 611A.03, subdivision 1;
 2.9 611A.211, subdivision 1; 611A.31, subdivisions 2, 3, by adding a subdivision;
 2.10 611A.32; 624.713, subdivision 1; 624.7131, subdivisions 4, 5, 7, 8, 9, 11; 624.7132,
 2.11 subdivisions 4, 5, 8, 10, 13; 624.714, subdivision 3; 624.7141, subdivision 1;
 2.12 626.14, subdivisions 2, 3, by adding subdivisions; 626.15; 626.21; 626.5531,
 2.13 subdivision 1; 626.843, by adding a subdivision; 626.8432, subdivision 1; 626.8451,
 2.14 subdivision 1; 626.8457, by adding subdivisions; 626.8469, subdivision 1;
 2.15 626.8473, subdivision 3; 626.87, subdivisions 2, 3, 5, by adding a subdivision;
 2.16 626.89, subdivision 17; 626.90, subdivision 2; 626.91, subdivisions 2, 4; 626.92,
 2.17 subdivisions 2, 3; 626.93, subdivisions 3, 4; 626A.35, by adding a subdivision;
 2.18 628.26; 638.01; 638.02, subdivisions 2, 3; 641.15, subdivision 2; 641.155; Laws
 2.19 2021, First Special Session chapter 11, article 1, section 15, subdivision 3;
 2.20 proposing coding for new law in Minnesota Statutes, chapters 241; 243; 244; 260B;
 2.21 260C; 299A; 299C; 401; 604; 609; 609A; 617; 624; 626; 638; 641; repealing
 2.22 Minnesota Statutes 2022, sections 152.092; 244.18; 244.19, subdivisions 6, 7, 8;
 2.23 244.22; 244.24; 244.30; 299C.80, subdivision 7; 403.02, subdivision 13; 403.09,
 2.24 subdivision 3; 609.281, subdivision 2; 609.293, subdivisions 1, 5; 609.34; 609.36;
 2.25 624.7131, subdivision 10; 624.7132, subdivisions 6, 14; 626.93, subdivision 7;
 2.26 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; 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.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<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, at least one of whom must have
9.7 a background in cyber security.

9.8 **(c) Local Government Emergency**

9.9 **Management**

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

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

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

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

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

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

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

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

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

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

10.28 The annual base from the general fund is
 10.29 \$90,496,000 beginning in fiscal year 2026.

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

10.32 Notwithstanding Minnesota Statutes, section
 10.33 161.20, subdivision 3, \$2,429,000 the first
 10.34 year and \$2,429,000 the second year are from

11.1 the trunk highway fund for staff and operating
11.2 costs for laboratory analysis related to
11.3 driving-while-impaired cases.

11.4 **(b) State Fraud Unit**

11.5 \$1,300,000 each year is for staff and operating
11.6 costs to create the State Fraud Unit to
11.7 centralize the state's response to activities of
11.8 fraud with an estimated impact of \$100,000
11.9 or more.

11.10 **(c) FBI Compliance, Critical IT**

11.11 **Infrastructure, and Cybersecurity**

11.12 **Upgrades**

11.13 \$2,000,000 the first year and \$1,000,000 the
11.14 second year are for cybersecurity investments,
11.15 critical infrastructure upgrades, and Federal
11.16 Bureau of Investigation audit compliance.

11.17 **(d) Clean Slate**

11.18 \$3,737,000 in fiscal year 2024 and \$190,000
11.19 in fiscal year 2025 are for costs associated
11.20 with automatic expungements and changes to
11.21 expungements by petition.

11.22 **(e) Firearm Eligibility Background Checks**

11.23 \$70,000 in fiscal year 2024 is to purchase and
11.24 integrate information technology hardware
11.25 and software necessary to process additional
11.26 firearms eligibility background checks.

11.27 **(f) Use of Force Investigations**

11.28 \$4,419,000 each year is for operation of the
11.29 independent Use of Force Investigations Unit
11.30 pursuant to Minnesota Statutes, section
11.31 299C.80.

11.32 **(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

23.1 for under this paragraph. This is onetime
23.2 appropriation.

23.3 **(u) Increased Staffing**

23.4 \$667,000 in fiscal year 2024 and \$1,334,000
23.5 in fiscal year 2025 are to increase staffing in
23.6 the Office of Justice Programs for grant
23.7 monitoring and compliance; provide training
23.8 and technical assistance to grantees and
23.9 potential grantees; conduct community
23.10 outreach and engagement to improve the
23.11 experiences and outcomes of applicants, grant
23.12 recipients, and crime victims throughout
23.13 Minnesota; expand the Minnesota Statistical
23.14 Analysis Center; and increase staffing for the
23.15 crime victim reimbursement program.

23.16 **(v) Administration Costs**

23.17 Up to 2.5 percent of the grant funds
23.18 appropriated in this subdivision may be used
23.19 by the commissioner to administer the grant
23.20 program.

23.21	<u>Subd. 9. Emergency Communication Networks</u>	<u>76,329,000</u>	<u>69,597,000</u>
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23.22 Appropriations by Fund

23.23	<u>General</u>	<u>1,000,000</u>	<u>1,000,000</u>	
23.24	<u>911 Fund</u>	<u>75,329,000</u>	<u>68,597,000</u>	

23.25 **(a) Public Safety Answering Points**

23.26 \$28,011,000 the first year and \$28,011,000
23.27 the second year shall be distributed as
23.28 provided under Minnesota Statutes, section
23.29 403.113, subdivision 2.

23.30 **(b) Transition to Next Generation 911**

23.31 \$7,000,000 in the first year is to support Public
23.32 Safety Answering Points' transition to Next
23.33 Generation 911. Funds may be used for

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

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 \$1,961,000 in fiscal year 2024 and \$1,885,000
27.16 in fiscal year 2025 are to reduce or eliminate
27.17 the fees for inmates to communicate with
27.18 nonincarcerated persons. Beginning in fiscal
27.19 year 2026, the base for this purpose is
27.20 \$1,852,000.

27.21 **(h) Supportive Arts for Incarcerated**
27.22 **Persons**

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

27.30 **(i) Operating Deficiency**

27.31 \$12,643,000 in fiscal year 2023 is to meet
27.32 financial obligations in fiscal year 2023. This
27.33 is a onetime appropriation.

28.1 **(j) Incarceration and Prerelease Services**

28.2 **Base Budget**

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

28.7 **Subd. 3. Community**
28.8 **Supervision and Postrelease**
28.9 **Services**

48,332,000

49,417,000

28.10 **(a) Tribal Nation Supervision**

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

28.14 **(b) Alternatives to Incarceration**

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

28.19 **(c) Peer Support Project**

28.20 \$266,000 each year is to create a reentry peer
28.21 support project.

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

28.23 \$2,415,000 each year is for postrelease sex
28.24 offender treatment.

28.25 **(e) Regional and County Jails Study and**
28.26 **Report**

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

28.32 **(f) Work Release Programs**

29.1 \$500,000 each year is for work release
29.2 programs.

29.3 **(g) County Discharge Plans**

29.4 \$860,000 in fiscal year 2024 and \$861,000 in
29.5 fiscal year 2025 are for counties to establish
29.6 or maintain jail reentry coordination programs.
29.7 The commissioner shall develop a request for
29.8 proposal for counties to establish or maintain
29.9 reentry programs. The commissioner must
29.10 disburse 50 percent of the funding to counties
29.11 outside the metropolitan area, as defined in
29.12 Minnesota Statutes, section 473.121,
29.13 subdivision 2. The commissioner may retain
29.14 up to five percent of the appropriation amount
29.15 to monitor and administer the grant under this
29.16 section. Beginning in fiscal year 2026, the
29.17 base for this purpose is \$989,000.

29.18 **(h) Housing Initiatives**

29.19 \$2,130,000 each year is for housing initiatives
29.20 to support stable housing of incarcerated
29.21 individuals upon release. The base for this
29.22 purpose in fiscal year 2026 and beyond is
29.23 \$1,685,000. Of this amount:

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

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

29.32 (3) \$405,000 each year is for culturally
29.33 responsive trauma-informed transitional

30.1 housing. The base for this purpose in fiscal
30.2 year 2026 and beyond is \$200,000; and
30.3 (4) \$225,000 each year is for housing
30.4 coordination activities.

30.5 **(i) Redemption Project**

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

30.12 **(j) Community Supervision and Postrelease**
30.13 **Services Base Budget**

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

30.18 **Subd. 4. Organizational, Regulatory, and**
30.19 **Administrative Services**

47,414,000

50,901,000

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

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

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

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

31.8 **(c) Clemency Review Commission**

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

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

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

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

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

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

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

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

33.1 implement best practices. This funding shall
33.2 be named the "Philando Castile Memorial
33.3 Training Fund." These funds may only be used
33.4 to reimburse costs related to training courses
33.5 that qualify for reimbursement under
33.6 Minnesota Statutes, sections 626.8452 (use of
33.7 force), 626.8469 (training in crisis response,
33.8 conflict management, and cultural diversity),
33.9 and 626.8474 (autism training).

33.10 Each sponsor of a training course is required
33.11 to include the following in the sponsor's
33.12 application for approval submitted to the
33.13 board: course goals and objectives; a course
33.14 outline including at a minimum a timeline and
33.15 teaching hours for all courses; instructor
33.16 qualifications, ~~including skills and concepts~~
33.17 ~~such as crisis intervention, de-escalation, and~~
33.18 ~~cultural competency that are relevant to the~~
33.19 ~~course provided~~; and a plan for learning
33.20 assessments of the course and documenting
33.21 the assessments to the board during review.

33.22 Upon completion of each course, instructors
33.23 must submit student evaluations of the
33.24 instructor's teaching to the sponsor.

33.25 The board shall keep records of the
33.26 applications of all approved and denied
33.27 courses. All continuing education courses shall
33.28 be reviewed after the first year. The board
33.29 must set a timetable for recurring review after
33.30 the first year. For each review, the sponsor
33.31 must submit its learning assessments to the
33.32 board to show that the course is teaching the
33.33 learning outcomes that were approved by the
33.34 board.

34.1 A list of licensees who successfully complete
34.2 the course shall be maintained by the sponsor
34.3 and transmitted to the board following the
34.4 presentation of the course and the completed
34.5 student evaluations of the instructors.

34.6 Evaluations are available to chief law
34.7 enforcement officers. The board shall establish
34.8 a data retention schedule for the information
34.9 collected in this section.

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

34.18 **Sec. 14. VIOLENT CRIME REDUCTION AND CLEARANCE SUPPORT**
34.19 **ACCOUNT.**

34.20 \$75,000,000 in fiscal year 2024 is transferred from the general fund to the violent crime
34.21 reduction and clearance support account in the special revenue fund.

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

34.23 \$100,000,000 in fiscal year 2024 is transferred from the general fund to the community
34.24 crime and violence prevention account in the special revenue fund.

34.25 **Sec. 16. INTENSIVE COMPREHENSIVE PEACE OFFICER EDUCATION AND**
34.26 **TRAINING ACCOUNT.**

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

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

35.2 \$250,000 in fiscal year 2024 is transferred from the general fund to the account for
35.3 rewards for information on missing and murdered Indigenous women, girls, boys, and
35.4 Two-Spirit relatives in the special revenue fund.

35.5 Sec. 18. **COMMUNITY SUPERVISION TARGETED INNOVATION ACCOUNT;**
35.6 **TRANSFER.**

35.7 \$5,000,000 in fiscal year 2024 and each year thereafter is transferred from the general
35.8 fund to the community supervision targeted innovation account in the special revenue fund.

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

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

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

35.16 Sec. 20. **COMMUNITY SUPERVISION TARGETED INNOVATION GRANTS;**
35.17 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

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

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

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

35.29 (2) reentry services;

35.30 (3) restorative justice;

- 36.1 (4) juvenile diversion;
- 36.2 (5) family-centered approaches to supervision; and
- 36.3 (6) funding the cost of mandated services and equipment as a means to improve
- 36.4 compliance rates for persons on community supervision.
- 36.5 (c) Grant recipients must provide an annual report to the commissioner that includes:
- 36.6 (1) the services provided by the grant recipient;
- 36.7 (2) the number of individuals served in the previous year;
- 36.8 (3) measurable outcomes of the recipient's program; and
- 36.9 (4) any other information required by the commissioner.
- 36.10 (d) By January 15, 2025, the commissioner shall report to the chairs and ranking minority
- 36.11 members of the legislative committees with jurisdiction over criminal justice policy and
- 36.12 finance on how the appropriations in this section were used. The report must detail the
- 36.13 impact the appropriations had on improving community supervision practices and outcomes.
- 36.14 (e) The commissioner may use up to 2.5 percent of the annual appropriation to administer
- 36.15 the grants.

36.16 Sec. 21. **VIOLENT CRIME REDUCTION AND CLEARANCE SUPPORT; SPECIAL**

36.17 **REVENUE ACCOUNT; APPROPRIATION.**

36.18 (a) The violent crime reduction and clearance support account is created in the special

36.19 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise

36.20 provided to the account. Of the amount in the account, \$15,000,000 each year is appropriated

36.21 to the Bureau of Criminal Apprehension to support violent crime reduction strategies. This

36.22 includes funding for staff and supplies to enhance forensic, analytical, and investigations

36.23 capacity, and financially support investigative partnerships with other law enforcement

36.24 agencies to conduct forensic and investigatory work to expedite clearance rates.

36.25 (b) Funds allocated shall be used where there is the most acute need for supplemental

36.26 resources based on the rate of violent crime and the need to improve clearance rates for

36.27 violent crime investigations. The superintendent of the Bureau of Criminal Apprehension

36.28 shall prioritize allocating resources to political subdivisions that have recorded at least three

36.29 violent crimes in the previous fiscal year and that rank in the 20 highest per capita crime

36.30 rates among Minnesota political subdivisions in the previous fiscal year based on the Uniform

36.31 Crime Reports or National Incident Based Reporting System. As a condition of receiving

36.32 investigatory assistance from the Bureau of Criminal Apprehension from this account, the

37.1 local unit of government must enter a joint powers agreement with the commissioner of
37.2 Public Safety and the superintendent of the Bureau of Criminal Apprehension.

37.3 (c) By December 15 of each calendar year, the commissioner shall report to the chairs
37.4 and ranking minority members of the legislative committees and divisions with jurisdiction
37.5 over public safety finance and policy on how funds in the violent crime reduction and
37.6 clearance support account were used. Each report must, at a minimum, summarize the
37.7 expenditures made, indicate the purpose of those expenditures, and provide an overview of
37.8 the criminal cases where funds from the account were used, including a summary of the
37.9 cases that identifies each case's disposition or outcome.

37.10 **Sec. 22. COMMUNITY CRIME AND VIOLENCE PREVENTION GRANTS;**
37.11 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

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

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

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

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

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

37.30 (3) programs that provide support services for victims of crimes where there is a
37.31 reasonable belief that the crimes were committed in whole or in substantial part because of
37.32 the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
37.33 sexual orientation, gender identity, gender expression, age, national origin, or disability as

38.1 defined in Minnesota Statutes, section 363A.03, or because of the victim's actual or perceived
38.2 association with another person or group of a certain actual or perceived race, color, ethnicity,
38.3 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
38.4 origin, or disability as defined in Minnesota Statutes, section 363A.03;

38.5 (4) homelessness assistance programs;

38.6 (5) programs that intervene in volatile situations to mediate disputes before they become
38.7 violent;

38.8 (6) juvenile diversion programs; and

38.9 (7) programs that support a community response to violence that addresses trauma in
38.10 the community and promotes community leadership development and coalition building.

38.11 (d) As part of the narrative and statistical progress reports provided to the Office of
38.12 Justice Programs, grant recipients must report on the specific outcomes identified pursuant
38.13 to paragraph (c).

38.14 (e) The Office of Justice Programs may use up to 2.5 percent of the annual appropriation
38.15 to administer the grants.

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

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

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

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

39.1 Research Center shall submit a final report to the legislative committees and divisions with
39.2 jurisdiction over public safety finance and policy by February 15, 2025. The final report
39.3 shall include a description of the Minnesota Justice Research Center's work, findings, and
39.4 any legislative proposals.

39.5 Sec. 24. **MENTAL HEALTH SERVICES FOR FIRST RESPONDERS GRANT**
39.6 **PROGRAM.**

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

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

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

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

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

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

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

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

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

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

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

40.6 Sec. 25. **LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS TRAINING**
40.7 **GRANT.**

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

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

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

40.20 (d) The grantee must create a resource directory to provide law enforcement agencies
40.21 with the names of counselors who have completed the program and other resources to
40.22 support law enforcement professionals with overall wellness. The grantee must collaborate
40.23 with the commissioner of public safety and law enforcement organizations to promote the
40.24 directory.

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

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

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

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

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

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

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

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

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

41.15 (d) As used in this section:

41.16 (1) "law enforcement agency" has the meaning given in Minnesota Statutes, section
41.17 626.84, subdivision 1, paragraph (f); and

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

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

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

41.30 (b) Applicants for grants under this section must submit an application in the form and
41.31 manner established by the commissioner. The applicants must specify the arts program to

42.1 be offered and describe how the program is supportive, therapeutic, and rehabilitative for
42.2 incarcerated persons and persons on supervised release and the use of the grant funds.

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

42.5 (d) By March 1 of each year, the commissioner shall report to the chairs and ranking
42.6 members of the legislative committees and divisions having jurisdiction over criminal justice
42.7 finance and policy on the implementation, use, and administration of the grant program
42.8 established under this section. At a minimum, the report must provide:

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

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

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

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

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

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

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

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

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

42.24 **ARTICLE 3**

42.25 **JUDICIARY POLICY WITH FISCAL COST**

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

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

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

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

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

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

43.5 (3) review of voluntary foster care matters as defined in section 260C.141, subdivision
43.6 2;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44.7 (1) a person who is a judge;

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

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

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

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

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

44.14 (c) All members shall demonstrate an interest in maintaining a high quality, independent
44.15 appellate defense system for parents in juvenile protection proceedings who are unable to
44.16 obtain adequate representation, a robust program for parent attorneys in Minnesota, and an
44.17 efficient coordination effort, in collaboration with the Department of Human Services, to
44.18 secure and utilize Title IV-E funding. At least one member of the board appointed by the
44.19 governor must be a representative from a federally recognized Indian Tribe. No more than
44.20 five members of the board may belong to the same political party. At least three members
44.21 of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth
44.22 Judicial Districts. To the extent practicable, the membership of the board must include
44.23 persons with disabilities, reflect the ethnic diversity of the state, take into consideration race
44.24 and gender, and include persons from throughout the state. The members shall be well
44.25 acquainted with representing parents in district court and appellate proceedings related to
44.26 child protection matters as well as the law that affect a parent attorney's work, including
44.27 chapter 260C, the Rules of Juvenile Protection Procedure, the Rules of Civil Appellate
44.28 Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation
44.29 Act. The terms, compensation, and removal of members shall be as provided in section
44.30 15.0575. The members shall elect a chair from among the membership and the chair shall
44.31 serve a term of two years.

44.32 Subd. 4. **Head appellate counsel for parents; assistant and contracted attorneys;**
44.33 **other employees.** (a) Beginning January 1, 2024, and for every four years after that date,

45.1 the board shall appoint a head appellate counsel in charge of executing the responsibilities
45.2 of the office who shall provide for sufficient appellate counsel for parents and other personnel
45.3 necessary to discharge the functions of the office. The head appellate counsel shall serve a
45.4 four-year term and may be removed only for cause upon the order of the board. The head
45.5 appellate counsel shall be a full-time qualified attorney, licensed to practice law in this state,
45.6 and serve in the unclassified service of the state. Vacancies of the office shall be filled by
45.7 the appointing authority for the unexpired term. The head appellate counsel shall devote
45.8 full time to the performance of duties and shall not engage in the general practice of law.
45.9 The compensation of the head appellate counsel shall be set by the board and shall be
45.10 commensurate with county attorneys in the state.

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

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

45.22 (d) The head appellate counsel shall, consistent with the responsibilities under subdivision
45.23 2, employ or hire the following:

45.24 (1) one managing appellate attorney;

45.25 (2) two staff attorneys;

45.26 (3) one director of training;

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

45.29 (5) one office administrator.

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

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

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

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

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

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

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

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

46.18 (2) standards for appellate counsel caseloads;

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

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

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

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

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

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

47.5 (g) The board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.27 (9) Filing and indexing trade name; or recording basic science certificate; or recording
48.28 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
48.29 \$5.

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

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

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

49.1 (13) Filing a motion or response to a motion for modification of child support, a fee of
49.2 \$50.

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

49.5 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
49.6 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
49.7 petition filed in district court to fund the fathers' adoption registry under section 259.52.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50.31 (20) solicit, receive, and compile information from community organizations, school
50.32 districts and charter schools, and individuals regarding incidents committed in whole or in

51.1 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
51.2 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
51.3 origin, or disability as defined in section 363A.03, or because of the victim's actual or
51.4 perceived association with another person or group of a certain actual or perceived race,
51.5 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
51.6 age, national origin, or disability as defined in section 363A.03, and compile data in the
51.7 aggregate on the nature and extent of the incidents and include summary data as defined by
51.8 section 13.02, subdivision 19, on this information in the report required under clause (12),
51.9 disaggregated by the type of incident and the actual or perceived characteristic for which
51.10 the person was targeted. The commissioner shall provide information on the department's
51.11 website about when and how a victim can report criminal conduct to a law enforcement
51.12 agency. Data collected and maintained under this clause are private data on individuals as
51.13 defined in section 13.02, subdivision 12.

51.14 In performing these duties, the commissioner shall give priority to those duties in clauses
51.15 (8), (9), and (10) and to the duties in section 363A.36.

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

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

51.21 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
51.22 **RAMSEY COUNTY DISTRICT COURT.**

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

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

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

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

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

52.8 (1) a city contracts with the county attorney for prosecutorial services under section
52.9 484.87, subdivision 3; or

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

52.12 Sec. 5. **APPELLATE COUNSEL FOR PARENTS; SUPPORT FOR**
52.13 **ESTABLISHMENT.**

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

52.18 **ARTICLE 4**
52.19 **GRANTS MANAGEMENT**

52.20 Section 1. **FINANCIAL REVIEW OF NONPROFIT GRANT RECIPIENTS**
52.21 **REQUIRED.**

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

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

53.3 (1) the applicant's most recent Form 990, Form 990-EZ, or Form 990-N filed with the
53.4 Internal Revenue Service. If the applicant has not been in existence long enough or is not
53.5 required to file Form 990, Form 990-EZ, or Form 990-N, the applicant must demonstrate
53.6 to the grantor that the applicant is exempt and must instead submit documentation of internal
53.7 controls and the applicant's most recent financial statement prepared in accordance with
53.8 generally accepted accounting principles and approved by the applicant's board of directors
53.9 or trustees, or if there is no such board, by the applicant's managing group;

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

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

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

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

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

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

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

54.4 **ARTICLE 5**

54.5 **GENERAL CRIMES**

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

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

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

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

54.13 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55.25 (c) A person also shall register under this section if the person was committed pursuant
55.26 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
55.27 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
55.28 United States, regardless of whether the person was convicted of any offense.

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

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

56.1 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
56.2 States;

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

56.6 (3) the person was committed pursuant to a court commitment order under section
56.7 253B.18 or a similar law of another state or the United States.

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

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

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

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

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

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

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

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

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

56.20 ~~(g)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision
56.21 6.

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

56.23 ~~(i)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision
56.24 7b.

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

56.26 ~~(k)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking
56.27 victim."

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

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

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

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

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

57.8 (3) crime victims' rights; and

57.9 (4) reporting recruitment activities involved in trafficking.

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

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

57.12 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
57.13 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,
57.14 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree
57.15 murder); 609.19 (second-degree murder); 609.195, paragraph (a) (third-degree murder);
57.16 609.20, clauses (1), (2), and (5) (first-degree manslaughter); 609.205, clauses (1) and (5)
57.17 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree
57.18 assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224
57.19 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation);
57.20 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false
57.21 imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree
57.22 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345
57.23 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious
57.24 punishment of a child); 609.582, subdivision 1, clause (c) (burglary in the first degree);
57.25 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining
57.26 order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an
57.27 emergency call); 617.261 (nonconsensual dissemination of private sexual images); and
57.28 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the
57.29 United States, the District of Columbia, tribal lands, and United States territories.

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

58.1 Sec. 5. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to
58.2 read:

58.3 Subd. 2a. **Exception.** (a) A person may not be held criminally liable for a violation of
58.4 section 609.185, paragraph (a), clause (3), committed by another unless the person
58.5 intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the
58.6 other with the intent to cause the death of a human being.

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

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

58.12 Sec. 6. Minnesota Statutes 2022, section 609.2231, subdivision 1, is amended to read:

58.13 Subdivision 1. **Peace officers.** (a) As used in this subdivision, "peace officer" means a
58.14 person who is licensed under section 626.845, subdivision 1, and effecting a lawful arrest
58.15 or executing any other duty imposed by law.

58.16 (b) Whoever physically assaults a peace officer is guilty of a gross misdemeanor. A
58.17 person who commits a second or subsequent violation is guilty of a felony and may be
58.18 sentenced to imprisonment for not more than two years or to payment of a fine of not more
58.19 than \$4,000, or both.

58.20 (c) Whoever commits either of the following acts against a peace officer is guilty of a
58.21 felony and may be sentenced to imprisonment for not more than three years or to payment
58.22 of a fine of not more than \$6,000, or both: (1) physically assaults the officer if the assault
58.23 inflicts demonstrable bodily harm; or (2) intentionally throws or otherwise transfers bodily
58.24 fluids or feces at or onto the officer.

58.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
58.26 committed on or after that date.

58.27 Sec. 7. Minnesota Statutes 2022, section 609.2231, subdivision 4, is amended to read:

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

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

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

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

59.11 Sec. 8. Minnesota Statutes 2022, section 609.2233, is amended to read:

59.12 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
59.13 **STATUTORY MAXIMUM SENTENCE.**

59.14 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
59.15 part because of the victim's or another person's actual or perceived race, color, ethnicity,
59.16 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
59.17 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
59.18 victim's actual or perceived association with another person or group of a certain actual or
59.19 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
59.20 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
59.21 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
59.22 applicable.

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

59.25 Sec. 9. Minnesota Statutes 2022, section 609.25, subdivision 2, is amended to read:

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

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

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

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

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

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

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

60.5 Sec. 10. Minnesota Statutes 2022, section 609.269, is amended to read:

60.6 **609.269 EXCEPTION.**

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

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

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

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

60.13 Sec. 11. Minnesota Statutes 2022, section 609.281, subdivision 3, is amended to read:

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

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

60.22 Sec. 12. Minnesota Statutes 2022, section 609.281, subdivision 4, is amended to read:

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

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

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

61.3 (3) physical restraint of a person;

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

61.5 ~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened
61.6 use of a law or legal process, whether administrative, civil, or criminal; or

61.7 ~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6)
61.8 destruction, concealment, removal, confiscation, withholding, or possession of any actual
61.9 or purported passport or other immigration document, or any other actual or purported
61.10 government identification document, of another person; or

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

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

61.14 Sec. 13. Minnesota Statutes 2022, section 609.281, subdivision 5, is amended to read:

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

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

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

61.19 (ii) forced or coerced labor or services;

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

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

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

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

61.26 Sec. 14. Minnesota Statutes 2022, section 609.282, subdivision 1, is amended to read:

61.27 Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever
61.28 knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is
61.29 guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or

62.1 to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies
62.2 and the death arose out of and in the course of the labor trafficking or the labor and services
62.3 related to the labor trafficking.

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

62.6 Sec. 15. Minnesota Statutes 2022, section 609.282, is amended by adding a subdivision
62.7 to read:

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

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

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

62.14 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose
62.15 out of and in the course of the labor trafficking or the labor and services related to the labor
62.16 trafficking.

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

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

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

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

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

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

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

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

63.3 Subd. 17. **Labor trafficking.** "Labor trafficking" has the meaning given in section
63.4 609.281, subdivision 5.

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

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

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

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

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

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

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

63.15 Sec. 21. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision
63.16 to read:

63.17 Subd. 20. **Trafficking victim.** "Trafficking victim" includes a labor trafficking victim
63.18 and a sex trafficking victim.

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

63.20 Sec. 22. Minnesota Statutes 2022, section 609.322, subdivision 1, is amended to read:

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

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

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

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

63.29 or

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

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

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

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

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

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

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

64.13 Sec. 23. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

64.15 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
64.16 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
64.17 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
64.18 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

64.19 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
64.20 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
64.21 property stolen was an article representing a trade secret, an explosive or incendiary device,
64.22 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
64.23 exception of marijuana; or

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

64.26 (a) the value of the property or services stolen is more than \$1,000 but not more than
64.27 \$5,000; or

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

64.30 (c) the value of the property or services stolen is more than \$500 but not more than
64.31 \$1,000 and the person has been convicted within the preceding five years for an offense

65.1 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
65.2 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
65.3 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
65.4 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
65.5 that was stayed under section 609.135 if the offense to which a plea was entered would
65.6 allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

65.19 (4) to imprisonment for not more than one year or to payment of a fine of not more than
65.20 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
65.21 more than \$1,000; or

65.22 (5) in all other cases where the value of the property or services stolen is \$500 or less,
65.23 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
65.24 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
65.25 (4), (13), and (19), the value of the money or property or services received by the defendant
65.26 in violation of any one or more of the above provisions within any six-month period may
65.27 be aggregated and the defendant charged accordingly in applying the provisions of this
65.28 subdivision; provided that when two or more offenses are committed by the same person
65.29 in two or more counties, the accused may be prosecuted in any county in which one of the
65.30 offenses was committed for all of the offenses aggregated under this paragraph.

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

66.1 Sec. 24. **[609.522] ORGANIZED RETAIL THEFT.**

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

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

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

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

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

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

66.16 (1) resells or intends to resell the retail merchandise;

66.17 (2) advertises or displays any item of the retail merchandise for sale;

66.18 (3) returns any item of the retail merchandise to a retailer for anything of value; or

66.19 (4) steals retail merchandise within five years of a conviction under this section.

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

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

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

66.27 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
66.28 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

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

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

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

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

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

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

67.8 (4) to imprisonment of not more than one year or to payment of a fine of not more than
67.9 \$3,000, or both, if the value of the property stolen is \$500 or less.

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

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

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

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

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

67.26 Sec. 25. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

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

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

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

68.9 (2) the person has been convicted within the preceding five years for an offense under
68.10 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
68.11 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
68.12 jurisdiction, in conformity with any of those sections, and the person received a felony
68.13 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
68.14 to which a plea was entered would allow imposition of a felony sentence.

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 609.582, subdivision 4, is amended to read:

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

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

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

69.1 Sec. 27. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

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

69.8 (1) was committed in whole or in substantial part because of the property owner's or
69.9 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
69.10 gender identity, gender expression, age, national origin, or disability as defined in section
69.11 363A.03;

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

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

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

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

69.28 Sec. 28. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

69.29 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise
69.30 provided in subdivision 1a, whoever intentionally causes damage to another person's physical
69.31 property without the other person's consent may be sentenced to imprisonment for not more
69.32 than one year or to payment of a fine of not more than \$3,000, or both, if: (1) the damage
69.33 reduces the value of the property by more than \$500 but not more than \$1,000 as measured

70.1 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle
70.2 and the defendant knew the vehicle was a public safety motor vehicle.

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

70.9 (1) was committed in whole or in substantial part because of the property owner's or
70.10 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
70.11 gender identity, gender expression, age, national origin, or disability as defined in section
70.12 363A.03;

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

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

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

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

70.29 Sec. 29. Minnesota Statutes 2022, section 609.66, subdivision 1f, is amended to read:

70.30 Subd. 1f. **Gross misdemeanor; transferring firearm without background check.** (a)
70.31 A person, other than a federally licensed firearms dealer, who transfers a pistol or
70.32 semiautomatic military-style assault weapon to another without complying with the transfer
70.33 requirements of section 624.7132, is guilty of a gross misdemeanor if the transferee possesses

71.1 or uses the weapon within one year after the transfer in furtherance of a felony crime of
71.2 violence, and if:

71.3 (1) the transferee was prohibited from possessing the weapon under section 624.713 at
71.4 the time of the transfer; or

71.5 (2) it was reasonably foreseeable at the time of the transfer that the transferee was likely
71.6 to use or possess the weapon in furtherance of a felony crime of violence.

71.7 (b) It is an affirmative defense to a charge under paragraph (a), clause (1), if the person
71.8 produces either a copy of the transferee's permit to carry or permit to purchase that the
71.9 transferee presented at the time of transfer pursuant to section 624.7134, subdivision 4. A
71.10 transferor may only be required to produce documents maintained pursuant to this paragraph
71.11 if a court orders production of the documents as part of a criminal investigation involving
71.12 the transferred firearm.

71.13 Sec. 30. Minnesota Statutes 2022, section 609.67, subdivision 1, is amended to read:

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

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

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

71.23 (d) "Trigger activator" means:

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

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

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

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

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

72.5 Sec. 31. Minnesota Statutes 2022, section 609.67, subdivision 2, is amended to read:

72.6 Subd. 2. **Acts prohibited.** (a) Except as otherwise provided herein, whoever owns,
72.7 possesses, or operates a machine gun, or any trigger activator or machine gun conversion
72.8 kit, or a short-barreled shotgun may be sentenced to imprisonment for not more than ~~five~~
72.9 20 years or to payment of a fine of not more than ~~\$10,000~~ \$35,000, or both.

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

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

72.15 Sec. 32. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

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

72.18 (1) enters upon another's property;

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

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

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

72.24 (1) enters upon another's property;

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

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

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

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

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

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

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

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

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

73.16 (1) uses any device for photographing, recording, or broadcasting an image of an
73.17 individual in a house or place of dwelling; a sleeping room of a hotel as defined in section
73.18 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an
73.19 indoor shower facility; or any place where a reasonable person would have an expectation
73.20 of privacy; and

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

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

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

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

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

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

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

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

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

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

74.12 (1) violates paragraph (f) after a previous conviction under this subdivision or section
74.13 609.749; or

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

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

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

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

74.26 Sec. 33. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

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

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

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

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

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

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

75.13 (5) commits any offense described in subdivision 2 against a victim under the age of
75.14 18, if the actor is more than 36 months older than the victim.

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

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

75.22 Sec. 34. **[609.771] USE OF DEEP FAKE TECHNOLOGY TO INFLUENCE AN**
75.23 **ELECTION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

76.27 (1) the attorney general;

76.28 (2) a county attorney or city attorney;

76.29 (3) the depicted individual; or

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

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

77.3 Sec. 35. **[617.262] NONCONSENSUAL DISSEMINATION OF A DEEP FAKE**
77.4 **DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

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

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

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

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

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

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

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

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

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

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

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

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

77.28 (4) a person's geolocation data.

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

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

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

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

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

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

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

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

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

78.14 (i) the intimate parts of another individual presented as the intimate parts of the depicted
78.15 individual;

78.16 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
78.17 individual; or

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

78.19 (3) the depicted individual is identifiable:

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

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

78.22 Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), whoever violates subdivision
78.23 2 is guilty of a gross misdemeanor.

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

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

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

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

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

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

79.3 (6) the actor obtained the deep fake by committing a violation of section 609.52, 609.746,
79.4 609.89, or 609.891; or

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

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

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

79.10 (1) the county where the offense occurred;

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

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

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

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

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

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

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

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

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

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

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

80.6 (1) an interactive computer service as defined in United States Code, title 47, section
80.7 230, paragraph (f), clause (2);

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

80.9 (3) a telecommunications network or broadband provider.

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

80.12 Sec. 36. Minnesota Statutes 2022, section 624.714, subdivision 3, is amended to read:

80.13 Subd. 3. **Form and contents of application.** (a) Applications for permits to carry must
80.14 be an official, standardized application form, adopted under section 624.7151, and must set
80.15 forth in writing only the following information:

80.16 (1) the applicant's name, residence, telephone number, if any, and driver's license number
80.17 or state identification card number;

80.18 (2) the applicant's sex, date of birth, height, weight, and color of eyes and hair, and
80.19 distinguishing physical characteristics, if any;

80.20 (3) the township or statutory city or home rule charter city, and county, of all Minnesota
80.21 residences of the applicant in the last five years, though not including specific addresses;

80.22 (4) the township or city, county, and state of all non-Minnesota residences of the applicant
80.23 in the last five years, though not including specific addresses;

80.24 (5) a statement that the applicant authorizes the release to the sheriff of commitment
80.25 information about the applicant maintained by the commissioner of human services or any
80.26 similar agency or department of another state where the applicant has resided, to the extent
80.27 that the information relates to the applicant's eligibility to possess a firearm; and

80.28 (6) a statement by the applicant that, to the best of the applicant's knowledge and belief,
80.29 the applicant is not prohibited by law from possessing a firearm.

81.1 (b) The statement under paragraph (a), clause (5), must comply with any applicable
81.2 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
81.3 to consent to disclosure of alcohol or drug abuse patient records.

81.4 (c) An applicant must submit to the sheriff an application packet consisting only of the
81.5 following items:

81.6 (1) a completed application form, signed and dated by the applicant;

81.7 (2) an accurate photocopy of the certificate described in subdivision 2a, paragraph (c),
81.8 that is submitted as the applicant's evidence of training in the safe use of a pistol; and

81.9 (3) an accurate photocopy of the applicant's current driver's license, state identification
81.10 card, or the photo page of the applicant's passport.

81.11 (d) In addition to the other application materials, a person who is otherwise ineligible
81.12 for a permit due to a criminal conviction but who has obtained a pardon or expungement
81.13 setting aside the conviction, sealing the conviction, or otherwise restoring applicable rights,
81.14 must submit a copy of the relevant order.

81.15 (e) Applications ~~must~~ may be submitted in person or electronically.

81.16 (f) The sheriff may charge a new application processing fee in an amount not to exceed
81.17 the actual and reasonable direct cost of processing the application or \$100, whichever is
81.18 less. Of this amount, \$10 must be submitted to the commissioner and deposited into the
81.19 general fund.

81.20 (g) This subdivision prescribes the complete and exclusive set of items an applicant is
81.21 required to submit in order to apply for a new or renewal permit to carry. The applicant
81.22 must not be asked or required to submit, voluntarily or involuntarily, any information, fees,
81.23 or documentation beyond that specifically required by this subdivision. This paragraph does
81.24 not apply to alternate training evidence accepted by the sheriff under subdivision 2a,
81.25 paragraph (d).

81.26 (h) Forms for new and renewal applications must be available at all sheriffs' offices and
81.27 the commissioner must make the forms available on the Internet.

81.28 (i) Application forms must clearly display a notice that a permit, if granted, is void and
81.29 must be immediately returned to the sheriff if the permit holder is or becomes prohibited
81.30 by law from possessing a firearm. The notice must list the applicable state criminal offenses
81.31 and civil categories that prohibit a person from possessing a firearm.

82.1 (j) Upon receipt of an application packet and any required fee, the sheriff must provide
82.2 a signed receipt indicating the date of submission.

82.3 Sec. 37. Minnesota Statutes 2022, section 624.7141, subdivision 1, is amended to read:

82.4 Subdivision 1. **Transfer prohibited.** A person is guilty of a ~~gross misdemeanor~~ felony
82.5 who intentionally transfers a pistol or semiautomatic military-style assault weapon to another
82.6 if the person knows or has reason to know that the transferee:

82.7 (1) has been denied a permit to carry under section 624.714 because the transferee is
82.8 not eligible under section 624.713 to possess a pistol or semiautomatic military-style assault
82.9 weapon;

82.10 (2) has been found ineligible to possess a pistol or semiautomatic military-style assault
82.11 weapon by a chief of police or sheriff as a result of an application for a transferee permit
82.12 or a transfer report; or

82.13 (3) is disqualified under section 624.713 from possessing a pistol or semiautomatic
82.14 military-style assault weapon.

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

82.17 Sec. 38. Minnesota Statutes 2022, section 628.26, is amended to read:

82.18 **628.26 LIMITATIONS.**

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

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

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

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

82.30 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
82.31 609.3458 may be found or made at any time after the commission of the offense.

83.1 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
83.2 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
83.3 within six years after the commission of the offense.

83.4 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
83.5 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
83.6 the value of the property or services stolen is more than \$35,000, or for violation of section
83.7 609.527 where the offense involves eight or more direct victims or the total combined loss
83.8 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
83.9 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

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

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

84.1 Sec. 39. **REPEALER.**

84.2 Minnesota Statutes 2022, sections 609.281, subdivision 2; 609.293, subdivisions 1 and
84.3 5; 609.34; and 609.36, are repealed.

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

84.5 **ARTICLE 6**

84.6 **PUBLIC SAFETY AND CRIME VICTIMS**

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

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

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

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

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

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

84.23 **145.4712 EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

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

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

85.1 (2) orally inform each female sexual assault victim of the option of being provided with
85.2 emergency contraception at the hospital or other health care facility; and

85.3 (3) immediately provide emergency contraception to each sexual assault victim who
85.4 requests it provided it is not medically contraindicated and is ordered by a legal prescriber.
85.5 Emergency contraception shall be administered in accordance with current medical protocols
85.6 regarding timing and dosage necessary to complete the treatment.

85.7 (b) A hospital or health care provider may administer a pregnancy test. If the pregnancy
85.8 test is positive, the hospital or health care provider does not have to comply with the
85.9 provisions in paragraph (a).

85.10 Subd. 2. **Emergency care to male and female sexual assault victims.** It shall be the
85.11 standard of care for all hospitals and health care providers that provide emergency care to,
85.12 at a minimum:

85.13 (1) provide each sexual assault victim with factually accurate and unbiased written and
85.14 oral medical information about prophylactic antibiotics for treatment of sexually transmitted
85.15 ~~diseases~~ infections;

85.16 (2) orally inform each sexual assault victim of the option of being provided prophylactic
85.17 antibiotics for treatment of sexually transmitted ~~diseases~~ infections at the hospital or other
85.18 health care facility; and

85.19 (3) immediately provide prophylactic antibiotics for treatment of sexually transmitted
85.20 ~~diseases~~ infections to each sexual assault victim who requests it, provided it is not medically
85.21 contraindicated and is ordered by a legal prescriber.

85.22 Sec. 3. **[260B.020] OFFICE OF RESTORATIVE PRACTICES.**

85.23 Subdivision 1. **Definition.** As used in this section, "restorative practices" means programs,
85.24 practices, and policies that incorporate core principles, including but not limited to
85.25 voluntariness, prioritization of agreement by the people closest to the harm on what is needed
85.26 to repair the harm, reintegration into the community, honesty, and respect. Further, restorative
85.27 practices are rooted in community values and create meaningful outcomes that may include
85.28 but are not limited to:

85.29 (1) establishing and meeting goals related to increasing connection to community,
85.30 restoring relationships, and increasing empathy, perspective taking, and taking responsibility
85.31 for impact of actions by all parties involved;

85.32 (2) addressing the needs of those who have been harmed;

86.1 (3) recognizing and addressing the underlying issues of behavior;

86.2 (4) engaging with those most directly affected by an incident and including community
86.3 members that reflect the diversity of the child's environment;

86.4 (5) having broad authority to determine the complete and appropriate responses to
86.5 specific incidents through the use of a collaborative process;

86.6 (6) providing solutions and approaches that affirm and are tailored to specific cultures;
86.7 and

86.8 (7) implementing policies and procedures that are informed by the science of the social,
86.9 emotional, and cognitive development of children.

86.10 Subd. 2. **Establishment.** The Office of Restorative Practices is established within the
86.11 Department of Public Safety. The Office of Restorative Practices shall have the powers and
86.12 duties described in this section.

86.13 Subd. 3. **Department of Children, Youth, and Family; automatic transfer.** In the
86.14 event that a Department of Children, Youth, and Family is created as an independent agency,
86.15 the Office of Restorative Practices shall be transferred to that department pursuant to section
86.16 15.039 effective six months following the effective date for legislation creating that
86.17 department.

86.18 Subd. 4. **Director; other staff.** (a) The commissioner of public safety shall appoint a
86.19 director of the Office of Restorative Practices. The director should have qualifications that
86.20 include or are similar to the following:

86.21 (1) experience in the many facets of restorative justice and practices such as peacemaking
86.22 circles, sentencing circles, community conferencing, community panels, and family group
86.23 decision making;

86.24 (2) experience in victim-centered and trauma-informed practices;

86.25 (3) knowledge of the range of social problems that bring children and families to points
86.26 of crisis such as poverty, racism, unemployment, and unequal opportunity;

86.27 (4) knowledge of the many ways youth become involved in other systems such as truancy,
86.28 juvenile delinquency, child protection; and

86.29 (5) understanding of educational barriers.

86.30 (b) The director shall hire additional staff to perform the duties of the Office of
86.31 Restorative Practices. The staff shall be in the classified service of the state and their
86.32 compensation shall be established pursuant to chapter 43A.

87.1 Subd. 5. Duties. (a) The Office of Restorative Practices shall promote the use of
87.2 restorative practices across multiple disciplines, including but not limited to:

87.3 (1) pretrial diversion programs established pursuant to section 388.24;

87.4 (2) delinquency, criminal justice, child welfare, and education systems; and

87.5 (3) community violence prevention practices.

87.6 (b) The Office of Restorative Practices shall collaborate with Tribal communities,
87.7 counties, multicounty agencies, other state agencies, nonprofit agencies, and other
87.8 jurisdictions, and with existing restorative practices initiatives in those jurisdictions to
87.9 establish new restorative practices initiatives, support existing restorative practices initiatives,
87.10 and identify effective restorative practices initiatives.

87.11 (c) The Office of Restorative Practices shall encourage collaboration between jurisdictions
87.12 by creating a statewide network, led by restorative practitioners, to share effective methods
87.13 and practices.

87.14 (d) The Office of Restorative Practices shall create a statewide directory of restorative
87.15 practices initiatives. The office shall make this directory available to all restorative practices
87.16 initiatives, counties, multicounty agencies, nonprofit agencies, and Tribes in order to facilitate
87.17 referrals to restorative practices initiatives and programs.

87.18 (e) The Office of Restorative Practices shall work throughout the state to build capacity
87.19 for the use of restorative practices in all jurisdictions and shall encourage every county to
87.20 have at least one available restorative practices initiative.

87.21 (f) The Office of Restorative Practices shall engage restorative practitioners in discerning
87.22 ways to measure the effectiveness of restorative efforts throughout the state.

87.23 (g) The Office of Restorative Practices shall oversee the coordination and establishment
87.24 of local restorative practices advisory committees. The office shall oversee compliance with
87.25 the conditions of this funding program. If a complaint or concern about a local advisory
87.26 committee or a grant recipient is received, the Office of Restorative Practices shall exercise
87.27 oversight as provided in this section.

87.28 (h) The Office of Restorative Practices shall provide information to local restorative
87.29 practices advisory committees, or restorative practices initiatives in Tribal communities and
87.30 governments, counties, multicounty agencies, other state agencies, and other jurisdictions
87.31 about best practices that are developmentally tailored to youth, trauma-informed, and
87.32 healing-centered, and provide technical support. Providing information includes but is not
87.33 limited to sharing data on successful practices in other jurisdictions, sending notification

88.1 about available training opportunities, and sharing known resources for financial support.
88.2 The Office of Restorative Practices shall also provide training and technical support to local
88.3 restorative practices advisory committees. Training includes but is not limited to the use
88.4 and scope of restorative practices, victim-centered restorative practices, and trauma-informed
88.5 care.

88.6 (i) The Office of Restorative Practices shall annually establish minimum requirements
88.7 for the grant application process.

88.8 (j) The Office of Restorative Practices shall work with Tribes, counties, multicounty
88.9 agencies, and nonprofit agencies throughout the state to educate those entities about the
88.10 application process for grants and encourage applications.

88.11 Subd. 6. Grants. (a) Within available appropriations, the director shall award grants to
88.12 establish and support restorative practices initiatives. An approved applicant must receive
88.13 a grant of up to \$500,000 each year.

88.14 (b) On an annual basis, the Office of Restorative Practices shall establish a minimum
88.15 number of applications that must be received during the application process. If the minimum
88.16 number of applications is not received, the office must reopen the application process.

88.17 (c) Grants may be awarded to private and public nonprofit agencies; local units of
88.18 government, including cities, counties, and townships; local educational agencies; and Tribal
88.19 governments. A restorative practices advisory committee may support multiple entities
88.20 applying for grants based on community needs, the number of youth and families in the
88.21 jurisdiction, and the number of restorative practices available to the community. Budgets
88.22 supported by grant funds can include contracts with partner agencies.

88.23 (d) Applications must include the following:

88.24 (1) a list of willing restorative practices advisory committee members;

88.25 (2) letters of support from potential restorative practices advisory committee members;

88.26 (3) a description of the planning process that includes:

88.27 (i) a description of the origins of the initiative, including how the community provided
88.28 input; and

88.29 (ii) an estimated number of participants to be served; and

88.30 (4) a formal document containing a project description that outlines the proposed goals,
88.31 activities, and outcomes of the initiative including, at a minimum:

89.1 (i) a description of how the initiative meets the minimum eligibility requirements of the
89.2 grant;

89.3 (ii) the roles and responsibilities of key staff assigned to the initiative;

89.4 (iii) identification of any key partners, including a summary of the roles and
89.5 responsibilities of those partners;

89.6 (iv) a description of how volunteers and other community members are engaged in the
89.7 initiative; and

89.8 (v) a plan for evaluation and data collection.

89.9 (e) In determining the appropriate amount of each grant, the Office of Restorative
89.10 Practices shall consider the number of individuals likely to be served by the local restorative
89.11 practices initiative.

89.12 Subd. 7. Restorative practices advisory committees; membership and duties. (a)
89.13 Restorative practices advisory committees must include:

89.14 (1) a judge of the judicial district that will be served by the restorative practices initiative;

89.15 (2) the county attorney of a county that will be served by the restorative practices initiative
89.16 or a designee;

89.17 (3) the chief district public defender in the district that will be served by the local
89.18 restorative justice program or a designee;

89.19 (4) a representative from the children's unit of a county social services agency assigned
89.20 to the area that will be served by the restorative practices initiative;

89.21 (5) a representative from the local probation department or community corrections
89.22 agency that works with youth in the area that will be served by the restorative practices
89.23 initiative;

89.24 (6) a representative from a local law enforcement agency that operates in the area that
89.25 will be served by the restorative practices initiative;

89.26 (7) a school administrator or designee from a school or schools that operate in the area
89.27 that will be served by the restorative practices initiative;

89.28 (8) multiple community members that reflect the racial, socioeconomic, and other
89.29 diversity of the population of a county that will be served by the local restorative justice
89.30 program and the individuals most frequently involved in the truancy, juvenile offender, and
89.31 juvenile safety and placement systems;

90.1 (9) restorative practitioners, including restorative practitioners from within the community
90.2 if available and, if not, from nearby communities;

90.3 (10) parents, youth, and justice-impacted participants; and

90.4 (11) at least one representative from a victims advocacy group.

90.5 (b) Community members described in paragraph (a), clause (8), must make up at least
90.6 one-third of the restorative practices advisory committee.

90.7 (c) Community members, parents, youth, and justice-impacted participants participating
90.8 in the advisory committee may receive a per diem from grant funds in the amount determined
90.9 by the General Services Administration.

90.10 (d) The restorative practices advisory committees must utilize restorative practices in
90.11 their decision-making process and come to consensus when developing, expanding, and
90.12 maintaining restorative practices criteria and referral processes for their communities.

90.13 (e) Restorative practices advisory committees shall be responsible for establishing
90.14 eligibility requirements for referrals to the local restorative practices initiative. Once
90.15 restorative practices criteria and referral processes are developed, children, families, and
90.16 cases, depending upon the point of prevention or intervention, must be referred to the local
90.17 restorative practices initiatives or programs that serve the county, local community, or Tribal
90.18 community where the child and family reside.

90.19 (f) Referrals may be made under circumstances, including but not limited to:

90.20 (1) as an alternative to arrest as outlined in section 260B.1755;

90.21 (2) for a juvenile petty offense;

90.22 (3) for a juvenile traffic offense;

90.23 (4) for a juvenile delinquency offense, including before and after a delinquency petition
90.24 has been filed;

90.25 (5) for a child protection case, including before and after adjudication;

90.26 (6) for a children's mental health case;

90.27 (7) for a juvenile status offense, including but not limited to truancy or running away;

90.28 (8) for substance use issues;

90.29 (9) for situations involving transition to or from the community; and

90.30 (10) through self-referral.

91.1 Subd. 8. Oversight of restorative practices advisory committees. (a) Complaints by
91.2 restorative practices advisory committee members, community members, restorative practices
91.3 initiatives, or restorative practices practitioners regarding concerns about grant recipients
91.4 may be made to the Office of Restorative Practices.

91.5 (b) The Office of Restorative Practices may prescribe the methods by which complaints
91.6 to the office are to be made, reviewed, and acted upon.

91.7 (c) The Office of Restorative Practices shall establish and use a restorative process to
91.8 respond to complaints so that grant recipients are being held to their agreed upon
91.9 responsibilities and continue to meet the minimum eligibility requirements for grants to
91.10 local restorative practices initiatives for the duration of the grant.

91.11 Subd. 9. Report. By February 15 of each year, the director shall report to the chairs and
91.12 ranking minority members of the legislative committees and divisions with jurisdiction over
91.13 public safety, human services, and education, on the work of the Office of Restorative
91.14 Practices, any grants issued pursuant to this section, and the status of local restorative
91.15 practices initiatives in the state that were reviewed in the previous year.

91.16 Sec. 4. Minnesota Statutes 2022, section 297I.06, subdivision 1, is amended to read:

91.17 Subdivision 1. **Insurance policies surcharge.** (a) Except as otherwise provided in
91.18 subdivision 2, each licensed insurer engaged in writing policies of homeowner's insurance
91.19 authorized in section 60A.06, subdivision 1, clause (1)(c), or commercial fire policies or
91.20 commercial nonliability policies shall collect a surcharge as provided in this paragraph.
91.21 ~~Through June 30, 2013, The surcharge is equal to 0.65 percent of the gross premiums and~~
91.22 ~~assessments, less return premiums, on direct business received by the company, or by its~~
91.23 ~~agents for it, for homeowner's insurance policies, commercial fire policies, and commercial~~
91.24 ~~nonliability insurance policies in this state. Beginning July 1, 2013, the surcharge is 0.5~~
91.25 ~~percent.~~

91.26 (b) The surcharge amount collected under paragraph (a) or subdivision 2, paragraph (b),
91.27 may not be considered premium for any other purpose. The surcharge amount under
91.28 paragraph (a) must be separately stated on either a billing or policy declaration or document
91.29 containing similar information sent to an insured.

91.30 (c) Amounts collected by the commissioner under this section must be deposited in the
91.31 fire safety account established pursuant to subdivision 3.

92.1 Sec. 5. Minnesota Statutes 2022, section 299A.38, is amended to read:

92.2 **299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

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

92.4 ~~(a)~~ (1) "commissioner" means the commissioner of public safety;

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

92.7 ~~(b)~~ (3) "peace officer" means a person who is licensed under section 626.84, subdivision
92.8 1, paragraph (c);

92.9 (4) "public safety officer" means a firefighter or qualified emergency medical service
92.10 provider;

92.11 (5) "qualified emergency medical service provider" means a person certified under
92.12 section 144E.101 who is actively employed by a Minnesota licensed ambulance service;
92.13 and

92.14 ~~(e)~~ (6) "vest" means bullet-resistant soft body armor that is flexible, concealable, and
92.15 custom fitted to the peace officer to provide ballistic and trauma protection.

92.16 Subd. 2. **State and local reimbursement.** Peace officers and heads of local law
92.17 enforcement agencies and public safety officers and heads of agencies and entities who buy
92.18 vests for the use of peace officer employees, public safety officer employees, or both may
92.19 apply to the commissioner for reimbursement of funds spent to buy vests. On approving an
92.20 application for reimbursement, the commissioner shall pay the applicant an amount equal
92.21 to the lesser of one-half of the vest's purchase price or \$600, as adjusted according to
92.22 subdivision 2a. The political subdivision, agency, or entity that employs the peace officer
92.23 or public safety officer shall pay at least the lesser of one-half of the vest's purchase price
92.24 or \$600, as adjusted according to subdivision 2a. The political subdivision, agency, or entity
92.25 may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar
92.26 allowance otherwise provided to the peace officer by the law enforcement agency or public
92.27 safety officer by the employing agency or entity.

92.28 Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 2006, the
92.29 commissioner of public safety shall adjust the \$600 reimbursement amounts specified in
92.30 subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the
92.31 reimbursement amount applicable immediately preceding that October 1 date. The adjusted
92.32 rate must reflect the annual percentage change in the Consumer Price Index for all urban

93.1 consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year
93.2 period ending on the preceding June 1.

93.3 Subd. 3. **Eligibility requirements.** (a) Only vests that either meet or exceed the
93.4 requirements of standard 0101.03 of the National Institute of Justice or that meet or exceed
93.5 the requirements of that standard, except wet armor conditioning, are eligible for
93.6 reimbursement.

93.7 (b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by
93.8 or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a)
93.9 before the purchase, or (2) who owned a vest that was at least five years old.

93.10 (c) The requirement set forth in paragraph (b), clauses (1) and (2), shall not apply to any
93.11 peace officer who purchases a vest constructed from a zylon-based material, provided that
93.12 the peace officer provides proof of purchase or possession of the vest prior to July 1, 2005.

93.13 Subd. 4. **Rules.** The commissioner may adopt rules under chapter 14 to administer this
93.14 section.

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

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

93.25 Sec. 6. Minnesota Statutes 2022, section 299A.41, subdivision 3, is amended to read:

93.26 Subd. 3. **Killed in the line of duty.** "Killed in the line of duty" does not include deaths
93.27 from natural causes, except as provided in this subdivision. In the case of a public safety
93.28 officer, killed in the line of duty includes the death of a public safety officer caused by
93.29 accidental means while the public safety officer is acting in the course and scope of duties
93.30 as a public safety officer. Killed in the line of duty also means if a public safety officer dies
93.31 as the direct and proximate result of a heart attack, stroke, or vascular rupture, that officer
93.32 shall be presumed to have died as the direct and proximate result of a personal injury
93.33 sustained in the line of duty if:

94.1 (1) that officer, while on duty:

94.2 (i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous
94.3 physical law enforcement, fire suppression, rescue, hazardous material response, emergency
94.4 medical services, prison security, disaster relief, or other emergency response activity; or

94.5 (ii) participated in a training exercise, and that participation involved nonroutine stressful
94.6 or strenuous physical activity;

94.7 (2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:

94.8 (i) while engaging or participating under clause (1);

94.9 (ii) while still on duty after engaging or participating under clause (1); or

94.10 (iii) not later than 24 hours after engaging or participating under clause (1); ~~and~~

94.11 (3) that officer died due to suicide secondary to a diagnosis of posttraumatic stress
94.12 disorder as described in the most recent edition of the Diagnostic and Statistical Manual of
94.13 Mental Disorders published by the American Psychiatric Association;

94.14 (4) within 45 days of the end of exposure, while on duty, to a traumatic event. As used
94.15 in this section, "traumatic event" means an officer exposed to an event that is:

94.16 (i) a homicide, suicide, or the violent or gruesome death of another individual, including
94.17 but not limited to a death resulting from a mass casualty event, mass fatality event, or mass
94.18 shooting;

94.19 (ii) a harrowing circumstance posing an extraordinary and significant danger or threat
94.20 to the life of or of serious bodily harm to any individual, including but not limited to a death
94.21 resulting from a mass casualty event, mass fatality event, or mass shooting; or

94.22 (iii) an act of criminal sexual violence committed against any individual; and

94.23 ~~(3)~~ (5) the presumption is not overcome by competent medical evidence to the contrary.

94.24 Sec. 7. Minnesota Statutes 2022, section 299A.85, subdivision 6, is amended to read:

94.25 Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its
94.26 statutory duties, along with specific objectives and outcome measures proposed for the
94.27 following year. The report must include data and statistics on missing and murdered
94.28 Indigenous women, children, and Two-Spirit relatives in Minnesota, including names, dates
94.29 of disappearance, and dates of death, to the extent the data is publicly available. The report
94.30 must also identify and describe the work of any reward advisory group and itemize the
94.31 expenditures of the Gaagige-Mikwendaagoziwag reward account, if any. The office must

95.1 submit the report by January 15 each year to the chairs and ranking minority members of
95.2 the legislative committees with primary jurisdiction over public safety.

95.3 **Sec. 8. [299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN**
95.4 **AND GIRLS.**

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

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

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

95.14 (c) The director and full-time staff shall be members of the Minnesota State Retirement
95.15 Association.

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

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

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

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

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

95.29 (5) collect data on missing person and homicide cases involving Black women and girls,
95.30 including the total number of cases, the rate at which the cases are solved, the length of time
95.31 the cases remain open, and a comparison to similar cases involving different demographic
95.32 groups;

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

96.4 (7) collect data on reports of missing Black girls, including the number classified as
96.5 voluntary runaways, and a comparison to similar cases involving different demographic
96.6 groups;

96.7 (8) analyze and assess the intersection between cases involving missing and murdered
96.8 Black women and girls and labor trafficking and sex trafficking;

96.9 (9) develop recommendations for legislative, agency, and community actions to address
96.10 the intersection between cases involving missing and murdered Black women and girls and
96.11 labor trafficking and sex trafficking;

96.12 (10) analyze and assess the intersection between cases involving murdered Black women
96.13 and girls and domestic violence, including prior instances of domestic violence within the
96.14 family or relationship, whether an offender had prior convictions for domestic assault or
96.15 related offenses, and whether the offender used a firearm in the murder or any prior instances
96.16 of domestic assault;

96.17 (11) develop recommendations for legislative, agency, and community actions to address
96.18 the intersection between cases involving murdered Black women and girls and domestic
96.19 violence;

96.20 (12) develop tools and processes to evaluate the implementation and impact of the efforts
96.21 of the office;

96.22 (13) track and collect Minnesota data on missing and murdered Black women and girls,
96.23 and provide statistics upon public or legislative inquiry;

96.24 (14) facilitate technical assistance for local and Tribal law enforcement agencies during
96.25 active cases involving missing and murdered Black women and girls;

96.26 (15) conduct case reviews and report on the results of case reviews for the following
96.27 types of cases involving missing and murdered Black women and girls: cold cases for
96.28 missing Black women and girls and death investigation review for cases of Black women
96.29 and girls ruled as suicide or overdose under suspicious circumstances;

96.30 (16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
96.31 committed a violent or exploitative crime against a Black woman or girl. These case reviews
96.32 must identify those cases where the perpetrator is a repeat offender;

97.1 (17) prepare draft legislation as necessary to allow the office access to the data necessary
97.2 for the office to conduct the reviews required in this section and advocate for passage of
97.3 that legislation;

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

97.7 (19) develop and maintain communication with relevant divisions in the Department of
97.8 Public Safety, including but not limited to the Bureau of Criminal Apprehension, regarding
97.9 any cases involving missing and murdered Black women and girls and on procedures for
97.10 investigating cases involving missing and murdered Black women and girls;

97.11 (20) consult with the Council for Minnesotans of African Heritage established in section
97.12 15.0145; and

97.13 (21) coordinate, as relevant, with federal efforts, and efforts in neighboring states and
97.14 Canada.

97.15 (b) As used in this subdivision:

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

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

97.18 Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may
97.19 coordinate, as useful, with stakeholder groups that were represented on the Task Force on
97.20 Missing and Murdered African American Women and state agencies that are responsible
97.21 for the systems that play a role in investigating, prosecuting, and adjudicating cases involving
97.22 violence committed against Black women and girls; those who have a role in supporting or
97.23 advocating for missing or murdered Black women and girls and the people who seek justice
97.24 for them; and those who represent the interests of Black people. This includes the following
97.25 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
97.26 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
97.27 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
97.28 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
97.29 Coast Guard; state agencies, including the Departments of Health, Human Services,
97.30 Education, Corrections, and Public Safety; service providers who offer legal services,
97.31 advocacy, and other services to Black women and girls; Black women and girls who are
97.32 survivors; and organizations and leadership from urban and statewide Black communities.

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

98.8 Subd. 6. **Acceptance of gifts and receipt of grants.** (a) A missing and murdered Black
98.9 women and girls account is established in the special revenue fund. Money in the account,
98.10 including interest earned, is appropriated to the office for the purposes of carrying out the
98.11 office's duties, including but not limited to issuing grants to community-based organizations.

98.12 (b) Notwithstanding sections 16A.013 to 16A.016, the office may accept funds
98.13 contributed by individuals and may apply for and receive grants from public and private
98.14 entities. The funds accepted or received under this subdivision must be deposited in the
98.15 missing and murdered Black women and girls account created under paragraph (a).

98.16 Subd. 7. **Grants to organizations.** (a) The office shall issue grants to community-based
98.17 organizations that provide services designed to prevent or end the targeting of Black women
98.18 or girls, or to provide assistance to victims of offenses that targeted Black women or girls.

98.19 (b) Grant recipients must use money to:

98.20 (1) provide services designed to reduce or prevent crimes or other negative behaviors
98.21 that target Black women or girls;

98.22 (2) provide training to the community about how to handle situations and crimes involving
98.23 the targeting of Black women and girls, including but not limited to training for law
98.24 enforcement officers, county attorneys, city attorneys, judges, and other criminal justice
98.25 partners; or

98.26 (3) provide services to Black women and girls who are victims of crimes or other offenses,
98.27 or to the family members of missing and murdered Black women and girls.

98.28 (c) Applicants must apply in a form and manner established by the office.

98.29 (d) Grant recipients must provide an annual report to the office that includes:

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

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

98.32 (3) any other information required by the office.

99.1 (e) On or before February 1 of each year, the office shall report to the legislative
99.2 committees and divisions with jurisdiction over public safety on the work of grant recipients,
99.3 including a description of the number of entities awarded grants, the amount of those grants,
99.4 and the number of individuals served by the grantees.

99.5 (f) The office may enter into agreements with the Office of Justice Programs for the
99.6 administration of grants issued under this subdivision.

99.7 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access
99.8 to corrections and detention data and medical data maintained by an agency and classified
99.9 as private data on individuals or confidential data on individuals to the extent the data is
99.10 necessary for the office to perform its duties under this section.

99.11 **Sec. 9. [299C.055] LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.**

99.12 (a) The superintendent must prepare an annual report for the public and the legislature
99.13 on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC;
99.14 the types of activities it monitors; the scale of information it collects; the local, state, and
99.15 federal agencies with which it shares information; and the quantifiable benefits it produces.
99.16 None of the reporting requirements in this section supersede chapter 13 or any other state
99.17 or federal law. The superintendent must report on activities for the preceding calendar year
99.18 unless another time period is specified. The report must include the following information,
99.19 to the extent allowed by other law:

99.20 (1) the MNFC's operating budget for the current biennium, number of staff, and staff
99.21 duties;

99.22 (2) the number of publications generated and an overview of the type of information
99.23 provided in the publications, including products such as law enforcement briefs, partner
99.24 briefs, risk assessments, threat assessments, and operational reports;

99.25 (3) a summary of audit findings for the MNFC and what corrective actions were taken
99.26 pursuant to audits;

99.27 (4) the number of data requests received by the MNFC and a general description of those
99.28 requests;

99.29 (5) the types of surveillance and data analysis technologies utilized by the MNFC, such
99.30 as artificial intelligence or social media analysis tools;

99.31 (6) a description of the commercial and governmental databases utilized by the MNFC
99.32 to the extent permitted by law;

100.1 (7) the number of suspicious activity reports (SARs) received and processed by the
100.2 MNFC;

100.3 (8) the number of SARs received and processed by the MNFC that were converted into
100.4 Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of
100.5 Investigation, or that were referred to local law enforcement agencies;

100.6 (9) the number of SARs received and processed by the MNFC that involve an individual
100.7 on the Terrorist Screening Center watchlist;

100.8 (10) the number of requests for information (RFIs) that the MNFC received from law
100.9 enforcement agencies and the number of responses to federal requests for RFIs;

100.10 (11) the names of the federal agencies the MNFC received data from or shared data
100.11 with;

100.12 (12) the names of the agencies that submitted SARs;

100.13 (13) a summary description of the MNFC's activities with the Joint Terrorism Task
100.14 Force; and

100.15 (14) the number of investigations aided by the MNFC's use of SARs and RFIs.

100.16 (b) The report shall be provided to the chairs and ranking minority members of the
100.17 committees of the house of representatives and senate with jurisdiction over data practices
100.18 and public safety issues, and shall be posted on the MNFC website by February 15 each
100.19 year beginning on February 15, 2024.

100.20 **Sec. 10. [299C.061] STATE FRAUD UNIT.**

100.21 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
100.22 provided:

100.23 (1) "fraud" includes any violation of sections 609.466, 609.611, 609.651, 609.7475, or
100.24 609.821;

100.25 (2) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
100.26 (c);

100.27 (3) "state agency" has the meaning given in section 13.02, subdivision 17;

100.28 (4) "superintendent" means the superintendent of the Bureau of Criminal Apprehension;
100.29 and

100.30 (5) "unit" means the State Fraud Unit housed at the Bureau of Criminal Apprehension.

101.1 Subd. 2. **State Fraud Unit.** The superintendent shall form a State Fraud Unit within the
101.2 Bureau of Criminal Apprehension to conduct investigations into fraud involving state-funded
101.3 programs or services subject to availability of funds.

101.4 Subd. 3. **Mandatory referral; duty to investigate.** A state agency shall refer all
101.5 suspected fraudulent activity under the provisions noted within subdivision 1, clause (1),
101.6 equaling \$100,000 or more, to the unit for evaluation and investigation or appropriate
101.7 referral. Upon receipt of this referral, the unit shall review and, where appropriate, conduct
101.8 criminal investigations into such allegations. The unit has sole discretion as to which
101.9 allegations are investigated further, referred back to the reporting agency for appropriate
101.10 regulatory investigation, or referred to another law enforcement agency with appropriate
101.11 jurisdiction.

101.12 Subd. 4. **Discretionary referral.** (a) A state agency may refer suspected fraudulent
101.13 activity related to any state-funded programs or services equaling less than \$100,000 to the
101.14 unit for investigation. Upon referral, the unit shall:

101.15 (1) accept the referral and, where appropriate, conduct criminal investigations into the
101.16 allegations and make appropriate referrals for criminal prosecution; or

101.17 (2) redirect the referral to another appropriate law enforcement agency or civil
101.18 investigative authority, offering assistance where appropriate.

101.19 Subd. 5. **State agency reporting.** By January 15 of each year, each state agency must
101.20 report all suspected fraudulent activities equaling \$10,000 or more to the unit to be
101.21 summarized in the report under subdivision 6.

101.22 Subd. 6. **State Fraud Unit annual report.** By February 1 of each odd-numbered year,
101.23 the superintendent shall report to the commissioner, the governor, and the chairs and ranking
101.24 minority members of the legislative committees with jurisdiction over public safety finance
101.25 and policy the following information about the unit:

101.26 (1) the number of investigations initiated;

101.27 (2) the number of allegations investigated;

101.28 (3) the outcomes or current status of each investigation;

101.29 (4) the charging decisions made by the prosecuting authority of incidents investigated
101.30 by the unit;

101.31 (5) the number of plea agreements reached in incidents investigated by the unit;

101.32 (6) the number of reports received under subdivision 5; and

102.1 (7) any other information relevant to the unit's mission.

102.2 **EFFECTIVE DATE.** Subdivisions 1, 3, 5, and 6 are effective July 1, 2023. Subdivisions
102.3 3 and 4 are effective January 1, 2024.

102.4 Sec. 11. Minnesota Statutes 2022, section 299C.106, subdivision 3, is amended to read:

102.5 Subd. 3. **Submission and storage of sexual assault examination kits.** (a) Within 60
102.6 days of receiving an unrestricted sexual assault examination kit, a law enforcement agency
102.7 shall submit the kit for testing to a forensic laboratory. The testing laboratory shall return
102.8 unrestricted sexual assault examination kits to the submitting agency for storage after testing
102.9 is complete. The submitting agency must store unrestricted sexual assault examination kits
102.10 indefinitely.

102.11 (b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or
102.12 a law enforcement agency receiving a restricted sexual assault examination kit from a
102.13 hospital, the hospital or the agency shall submit the kit to ~~the Bureau of Criminal~~
102.14 ~~Apprehension~~ a forensic laboratory. The ~~bureau~~ laboratory shall store all restricted sexual
102.15 assault examination kits collected by hospitals or law enforcement agencies in the state.
102.16 The ~~bureau~~ laboratory shall retain a restricted sexual assault examination kit for at least 30
102.17 months from the date the ~~bureau~~ laboratory receives the kit.

102.18 (c) The receiving forensic laboratory must test the sexual assault examination kit within
102.19 90 days of receipt from a hospital or law enforcement agency. Upon completion of testing,
102.20 the forensic laboratory will update the kit-tracking database to indicate that testing is
102.21 complete. The forensic laboratory must notify the submitting agency when any kit testing
102.22 does not meet the 90-day deadline and provide an estimated time frame for testing
102.23 completion.

102.24 Sec. 12. Minnesota Statutes 2022, section 299C.53, subdivision 3, is amended to read:

102.25 Subd. 3. **Missing and endangered persons.** The Bureau of Criminal Apprehension
102.26 must operate a missing person alert program. If the Bureau of Criminal Apprehension
102.27 receives a report from a law enforcement agency indicating that a person is missing and
102.28 endangered, the superintendent must originate an alert. The superintendent may assist the
102.29 law enforcement agency in conducting the preliminary investigation, offer resources, and
102.30 assist the agency in helping implement the investigation policy with particular attention to
102.31 the need for immediate action. The law enforcement agency shall promptly notify all
102.32 appropriate law enforcement agencies in the state and is required to issue a missing person
102.33 alert utilizing the Crime Alert Network as prescribed in section 299A.61 and, if deemed

103.1 appropriate, law enforcement agencies in adjacent states or jurisdictions of any information
103.2 that may aid in the prompt location and safe return of a missing and endangered person.
103.3 The superintendent shall provide guidance on issuing alerts using this system and provide
103.4 the system for law enforcement agencies to issue these alerts. The Bureau of Criminal
103.5 Apprehension may provide assistance to agencies in issuing missing person alerts as required
103.6 by this section.

103.7 Sec. 13. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

103.8 Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public
103.9 safety to inspect, or cause to be inspected, at least once every three years, every hotel in
103.10 this state; and, for that purpose, the commissioner, or the commissioner's deputies or
103.11 designated alternates or agents, shall have the right to enter or have access thereto at any
103.12 reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected
103.13 does not conform to or is not being operated in accordance with the provisions of sections
103.14 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection
103.15 of hotels, or the rules promulgated thereunder, or is being maintained or operated in such
103.16 manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,
103.17 subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire
103.18 protection of hotels, the commissioner and the deputies or designated alternates or agents
103.19 shall report such a situation to the hotel inspector who shall proceed as provided for in
103.20 chapter 157.

103.21 (b) The word "hotel", as used in this subdivision, has the meaning given in section
103.22 299F.391.

103.23 Sec. 14. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
103.24 to read:

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

103.28 Sec. 15. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
103.29 to read:

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

104.1 Sec. 16. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

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

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

104.7 Sec. 17. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

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

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

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

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

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

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

104.24 Sec. 18. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

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

104.30 (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon
104.31 monoxide may be exempted from the requirements of subdivision 1, provided that such

105.1 owner certifies to the commissioner of public safety that such multifamily dwelling poses
105.2 no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

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

105.5 Sec. 19. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision
105.6 to read:

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

105.10 Sec. 20. Minnesota Statutes 2022, section 299M.10, is amended to read:

105.11 **299M.10 MONEY CREDITED TO GENERAL FUND.**

105.12 The fees and penalties collected under this chapter, ~~except as provided in section~~
105.13 ~~299M.07,~~ must be deposited in the state treasury and credited to the ~~general fund.~~ Money
105.14 ~~received by the State Fire Marshal Division in the form of gifts, grants, reimbursements, or~~
105.15 ~~appropriation from any source for the administration of this chapter must also be deposited~~
105.16 ~~in the state treasury and credited to the general fund.~~ state fire marshal account, which is
105.17 established in the special revenue fund. Money in the state fire marshal account is annually
105.18 appropriated to the commissioner of public safety to administer the programs under this
105.19 chapter.

105.20 Sec. 21. Minnesota Statutes 2022, section 326.32, subdivision 10, is amended to read:

105.21 Subd. 10. **License holder.** "License holder" means any individual, partnership as defined
105.22 in section 323A.0101, clause (8), or corporation licensed to perform the duties of a private
105.23 detective or a protective agent.

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

105.25 Sec. 22. **[604.32] CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION**
105.26 **OF A DEEP FAKE DEPICTING INTIMATE PARTS OR SEXUAL ACTS.**

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

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

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

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

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

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

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

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

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

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

106.18 (4) a person's geolocation data.

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

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

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

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

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

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

106.28 (1) a person disseminated a deep fake without the consent of the depicted individual;

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

107.1 (i) the intimate parts of another individual presented as the intimate parts of the depicted
107.2 individual;

107.3 (ii) artificially generated intimate parts presented as the intimate parts of the depicted
107.4 individual; or

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

107.6 (3) the depicted individual is identifiable:

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

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

107.9 (b) The fact that the depicted individual consented to the creation of the deep fake or to
107.10 the voluntary private transmission of the deep fake is not a defense to liability for a person
107.11 who has disseminated the deep fake without consent.

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

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

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

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

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

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

107.22 (b) The court may issue a civil fine for the violation of a court order in an amount up to
107.23 \$1,000 per day for failure to comply with an order granted under this section.

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

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

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

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

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

108.5 (4) the deep fake was obtained in a commercial setting for the purpose of the legal sale
108.6 of goods or services, including the creation of artistic products for sale or display, and the
108.7 depicted individual knew that a deep fake would be created and disseminated in a commercial
108.8 setting;

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

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

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

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

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

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

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

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

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

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

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

109.5 Sec. 23. Minnesota Statutes 2022, section 609.35, is amended to read:

109.6 **609.35 COSTS OF MEDICAL EXAMINATION.**

109.7 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
109.8 facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other
109.9 licensed health care provider for the examination of a victim of criminal sexual conduct
109.10 ~~when the examination is performed for the purpose of gathering evidence~~ that occurred in
109.11 the state shall be paid by the ~~county in which the criminal sexual conduct occurred~~ state.
109.12 These costs include, but are not limited to, the full cost of the ~~rape kit~~ medical forensic
109.13 examination, associated tests and treatments relating to the complainant's sexually transmitted
109.14 disease status infection, and pregnancy status, including emergency contraception. A hospital,
109.15 emergency medical facility, or health care provider shall submit the costs for examination
109.16 and any associated tests and treatment to the Office of Justice Programs for payment. Upon
109.17 receipt of the costs, the commissioner shall provide payment to the facility or health care
109.18 provider. The cost of the examination and any associated test and treatments shall not exceed
109.19 the amount of \$1,400. Beginning on January 1, 2024, the maximum amount of an award
109.20 shall be adjusted annually by the inflation rate.

109.21 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
109.22 liabilities of any insurer, whether public or private. ~~However, a county~~ The hospital or other
109.23 licensed health care provider performing the examination may seek insurance reimbursement
109.24 from the victim's insurer only if authorized by the victim. This authorization may only be
109.25 sought after the examination is performed. When seeking this authorization, the ~~county~~
109.26 hospital or other licensed health care provider shall inform the victim that if the victim does
109.27 not authorize this, the ~~county~~ state is required by law to pay for the examination and that
109.28 the victim is in no way liable for these costs or obligated to authorize the reimbursement.

109.29 (c) The applicability of this section does not depend upon whether the victim reports
109.30 the offense to law enforcement or the existence or status of any investigation or prosecution.

109.31 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to any
109.32 examination that occurs on or after that date.

110.1 Sec. 24. Minnesota Statutes 2022, section 611A.211, subdivision 1, is amended to read:

110.2 Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs
110.3 which provide support services or emergency shelter and housing supports as defined by
110.4 section 611A.31 to victims of sexual assault. The commissioner shall also award grants for
110.5 training, technical assistance, and the development and implementation of education programs
110.6 to increase public awareness of the causes of sexual assault, the solutions to preventing and
110.7 ending sexual assault, and the problems faced by sexual assault victims.

110.8 Sec. 25. Minnesota Statutes 2022, section 611A.31, subdivision 2, is amended to read:

110.9 Subd. 2. ~~Battered woman~~ **Domestic abuse victim.** ~~"Battered woman"~~ "Domestic abuse
110.10 victim" means a ~~woman~~ person who is being or has been victimized by domestic abuse as
110.11 defined in section 518B.01, subdivision 2.

110.12 Sec. 26. Minnesota Statutes 2022, section 611A.31, subdivision 3, is amended to read:

110.13 Subd. 3. **Emergency shelter services.** "Emergency shelter services" include, but are
110.14 not limited to, secure crisis shelters for ~~battered women~~ domestic abuse victims and housing
110.15 networks for ~~battered women~~ domestic abuse victims.

110.16 Sec. 27. Minnesota Statutes 2022, section 611A.31, is amended by adding a subdivision
110.17 to read:

110.18 Subd. 3a. **Housing supports.** "Housing supports" means services and supports used to
110.19 enable victims to secure and maintain transitional and permanent housing placement. Housing
110.20 supports include but are not limited to rental assistance and financial assistance to maintain
110.21 housing stability. Transitional housing placements may take place in communal living,
110.22 clustered site or scattered site programs, or other transitional housing models.

110.23 Sec. 28. Minnesota Statutes 2022, section 611A.32, is amended to read:

110.24 **611A.32 BATTERED WOMEN DOMESTIC ABUSE PROGRAMS.**

110.25 Subdivision 1. **Grants awarded.** The commissioner shall award grants to programs
110.26 which provide emergency shelter services ~~to battered women,~~ housing supports, and support
110.27 services to ~~battered women and~~ domestic abuse victims and their children. The commissioner
110.28 shall also award grants for training, technical assistance, and for the development and
110.29 implementation of education programs to increase public awareness of the causes of ~~battering~~
110.30 domestic abuse, the solutions to preventing and ending domestic violence, and the problems
110.31 faced by ~~battered women and~~ domestic abuse victims. Grants shall be awarded in a manner

111.1 that ensures that they are equitably distributed to programs serving metropolitan and
111.2 nonmetropolitan populations. ~~By July 1, 1995, community-based domestic abuse advocacy~~
111.3 ~~and support services programs must be established in every judicial assignment district.~~

111.4 Subd. 1a. **Program for American Indian ~~women~~ domestic abuse victims.** The
111.5 commissioner shall establish at least one program under this section to provide emergency
111.6 shelter services and support services to ~~battered~~ American Indian ~~women~~ domestic abuse
111.7 victims and their children. The commissioner shall grant continuing operating expenses to
111.8 the program established under this subdivision in the same manner as operating expenses
111.9 are granted to programs established under subdivision 1.

111.10 Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the
111.11 commissioner for a grant to provide emergency shelter services to ~~battered women~~, housing
111.12 supports, support services, and one or more of these services and supports to domestic abuse
111.13 victims, ~~or both, to battered women~~ and their children. The application shall be submitted
111.14 in a form approved by the commissioner by rule adopted under chapter 14 and shall include:

111.15 (1) a proposal for the provision of emergency shelter services ~~for battered women~~,
111.16 housing supports, support services, and one or more of these services and supports for
111.17 domestic abuse victims, ~~or both, for battered women~~ and their children;

111.18 (2) a proposed budget;

111.19 (3) the agency's overall operating budget, including documentation on the retention of
111.20 financial reserves and availability of additional funding sources;

111.21 (4) evidence of an ability to integrate into the proposed program the uniform method of
111.22 data collection and program evaluation established under section 611A.33;

111.23 (5) evidence of an ability to represent the interests of ~~battered women~~ and domestic
111.24 abuse victims and their children to local law enforcement agencies and courts, county welfare
111.25 agencies, and local boards or departments of health;

111.26 (6) evidence of an ability to do outreach to unserved and underserved populations and
111.27 to provide culturally and linguistically appropriate services; and

111.28 (7) any other content the commissioner may require by rule adopted under chapter 14;
111.29 ~~after considering the recommendations of the advisory council.~~

111.30 Programs which have been approved for grants in prior years may submit materials
111.31 which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal
111.32 funding. Nothing in this subdivision may be construed to require programs to submit
111.33 complete applications for each year of renewal funding.

112.1 Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives
112.2 a grant to provide emergency shelter services to ~~battered women and~~, housing supports, or
112.3 support services to ~~battered women and~~ domestic abuse victims shall comply with all rules
112.4 of the commissioner related to the administration of the ~~pilot~~ programs.

112.5 Subd. 5. **Classification of data collected by grantees.** Personal history information and
112.6 other information collected, used or maintained by a grantee from which the identity or
112.7 location of any victim of domestic abuse may be determined is private data on individuals,
112.8 as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in
112.9 accordance with the provisions of chapter 13.

112.10 Sec. 29. **RULES; SOFT BODY ARMOR REIMBURSEMENT.**

112.11 The commissioner of public safety shall amend rules adopted under Minnesota Statutes,
112.12 section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public
112.13 safety officers under that section.

112.14 Sec. 30. **GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT FOR**
112.15 **INFORMATION ON MISSING AND MURDERED INDIGENOUS RELATIVES.**

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

112.17 (1) "Gaagige-Mikwendaagoziwag" means "they will be remembered forever";

112.18 (2) "missing and murdered Indigenous relatives" means missing and murdered Indigenous
112.19 people from or descended from a federally recognized Indian Tribe; and

112.20 (3) "Two-Spirit" means cultural, spiritual, sexual, and gender identity as reflected in
112.21 complex Indigenous understandings of gender roles, spirituality, and the long history of
112.22 gender diversity in Indigenous cultures.

112.23 Subd. 2. **Account created.** An account for rewards for information on missing and
112.24 murdered Indigenous women, girls, boys, and Two-Spirit relatives is created in the special
112.25 revenue fund. Money deposited into the account is appropriated to the commissioner of
112.26 public safety to pay rewards and for the purposes provided under this section.

112.27 Subd. 3. **Reward.** The director of the Office for Missing and Murdered Indigenous
112.28 Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group:

112.29 (1) shall determine the eligibility criteria and procedures for granting rewards under this
112.30 section; and

113.1 (2) is authorized to pay a reward to any person who provides relevant information relating
113.2 to a missing and murdered Indigenous woman, girl, boy, and Two-Spirit relative
113.3 investigation.

113.4 Subd. 4. **Reward advisory group.** (a) The director of the Office for Missing and
113.5 Murdered Indigenous Relatives, in consultation with the stakeholder groups described in
113.6 Minnesota Statutes, section 299A.85, subdivision 5, shall appoint an advisory group to make
113.7 recommendations on:

113.8 (1) paying rewards under this section;

113.9 (2) supporting community-based efforts through funding community-led searches and
113.10 search kits, including but not limited to global position system devices and vests;
113.11 community-led communications, including but not limited to flyers, staples, and duct tape;
113.12 and other justice-related expenses;

113.13 (3) funding for community-led communications and outreach, including but not limited
113.14 to billboards and other media-related expenses;

113.15 (4) funding activities and programs to gather information on missing and murdered
113.16 Indigenous women, girls, boys, and Two-Spirit relatives and to partner with and support
113.17 community-led efforts;

113.18 (5) developing, implementing, and coordinating prevention and awareness programming
113.19 based on best practices and data-driven research; and

113.20 (6) any other funding activities and needs.

113.21 (b) The advisory group shall consist of the following individuals:

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

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

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

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

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

113.31 (6) a representative from the Minnesota Human Trafficking Task Force; and

114.1 (7) a survivor or family member of a missing and murdered Indigenous woman, girl,
114.2 boy, or Two-Spirit relative.

114.3 (c) Each member shall serve as long as the member occupies the position which made
114.4 the member eligible for the appointment. Vacancies shall be filled by the appointing authority.

114.5 (d) The advisory group shall meet as necessary but at a minimum twice per year to carry
114.6 out its duties and shall elect a chair from among its members at its first meeting. The director
114.7 shall convene the group's first meeting. The director shall provide necessary office space
114.8 and administrative support to the group. Members of the group serve without compensation
114.9 but shall receive expense reimbursement as provided in Minnesota Statutes, section 15.059.

114.10 (e) The representative from the Office for Missing and Murdered Indigenous Relatives
114.11 may fully participate in the advisory group's activities but may not vote on issues before
114.12 the group.

114.13 Subd. 5. **Advertising.** The director of the Office for Missing and Murdered Indigenous
114.14 Relatives, in consultation with the reward advisory group, may spend up to four percent of
114.15 available funds on an advertising or public relations campaign to increase public awareness
114.16 on the availability of rewards under this section.

114.17 Subd. 6. **Grants; donations.** The director of the Office for Missing and Murdered
114.18 Indigenous Relatives, in consultation with the reward advisory group, may apply for and
114.19 accept grants and donations from the public and from public and private entities to implement
114.20 this section. The commissioner of public safety shall deposit any grants or donations received
114.21 under this subdivision into the account established under subdivision 1.

114.22 Subd. 7. **Expiration.** This section expires on June 30, 2025.

114.23 Sec. 31. **REPEALER.**

114.24 Minnesota Statutes 2022, section 299C.80, subdivision 7, is repealed.

114.25 **ARTICLE 7**

114.26 **SENTENCING**

114.27 Section 1. Minnesota Statutes 2022, section 244.09, subdivision 2, is amended to read:

114.28 Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the
114.29 following:

114.30 (1) the chief justice of the supreme court or a designee;

115.1 (2) one judge of the court of appeals, appointed by the chief ~~justice of the supreme court~~
115.2 judge of the appellate court;

115.3 (3) one district court judge appointed by the ~~chief justice of the supreme court~~ Judicial
115.4 Council upon recommendation of the Minnesota District Judges Association;

115.5 (4) one public defender appointed by the governor upon recommendation of the state
115.6 public defender;

115.7 (5) one county attorney appointed by the governor upon recommendation of the board
115.8 of directors of the Minnesota County Attorneys Association;

115.9 (6) the commissioner of corrections or a designee;

115.10 (7) one peace officer as defined in section 626.84 appointed by the governor;

115.11 (8) one probation officer or ~~parole~~ supervised release officer appointed by the governor;
115.12 ~~and~~

115.13 (9) one person who works for an organization that provides treatment or rehabilitative
115.14 services for individuals convicted of felony offenses appointed by the governor;

115.15 (10) one person who is an academic with a background in criminal justice or corrections
115.16 appointed by the governor; and

115.17 (11) three public members appointed by the governor, one of whom shall be a person
115.18 who has been the victim of a crime defined as a felony or a victims' advocate, and one of
115.19 whom shall be a person who has been formerly convicted of and discharged from a
115.20 felony-level sentence.

115.21 When an appointing authority selects individuals for membership on the commission,
115.22 the authority shall make reasonable efforts to appoint qualified members of protected groups,
115.23 as defined in section 43A.02, subdivision 33.

115.24 One of the members shall be designated by the governor as chair of the commission.

115.25 Sec. 2. Minnesota Statutes 2022, section 244.09, subdivision 3, is amended to read:

115.26 Subd. 3. **Appointment terms.** (a) Except as provided in paragraph (b), each appointed
115.27 member shall be appointed for four years and shall continue to serve during that time as
115.28 long as the member occupies the position which made the member eligible for the
115.29 appointment. Each member shall continue in office until a successor is duly appointed.
115.30 Members shall be eligible for reappointment, and appointment may be made to fill an
115.31 unexpired term.

116.1 (b) The term of any member appointed or reappointed by the governor before the first
116.2 Monday in January ~~1991~~ 2027 expires on that date. ~~The term of any member appointed or~~
116.3 ~~reappointed by the governor after the first Monday in January 1991 is coterminous with the~~
116.4 ~~governor.~~ The terms of members appointed or reappointed by the governor to fill the
116.5 vacancies that occur on the first Monday in January 2027 shall be staggered so that five
116.6 members shall be appointed for initial terms of four years and four members shall be
116.7 appointed for initial terms of two years.

116.8 (c) The members of the commission shall elect any additional officers necessary for the
116.9 efficient discharge of their duties.

116.10 Sec. 3. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to
116.11 read:

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

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

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

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

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

116.22 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

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

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

116.27 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
116.28 364 days or to payment of a fine of not more than \$3,000, or both; or

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

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

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

117.7 Sec. 6. [609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.

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

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

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

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

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

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

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

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

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

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

118.2 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**
118.3 **ALTERNATIVE PLACEMENT.**

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

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

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

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

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

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

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

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

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

118.30 (c) The commissioner of corrections, a supervising agent, or an offender may request
118.31 that a prosecutor review an individual case. A prosecutor is not required to respond to a
118.32 request. Inaction by a prosecutor shall not be considered by any court as grounds for an

119.1 offender, a supervising agent, or the commissioner of corrections to petition for a sentence
119.2 adjustment under this section or for a court to adjust a sentence without a petition.

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

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

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

119.10 (3) the individual's address;

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

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

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

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

119.16 (iii) whether there is a current order for protection, restraining order, or other no contact
119.17 order prohibiting the individual from contacting the victims or whether there has ever been
119.18 a prior order for protection or restraining order prohibiting the individual from contacting
119.19 the victims;

119.20 (iv) the court file number; and

119.21 (v) the date of conviction;

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

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

119.29 (8) the individual's criminal charges record indicating all prior and pending criminal
119.30 charges against the individual in this state or another jurisdiction, including all criminal

120.1 charges that have been continued for dismissal, stayed for adjudication, or were the subject
120.2 of pretrial diversion; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

122.6 EFFECTIVE DATE. This section is effective August 1, 2023.

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

122.8 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
122.9 condition of probation and if the defendant fails to pay the restitution in accordance with
122.10 the payment schedule or structure established by the court or the probation officer, the
122.11 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
122.12 motion or at the request of the victim, ask the court to hold a hearing to determine whether
122.13 or not the conditions of probation should be changed or probation should be revoked. The
122.14 defendant's probation officer shall ask for the hearing if the restitution ordered has not been
122.15 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
122.16 this hearing and take appropriate action, including action under subdivision 2, paragraph
122.17 ~~(g)~~ (h), before the defendant's term of probation expires.

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

122.20 EFFECTIVE DATE. This section is effective August 1, 2023.

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

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

122.29 EFFECTIVE DATE. This section is effective August 1, 2023.

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

123.2 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),
123.3 if the conviction is for a felony ~~other than section 609.2113, subdivision 1 or 2, 609.2114,~~
123.4 ~~subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section~~
123.5 ~~609.21, subdivision 1a, paragraph (b) or (c),~~ the stay shall be for not more than ~~four~~ five
123.6 years or the maximum period for which the sentence of imprisonment might have been
123.7 imposed, whichever is ~~longer~~ less.

123.8 (b) If the conviction is for a felony described in section 609.19, 609.195, 609.20,
123.9 609.2112, 609.2662, 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345,
123.10 609.3451, 609.3458, or 609.749, the stay shall be for not more than the maximum period
123.11 for which the sentence of imprisonment might have been imposed.

123.12 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20,
123.13 609.2113, subdivision 3, or 609.3451, ~~or for a felony described in section 609.2113,~~
123.14 ~~subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a,~~ the stay shall
123.15 be for not more than ~~six~~ five years. The court shall provide for unsupervised probation for
123.16 the last year of the stay unless the court finds that the defendant needs supervised probation
123.17 for all or part of the last year.

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

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

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

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

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

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

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

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

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

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

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

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

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

124.19 Sec. 14. **LIABILITY FOR MURDER COMMITTED BY ANOTHER;**
124.20 **RETROACTIVE APPLICATION.**

124.21 Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes,
124.22 section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), and in the
124.23 custody of the commissioner of corrections or under court supervision is entitled to petition
124.24 to have the person's conviction vacated pursuant to this section.

124.25 Subd. 2. **Notification.** (a) By October 1, 2023, the commissioner of corrections shall
124.26 notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph
124.27 (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file a preliminary
124.28 application for relief if:

124.29 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
124.30 paragraph (a), clause (3), and did not actually cause the death of a human being or
124.31 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with
124.32 the intent to cause the death of a human being; or

125.1 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
125.2 subdivision 2, clause (1), and did not actually cause the death of a human being or was not
125.3 a major participant in the underlying felony who acted with extreme indifference to human
125.4 life.

125.5 (b) The notice shall include the address of the Ramsey County District Court court
125.6 administration.

125.7 (c) The commissioner of corrections may coordinate with the judicial branch to establish
125.8 a standardized notification form.

125.9 Subd. 3. Preliminary application. (a) An applicant shall submit a preliminary application
125.10 to the Ramsey County District Court. The preliminary application must contain:

125.11 (1) the applicant's name and, if different, the name under which the person was convicted;

125.12 (2) the applicant's date of birth;

125.13 (3) the district court case number of the case for which the person is seeking relief;

125.14 (4) a statement as to whether the applicant was convicted following a trial or pursuant
125.15 to a plea;

125.16 (5) a statement as to whether the person filed a direct appeal from the conviction, a
125.17 petition for postconviction relief, or both;

125.18 (6) a brief statement, not to exceed 2,000 words, explaining why the applicant is entitled
125.19 to relief from a conviction for the death of a human being caused by another; and

125.20 (7) the name and address of any attorney representing the applicant.

125.21 (b) The preliminary application may contain:

125.22 (1) the name, date of birth, and district court case number of any other person charged
125.23 with, or convicted of, a crime arising from the same set of circumstances for which the
125.24 applicant was convicted; and

125.25 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
125.26 investigation or life imprisonment report, describing the facts of the case for which the
125.27 applicant was convicted.

125.28 (c) The judicial branch may establish a standardized preliminary application form, but
125.29 shall not reject a preliminary application for failure to use a standardized form.

125.30 (d) Any person seeking relief under this section must submit a preliminary application
125.31 no later than October 1, 2024. Submission is complete upon mailing.

126.1 (e) Submission of a preliminary application shall be without costs or any fees charged
126.2 to the applicant.

126.3 Subd. 4. **Review of preliminary application.** (a) Upon receipt of a preliminary
126.4 application, the court administrator of the Ramsey County District Court shall immediately
126.5 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
126.6 behalf who shall promptly assign the matter to a judge in said district.

126.7 (b) The judicial branch may appoint a special master to review preliminary applications
126.8 and may assign additional staff as needed to assist in the review of preliminary applications.

126.9 (c) The reviewing judge shall determine whether, in the discretion of that judge, there
126.10 is a reasonable probability that the applicant is entitled to relief under this section.

126.11 (d) In making the determination under paragraph (c), the reviewing judge shall consider
126.12 the preliminary application and any materials submitted with the preliminary application
126.13 and may consider relevant records in the possession of the judicial branch.

126.14 (e) The court may summarily deny an application when the applicant is not in the custody
126.15 of the commissioner of corrections or under court supervision; the applicant was not
126.16 convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3),
126.17 or 609.19, subdivision 2, clause (1), before August 1, 2023; the issues raised in the application
126.18 are not relevant to the relief available under this section or have previously been decided
126.19 by the court of appeals or the supreme court in the same case; or the applicant has filed a
126.20 second or successive preliminary application.

126.21 (f) If the reviewing judge determines that there is a reasonable probability that the
126.22 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
126.23 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
126.24 the event the applicant is without counsel, the reviewing judge shall send notice to the state
126.25 public defender and shall advise the applicant of such referral.

126.26 (g) If the reviewing judge determines that there is not a reasonable probability that the
126.27 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
126.28 attorney, if any.

126.29 Subd. 5. **Petition for relief; hearing.** (a) Within 60 days of receipt of the notice sent
126.30 pursuant to subdivision 4, paragraph (f), the individual seeking relief shall file and serve a
126.31 petition to vacate the conviction. The petition shall contain the information identified in
126.32 subdivision 3, paragraph (a), and a statement of why the petitioner is entitled to relief. The
126.33 petition may contain any other relevant information including police reports, trial transcripts,

127.1 and plea transcripts involving the petitioner or any other person investigated for, charged
127.2 with, or convicted of a crime arising out of the same set of circumstances for which the
127.3 petitioner was convicted. The filing of the petition and any document subsequent thereto
127.4 and all proceedings thereon shall be without costs or any fees charged to the petitioner.

127.5 (b) A county attorney representing the prosecutorial office shall respond to the petition
127.6 by answer or motion within 30 days after the filing of the petition pursuant to paragraph
127.7 (a), unless extended for good cause. The response shall be filed with the court administrator
127.8 of the district court and served on the petitioner if unrepresented or on the petitioner's
127.9 attorney. The response may serve notice of the intent to support the petition or include a
127.10 statement explaining why the petitioner is not entitled to relief along with any supporting
127.11 documents. The filing of the response and any document subsequent thereto and all
127.12 proceedings thereon shall be without costs or any fees charged to the county attorney.

127.13 (c) Within 30 days of receipt of the response from the county attorney, the court shall:

127.14 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or
127.15 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an
127.16 intent to support the petition;

127.17 (2) issue an order denying the petition if additional information or submissions establish
127.18 that there is not a reasonable probability that the applicant is entitled to relief under this
127.19 section; or

127.20 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
127.21 of evidence or identification of witnesses.

127.22 (d) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
127.23 section 590.04, except that the petitioner must be present at the hearing, unless excused
127.24 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

127.25 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of
127.26 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
127.27 relief if the petitioner:

127.28 (1) did not cause the death of a human being; and

127.29 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
127.30 another with the intent to cause the death of a human being.

127.31 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
127.32 subdivision 2, clause (1), is entitled to relief if the petitioner:

128.1 (1) did not cause the death of a human being; and

128.2 (2) was not a major participant in the underlying felony and did not act with extreme
128.3 indifference to human life.

128.4 (c) If the court determines that the petitioner does not qualify for relief, the court shall
128.5 issue an order denying the petition. If the court determines that the petitioner is entitled to
128.6 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
128.7 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
128.8 and either:

128.9 (1) resentence the petitioner for any other offense for which the petitioner was convicted;
128.10 or

128.11 (2) enter a conviction and impose a sentence for any other predicate felony arising out
128.12 of the course of conduct that served as the factual basis for the conviction vacated by the
128.13 court.

128.14 (d) The court shall state in writing or on the record the reasons for its decision on the
128.15 petition.

128.16 (e) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
128.17 the court must hold the hearing at a time that allows any victim an opportunity to submit a
128.18 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
128.19 a good faith and reasonable effort to notify any person determined to be a victim of the
128.20 hearing and the right to submit or make a statement. A sentence imposed under this
128.21 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was
128.22 serving a stayed sentence, increase the period of supervision. A person resentenced under
128.23 this paragraph is entitled to credit for time served in connection with the vacated offense.

128.24 (f) Relief granted under this section shall not be treated as an exoneration for purposes
128.25 of the Incarceration and Exoneration Remedies Act.

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

128.27 **Sec. 15. PROBATION LIMITS; RETROACTIVE APPLICATION.**

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

128.30 (1) the person was placed on probation for a felony violation;

128.31 (2) the court placed the person on probation for a length of time that exceeded five years;

129.1 (3) under Minnesota Statutes, section 609.135, subdivision 2, the maximum length of
129.2 probation the court could have ordered the person to serve on or after August 1, 2023, is
129.3 five years; and

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

129.5 (b) Eligibility for resentencing within the maximum length of probation the court could
129.6 have ordered the person to serve on or after August 1, 2023, applies to each period of
129.7 probation ordered by the court. Upon resentencing, periods of probation must be served
129.8 consecutively if a court previously imposed consecutive periods of probation on the person.
129.9 The court may not increase a previously ordered period of probation under this section or
129.10 order that periods of probation be served consecutively unless the court previously imposed
129.11 consecutive periods of probation.

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

129.13 (d) The term of the stay of probation for any person who is eligible for resentencing
129.14 under paragraph (a) and who has served five or more years of probation as of August 1,
129.15 2023, shall be considered to have expired on October 1, 2023, unless:

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

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

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

129.22 **Sec. 16. SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

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

129.26 **Sec. 17. REVISOR INSTRUCTION.**

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

130.1 **ARTICLE 8**

130.2 **EXPUNGEMENT**

130.3 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

130.4 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
130.5 of data contained in a petition for expungement of a criminal record are included in section
130.6 609A.03.

130.7 (b) Provisions regarding the classification and sharing of data related to automatic
130.8 expungements are included in sections 299C.097 and 609A.015.

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

130.10 Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

130.11 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
130.12 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
130.13 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
130.14 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
130.15 for possession of a controlled substance, who:

130.16 (1) has not previously participated in or completed a diversion program authorized under
130.17 section 401.065;

130.18 (2) has not previously been placed on probation without a judgment of guilty and
130.19 thereafter been discharged from probation under this section; and

130.20 (3) has not been convicted of a felony violation of this chapter, including a felony-level
130.21 attempt or conspiracy, or been convicted by the United States or another state of a similar
130.22 offense that would have been a felony under this chapter if committed in Minnesota, unless
130.23 ten years have elapsed since discharge from sentence.

130.24 (b) The court must defer prosecution as provided in paragraph (c) for any person found
130.25 guilty of a violation of section 152.025, subdivision 2, who:

130.26 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

130.27 (2) has not previously been convicted of a felony offense under any state or federal law
130.28 or of a gross misdemeanor under section 152.025.

130.29 (c) In granting relief under this section, the court shall, without entering a judgment of
130.30 guilty and with the consent of the person, defer further proceedings and place the person
130.31 on probation upon such reasonable conditions as it may require and for a period, not to

131.1 exceed the maximum sentence provided for the violation. The court may give the person
131.2 the opportunity to attend and participate in an appropriate program of education regarding
131.3 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
131.4 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
131.5 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
131.6 person and discharge the person from probation before the expiration of the maximum
131.7 period prescribed for the person's probation. If during the period of probation the person
131.8 does not violate any of the conditions of the probation, then upon expiration of the period
131.9 the court shall discharge the person and dismiss the proceedings against that person.
131.10 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
131.11 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
131.12 the purpose of use by the courts in determining the merits of subsequent proceedings against
131.13 the person. The not public record may also be opened only upon court order for purposes
131.14 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
131.15 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
131.16 or citing law enforcement agency and direct that agency to seal its records related to the
131.17 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
131.18 shall notify the requesting party of the existence of the not public record and the right to
131.19 seek a court order to open it pursuant to this section. The court shall forward a record of
131.20 any discharge and dismissal under this subdivision to the bureau which shall make and
131.21 maintain the not public record of it as provided under this subdivision. The discharge or
131.22 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
131.23 imposed by law upon conviction of a crime or for any other purpose.

131.24 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
131.25 subdivision 8a.

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

131.27 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

131.28 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding
131.29 a criminal history record of an employee or former employee may not be introduced as
131.30 evidence in a civil action against a private employer or its employees or agents that is based
131.31 on the conduct of the employee or former employee, if:

131.32 (1) the duties of the position of employment did not expose others to a greater degree
131.33 of risk than that created by the employee or former employee interacting with the public
131.34 outside of the duties of the position or that might be created by being employed in general;

- 132.1 (2) before the occurrence of the act giving rise to the civil action;
- 132.2 (i) a court order sealed any record of the criminal case;
- 132.3 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
- 132.4 including but not limited to a grant of expungement made pursuant to section 609A.015;
- 132.5 or
- 132.6 (iii) the employee or former employee received a pardon;
- 132.7 (3) the record is of an arrest or charge that did not result in a criminal conviction; or
- 132.8 (4) the action is based solely upon the employer's compliance with section 364.021.
- 132.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

132.10 Sec. 4. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

132.11 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)

132.12 For a background study conducted by the Department of Human Services, the commissioner

132.13 shall review:

132.14 (1) information related to names of substantiated perpetrators of maltreatment of

132.15 vulnerable adults that has been received by the commissioner as required under section

132.16 626.557, subdivision 9c, paragraph (j);

132.17 (2) the commissioner's records relating to the maltreatment of minors in licensed

132.18 programs, and from findings of maltreatment of minors as indicated through the social

132.19 service information system;

132.20 (3) information from juvenile courts as required in subdivision 4 for individuals listed

132.21 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

132.22 (4) information from the Bureau of Criminal Apprehension, including information

132.23 regarding a background study subject's registration in Minnesota as a predatory offender

132.24 under section 243.166;

132.25 (5) except as provided in clause (6), information received as a result of submission of

132.26 fingerprints for a national criminal history record check, as defined in section 245C.02,

132.27 subdivision 13c, when the commissioner has reasonable cause for a national criminal history

132.28 record check as defined under section 245C.02, subdivision 15a, or as required under section

132.29 144.057, subdivision 1, clause (2);

132.30 (6) for a background study related to a child foster family setting application for licensure,

132.31 foster residence settings, children's residential facilities, a transfer of permanent legal and

133.1 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
133.2 background study required for family child care, certified license-exempt child care, child
133.3 care centers, and legal nonlicensed child care authorized under chapter 119B, the
133.4 commissioner shall also review:

133.5 (i) information from the child abuse and neglect registry for any state in which the
133.6 background study subject has resided for the past five years;

133.7 (ii) when the background study subject is 18 years of age or older, or a minor under
133.8 section 245C.05, subdivision 5a, paragraph (c), information received following submission
133.9 of fingerprints for a national criminal history record check; and

133.10 (iii) when the background study subject is 18 years of age or older or a minor under
133.11 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
133.12 license-exempt child care, licensed child care centers, and legal nonlicensed child care
133.13 authorized under chapter 119B, information obtained using non-fingerprint-based data
133.14 including information from the criminal and sex offender registries for any state in which
133.15 the background study subject resided for the past five years and information from the national
133.16 crime information database and the national sex offender registry; and

133.17 (7) for a background study required for family child care, certified license-exempt child
133.18 care centers, licensed child care centers, and legal nonlicensed child care authorized under
133.19 chapter 119B, the background study shall also include, to the extent practicable, a name
133.20 and date-of-birth search of the National Sex Offender Public website.

133.21 (b) Notwithstanding expungement by a court, the commissioner may consider information
133.22 obtained under paragraph (a), clauses (3) and (4), unless:

133.23 (1) the commissioner received notice of the petition for expungement and the court order
133.24 for expungement is directed specifically to the commissioner; or

133.25 (2) the commissioner received notice of the expungement order issued pursuant to section
133.26 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
133.27 to the commissioner.

133.28 (c) The commissioner shall also review criminal case information received according
133.29 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
133.30 to individuals who have already been studied under this chapter and who remain affiliated
133.31 with the agency that initiated the background study.

133.32 (d) When the commissioner has reasonable cause to believe that the identity of a
133.33 background study subject is uncertain, the commissioner may require the subject to provide

134.1 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
134.2 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
134.3 shall not be saved by the commissioner after they have been used to verify the identity of
134.4 the background study subject against the particular criminal record in question.

134.5 (e) The commissioner may inform the entity that initiated a background study under
134.6 NETStudy 2.0 of the status of processing of the subject's fingerprints.

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

134.8 Sec. 5. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

134.9 Subd. 2. **Background studies conducted by a county agency for family child care.** (a)
134.10 Before the implementation of NETStudy 2.0, for a background study conducted by a county
134.11 agency for family child care services, the commissioner shall review:

134.12 (1) information from the county agency's record of substantiated maltreatment of adults
134.13 and the maltreatment of minors;

134.14 (2) information from juvenile courts as required in subdivision 4 for:

134.15 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13
134.16 through 23 living in the household where the licensed services will be provided; and

134.17 (ii) any other individual listed under section 245C.03, subdivision 1, when there is
134.18 reasonable cause; and

134.19 (3) information from the Bureau of Criminal Apprehension.

134.20 (b) If the individual has resided in the county for less than five years, the study shall
134.21 include the records specified under paragraph (a) for the previous county or counties of
134.22 residence for the past five years.

134.23 (c) Notwithstanding expungement by a court, the county agency may consider information
134.24 obtained under paragraph (a), clause (3), unless:

134.25 (1) the commissioner received notice of the petition for expungement and the court order
134.26 for expungement is directed specifically to the commissioner; or

134.27 (2) the commissioner received notice of the expungement order issued pursuant to section
134.28 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
134.29 to the commissioner.

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

135.1 Sec. 6. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE
135.2 FOR EXPUNGEMENT.

135.3 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
135.4 computerized data system relating to petty misdemeanor and misdemeanor offenses that
135.5 may become eligible for expungement pursuant to section 609A.015 and which do not
135.6 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
135.7 the criminal history system.

135.8 (b) These data are private data on individuals under section 13.02, subdivision 12.

135.9 EFFECTIVE DATE. This section is effective January 1, 2024.

135.10 Sec. 7. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

135.11 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
135.12 corrections agencies operating secure juvenile detention facilities shall take or cause to be
135.13 taken immediately ~~finger fingerprints~~ and ~~thumb prints~~ thumbprints, photographs, distinctive
135.14 physical mark identification data, information on any known aliases or street names, and
135.15 other identification data requested or required by the superintendent of the bureau, of the
135.16 following:

135.17 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
135.18 misdemeanor, or targeted misdemeanor;

135.19 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
135.20 or alleged to have committed felonies or gross misdemeanors as distinguished from those
135.21 committed by adult offenders;

135.22 (3) adults and juveniles admitted to jails or detention facilities;

135.23 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

135.24 (5) persons in whose possession, when arrested, are found concealed firearms or other
135.25 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
135.26 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
135.27 to be intended for such purposes;

135.28 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
135.29 or gross misdemeanor offense; and

135.30 (7) persons currently involved in the criminal justice process, on probation, on parole,
135.31 or in custody for any offense whom the superintendent of the bureau identifies as being the
135.32 subject of a court disposition record which cannot be linked to an arrest record, and whose

136.1 fingerprints are necessary to reduce the number of suspense files, or to comply with the
136.2 mandates of section 299C.111, relating to the reduction of the number of suspense files.
136.3 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
136.4 shall include the requirement that fingerprints be taken in post-arrest interviews, while
136.5 making court appearances, while in custody, or while on any form of probation, diversion,
136.6 or supervised release.

136.7 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
136.8 of taking the fingerprints and data, the fingerprint records and other identification data
136.9 specified under paragraph (a) must be electronically entered into a bureau-managed
136.10 searchable database in a manner as may be prescribed by the superintendent.

136.11 (c) Prosecutors, courts, and probation officers and their agents, employees, and
136.12 subordinates shall attempt to ensure that the required identification data is taken on a person
136.13 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
136.14 presently on probation.

136.15 (d) ~~Finger~~ Fingerprints and ~~thumb prints~~ thumbprints must be obtained no later than:

136.16 (1) release from booking; or

136.17 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

136.18 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
136.19 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
136.20 and thumb prints have not been successfully received by the bureau, an individual may,
136.21 upon order of the court, be taken into custody for no more than eight hours so that the taking
136.22 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
136.23 period may be extended upon a showing that additional time in custody is essential for the
136.24 successful taking of prints.

136.25 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
136.26 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
136.27 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
136.28 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
136.29 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

136.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
136.31 that occur on or after that date.

137.1 Sec. 8. Minnesota Statutes 2022, section 299C.11, subdivision 1, is amended to read:

137.2 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police
137.3 shall furnish the bureau, upon such form as the superintendent shall prescribe, with such
137.4 ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical
137.5 mark identification data, information on known aliases and street names, and other
137.6 identification data as may be requested or required by the superintendent of the bureau,
137.7 which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs
137.8 of police shall furnish this identification data to the bureau for individuals found to have
137.9 been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten
137.10 years immediately preceding their arrest. When the bureau learns that an individual who is
137.11 the subject of a background check has used, or is using, identifying information, including,
137.12 but not limited to, name and date of birth, other than those listed on the criminal history,
137.13 the bureau shall convert into an electronic format, if necessary, and enter into a
137.14 bureau-managed searchable database the new identifying information when supported by
137.15 fingerprints within three business days of learning the information if the information is not
137.16 entered by a law enforcement agency.

137.17 (b) No petition under chapter 609A is required if the person has not been convicted of
137.18 any felony or gross misdemeanor, either within or without the state, within the period of
137.19 ten years immediately preceding the determination of all pending criminal actions or
137.20 proceedings in favor of the arrested person, and either of the following occurred:

137.21 (1) all charges were dismissed prior to a determination of probable cause; or

137.22 (2) the prosecuting authority declined to file any charges and a grand jury did not return
137.23 an indictment.

137.24 Where these conditions are met, the bureau or agency shall, upon demand, destroy the
137.25 arrested person's ~~finger and thumb prints~~ fingerprints and thumbprints, photographs,
137.26 distinctive physical mark identification data, information on known aliases and street names,
137.27 and other identification data, and all copies and duplicates of them.

137.28 (c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints,
137.29 photographs, distinctive physical mark identification data, information on known aliases
137.30 and street names, and other identification data and all copies and duplicates of them without
137.31 the demand of any person or the granting of a petition under chapter 609A if:

137.32 (1) the sheriff, chief of police, bureau, or other arresting agency determines that the
137.33 person was arrested or identified as the result of mistaken identity before presenting
137.34 information to the prosecuting authority for a charging decision; or

138.1 (2) the prosecuting authority declines to file any charges or a grand jury does not return
138.2 an indictment based on a determination that the person was identified or arrested as the
138.3 result of mistaken identity.

138.4 (d) A prosecuting authority that determines a person was arrested or identified as the
138.5 result of mistaken identity and either declines to file any charges or receives notice that a
138.6 grand jury did not return an indictment shall notify the bureau and the applicable sheriff,
138.7 chief of police, or other arresting agency of the determination.

138.8 ~~(e)~~ (e) Except as otherwise provided in paragraph (b) or (c), upon the determination of
138.9 all pending criminal actions or proceedings in favor of the arrested person, and the granting
138.10 of the petition of the arrested person under chapter 609A, the bureau shall seal ~~finger and~~
138.11 ~~thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark
138.12 identification data, information on known aliases and street names, and other identification
138.13 data, and all copies and duplicates of them if the arrested person has not been convicted of
138.14 any felony or gross misdemeanor, either within or without the state, within the period of
138.15 ten years immediately preceding such determination.

138.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
138.17 determinations that a person was identified as the result of mistaken identity made on or
138.18 after that date.

138.19 Sec. 9. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

138.20 Subd. 3. **Definitions.** For purposes of this section:

138.21 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
138.22 person" does not include:

138.23 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
138.24 chapter 609A;

138.25 (ii) the arrested person's successful completion of a diversion program;

138.26 (iii) an order of discharge under section 609.165; or

138.27 (iv) a pardon granted under section 638.02; ~~and~~

138.28 (2) "mistaken identity" means the person was incorrectly identified as being a different
138.29 person:

138.30 (i) because the person's identity had been transferred, used, or possessed in violation of
138.31 section 609.527; or

139.1 (ii) as a result of misidentification by a witness or law enforcement, confusion on the
139.2 part of a witness or law enforcement as to the identity of the person who committed the
139.3 crime, misinformation provided to law enforcement as to the identity of the person who
139.4 committed the crime, or some other mistake on the part of a witness or law enforcement as
139.5 to the identity of the person who committed the crime; and

139.6 ~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision
139.7 1.

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

139.9 Sec. 10. Minnesota Statutes 2022, section 299C.111, is amended to read:

139.10 **299C.111 SUSPENSE FILE REPORTING.**

139.11 The superintendent shall immediately notify the appropriate entity or individual when
139.12 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
139.13 that cannot be linked to an arrest record.

139.14 **EFFECTIVE DATE.** This section is effective January 1, 2025.

139.15 Sec. 11. Minnesota Statutes 2022, section 299C.17, is amended to read:

139.16 **299C.17 REPORT BY COURT ADMINISTRATOR.**

139.17 The superintendent shall require the court administrator of every court which sentences
139.18 a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor,~~ or petty misdemeanor
139.19 to electronically transmit within 24 hours of the disposition of the case a report, in a form
139.20 prescribed by the superintendent providing information required by the superintendent with
139.21 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
139.22 kept on file in the office of the court administrator.

139.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

139.24 Sec. 12. Minnesota Statutes 2022, section 609A.01, is amended to read:

139.25 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

139.26 This chapter provides the grounds and procedures for expungement of criminal records
139.27 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
139.28 sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02,
139.29 subdivision 3; or other applicable law. The remedy available is limited to a court order or
139.30 grant of expungement under section 609A.015 sealing the records and prohibiting the

140.1 disclosure of their existence or their opening except under court order or statutory authority.
140.2 Nothing in this chapter authorizes the destruction of records or their return to the subject
140.3 of the records.

140.4 **EFFECTIVE DATE.** This section is effective January 1, 2025.

140.5 Sec. 13. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

140.6 Subdivision 1. **Eligibility; dismissal; exoneration.** (a) A person who is the subject of
140.7 a criminal record or delinquency record is eligible for a grant of expungement relief without
140.8 the filing of a petition:

140.9 (1) if the person was arrested and all charges were dismissed after a case was filed unless
140.10 dismissal was based on a finding that the defendant was incompetent to proceed;

140.11 (2) upon the dismissal and discharge of proceedings against a person under section
140.12 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
140.13 of a controlled substance; or

140.14 (3) if all pending actions or proceedings were resolved in favor of the person.

140.15 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not
140.16 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is
140.17 resolved in favor of the person if the petitioner received an order under section 590.11
140.18 determining that the person is eligible for compensation based on exoneration.

140.19 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
140.20 of expungement relief if the person has successfully completed the terms of a diversion
140.21 program or stay of adjudication for a qualifying offense that is not a felony and has not been
140.22 petitioned or charged with a new offense, other than an offense that would be a petty
140.23 misdemeanor, in Minnesota:

140.24 (1) for one year immediately following completion of the diversion program or stay of
140.25 adjudication; or

140.26 (2) for one year immediately preceding a subsequent review performed pursuant to
140.27 subdivision 5, paragraph (a).

140.28 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant
140.29 of expungement relief if the person:

140.30 (1) was convicted of a qualifying offense;

- 141.1 (2) has not been convicted of a new offense, other than an offense that would be a petty
141.2 misdemeanor, in Minnesota:
- 141.3 (i) during the applicable waiting period immediately following discharge of the disposition
141.4 or sentence for the crime; or
- 141.5 (ii) during the applicable waiting period immediately preceding a subsequent review
141.6 performed pursuant to subdivision 5, paragraph (a); and
- 141.7 (3) is not charged with an offense, other than an offense that would be a petty
141.8 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
141.9 period or at the time of a subsequent review.
- 141.10 (b) As used in this subdivision, "qualifying offense" means a conviction for:
- 141.11 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
141.12 to the operation or parking of motor vehicles;
- 141.13 (2) any misdemeanor offense other than:
- 141.14 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
141.15 while impaired);
- 141.16 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 141.17 (iii) section 609.224 (assault in the fifth degree);
- 141.18 (iv) section 609.2242 (domestic assault);
- 141.19 (v) section 609.748 (violation of a harassment restraining order);
- 141.20 (vi) section 609.78 (interference with emergency call);
- 141.21 (vii) section 609.79 (obscene or harassing phone calls);
- 141.22 (viii) section 617.23 (indecent exposure);
- 141.23 (ix) section 609.746 (interference with privacy); or
- 141.24 (x) section 629.75 (violation of domestic abuse no contact order);
- 141.25 (3) any gross misdemeanor offense other than:
- 141.26 (i) section 169A.25 (second-degree driving while impaired);
- 141.27 (ii) section 169A.26 (third-degree driving while impaired);
- 141.28 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 141.29 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);

- 142.1 (v) section 609.2231 (assault in the fourth degree);
- 142.2 (vi) section 609.224 (assault in the fifth degree);
- 142.3 (vii) section 609.2242 (domestic assault);
- 142.4 (viii) section 609.233 (criminal neglect);
- 142.5 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 142.6 (x) section 609.377 (malicious punishment of child);
- 142.7 (xi) section 609.485 (escape from custody);
- 142.8 (xii) section 609.498 (tampering with witness);
- 142.9 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 142.10 (xiv) section 609.746 (interference with privacy);
- 142.11 (xv) section 609.748 (violation of a harassment restraining order);
- 142.12 (xvi) section 609.749 (harassment; stalking);
- 142.13 (xvii) section 609.78 (interference with emergency call);
- 142.14 (xviii) section 617.23 (indecent exposure);
- 142.15 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 142.16 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 142.17 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 142.18 than:
- 142.19 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 142.20 degree);
- 142.21 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 142.22 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 142.23 commitment for mental illness); or
- 142.24 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
- 142.25 violation or minor victim).
- 142.26 (c) As used in this subdivision, "applicable waiting period" means:
- 142.27 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

143.1 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
143.2 crime;

143.3 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
143.4 for the crime;

143.5 (4) if the offense was a felony violation of section 152.025, four years since the discharge
143.6 of the sentence for the crime; and

143.7 (5) if the offense was any other felony, five years since discharge of the sentence for the
143.8 crime.

143.9 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
143.10 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
143.11 misdemeanor offenses ineligible for a grant of expungement under this section remain
143.12 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

143.13 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
143.14 automatic expungement under this section of that eligibility at any hearing where the court
143.15 dismisses and discharges proceedings against a person under section 152.18, subdivision
143.16 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
143.17 substance; concludes that all pending actions or proceedings were resolved in favor of the
143.18 person; grants a person's placement into a diversion program; or sentences a person or
143.19 otherwise imposes a consequence for a qualifying offense.

143.20 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
143.21 coordinators or supervisors of a diversion program shall notify a person who may become
143.22 eligible for an automatic expungement under this section of that eligibility.

143.23 (c) If any party gives notification under this subdivision, the notification shall inform
143.24 the person that:

143.25 (1) a record expunged under this section may be opened for purposes of a background
143.26 study by the Department of Human Services under section 245C.08 and for purposes of a
143.27 background check by the Professional Educator Licensing and Standards Board as required
143.28 under section 122A.18, subdivision 8; and

143.29 (2) the person can file a petition to expunge the record and request that the petition be
143.30 directed to the commissioner of human services and the Professional Educator Licensing
143.31 and Standards Board.

143.32 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**
143.33 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records

144.1 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,
144.2 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of
144.3 eligibility within 30 days of the end of the applicable waiting period. If a record is not
144.4 eligible for a grant of expungement at the time of the initial determination, the Bureau of
144.5 Criminal Apprehension shall make subsequent eligibility determinations annually until the
144.6 record is eligible for a grant of expungement.

144.7 (b) In making the determination under paragraph (a), the Bureau of Criminal
144.8 Apprehension shall identify individuals who are the subject of relevant records through the
144.9 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where
144.10 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall
144.11 identify individuals through the use of the person's name and date of birth. Records containing
144.12 the same name and date of birth shall be presumed to refer to the same individual unless
144.13 other evidence establishes, by a preponderance of the evidence, that they do not refer to the
144.14 same individual. The Bureau of Criminal Apprehension is not required to review any other
144.15 evidence in making a determination.

144.16 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
144.17 persons and seal its own records without requiring an application, petition, or motion.
144.18 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
144.19 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
144.20 information establishes that the records are not eligible for expungement.

144.21 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
144.22 and subject to a grant of expungement relief shall display a notation stating "expungement
144.23 relief granted pursuant to section 609A.015."

144.24 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
144.25 for which expungement relief was granted pursuant to this section. Notification may be
144.26 through electronic means and may be made in real time or in the form of a monthly report.
144.27 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
144.28 indictment or information, trial, verdict, or dismissal and discharge for any case in which
144.29 expungement relief was granted and shall issue any order deemed necessary to achieve this
144.30 purpose.

144.31 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency
144.32 that its records may be affected by a grant of expungement relief. Notification may be
144.33 through electronic means. Each notified law enforcement agency that receives a request to
144.34 produce records shall first contact the Bureau of Criminal Apprehension to determine if the

145.1 records were subject to a grant of expungement under this section. The law enforcement
145.2 agency must not disclose records relating to an arrest, indictment or information, trial,
145.3 verdict, or dismissal and discharge for any case in which expungement relief was granted
145.4 and must maintain the data consistent with the classification in paragraph (g). This paragraph
145.5 does not apply to requests from a criminal justice agency as defined in section 609A.03,
145.6 subdivision 7a, paragraph (f), for the purposes of:

145.7 (1) initiating, furthering, or completing a criminal investigation or prosecution or for
145.8 sentencing purposes or providing probation or other correctional services; or

145.9 (2) evaluating a prospective employee in a criminal justice agency without a court order.

145.10 (g) Data on the person whose offense has been expunged under this subdivision, including
145.11 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
145.12 13.02, subdivision 12.

145.13 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
145.14 expungement under this section in the manner provided in section 611A.03, subdivisions
145.15 1 and 2.

145.16 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
145.17 criminal record may be pleaded and has the same effect as if the relief had not been granted.

145.18 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
145.19 system to provide criminal justice agencies with uniform statewide access to criminal records
145.20 sealed by expungement.

145.21 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
145.22 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
145.23 the decision to exercise or the decision to decline to exercise, the powers granted by this
145.24 section or for any act or omission occurring within the scope of the performance of their
145.25 duties under this section.

145.26 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses
145.27 that meet the eligibility criteria on or after that date and retroactively to offenses that met
145.28 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal
145.29 Apprehension's criminal history system as of January 1, 2025.

145.30 Sec. 14. **[609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

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

146.1 (b) "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of
146.2 guilty by a court.

146.3 (c) "Mistaken identity" means a person was incorrectly identified as being a different
146.4 person:

146.5 (1) because the person's identity had been transferred, used, or possessed in violation of
146.6 section 609.527; or

146.7 (2) as a result of misidentification by a witness or law enforcement, confusion on the
146.8 part of a witness or law enforcement as to the identity of the person who committed the
146.9 crime, misinformation provided to law enforcement as to the identity of the person who
146.10 committed the crime, or some other mistake on the part of a witness or law enforcement as
146.11 to the identity of the person who committed the crime.

146.12 Subd. 2. **Determination by prosecutor; notification.** If, before a conviction, a prosecutor
146.13 determines that a defendant was issued a citation, charged, indicted, or otherwise prosecuted
146.14 as the result of mistaken identity, the prosecutor must dismiss or move to dismiss the action
146.15 or proceeding and must state in writing or on the record that mistaken identity is the reason
146.16 for the dismissal.

146.17 Subd. 3. **Order of expungement.** (a) The court shall issue an order of expungement
146.18 without the filing of a petition when an action or proceeding is dismissed based on a
146.19 determination that a defendant was issued a citation, charged, indicted, or otherwise
146.20 prosecuted as the result of mistaken identity. The order shall cite this section as the basis
146.21 for the order.

146.22 (b) An order issued under this section is not subject to the considerations or standards
146.23 identified in section 609A.025 or 609A.03, subdivision 5, paragraph (a), (b), or (c).

146.24 Subd. 4. **Effect of order.** (a) An order issued under this section is not subject to the
146.25 limitations in section 609A.03, subdivision 7a or 9. The effect of the court order to seal the
146.26 record of the proceedings shall be to restore the person, in the contemplation of the law, to
146.27 the status the person occupied before the arrest, indictment, or information. The person shall
146.28 not be guilty of perjury or otherwise of giving a false statement if the person fails to
146.29 acknowledge the arrest, indictment, information, or trial in response to any inquiry made
146.30 for any purpose.

146.31 (b) A criminal justice agency may seek access to a record that was sealed under this
146.32 section for purposes of determining whether the subject of the order was identified in any
146.33 other action or proceeding as the result of mistaken identity or for a criminal investigation,

147.1 prosecution, or sentencing involving any other person. The requesting agency must obtain
147.2 an ex parte court order after stating a good-faith basis to believe that opening the record
147.3 may lead to relevant information.

147.4 (c) The court administrator must distribute and confirm receipt of an order issued under
147.5 this section pursuant to section 609A.03, subdivision 8.

147.6 (d) Data on the person whose offense has been expunged contained in a letter or other
147.7 notification sent under this subdivision are private data on individuals as defined in section
147.8 13.02.

147.9 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
147.10 determinations that a person was identified as the result of mistaken identity on or after that
147.11 date.

147.12 Sec. 15. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

147.13 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
147.14 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
147.15 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

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

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

147.24 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor
147.25 or misdemeanor or the sentence imposed was within the limits provided by law for a
147.26 misdemeanor and the petitioner has not been convicted of a new crime for at least two years
147.27 since discharge of the sentence for the crime;

147.28 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor
147.29 or the sentence imposed was within the limits provided by law for a gross misdemeanor
147.30 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since
147.31 discharge of the sentence for the crime; ~~or~~

148.1 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
148.2 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
148.3 of a new crime for at least three years since discharge of the sentence for the crime;

148.4 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
148.5 been convicted of a new crime for at least four years since discharge of the sentence for the
148.6 crime;

148.7 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
148.8 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
148.9 convicted of a new crime for at least five years since discharge of the sentence for the crime;
148.10 or

148.11 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation
148.12 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
148.13 ~~five~~ four years since discharge of the sentence for the crime.

148.14 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:

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

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

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

148.18 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
148.19 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
148.20 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
148.21 substance);

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

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

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

148.26 (8) section 256.984 (false declaration in assistance application);

148.27 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

148.28 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

148.29 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

148.30 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
148.31 and solicitations);

- 149.1 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 149.2 (14) section 349.2127; or 349.22 (gambling regulations);
- 149.3 (15) section 588.20 (contempt);
- 149.4 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 149.5 (17) section 609.31 (leaving state to evade establishment of paternity);
- 149.6 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
149.7 commitment for mental illness);
- 149.8 (19) section 609.49 (failure to appear in court);
- 149.9 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
149.10 subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced
149.11 under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk
149.12 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,
149.13 clause (3)(a);
- 149.14 (21) section 609.521 (possession of shoplifting gear);
- 149.15 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 149.16 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 149.17 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
149.18 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
149.19 check); or 609.529 (mail theft);
- 149.20 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 149.21 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
149.22 over \$500);
- 149.23 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 149.24 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 149.25 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 149.26 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 149.27 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 149.28 (32) section 609.59 (possession of burglary or theft tools);

- 150.1 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
150.2 (a) (criminal damage to property);
- 150.3 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 150.4 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
150.5 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
150.6 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 150.7 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
150.8 4, paragraph (a) (lottery fraud);
- 150.9 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);
- 150.10 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
150.11 or 609.66, subdivision 1b (furnishing firearm to minor);
- 150.12 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 150.13 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 150.14 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
150.15 subsequent violation or minor victim);
- 150.16 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);
- 150.17 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 150.18 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
- 150.19 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 150.20 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
150.21 transit operator);
- 150.22 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 150.23 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
150.24 fraud);
- 150.25 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 150.26 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
150.27 property);
- 150.28 ~~(48)~~ (51) section 609.896 (movie pirating);

151.1 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
151.2 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
151.3 subdivision 2 (transfer of pistol to ineligible person); or
151.4 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).

151.5 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses
151.6 that meet the eligibility criteria on or after that date.

151.7 Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

151.8 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
151.9 (b), expungement of a criminal record under this section is an extraordinary remedy to be
151.10 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
151.11 commensurate with the disadvantages to the public and public safety of:

151.12 (1) sealing the record; and

151.13 (2) burdening the court and public authorities to issue, enforce, and monitor an
151.14 expungement order.

151.15 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
151.16 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
151.17 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
151.18 whose records would be affected establishes by clear and convincing evidence that the
151.19 interests of the public and public safety outweigh the disadvantages to the petitioner of not
151.20 sealing the record.

151.21 (c) In making a determination under this subdivision, the court shall consider:

151.22 (1) the nature and severity of the underlying crime, the record of which would be sealed;

151.23 (2) the risk, if any, the petitioner poses to individuals or society;

151.24 (3) the length of time since the crime occurred;

151.25 (4) the steps taken by the petitioner toward rehabilitation following the crime;

151.26 (5) aggravating or mitigating factors relating to the underlying crime, including the
151.27 petitioner's level of participation and context and circumstances of the underlying crime;

151.28 (6) the reasons for the expungement, including the petitioner's attempts to obtain
151.29 employment, housing, or other necessities;

151.30 (7) the petitioner's criminal record;

152.1 (8) the petitioner's record of employment and community involvement;

152.2 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
152.3 officials;

152.4 (10) the recommendations of victims or whether victims of the underlying crime were
152.5 minors;

152.6 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
152.7 toward payment, and the measures in place to help ensure completion of restitution payment
152.8 after expungement of the record if granted; and

152.9 (12) other factors deemed relevant by the court.

152.10 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
152.11 issues an expungement order it may require that the criminal record be sealed, the existence
152.12 of the record not be revealed, and the record not be opened except as required under
152.13 subdivision 7. Records must not be destroyed or returned to the subject of the record.

152.14 (e) Information relating to a criminal history record of an employee, former employee,
152.15 or tenant that has been expunged before the occurrence of the act giving rise to the civil
152.16 action may not be introduced as evidence in a civil action against a private employer or
152.17 landlord or its employees or agents that is based on the conduct of the employee, former
152.18 employee, or tenant.

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

152.20 Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

152.21 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
152.22 of an expungement order related to a charge supported by probable cause, the DNA samples
152.23 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
152.24 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
152.25 destroyed.

152.26 (b) Notwithstanding the issuance of an expungement order:

152.27 (1) except as provided in clause (2), an expunged record may be opened, used, or
152.28 exchanged between criminal justice agencies without a court order for the purposes of
152.29 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
152.30 purposes or providing probation or other correctional services;

152.31 (2) when a criminal justice agency seeks access to a record that was sealed under section
152.32 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing

153.1 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
153.2 sentencing, the requesting agency must obtain an ex parte court order after stating a
153.3 good-faith basis to believe that opening the record may lead to relevant information;

153.4 (3) an expunged record of a conviction may be opened for purposes of evaluating a
153.5 prospective employee in a criminal justice agency without a court order;

153.6 (4) an expunged record of a conviction may be opened for purposes of a background
153.7 study under section 245C.08 unless the commissioner had been properly served with notice
153.8 of the petition for expungement and the court order for expungement is directed specifically
153.9 to the commissioner of human services following proper service of a petition, or following
153.10 proceedings under section 609A.025 or 609A.035 upon service of an order to the
153.11 commissioner of human services;

153.12 (5) an expunged record of a conviction may be opened for purposes of a background
153.13 check required under section 122A.18, subdivision 8, unless the court order for expungement
153.14 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

153.15 (6) the court may order an expunged record opened upon request by the victim of the
153.16 underlying offense if the court determines that the record is substantially related to a matter
153.17 for which the victim is before the court;

153.18 (7) a prosecutor may request, and the district court shall provide, certified records of
153.19 conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02,
153.20 609A.025, and 609A.035, and the certified records of conviction may be disclosed and
153.21 introduced in criminal court proceedings as provided by the rules of court and applicable
153.22 law; and

153.23 (8) the subject of an expunged record may request, and the court shall provide, certified
153.24 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
153.25 609A.017, 609A.02, 609A.025, and 609A.035.

153.26 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
153.27 in a manner that provides access to the record by a criminal justice agency under paragraph
153.28 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
153.29 of Criminal Apprehension shall notify the commissioner of human services or the
153.30 Professional Educator Licensing and Standards Board of the existence of a sealed record
153.31 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
153.32 agency or jurisdiction subject to the expungement order shall provide access to the record
153.33 to the commissioner of human services or the Professional Educator Licensing and Standards
153.34 Board under paragraph (b), clause (4) or (5).

154.1 (d) An expunged record that is opened or exchanged under this subdivision remains
154.2 subject to the expungement order in the hands of the person receiving the record.

154.3 (e) A criminal justice agency that receives an expunged record under paragraph (b),
154.4 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
154.5 record to the investigation, prosecution, or sentencing for which it was obtained.

154.6 (f) For purposes of this section, a "criminal justice agency" means a court or government
154.7 agency that performs the administration of criminal justice under statutory authority.

154.8 (g) This subdivision applies to expungement orders subject to its limitations and effective
154.9 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
154.10 2025.

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

154.12 Sec. 18. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

154.13 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
154.14 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
154.15 during the appeal period. A person or an agency or jurisdiction whose records would be
154.16 affected by the order may appeal the order within 60 days of service of notice of filing of
154.17 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
154.18 or supersedeas bond in order to further stay the proceedings or file an appeal.

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

154.20 Sec. 19. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

154.21 (a) Notwithstanding section 609A.02, if the Board of Pardons grants a petition for a
154.22 pardon extraordinary pursuant to section 638.02, subdivision 2, it shall file a copy of the
154.23 pardon extraordinary with the district court of the county in which the conviction occurred.

154.24 (b) The district court shall issue an expungement order sealing all records wherever held
154.25 relating to the arrest, indictment or information, trial, verdict, and pardon for the pardoned
154.26 offense without the filing of a petition and send an expungement order to each government
154.27 entity whose records are affected.

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

155.1 Sec. 20. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

155.2 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
155.3 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
155.4 make a reasonable and good faith effort to inform the victim of:

155.5 (1) the contents of the plea agreement recommendation, including the amount of time
155.6 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
155.7 ~~and~~

155.8 (2) the right to be present at the sentencing hearing and at the hearing during which the
155.9 plea is presented to the court and to express orally or in writing, at the victim's option, any
155.10 objection to the agreement or to the proposed disposition. If the victim is not present when
155.11 the court considers the recommendation, but has communicated objections to the prosecuting
155.12 attorney, the prosecuting attorney shall make these objections known to the court; and

155.13 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

155.14 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to plea
155.15 agreements entered into on or after that date.

155.16 Sec. 21. Minnesota Statutes 2022, section 638.02, subdivision 2, is amended to read:

155.17 Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any
155.18 court of this state, who has served the sentence imposed by the court and has been discharged
155.19 of the sentence either by order of court or by operation of law, may petition the Board of
155.20 Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly
155.21 provides otherwise in writing by unanimous vote, the application for a pardon extraordinary
155.22 may not be filed until the applicable time period in clause (1) or (2) has elapsed:

155.23 (1) if the person was convicted of a crime of violence as defined in section 624.712,
155.24 subdivision 5, ten years must have elapsed since the sentence was discharged and during
155.25 that time the person must not have been convicted of any other crime; and

155.26 (2) if the person was convicted of any crime not included within the definition of crime
155.27 of violence under section 624.712, subdivision 5, five years must have elapsed since the
155.28 sentence was discharged and during that time the person must not have been convicted of
155.29 any other crime.

155.30 If the Board of Pardons determines that the person is of good character and reputation, the
155.31 board may, in its discretion, grant the person a pardon extraordinary. The pardon
155.32 extraordinary, when granted, has the effect of setting aside and nullifying the conviction

156.1 and of purging the person of it, and the person shall never after that be required to disclose
156.2 the conviction at any time or place other than in a judicial proceeding or as part of the
156.3 licensing process for peace officers. The pardon extraordinary, after being granted and filed
156.4 with the district court in which the conviction occurred, will also seal all records wherever
156.5 held related to the arrest, indictment or information, trial, verdict, and pardon.

156.6 The application for a pardon extraordinary, the proceedings to review an application,
156.7 and the notice requirements are governed by the statutes and the rules of the board in respect
156.8 to other proceedings before the board. The application shall contain any further information
156.9 that the board may require.

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

156.11 Sec. 22. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

156.12 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
156.13 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
156.14 in which the conviction occurred, and the court shall order the conviction set aside and
156.15 include a copy of the pardon in the court file. The court shall order all records wherever
156.16 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
156.17 prohibit the disclosure of the existence of the records or the opening of the records except
156.18 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1),
156.19 (7) or (8). The court shall send a copy of its order and the pardon to the Bureau of Criminal
156.20 Apprehension and all other government entities that hold affected records. The court
156.21 administrator under section 609A.03, subdivision 8, shall send a copy of the expungement
156.22 order to each government entity whose records are affected by the order, including but not
156.23 limited to the Department of Corrections, the Department of Public Safety, and law
156.24 enforcement agencies.

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

156.26 ARTICLE 9

156.27 CLEMENCY REFORM

156.28 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 8, is amended to read:

156.29 Subd. 8. ~~Board of Pardons~~ **Clemency Review Commission** records. Access to ~~Board~~
156.30 ~~of Pardons~~ records of the Clemency Review Commission is governed by section ~~638.07~~
156.31 638.20.

157.1 Sec. 2. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

157.2 Subd. 3. **Definitions.** For purposes of this section:

157.3 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
157.4 person" does not include:

157.5 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
157.6 chapter 609A;

157.7 (ii) the arrested person's successful completion of a diversion program;

157.8 (iii) an order of discharge under section 609.165; or

157.9 (iv) a pardon granted under ~~section 638.02~~ chapter 638; and

157.10 (2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

157.11 Sec. 3. Minnesota Statutes 2022, section 638.01, is amended to read:

157.12 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

157.13 The Board of Pardons ~~shall consist~~ consists of the governor, the chief justice of the
157.14 supreme court, and the attorney general. ~~The board~~ governor in conjunction with the board
157.15 may grant pardons and reprieves and commute the sentence of any person convicted of any
157.16 offense against the laws of the state, in the manner and under the conditions and rules
157.17 hereinafter prescribed, but not otherwise clemency according to this chapter.

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

157.19 Sec. 4. **[638.011] DEFINITIONS.**

157.20 Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section have
157.21 the meanings given.

157.22 Subd. 2. **Board.** "Board" means the Board of Pardons under section 638.01.

157.23 Subd. 3. **Clemency.** Unless otherwise provided, "clemency" includes a pardon,
157.24 commutation, and reprieve after conviction for a crime against the state except in cases of
157.25 impeachment.

157.26 Subd. 4. **Commission.** "Commission" means the Clemency Review Commission under
157.27 section 638.09.

157.28 Subd. 5. **Department.** "Department" means the Department of Corrections.

158.1 Subd. 6. **Waiver request.** "Waiver request" means a request to waive a time restriction
158.2 under sections 638.12, subdivisions 2 and 3, and 638.19, subdivision 1.

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

158.4 Sec. 5. **[638.09] CLEMENCY REVIEW COMMISSION.**

158.5 Subdivision 1. **Establishment; duties.** (a) The Clemency Review Commission is
158.6 established to:

158.7 (1) review each eligible clemency application and waiver request that it receives;

158.8 (2) recommend to the board, in writing, whether to grant or deny the application or
158.9 waiver request, with each member's vote reported;

158.10 (3) recommend to the board, in writing, whether the board should conduct a hearing on
158.11 a clemency application, with each member's vote reported; and

158.12 (4) provide victim support services, assistance to applicants, and other assistance as the
158.13 board requires.

158.14 (b) Unless otherwise provided:

158.15 (1) the commission's recommendations under this chapter are nonbinding on the governor
158.16 or the board; and

158.17 (2) chapter 15 applies unless otherwise inconsistent with this chapter.

158.18 Subd. 2. **Composition.** (a) The commission consists of nine members, each serving a
158.19 term coterminous with the governor.

158.20 (b) The governor, the attorney general, and the chief justice of the supreme court must
158.21 each appoint three members to serve on the commission and replace members when the
158.22 members' terms expire. Members serve at the pleasure of their appointing authority.

158.23 Subd. 3. **Appointments to commission.** (a) An appointing authority is encouraged to
158.24 consider the following criteria when appointing a member:

158.25 (1) expertise in law, corrections, victims' services, correctional supervision, mental
158.26 health, and substance abuse treatment; and

158.27 (2) experience addressing systemic disparities, including but not limited to disparities
158.28 based on race, gender, and ability.

158.29 (b) An appointing authority must seek out and encourage qualified individuals to apply
158.30 to serve on the commission, including:

159.1 (1) members of Indigenous communities, Black communities, and other communities
159.2 of color;

159.3 (2) members diverse as to gender identity; and

159.4 (3) members diverse as to age and ability.

159.5 (c) If there is a vacancy, the appointing authority who selected the vacating member
159.6 must make an interim appointment to expire at the end of the vacating member's term.

159.7 (d) A member may continue to serve until the member's successor is appointed, but a
159.8 member may not serve more than eight years in total.

159.9 Subd. 4. **Commission; generally.** (a) The commission must biennially elect one of its
159.10 members as chair and one as vice-chair. The chair serves as the board's secretary.

159.11 (b) Each commission member must be:

159.12 (1) compensated at a rate of \$150 for each day or part of the day spent on commission
159.13 activities; and

159.14 (2) reimbursed for all reasonable expenses actually paid or incurred by the member while
159.15 performing official duties.

159.16 (c) Beginning January 1, 2025, and annually thereafter, the board may set a new per
159.17 diem rate for commission members, not to exceed an amount ten percent higher than the
159.18 previous year's rate.

159.19 Subd. 5. **Executive director.** (a) The board must appoint a commission executive director
159.20 knowledgeable about clemency and criminal justice. The executive director serves at the
159.21 pleasure of the board in the unclassified service as an executive branch employee.

159.22 (b) The executive director's salary is set in accordance with section 15A.0815, subdivision
159.23 3.

159.24 (c) The executive director may obtain office space and supplies and hire administrative
159.25 staff necessary to carry out the commission's official functions, including providing
159.26 administrative support to the board and attending board meetings. Any additional staff serve
159.27 in the unclassified service at the pleasure of the executive director.

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

159.29 Sec. 6. **[638.10] CLEMENCY APPLICATION.**

159.30 Subdivision 1. **Required contents.** A clemency application must:

- 160.1 (1) be in writing;
- 160.2 (2) be signed under oath by the applicant; and
- 160.3 (3) state the clemency sought, state why the clemency should be granted, and contain
160.4 the following information and any additional information that the commission or board
160.5 requires:
- 160.6 (i) the applicant's name, address, and date and place of birth, and every alias by which
160.7 the applicant is or has been known;
- 160.8 (ii) the applicant's demographic information, including race, ethnicity, gender, disability
160.9 status, and age, only if voluntarily reported;
- 160.10 (iii) the name of the crime for which clemency is requested, the date and county of
160.11 conviction, the sentence imposed, and the sentence's expiration or discharge date;
- 160.12 (iv) the names of the sentencing judge, the prosecuting attorney, and any victims of the
160.13 crime;
- 160.14 (v) a brief description of the crime and the applicant's age at the time of the crime;
- 160.15 (vi) the date and outcome of any prior clemency application, including any application
160.16 submitted before July 1, 2024;
- 160.17 (vii) to the best of the applicant's knowledge, a statement of any past criminal conviction
160.18 and any pending criminal charge or investigation;
- 160.19 (viii) for an applicant under the department's custody, a statement describing the
160.20 applicant's reentry plan should clemency be granted; and
- 160.21 (ix) an applicant statement acknowledging and consenting to the disclosure to the
160.22 commission, board, and public of any private data on the applicant in the application or in
160.23 any other record relating to the clemency being sought, including conviction and arrest
160.24 records.
- 160.25 Subd. 2. **Required form.** (a) An application must be made on a commission-approved
160.26 form or forms and filed with the commission by commission-prescribed deadlines. The
160.27 commission must consult with the board on the forms and deadlines.
- 160.28 (b) The application must include language informing the applicant that the board and
160.29 the commission will consider any and all past convictions and that the applicant may provide
160.30 information about the convictions.

161.1 Subd. 3. **Reviewing application for completeness.** The commission must review an
161.2 application for completeness. An incomplete application must be returned to the applicant,
161.3 who may then provide the missing information and resubmit the application within a
161.4 commission-prescribed period.

161.5 Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency
161.6 application, the commission must notify the applicant of the scheduled date, time, and
161.7 location that the applicant must appear before the commission for a meeting under section
161.8 638.14.

161.9 Subd. 5. **Equal access to information.** Each board and commission member must have
161.10 equal access to information under this chapter that is used when making a clemency decision.

161.11 Sec. 7. **[638.11] THIRD-PARTY NOTIFICATIONS.**

161.12 Subdivision 1. **Notice to victim; victim rights.** (a) After receiving a clemency
161.13 application, the commission must make all reasonable efforts to locate any victim of the
161.14 applicant's crime.

161.15 (b) At least 30 calendar days before the commission meeting at which the application
161.16 will be heard, the commission must notify any located victim of:

161.17 (1) the application;

161.18 (2) the meeting's scheduled date, time, and location; and

161.19 (3) the victim's right to attend the meeting and submit an oral or written statement to the
161.20 commission.

161.21 (c) The commission must make all reasonable efforts to ensure that a victim can:

161.22 (1) submit an oral or written statement; and

161.23 (2) receive victim support services as necessary to help the victim submit a statement
161.24 and participate in the clemency process.

161.25 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** (a) At least 30 calendar
161.26 days before the commission meeting at which the application will be heard, the commission
161.27 must notify the sentencing judge and prosecuting attorney or their successors of the
161.28 application and solicit the judge's and attorney's written statements on whether to grant
161.29 clemency.

161.30 (b) Unless otherwise provided in this chapter, "law enforcement agency" includes the
161.31 sentencing judge and prosecuting attorney or their successors.

162.1 Subd. 3. **Notice to public.** At least 30 calendar days before the commission meeting at
162.2 which the application will be heard, the commission must publish notice of an application
162.3 in a qualified newspaper of general circulation in the county in which the applicant's crime
162.4 occurred.

162.5 Sec. 8. [638.12] **TYPES OF CLEMENCY; ELIGIBILITY AND WAIVER.**

162.6 Subdivision 1. **Types of clemency; requirements.** (a) The board may:

162.7 (1) pardon a criminal conviction imposed under the laws of this state;

162.8 (2) commute a criminal sentence imposed by a court of this state to time served or a
162.9 lesser sentence; or

162.10 (3) grant a reprieve of a sentence imposed by a court of this state.

162.11 (b) A grant of clemency must be in writing and has no force or effect if the governor or
162.12 a board majority duly convened opposes the clemency. Every conditional grant of clemency
162.13 must state the terms and conditions upon which it was granted, and every commutation
162.14 must specify the terms of the commuted sentence.

162.15 (c) A granted pardon sets aside the conviction and purges the conviction from an
162.16 individual's criminal record. The individual is not required to disclose the conviction at any
162.17 time or place other than:

162.18 (1) in a judicial proceeding; or

162.19 (2) during the licensing process for peace officers.

162.20 Subd. 2. **Pardon eligibility; waiver.** (a) An individual convicted of a crime in a court
162.21 of this state may apply for a pardon of the individual's conviction on or after five years from
162.22 the sentence's expiration or discharge date.

162.23 (b) An individual may request the board to waive the waiting period if there is a showing
162.24 of unusual circumstances and special need.

162.25 (c) The commission must review a waiver request and recommend to the board whether
162.26 to grant the request. When considering a waiver request, the commission is exempt from
162.27 the meeting requirements under section 638.14 and chapter 13D.

162.28 (d) The board must grant a waiver request unless the governor or a board majority
162.29 opposes the waiver.

162.30 Subd. 3. **Commutation eligibility.** (a) An individual may apply for a commutation of
162.31 an unexpired criminal sentence imposed by a court of this state, including an individual

163.1 confined in a correctional facility or on probation, parole, supervised release, or conditional
163.2 release. An application for commutation may not be filed until the date that the individual
163.3 has served at least one-half of the sentence imposed or on or after five years from the
163.4 conviction date, whichever is earlier.

163.5 (b) An individual may request the board to waive the waiting period if there is a showing
163.6 of unusual circumstances and special need.

163.7 (c) The commission must review a waiver request and recommend to the board whether
163.8 to grant the request. When considering a waiver request, the commission is exempt from
163.9 the meeting requirements under section 638.14 and chapter 13D.

163.10 (d) The board must grant a waiver request unless the governor or a board majority
163.11 opposes the waiver.

163.12 **Sec. 9. [638.13] ACCESS TO RECORDS; ISSUING SUBPOENA.**

163.13 Subdivision 1. **Access to records.** (a) Notwithstanding chapter 13 or any other law to
163.14 the contrary, upon receiving a clemency application, the board or commission may request
163.15 and obtain any relevant reports, data, and other information from state courts, law
163.16 enforcement agencies, or state agencies. The board and the commission must have access
163.17 to all relevant sealed or otherwise inaccessible court records, presentence investigation
163.18 reports, police reports, criminal history reports, prison records, and any other relevant
163.19 information.

163.20 (b) State courts, law enforcement agencies, and state agencies must promptly respond
163.21 to record requests from the board or the commission.

163.22 Subd. 2. **Issuing subpoena.** The board or the commission may issue a subpoena requiring
163.23 the presence of any person before the commission or board and the production of papers,
163.24 records, and exhibits in any pending matter. When a person is summoned before the
163.25 commission or the board, the person may be allowed compensation for travel and attendance
163.26 as the commission or the board considers reasonable.

163.27 **Sec. 10. [638.14] COMMISSION MEETINGS.**

163.28 Subdivision 1. **Frequency.** The commission must meet at least four times each year for
163.29 one or more days at each meeting to hear eligible clemency applications and recommend
163.30 appropriate action to the board on each application. One or more of the meetings may be
163.31 held at a department-operated correctional facility.

164.1 Subd. 2. **When open to the public.** All commission meetings are open to the public as
164.2 provided under chapter 13D, but the commission may hold closed meetings:

164.3 (1) as provided under chapter 13D; or

164.4 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
164.5 identity, and (ii) sensitive or confidential victim testimony.

164.6 Subd. 3. **Recording.** When possible, the commission must record its meetings by audio
164.7 or audiovisual means.

164.8 Subd. 4. **Board attendance.** The governor, attorney general, and chief justice, or their
164.9 designees, may attend commission meetings as ex officio nonvoting members, but their
164.10 attendance does not affect whether the commission has a quorum.

164.11 Subd. 5. **Applicant appearance; third-party statements.** (a) An applicant for clemency
164.12 must appear before the commission either in person or through available forms of
164.13 telecommunication.

164.14 (b) The victim of an applicant's crime may appear and speak at the meeting or submit a
164.15 written statement to the commission. The commission may treat a victim's written statement
164.16 as confidential and not disclose the statement to the applicant or the public if there is or has
164.17 been an order for protection, harassment restraining order, or other no-contact order
164.18 prohibiting the applicant from contacting the victim.

164.19 (c) A law enforcement agency's representative may provide the agency's position on
164.20 whether the commission should recommend clemency by:

164.21 (1) appearing and speaking at the meeting; or

164.22 (2) submitting a written statement to the commission.

164.23 (d) The sentencing judge and the prosecuting attorney, or their successors, may provide
164.24 their positions on whether the commission should recommend clemency by:

164.25 (1) appearing and speaking at the meeting; or

164.26 (2) submitting their statements under section 638.11, subdivision 2.

164.27 Sec. 11. **[638.15] COMMISSION RECOMMENDATION.**

164.28 Subdivision 1. **Grounds for recommending clemency.** (a) When recommending whether
164.29 to grant clemency, the commission must consider any factors that the commission deems
164.30 appropriate, including but not limited to:

165.1 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's
165.2 age at the time of the crime; and the time that has elapsed between the crime and the
165.3 application;

165.4 (2) the successful completion or revocation of previous probation, parole, supervised
165.5 release, or conditional release;

165.6 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

165.7 (4) the extent to which the applicant has demonstrated rehabilitation through
165.8 postconviction conduct, character, and reputation;

165.9 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
165.10 and made restitution to victims;

165.11 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
165.12 history and any sentence received by an accomplice and with due regard given to:

165.13 (i) any plea agreement;

165.14 (ii) the sentencing judge's views; and

165.15 (iii) the sentencing ranges established by law;

165.16 (7) whether the applicant's age or medical status indicates that it is in the best interest
165.17 of society that the applicant receive clemency;

165.18 (8) the applicant's asserted need for clemency, including family needs and barriers to
165.19 housing or employment created by the conviction;

165.20 (9) for an applicant under the department's custody, the adequacy of the applicant's
165.21 reentry plan;

165.22 (10) the amount of time already served by the applicant and the availability of other
165.23 forms of judicial or administrative relief;

165.24 (11) the extent to which there is credible evidence indicating that the applicant is or may
165.25 be innocent of the crime for which they were convicted; and

165.26 (12) if provided by the applicant, the applicant's demographic information, including
165.27 race, ethnicity, gender, disability status, and age.

165.28 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
165.29 the commission or the board must not prejudice an applicant for failing to identify past
165.30 criminal convictions.

166.1 Subd. 2. **Recommending denial of commutation without hearing.** (a) At a meeting
166.2 under section 638.14, the commission may recommend denying a commutation application
166.3 without a board hearing if:

166.4 (1) the applicant is challenging the conviction or sentence through court proceedings;

166.5 (2) the applicant has failed to exhaust all available state court remedies for challenging
166.6 the sentence; or

166.7 (3) the commission determines that the matter should first be considered by the parole
166.8 authority.

166.9 (b) A commission recommendation to deny an application under paragraph (a) must be
166.10 sent to the board along with the application.

166.11 Subd. 3. **Considering public statements.** When making its recommendation on an
166.12 application, the commission must consider any statement provided by a victim or law
166.13 enforcement agency.

166.14 Subd. 4. **Commission recommendation; notifying applicant.** (a) Before the board's
166.15 next meeting at which the clemency application may be considered, the commission must
166.16 send to the board:

166.17 (1) the application;

166.18 (2) the commission's recommendation;

166.19 (3) any recording of the commission's meeting related to the application; and

166.20 (4) all statements from victims and law enforcement agencies.

166.21 (b) No later than 14 calendar days after its dated recommendation, the commission must
166.22 notify the applicant in writing of its recommendation.

166.23 Sec. 12. **[638.16] BOARD MEETINGS.**

166.24 Subdivision 1. **Frequency.** (a) The board must meet at least two times each year to
166.25 consider clemency applications that have received favorable recommendations under section
166.26 638.09, subdivision 1, paragraph (a), clauses (2) and (3), from the commission and any
166.27 other applications for which at least one board member seeks consideration.

166.28 (b) Any board member may request a hearing on any application.

166.29 Subd. 2. **When open to the public.** All board meetings are open to the public as provided
166.30 under chapter 13D, but the board may hold closed meetings:

167.1 (1) as provided under chapter 13D; or

167.2 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
167.3 identity, and (ii) sensitive or confidential victim testimony.

167.4 Subd. 3. **Executive director; attendance required.** Unless excused by the board, the
167.5 executive director and the commission's chair or vice-chair must attend all board meetings.

167.6 Subd. 4. **Considering statements.** (a) Applicants, victims, and law enforcement agencies
167.7 may not submit oral or written statements at a board meeting unless:

167.8 (1) a board member requests a hearing on an application; or

167.9 (2) the commission has recommended a hearing on an application.

167.10 (b) The board must consider any statements provided to the commission when
167.11 determining whether to consider a clemency application.

167.12 Sec. 13. **[638.17] BOARD DECISION; NOTIFYING APPLICANT.**

167.13 Subdivision 1. **Board decision.** (a) At each meeting, the board must render a decision
167.14 on each clemency application considered at the meeting or continue the matter to a future
167.15 board meeting. If the board continues consideration of an application, the commission must
167.16 notify the applicant in writing and explain why the matter was continued.

167.17 (b) If the commission recommends denying an application and no board member seeks
167.18 consideration of the recommendation, it is presumed that the board concurs with the adverse
167.19 recommendation and that the application has been considered and denied on the merits.

167.20 Subd. 2. **Notifying applicant.** The commission must notify the applicant in writing of
167.21 the board's decision to grant or deny clemency no later than 14 calendar days from the date
167.22 of the board's decision.

167.23 Sec. 14. **[638.18] FILING COPY OF CLEMENCY; COURT ACTION.**

167.24 Subdivision 1. **Filing with district court.** After clemency has been granted, the
167.25 commission must file a copy of the pardon, commutation, or reprieve with the district court
167.26 of the county in which the conviction and sentence were imposed.

167.27 Subd. 2. **Court action; pardon.** For a pardon, the court must:

167.28 (1) order the conviction set aside;

167.29 (2) include a copy of the pardon in the court file; and

167.30 (3) send a copy of the order and the pardon to the Bureau of Criminal Apprehension.

168.1 Subd. 3. **Court action; commutation.** For a commutation, the court must:

168.2 (1) amend the sentence to reflect the specific relief granted by the board;

168.3 (2) include a copy of the commutation in the court file; and

168.4 (3) send a copy of the amended sentencing order and commutation to the commissioner

168.5 of corrections and the Bureau of Criminal Apprehension.

168.6 Sec. 15. **[638.19] REAPPLYING FOR CLEMENCY.**

168.7 Subdivision 1. **Time-barred from reapplying; exception.** (a) After the board has
168.8 considered and denied a clemency application on the merits, an applicant may not file a
168.9 subsequent application for five years after the date of the most recent denial.

168.10 (b) An individual may request permission to reapply before the five-year period expires
168.11 based only on new and substantial information that was not and could not have been
168.12 previously considered by the board or commission.

168.13 (c) If a waiver request contains new and substantial information, the commission must
168.14 review the request and recommend to the board whether to waive the time restriction. When
168.15 considering a waiver request, the commission is exempt from the meeting requirements
168.16 under section 638.14 and chapter 13D.

168.17 (d) The board must grant a waiver request unless the governor or a board majority
168.18 opposes the waiver.

168.19 Subd. 2. **Applying for pardon not precluded.** An applicant who is denied or granted
168.20 a commutation is not precluded from later seeking a pardon of the criminal conviction once
168.21 the eligibility requirements of this chapter have been met.

168.22 Sec. 16. **[638.20] COMMISSION RECORD KEEPING.**

168.23 Subdivision 1. **Record keeping.** The commission must keep a record of every application
168.24 received, its recommendation on each application, and the final disposition of each
168.25 application.

168.26 Subd. 2. **When open to public.** The commission's records and files are open to public
168.27 inspection at all reasonable times, except for:

168.28 (1) sealed court records;

168.29 (2) presentence investigation reports;

168.30 (3) Social Security numbers;

169.1 (4) financial account numbers;

169.2 (5) driver's license information;

169.3 (6) medical records;

169.4 (7) confidential Bureau of Criminal Apprehension records;

169.5 (8) the identities of victims who wish to remain anonymous and confidential victim

169.6 statements; and

169.7 (9) any other confidential data on individuals, private data on individuals, not public

169.8 data, or nonpublic data under chapter 13.

169.9 **Sec. 17. [638.21] LANGUAGE ACCESS AND VICTIM SUPPORT.**

169.10 Subdivision 1. **Language access.** The commission and the board must take reasonable

169.11 steps to provide meaningful language access to applicants and victims. Applicants and

169.12 victims must have language access to information, documents, and services under this

169.13 chapter, with each communicated in a language or manner that the applicant or victim can

169.14 understand.

169.15 Subd. 2. **Interpreters.** (a) Applicants and victims are entitled to interpreters as necessary

169.16 to fulfill the purposes of this chapter, including oral or written communication. Sections

169.17 546.42 to 546.44 apply, to the extent consistent with this section.

169.18 (b) The commission or the board may not discriminate against an applicant or victim

169.19 who requests or receives interpretation services.

169.20 Subd. 3. **Victim services.** The commission and the board must provide or contract for

169.21 victim support services as necessary to support victims under this chapter.

169.22 **Sec. 18. [638.22] LEGISLATIVE REPORT.**

169.23 Beginning February 15, 2025, and every February 15 thereafter, the commission must

169.24 submit a written report to the chairs and ranking minority members of the house of

169.25 representatives and senate committees with jurisdiction over public safety, corrections, and

169.26 judiciary that contains at least the following information:

169.27 (1) the number of clemency applications received by the commission during the preceding

169.28 calendar year;

169.29 (2) the number of favorable and adverse recommendations made by the commission for

169.30 each type of clemency;

170.1 (3) the number of applications granted and denied by the board for each type of clemency;

170.2 (4) the crimes for which the applications were granted by the board, the year of each
170.3 conviction, and the individual's age at the time of the crime; and

170.4 (5) summary data voluntarily reported by applicants, including but not limited to
170.5 demographic information on race, ethnicity, gender, disability status, and age, of applicants
170.6 recommended or not recommended for clemency by the commission.

170.7 **Sec. 19. [638.23] RULEMAKING.**

170.8 (a) The board and commission may jointly adopt rules, including amending Minnesota
170.9 Rules, chapter 6600, to:

170.10 (1) enforce their powers and duties under this chapter and ensure the efficient processing
170.11 of applications; and

170.12 (2) allow for expedited review of applications if there is unanimous support from the
170.13 sentencing judge or successor, the prosecuting attorney or successor, and any victims of the
170.14 crime.

170.15 (b) The time limit to adopt rules under section 14.125 does not apply.

170.16 **Sec. 20. TRANSITION PERIOD.**

170.17 (a) Beginning August 1, 2023, through March 1, 2024, the Department of Corrections
170.18 must provide the Clemency Review Commission with administrative assistance, technical
170.19 assistance, office space, and other assistance necessary for the commission to carry out its
170.20 duties under sections 4 to 21.

170.21 (b) Beginning July 1, 2024, the Clemency Review Commission must begin reviewing
170.22 applications for pardons, commutations, and reprieves. Applications received after the
170.23 effective date of this section but before July 1, 2024, must be considered according to
170.24 Minnesota Statutes 2022, sections 638.02, subdivisions 2 to 5, and 638.03 to 638.08.

170.25 (c) A pardon, commutation, or reprieve that is granted during the transition period has
170.26 no force or effect if the governor or a board majority duly convened opposes the clemency.

170.27 (d) By July 1, 2024, the Clemency Review Commission must develop application forms
170.28 in consultation with the Board of Pardons.

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

171.1 Sec. 21. **REPEALER.**

171.2 Minnesota Statutes 2022, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
171.3 638.075; and 638.08, are repealed.

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

171.5 Sec. 22. **EFFECTIVE DATE.**

171.6 Sections 1, 2, and 6 to 19 are effective July 1, 2024.

171.7 **ARTICLE 10**

171.8 **EVIDENCE GATHERING AND REPORTING**

171.9 Section 1. Minnesota Statutes 2022, section 13A.02, subdivision 1, is amended to read:

171.10 Subdivision 1. **Access by government.** Except as authorized by this chapter, no
171.11 government authority may have access to, or obtain copies of, or the information contained
171.12 in, the financial records of any customer from a financial institution unless the financial
171.13 records are reasonably described and:

171.14 (1) the customer has authorized the disclosure;

171.15 (2) the financial records are disclosed in response to a search warrant;

171.16 (3) the financial records are disclosed in response to a judicial or administrative subpoena;

171.17 (4) the financial records are disclosed to law enforcement, a lead investigative agency
171.18 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating
171.19 financial exploitation of a vulnerable adult in response to a judicial subpoena or
171.20 administrative subpoena under section 388.23; or

171.21 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
171.22 statute or rule.

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

171.24 Sec. 2. Minnesota Statutes 2022, section 13A.02, subdivision 2, is amended to read:

171.25 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of
171.26 a financial institution, may provide to any government authority access to, or copies of, or
171.27 the information contained in, the financial records of any customer except in accordance
171.28 with the provisions of this chapter.

172.1 Nothing in this chapter shall require a financial institution to inquire or determine that
172.2 those seeking disclosure have duly complied with the requirements of this chapter, provided
172.3 only that the customer authorization, search warrant, subpoena, or written certification
172.4 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
172.5 or rule, served on or delivered to a financial institution shows compliance on its face.

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

172.7 Sec. 3. Minnesota Statutes 2022, section 609.527, subdivision 1, is amended to read:

172.8 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
172.9 meanings given them in this subdivision.

172.10 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
172.11 (b), whose identity has been transferred, used, or possessed in violation of this section.

172.12 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
172.13 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
172.14 address, email address, postal address, telephone number, or any other identifying information
172.15 of a for-profit or not-for-profit business or organization or of a government agency, to which
172.16 the user has no legitimate claim of right.

172.17 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

172.18 (e) "Identity" means any name, number, or data transmission that may be used, alone or
172.19 in conjunction with any other information, to identify a specific individual or entity, including
172.20 any of the following:

172.21 (1) a name, Social Security number, date of birth, official government-issued driver's
172.22 license or identification number, government passport number, or employer or taxpayer
172.23 identification number;

172.24 (2) unique electronic identification number, address, account number, or routing code;
172.25 or

172.26 (3) telecommunication identification information or access device.

172.27 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
172.28 paragraph (b), other than a direct victim.

172.29 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
172.30 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
172.31 section.

173.1 ~~(g)~~ (h) "Unlawful activity" means:

173.2 (1) any felony violation of the laws of this state or any felony violation of a similar law
173.3 of another state or the United States; and

173.4 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
173.5 forgery, fraud, or giving false information to a public official, or any nonfelony violation
173.6 of a similar law of another state or the United States.

173.7 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
173.8 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
173.9 information encoded on a computer chip or magnetic strip or stripe of a payment card,
173.10 driver's license, or state-issued identification card.

173.11 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
173.12 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
173.13 identification card, onto the computer chip or magnetic strip or stripe of a different payment
173.14 card, driver's license, or state-issued identification card, or any electronic medium that
173.15 allows an authorized transaction to occur.

173.16 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
173.17 that:

173.18 (1) is issued to an authorized card user; and

173.19 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
173.20 anything of value.

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

173.22 Sec. 4. Minnesota Statutes 2022, section 609.527, is amended by adding a subdivision to
173.23 read:

173.24 **Subd. 8. Release of limited account information to law enforcement authorities.** (a)
173.25 A financial institution may release the information described in paragraph (b) to a law
173.26 enforcement or prosecuting authority that certifies in writing that it is investigating or
173.27 prosecuting a crime of identity theft under this section. The certification must describe with
173.28 reasonable specificity the nature of the suspected identity theft that is being investigated or
173.29 prosecuted, including the dates of the suspected criminal activity.

173.30 (b) This subdivision applies to requests for the following information relating to a
173.31 potential victim's account:

173.32 (1) the name of the account holder or holders; and

174.1 (2) the last known home address and telephone numbers of the account holder or holders.

174.2 (c) A financial institution may release the information requested under this subdivision
174.3 that it possesses within a reasonable time after the request. The financial institution may
174.4 not impose a fee for furnishing the information.

174.5 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
174.6 information in accordance with this subdivision.

174.7 (e) Release of limited account information to a law enforcement agency under this
174.8 subdivision is criminal investigative data under section 13.82, subdivision 7, except that
174.9 when the investigation becomes inactive the account information remains confidential data
174.10 on individuals or protected nonpublic data.

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

174.12 Sec. 5. Minnesota Statutes 2022, section 626.14, subdivision 2, is amended to read:

174.13 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
174.14 a search warrant authorizing peace officers to enter ~~certain premises~~ a dwelling without
174.15 ~~first knocking and~~ loudly and understandably announcing the officer's presence or purpose
174.16 and waiting a reasonable amount of time thereafter prior to entering the premises dwelling
174.17 to allow the subject to become alert and able to comply. No-knock search warrants may
174.18 also be referred to as dynamic entry warrants.

174.19 Sec. 6. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
174.20 read:

174.21 Subd. 2a. **No-knock search warrants.** A court may not issue or approve a no-knock
174.22 search warrant unless the judge concludes that specific, objective facts establish probable
174.23 cause to believe that:

174.24 (1) the dwelling will be occupied at all times;

174.25 (2) the search cannot be executed while the dwelling is unoccupied; and

174.26 (3) the occupant or occupants of the dwelling will present an immediate threat of death
174.27 or injury to the officers executing the warrant if the officers announce their presence or
174.28 purpose prior to entering the dwelling.

175.1 Sec. 7. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
175.2 read:

175.3 Subd. 2b. Execution. Unless otherwise authorized by the court under subdivision 2a, if
175.4 a peace officer enters a dwelling to serve or execute a search warrant without loudly and
175.5 understandably announcing the officer's presence or purpose and waiting a reasonable
175.6 amount of time thereafter prior to entering the dwelling, any evidence seized, discovered,
175.7 or obtained as a result of the entry must be suppressed and may not be used as evidence
175.8 unless exigent circumstances or another exception to the warrant requirement would justify
175.9 a warrantless entry.

175.10 Sec. 8. Minnesota Statutes 2022, section 626.14, subdivision 3, is amended to read:

175.11 Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall
175.12 seek a no-knock search warrant unless the warrant application includes at a minimum:

175.13 (1) all documentation and materials the issuing court requires;

175.14 (2) the information specified in paragraph (b); and

175.15 (3) a sworn affidavit as provided in section 626.08.

175.16 (b) Each warrant application seeking a no-knock entry must include, in detailed terms,
175.17 the following:

175.18 (1) why peace officers are seeking the use of a no-knock entry and are unable to detain
175.19 the suspect or search the ~~residence~~ dwelling safely through the use of a knock and announce
175.20 warrant;

175.21 (2) what investigative activities have taken place to support issuance of the no-knock
175.22 search warrant, or why no investigative activity is needed or able to be performed; and

175.23 (3) whether the warrant can be effectively executed during daylight hours according to
175.24 subdivision 1.

175.25 (c) The chief law enforcement officer or designee and another superior officer must
175.26 review and approve each warrant application. The agency must document the approval of
175.27 both reviewing parties.

175.28 (d) A no-knock search warrant shall not be issued when the only crime alleged is
175.29 possession of a controlled substance unless there is probable cause to believe that the
175.30 controlled substance is for other than personal use.

176.1 Sec. 9. Minnesota Statutes 2022, section 626.15, is amended to read:

176.2 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**

176.3 (a) Except as provided in paragraph ~~(b)~~ (c), a search warrant must be executed and
176.4 returned to the court which issued it within ten days after its date. After the expiration of
176.5 this time, the warrant is void unless previously executed.

176.6 (b) A search warrant on a financial institution for financial records is valid for 30 days.

176.7 (c) A district court judge may grant an extension of a the warrant ~~on a financial institution~~
176.8 ~~for financial records~~ upon an application under oath stating that the financial institution has
176.9 not produced the requested financial records within ~~ten days~~ the 30-day period and that an
176.10 extension is necessary to achieve the purposes for which the search warrant was granted.
176.11 Each extension may not exceed 30 days.

176.12 (d) For the purposes of this ~~paragraph~~ section, "financial institution" has the meaning
176.13 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
176.14 section 13A.01, subdivision 3.

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

176.16 Sec. 10. Minnesota Statutes 2022, section 626.21, is amended to read:

176.17 **626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.**

176.18 (a) A person aggrieved by an unlawful search and seizure may move the district court
176.19 for the district in which the property was seized or the district court having jurisdiction of
176.20 the substantive offense for the return of the property and to suppress the use, as evidence,
176.21 of anything so obtained on the ground that:

176.22 (1) the property was illegally seized, ~~or;~~

176.23 (2) the property was illegally seized without warrant, ~~or;~~

176.24 (3) the warrant is insufficient on its face, ~~or;~~

176.25 (4) the property seized is not that described in the warrant, ~~or;~~

176.26 (5) there was not probable cause for believing the existence of the grounds on which the
176.27 warrant was issued, ~~or;~~

176.28 (6) the warrant was illegally executed, ~~or;~~

176.29 (7) the warrant was improvidently issued; or

176.30 (8) the warrant was executed or served in violation of section 626.14.

177.1 (b) The judge shall receive evidence on any issue of fact necessary to the decision of
177.2 the motion. If the motion is granted the property shall be restored unless otherwise subject
177.3 to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The
177.4 motion to suppress evidence may also be made in the district where the trial is to be had.
177.5 The motion shall be made before trial or hearing unless opportunity therefor did not exist
177.6 or the defendant was not aware of the grounds for the motion, but the court in its discretion
177.7 may entertain the motion at the trial or hearing.

177.8 Sec. 11. **[626.5535] CARJACKING; REPORTING REQUIRED.**

177.9 Subdivision 1. **Definition.** For purposes of this section, "carjacking" means taking a
177.10 motor vehicle from a person or in the presence of another while having knowledge of not
177.11 being entitled to the motor vehicle and using or threatening the imminent use of force against
177.12 any person to overcome the person's resistance or powers of resistance to, or to compel
177.13 acquiescence in, the taking of the motor vehicle.

177.14 Subd. 2. **Use of information collected.** (a) The head of a local law enforcement agency
177.15 or state law enforcement department that employs peace officers, as defined in section
177.16 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
177.17 from the agency's or department's jurisdiction for the previous year to the commissioner of
177.18 public safety by January 15 each year:

177.19 (1) the number of carjacking attempts;

177.20 (2) the number of carjackings;

177.21 (3) the ages of the offenders;

177.22 (4) the number of persons injured in each offense;

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

177.24 (6) weapons used in each offense, if any.

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

177.27 Sec. 12. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision
177.28 to read:

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

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

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

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

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

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

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

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

178.19 **ARTICLE 11**

178.20 **POLICING AND PRIVATE SECURITY**

178.21 Section 1. Minnesota Statutes 2022, section 13.825, subdivision 2, is amended to read:

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

178.25 (1) data that record, describe, or otherwise document actions and circumstances
178.26 surrounding either the discharge of a firearm by a peace officer in the course of duty, if a
178.27 notice is required under section 626.553, subdivision 2, or the use of force by a peace officer
178.28 that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are
178.29 public;

178.30 (2) data are public if a subject of the data requests it be made accessible to the public,
178.31 except that, if practicable, (i) data on a subject who is not a peace officer and who does not

179.1 consent to the release must be redacted, and (ii) data on a peace officer whose identity is
179.2 protected under section 13.82, subdivision 17, clause (a), must be redacted;

179.3 (3) subject to paragraphs (b) to (d), portable recording system data that are active criminal
179.4 investigative data are governed by section 13.82, subdivision 7, and portable recording
179.5 system data that are inactive criminal investigative data are governed by this section;

179.6 (4) portable recording system data that are public personnel data under section 13.43,
179.7 subdivision 2, clause (5), are public; and

179.8 (5) data that are not public data under other provisions of this chapter retain that
179.9 classification.

179.10 (b) Notwithstanding section 13.82, subdivision 7, when an individual dies as a result of
179.11 a use of force by a peace officer, an involved officer's law enforcement agency must allow
179.12 the following individuals, upon their request, to inspect all portable recording system data,
179.13 redacted no more than what is required by law, documenting the incident within five days
179.14 of the request, subject to paragraphs (c) and (d):

179.15 (1) the deceased individual's next of kin;

179.16 (2) the legal representative of the deceased individual's next of kin; and

179.17 (3) the other parent of the deceased individual's child.

179.18 (c) A law enforcement agency may deny a request to inspect portable recording system
179.19 data under paragraph (b) if the agency determines that there is a compelling reason that
179.20 inspection would interfere with an active investigation. If the agency denies access under
179.21 this paragraph, the chief law enforcement officer must provide a prompt, written denial to
179.22 the individual in paragraph (b) who requested the data with a short description of the
179.23 compelling reason access was denied and must provide notice that relief may be sought
179.24 from the district court pursuant to section 13.82, subdivision 7.

179.25 (d) When an individual dies as a result of a use of force by a peace officer, an involved
179.26 officer's law enforcement agency shall release all portable recording system data, redacted
179.27 no more than what is required by law, documenting the incident no later than 14 days after
179.28 the incident, unless the chief law enforcement officer asserts in writing that the public
179.29 classification would interfere with an ongoing investigation, in which case the data remain
179.30 classified by section 13.82, subdivision 7.

179.31 ~~(b)~~ (e) A law enforcement agency may redact or withhold access to portions of data that
179.32 are public under this subdivision if those portions of data are clearly offensive to common
179.33 sensibilities.

180.1 ~~(e)~~ (f) Section 13.04, subdivision 2, does not apply to collection of data classified by
180.2 this subdivision.

180.3 ~~(d)~~ (g) Any person may bring an action in the district court located in the county where
180.4 portable recording system data are being maintained to authorize disclosure of data that are
180.5 private or nonpublic under this section or to challenge a determination under paragraph (b)
180.6 to redact or withhold access to portions of data because the data are clearly offensive to
180.7 common sensibilities. The person bringing the action must give notice of the action to the
180.8 law enforcement agency and subjects of the data, if known. The law enforcement agency
180.9 must give notice to other subjects of the data, if known, who did not receive the notice from
180.10 the person bringing the action. The court may order that all or part of the data be released
180.11 to the public or to the person bringing the action. In making this determination, the court
180.12 shall consider whether the benefit to the person bringing the action or to the public outweighs
180.13 any harm to the public, to the law enforcement agency, or to a subject of the data and, if
180.14 the action is challenging a determination under paragraph (b), whether the data are clearly
180.15 offensive to common sensibilities. The data in dispute must be examined by the court in
180.16 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to
180.17 obtain access to portable recording system data under the Rules of Criminal Procedure.

180.18 Sec. 2. Minnesota Statutes 2022, section 214.10, subdivision 10, is amended to read:

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

180.28 Sec. 3. Minnesota Statutes 2022, section 326.3311, is amended to read:

180.29 **326.3311 POWERS AND DUTIES.**

180.30 The board has the following powers and duties:

180.31 (1) to receive and review all applications for private detective and protective agent
180.32 licenses;

181.1 (2) to approve applications for private detective and protective agent licenses and issue,
181.2 or reissue licenses as provided in sections 326.32 to 326.339;

181.3 (3) to deny applications for private detective and protective agent licenses if the applicants
181.4 do not meet the requirements of sections 326.32 to 326.339; upon denial of a license
181.5 application, the board shall notify the applicant of the denial and the facts and circumstances
181.6 that constitute the denial; the board shall advise the applicant of the right to a contested case
181.7 hearing under chapter 14;

181.8 (4) to enforce all laws and rules governing private detectives and protective agents; ~~and~~

181.9 (5) to suspend or revoke the license of a license holder or impose a civil penalty on a
181.10 license holder for violations of any provision of sections 326.32 to 326.339 or the rules of
181.11 the board;

181.12 (6) to investigate and refer for prosecution all criminal violations by individuals and
181.13 entities; and

181.14 (7) to investigate and refer for prosecution any individuals and entities operating as
181.15 private detectives or protective agents without a license.

181.16 Sec. 4. Minnesota Statutes 2022, section 326.336, subdivision 2, is amended to read:

181.17 Subd. 2. **Identification card.** An identification card must be issued by the license holder
181.18 to each employee. The card must be in the possession of the employee to whom it is issued
181.19 at all times. The identification card must contain the license holder's name, logo (if any),
181.20 address or Minnesota office address, and the employee's photograph and physical description.
181.21 The card must be signed by the employee and by the license holder, qualified representative,
181.22 or Minnesota office manager. The card must be presented upon request.

181.23 Sec. 5. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

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

181.25 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of
181.26 employment, or evidence that the employee has successfully completed equivalent training
181.27 before the start of employment. Notwithstanding any statute or rule to the contrary, this
181.28 clause is satisfied if the employee provides a prospective employer with a certificate or a
181.29 copy of a certificate demonstrating that the employee successfully completed this training
181.30 prior to employment with a different Minnesota licensee and completed this training within
181.31 three previous calendar years, or successfully completed this training with a Minnesota
181.32 licensee while previously employed with a Minnesota licensee. The certificate or a copy of

182.1 the certificate is the property of the employee who completed the training, regardless of
182.2 who paid for the training or how training was provided. Upon a current or former employee's
182.3 request, a current or former licensed employer must provide a copy of a certificate
182.4 demonstrating the employee's successful completion of training to the current or former
182.5 employee. The current or former licensed employer must not charge the employee a fee for
182.6 a copy of the certificate. The employee who completed the training is entitled to access a
182.7 copy of the certificate at no charge according to sections 181.960 to 181.966. A current or
182.8 former employer must comply with sections 181.960 to 181.966;

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

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

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

182.18 Sec. 6. Minnesota Statutes 2022, section 326.3387, subdivision 1, is amended to read:

182.19 Subdivision 1. **Basis for action.** The board may revoke or suspend or refuse to issue or
182.20 reissue a private detective or protective agent license if:

182.21 (1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted
182.22 under those sections;

182.23 (2) the license holder has engaged in fraud, deceit, or misrepresentation while in the
182.24 business of private detective or protective agent;

182.25 (3) the license holder has made a false statement in an application submitted to the board
182.26 or in a document required to be submitted to the board; ~~or~~

182.27 (4) the license holder violates an order of the board; or

182.28 (5) the individual or entity previously operated without a license.

182.29 Sec. 7. Minnesota Statutes 2022, section 626.5531, subdivision 1, is amended to read:

182.30 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
182.31 department every violation of chapter 609 or a local criminal ordinance if the officer has

183.1 reason to believe, or if the victim alleges, that the ~~offender was motivated to commit the~~
183.2 ~~act by~~ was committed in whole or in substantial part because of the victim's actual or
183.3 perceived race, color, ethnicity, religion, ~~national origin~~, sex, gender, sexual orientation,
183.4 gender identity, gender expression, age, national origin, or disability as defined in section
183.5 363A.03, or ~~characteristics identified as sexual orientation~~ because of the victim's actual or
183.6 perceived association with another person or group of a certain actual or perceived race,
183.7 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
183.8 age, national origin, or disability as defined in section 363A.03. The superintendent of the
183.9 Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement
183.10 agencies in making the reports required under this section. The reports must include for
183.11 each incident all of the following:

183.12 (1) the date of the offense;

183.13 (2) the location of the offense;

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

183.15 (4) the crime committed;

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

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

183.19 (7) the disposition of the case;

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

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

183.24 Sec. 8. Minnesota Statutes 2022, section 626.843, is amended by adding a subdivision to
183.25 read:

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

184.1 Sec. 9. Minnesota Statutes 2022, section 626.8432, subdivision 1, is amended to read:

184.2 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may
184.3 refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure,
184.4 or revoke a peace officer or part-time peace officer license for any of the following causes:

184.5 (1) fraud or misrepresentation in obtaining a license;

184.6 (2) failure to meet licensure requirements; ~~or~~

184.7 (3) a violation of section 626.8436, subdivision 1; or

184.8 (4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

184.9 (b) Unless otherwise provided by the board, a revocation or suspension applies to each
184.10 license, renewal, or reinstatement privilege held by the individual at the time final action
184.11 is taken by the board. A person whose license or renewal privilege has been suspended or
184.12 revoked shall be ineligible to be issued any other license by the board during the pendency
184.13 of the suspension or revocation.

184.14 Sec. 10. [626.8436] HATE OR EXTREMIST GROUPS.

184.15 Subdivision 1. **Prohibition.** (a) A peace officer may not join, support, advocate for,
184.16 maintain membership, or participate in the activities of:

184.17 (1) a hate or extremist group; or

184.18 (2) a criminal gang as defined in section 609.229, subdivision 1.

184.19 (b) This section does not apply when the conduct is sanctioned by the law enforcement
184.20 agency as part of the officer's official duties.

184.21 Subd. 2. **Definitions.** (a) "Hate or extremist group" means a group that, as demonstrated
184.22 by its official statements or principles, the statements of its leaders or members, or its
184.23 activities:

184.24 (1) promotes the use of threats, force, violence, or criminal activity:

184.25 (i) against a local, state, or federal entity, or the officials of such an entity;

184.26 (ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota
184.27 or United States Constitution; or

184.28 (iii) to achieve goals that are political, religious, discriminatory, or ideological in nature;

184.29 (2) promotes seditious activities; or

185.1 (3) advocates for differences in the right to vote, speak, assemble, travel, or maintain
185.2 citizenship based on a person's perceived race, color, creed, religion, national origin,
185.3 disability, sex, sexual orientation, gender identity, public assistance status, or any protected
185.4 class as defined in Minnesota Statutes or federal law.

185.5 (b) For the purposes of this section, advocacy, membership, or participation in a hate or
185.6 extremist group or criminal gang is demonstrated by:

185.7 (1) dissemination of material that promotes:

185.8 (i) the use of threats, force, violence, or criminal activity;

185.9 (ii) seditious activities; or

185.10 (iii) the objectives described in paragraph (a), clause (3);

185.11 (2) engagement in cyber or social media posts, chats, forums, and other forms of
185.12 promotion of the group's activities;

185.13 (3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated
185.14 with the group;

185.15 (4) direct financial or in-kind contributions to the group;

185.16 (5) a physical or cyber presence in the group's events; or

185.17 (6) other conduct that could reasonably be considered support, advocacy, or participation
185.18 in the group's activities.

185.19 Sec. 11. Minnesota Statutes 2022, section 626.8451, subdivision 1, is amended to read:

185.20 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must prepare
185.21 a ~~approve a list of~~ training ~~course~~ courses to assist peace officers in identifying and,
185.22 responding to, and reporting crimes motivated by committed in whole or in substantial part
185.23 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
185.24 national origin, sex, gender, sexual orientation, gender identity, gender expression, age,
185.25 national origin, or disability as defined in section 363A.03, or characteristics identified as
185.26 sexual orientation because of the victim's actual or perceived association with another person
185.27 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
185.28 orientation, gender identity, gender expression, age, national origin, or disability as defined
185.29 in section 363A.03. The course must include material to help officers distinguish bias crimes
185.30 from other crimes, to help officers in understanding and assisting victims of these crimes,
185.31 and to ensure that bias crimes will be accurately reported as required under section 626.5531.
185.32 The ~~course must be updated periodically~~ board must review the approved courses every

186.1 three years and update the list of approved courses as the board, in consultation with
186.2 communities most targeted by hate crimes because of their characteristics as described
186.3 above, organizations with expertise in providing training on hate crimes, and the statewide
186.4 coalition of organizations representing communities impacted by hate crimes , considers
186.5 appropriate.

186.6 (b) In updating the list of approved training courses described in paragraph (a), the board
186.7 must consult and significantly incorporate input from communities most targeted by hate
186.8 crimes because of their characteristics as described in paragraph (a), organizations with
186.9 expertise in providing training on hate crimes, and the statewide coalition of organizations
186.10 representing communities impacted by hate crimes.

186.11 Sec. 12. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
186.12 to read:

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

186.17 (b) Upon written request from the board that a matter alleging misconduct within its
186.18 regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement
186.19 officer, city, county, or public official shall provide the board with all requested public and
186.20 private data about the alleged misconduct involving the licensed peace officer, including
186.21 any pending or final disciplinary or arbitration proceeding, any settlement or compromise,
186.22 and any investigative files including but not limited to body worn camera or other audio or
186.23 video files. Confidential data must only be disclosed when the board specifies that the
186.24 particular identified data is necessary to fulfill its investigatory obligation concerning an
186.25 allegation of misconduct within its regulatory authority.

186.26 (c) If a licensed peace officer is discharged or resigns from employment after engaging
186.27 in any conduct that initiates and results in an investigation of alleged misconduct within the
186.28 board's regulatory authority, regardless of whether the licensee was criminally charged or
186.29 an administrative or internal affairs investigation was commenced or completed, a chief
186.30 law enforcement officer must report the conduct to the board and provide the board with
186.31 all public and not public data requested under paragraph (b). If the conduct involves the
186.32 chief law enforcement officer, the overseeing city, county, or public official must report
186.33 the conduct to the board and provide the board with all public and not public data requested
186.34 under paragraph (b).

187.1 (d) Data obtained by the board shall be classified and governed as articulated in sections
187.2 13.03, subdivision 4, and 13.09, as applicable.

187.3 (e) A chief law enforcement officer, city, county, or public official is not required to
187.4 comply with this subdivision when there is an active criminal investigation or active criminal
187.5 proceeding regarding the same incident or misconduct that is being investigated by the
187.6 board.

187.7 Sec. 13. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
187.8 to read:

187.9 Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or
187.10 public official and employees of the law enforcement agency are immune from civil or
187.11 criminal liability, including any liability under chapter 13, for reporting or releasing public
187.12 or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement
187.13 officer, city, county, or public official or employees of the law enforcement agency presented
187.14 false information to the board with the intention of causing reputational harm to the peace
187.15 officer.

187.16 Sec. 14. Minnesota Statutes 2022, section 626.8469, subdivision 1, is amended to read:

187.17 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
187.18 enforcement officer of every state and local law enforcement agency shall provide in-service
187.19 training in crisis intervention and mental illness crises; conflict management and mediation;
187.20 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
187.21 bias training; and training to assist peace officers in identifying, responding to, and reporting
187.22 incidents committed in whole or in substantial part because of the victim's actual or perceived
187.23 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
187.24 expression, age, national origin, or disability as defined in section 363A.03, or because of
187.25 the victim's actual or perceived association with another person or group of a certain actual
187.26 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
187.27 gender expression, age, national origin, or disability as defined in section 363A.03, to every
187.28 peace officer and part-time peace officer employed by the agency. The training shall comply
187.29 with learning objectives developed and approved by the board and shall meet board
187.30 requirements for board-approved continuing education credit. Every three years the board
187.31 shall review the learning objectives and must consult and collaborate with communities
187.32 most targeted by hate crimes because of their characteristics as described above, organizations
187.33 with expertise in providing training on hate crimes, and the statewide coalition of

188.1 organizations representing communities impacted by hate crimes in identifying appropriate
188.2 objectives and training courses related to identifying, responding to, and reporting incidents
188.3 committed in whole or in substantial part because of the victim's or another's actual or
188.4 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
188.5 gender expression, age, national origin, or disability as defined in section 363A.03, or
188.6 because of the victim's actual or perceived association with another person or group of a
188.7 certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
188.8 gender identity, gender expression, age, national origin, or disability as defined in section
188.9 363A.03. The training shall consist of at least 16 continuing education credits within an
188.10 officer's three-year licensing cycle. Each peace officer with a license renewal date after June
188.11 30, 2018, is not required to complete this training until the officer's next full three-year
188.12 licensing cycle.

188.13 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
188.14 by an approved entity. The board shall create a list of approved entities and training courses
188.15 and make the list available to the chief law enforcement officer of every state and local law
188.16 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
188.17 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
188.18 is not required to receive this training by an approved entity until the officer's next full
188.19 three-year licensing cycle.

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

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

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

188.26 Sec. 15. Minnesota Statutes 2022, section 626.8473, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

189.21 (4) mandate that, notwithstanding any law to the contrary, when an individual dies as a
189.22 result of a use of force by a peace officer, an involved officer's law enforcement agency
189.23 must allow the following individuals, upon their request, to inspect all portable recording
189.24 system data, redacted no more than what is required by law, documenting the incident within
189.25 five days of the request, except as otherwise provided in this clause and clause (5):

189.26 (i) the deceased individual's next of kin;

189.27 (ii) the legal representative of the deceased individual's next of kin; and

189.28 (iii) the other parent of the deceased individual's child.

189.29 A law enforcement agency may deny a request if the agency determines that there is a
189.30 compelling reason that inspection would interfere with an active investigation. If the agency
189.31 denies access, the chief law enforcement officer must provide a prompt, written denial to
189.32 the individual who requested the data with a short description of the compelling reason

190.1 access was denied and must provide notice that relief may be sought from the district court
190.2 pursuant to section 13.82, subdivision 7;

190.3 (5) mandate that, when an individual dies as a result of a use of force by a peace officer,
190.4 an involved officer's law enforcement agency shall release all portable recording system
190.5 data, redacted no more than what is required by law, documenting the incident no later than
190.6 14 days after the incident, unless the chief law enforcement officer asserts in writing that
190.7 the public classification would interfere with an ongoing investigation, in which case the
190.8 data remain classified by section 13.82, subdivision 7;

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

190.10 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements
190.11 for documentation by the officer using the system at the time of a malfunction or failure;

190.12 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion
190.13 of the officer using the system;

190.14 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

190.15 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,
190.16 response, or incident is ongoing;

190.17 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the
190.18 creation of backup copies of the data; and

190.19 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which
190.20 must include, at a minimum, supervisory or internal audits and reviews, and the employee
190.21 discipline standards for unauthorized access to data contained in section 13.09.

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

190.27 **Sec. 16. [626.8516] INTENSIVE COMPREHENSIVE PEACE OFFICER**
190.28 **EDUCATION AND TRAINING PROGRAM.**

190.29 Subdivision 1. **Establishment; title.** A program is established within the Department
190.30 of Public Safety to fund the intensive comprehensive law enforcement education and training
190.31 of college degree holders. The program shall be known as the intensive comprehensive
190.32 peace officer education and training program.

191.1 Subd. 2. **Purpose.** The program is intended to address the critical shortage of peace
191.2 officers in the state. The program shall reimburse law enforcement agencies that recruit,
191.3 educate, and train highly qualified college graduates to become licensed peace officers in
191.4 the state.

191.5 Subd. 3. **Eligibility for reimbursement grant; grant cap.** (a) The chief law enforcement
191.6 officer of a law enforcement agency may apply to the commissioner for reimbursement of
191.7 the cost of educating, training, paying, and insuring an eligible peace officer candidate until
191.8 the candidate is licensed by the board as a peace officer.

191.9 (b) The commissioner must reimburse an agency for the actual cost of educating, training,
191.10 paying, and insuring an eligible peace officer candidate up to \$50,000.

191.11 (c) The commissioner shall not award a grant under this section until the candidate has
191.12 been licensed by the board.

191.13 Subd. 4. **Eligibility for retention bonus reimbursement grant.** (a) The chief law
191.14 enforcement officer of a law enforcement agency may apply to the commissioner for a
191.15 onetime reimbursement grant for a retention bonus awarded to an eligible peace officer
191.16 candidate after the candidate has worked for a minimum of two years as a licensed peace
191.17 officer for the applicant's agency.

191.18 (b) The commissioner must reimburse an agency for the actual cost of an eligible retention
191.19 bonus up to \$10,000.

191.20 Subd. 5. **Eligibility for student loan reimbursement grant.** (a) An eligible peace officer
191.21 candidate, after serving for two consecutive years as a licensed peace officer in good standing
191.22 for a law enforcement agency, may apply to the commissioner for a grant to cover student
191.23 loan debt incurred by the applicant in earning the applicant's two- or four-year degree.

191.24 (b) The commissioner shall reimburse the applicant for the amount of the applicant's
191.25 student loan debt up to \$20,000.

191.26 Subd. 6. **Forms.** The commissioner must prepare the necessary grant application forms
191.27 and make them available on the agency's public website.

191.28 Subd. 7. **Intensive education and skills training program.** No later than February 1,
191.29 2024, the commissioner, in consultation with the executive director of the board and the
191.30 institutions designated as education providers under subdivision 8, shall develop an intensive
191.31 comprehensive law enforcement education and skills training curriculum that will provide
191.32 eligible peace officer candidates with the law enforcement education and skills training
191.33 needed to be licensed as a peace officer. The curriculum must be designed to be completed

192.1 in eight months or less and shall be offered at the institutions designated under subdivision
192.2 8. The curriculum may overlap, coincide with, or draw upon existing law enforcement
192.3 education and training programs at institutions designated as education providers under
192.4 subdivision 8. The commissioner may designate existing law enforcement education and
192.5 training programs that are designed to be completed in eight months or less as intensive
192.6 comprehensive law enforcement education and skills training programs for purposes of this
192.7 section.

192.8 Subd. 8. **Education providers; sites.** (a) No later than September 1, 2023, the Board
192.9 of Trustees of the Minnesota State Colleges and Universities shall designate at least two
192.10 regionally diverse system campuses to provide the required intensive comprehensive law
192.11 enforcement education and skills training to eligible peace officer candidates.

192.12 (b) In addition to the campuses designated under paragraph (a), the commissioner may
192.13 designate private, nonprofit postsecondary institutions to provide the required intensive
192.14 comprehensive law enforcement education and skills training to eligible peace officer
192.15 candidates.

192.16 Subd. 9. **Account established.** An intensive comprehensive peace officer education and
192.17 training program account is created in the special revenue fund for depositing money
192.18 appropriated to or received by the department for this program. Money deposited in the
192.19 account is appropriated to the commissioner, does not cancel, and is continuously available
192.20 to fund the requirements of this section.

192.21 Subd. 10. **Definitions.** (a) For purposes of this section, the following terms have the
192.22 meanings given.

192.23 (b) "Commissioner" means the commissioner of public safety.

192.24 (c) "Eligible peace officer candidate" means a person who:

192.25 (1) holds a two- or four-year degree from an accredited college or university;

192.26 (2) is a citizen of the United States;

192.27 (3) passed a thorough background check, including searches by local, state, and federal
192.28 agencies, to disclose the existence of any criminal record or conduct which would adversely
192.29 affect the candidate's performance of peace officer duties;

192.30 (4) possesses a valid Minnesota driver's license or, in case of residency therein, a valid
192.31 driver's license from another state, or eligibility to obtain either license; and

192.32 (5) is sponsored by a state or local law enforcement agency.

193.1 (d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
193.2 paragraph (f), clause (1).

193.3 (e) "Program" means the intensive comprehensive peace officer education and training
193.4 program.

193.5 Sec. 17. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to
193.6 read:

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

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

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

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

193.27 Sec. 18. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

193.28 Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement
193.29 agency, an employer shall disclose or otherwise make available for inspection employment
193.30 information of an employee or former employee who is the subject of an investigation under
193.31 subdivision 1 or who is a candidate for employment with a law enforcement agency in any
193.32 other capacity. The request for disclosure of employment information must be in writing,

194.1 must be accompanied by an ~~original~~ authorization and release signed by the employee or
194.2 former employee, and must be signed by a ~~sworn peace officer or other~~ an authorized
194.3 representative of the law enforcement agency conducting the background investigation.

194.4 Sec. 19. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

194.5 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose
194.6 employment information in accordance with this section, upon request the district court
194.7 may issue an ex parte order directing the disclosure of the employment information. The
194.8 request must be made by a ~~sworn peace officer~~ an authorized representative from the law
194.9 enforcement agency conducting the background investigation and must include a copy of
194.10 the ~~original~~ request for disclosure made upon the employer or former employer and the
194.11 authorization and release signed by the employee or former employee. The request must be
194.12 signed by the ~~peace officer~~ person requesting the order and an attorney representing the
194.13 state or the political subdivision on whose behalf the background investigation is being
194.14 conducted. It is not necessary for the request or the order to be filed with the court
194.15 administrator. Failure to comply with the court order subjects the person or entity who fails
194.16 to comply to civil or criminal contempt of court.

194.17 Sec. 20. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

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

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

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

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

194.27 Sec. 21. Minnesota Statutes 2022, section 626.89, subdivision 17, is amended to read:

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

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

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

195.6 (b) A local unit of government may establish a civilian review board, commission, or
195.7 other oversight body shall not have council and grant the council the authority to make a
195.8 finding of fact or determination regarding a complaint against an officer or impose discipline
195.9 on an officer. A civilian review board, commission, or other oversight body may make a
195.10 recommendation regarding the merits of a complaint, however, the recommendation shall
195.11 be advisory only and shall not be binding on nor limit the authority of the chief law
195.12 enforcement officer of any unit of government.

195.13 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
195.14 oversight council may conduct an investigation into allegations of peace officer misconduct
195.15 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
195.16 council may subpoena or compel testimony and documents in an investigation. Upon
195.17 completion of an investigation, a council may make a finding of misconduct and recommend
195.18 appropriate discipline against peace officers employed by the agency. If the governing body
195.19 grants a council the authority, the council may impose discipline on peace officers employed
195.20 by the agency. A council may submit investigation reports that contain findings of peace
195.21 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
195.22 and Training Board's complaint committee. A council may also make policy
195.23 recommendations to the chief law enforcement officer and the Peace Officer Standards and
195.24 Training Board.

195.25 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
195.26 of a civilian oversight council shall cooperate with the council and facilitate the council's
195.27 achievement of its goals. However, the officer is under no obligation to agree with individual
195.28 recommendations of the council and may oppose a recommendation. If the officer fails to
195.29 implement a recommendation that is within the officer's authority, the officer shall inform
195.30 the council of the failure along with the officer's underlying reasons.

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

196.1 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
196.2 council related to an investigation of a peace officer are personnel data as defined by section
196.3 13.43, subdivision 1, and are governed by that section.

196.4 Sec. 22. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

197.4 Sec. 23. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

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

197.8 (1) the community agrees to be subject to liability for its torts and those of its officers,
197.9 employees, and agents acting within the scope of their employment or duties arising out of
197.10 the law enforcement agency powers conferred by this section to the same extent as a
197.11 municipality under chapter 466, and the community further agrees, notwithstanding section
197.12 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from
197.13 this liability;

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

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

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

197.23 (b) The community ~~shall~~ may enter into an agreement under section 471.59 with the
197.24 Redwood County sheriff to define and regulate the provision of law enforcement services
197.25 under this section and to provide for mutual aid and cooperation. If entered, the agreement
197.26 must identify and describe the trust property involved in the agreement. For purposes of
197.27 entering into this agreement, the community shall be considered a "governmental unit" as
197.28 that term is defined in section 471.59, subdivision 1.

197.29 Sec. 24. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

197.30 Subd. 4. **Peace officers.** If the community complies with the requirements set forth in
197.31 subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as
197.32 defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace

198.1 officers employed by the Redwood County sheriff over the persons and the geographic
198.2 areas described in subdivision 3.

198.3 Sec. 25. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

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

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

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

198.20 (3) the band files with the Board of Peace Officer Standards and Training a certificate
198.21 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits
198.22 under the United States Constitution or establishes that liability coverage exists under the
198.23 Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended
198.24 to the band pursuant to the Indian Self-Determination and Education Assistance Act of
198.25 1975, United States Code, title 25, section 450F(c); and

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

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

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

198.33 (2) the responsibilities of the county sheriffs;

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

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

199.3 Sec. 26. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

199.4 Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority
199.5 under this section with the Carlton County and St. Louis County Sheriffs' Departments over
199.6 crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by~~
199.7 ~~the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b),~~
199.8 ~~and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2,
199.9 paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision
199.10 2, paragraph (b), is entered into.

199.11 Sec. 27. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

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

199.16 Sec. 28. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

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

199.22 Sec. 29. **REPEALER.**

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

199.24 **ARTICLE 12**
199.25 **CORRECTIONS POLICY**

199.26 Section 1. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

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

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

200.3 (b) To determine the place of confinement of committed persons in a correctional facility
200.4 or other facility of the Department of Corrections and to prescribe reasonable conditions
200.5 and rules for their employment, conduct, instruction, and discipline within or outside the
200.6 facility. After July 1, 2023, the commissioner shall not allow inmates who have not been
200.7 conditionally released from prison, whether on parole, supervised release, work release, or
200.8 an early release program, to be housed in correctional facilities that are not owned and
200.9 operated by the state, a local unit of government, or a group of local units of government.
200.10 Inmates shall not exercise custodial functions or have authority over other inmates.

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

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

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

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

200.22 (g) To organize the department and employ personnel the commissioner deems necessary
200.23 to discharge the functions of the department, including a chief executive officer for each
200.24 facility under the commissioner's control who shall serve in the unclassified civil service
200.25 and may, under the provisions of section 43A.33, be removed only for cause.

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

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

201.1 (j) To publish, administer, and award grant contracts with state agencies, local units of
201.2 government, and other entities for correctional programs embodying rehabilitative concepts,
201.3 for restorative programs for crime victims and the overall community, and for implementing
201.4 legislative directives.

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

201.6 Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 1d, is amended to read:

201.7 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
201.8 facility under this section is revoked or suspended, or use of the facility is restricted for any
201.9 reason under a conditional license order, or a correction order is issued to a facility, the
201.10 commissioner shall post the facility, the status of the facility's license, and the reason for
201.11 the correction order, restriction, revocation, or suspension publicly and on the department's
201.12 website.

201.13 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

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

201.23 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

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

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

201.30 (2) renew a license under this section to operate a correctional facility for the detention
201.31 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of

202.1 Minnesota without an agreement with the entity placing the juvenile at the facility that
202.2 obligates the entity to pay the educational expenses of the juvenile.

202.3 Sec. 5. [241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON
202.4 STRIP SEARCHES AND DISCIPLINE.

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

202.7 Subd. 2. Definitions. (a) As used in this section, the following terms have the meanings
202.8 given.

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

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

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

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

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

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

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

202.22 (1) a health care professional; or

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

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

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

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

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

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

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

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

203.13 (1) how often strip searches were performed;

203.14 (2) how often juveniles were isolated;

203.15 (3) the length of each period of isolation used and, for juveniles isolated in the previous
203.16 year, the total cumulative amount of time that the juvenile was isolated that year; and

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

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

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

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

203.26 Sec. 6. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

203.27 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
203.28 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
203.29 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
203.30 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
203.31 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary

204.1 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
204.2 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
204.3 discretionary and statutory released violators and Department of Corrections' escapees and
204.4 this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit
204.5 may respond to a law enforcement agency's request to exercise general law enforcement
204.6 duties during the course of official duties by carrying out law enforcement activities at the
204.7 direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate
204.8 criminal offenses in agency-operated correctional facilities and surrounding property.

204.9 Sec. 7. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

204.10 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
204.11 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
204.12 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
204.13 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
204.14 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
204.15 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
204.16 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
204.17 subsequent investigations or law enforcement efforts being carried out by the primary
204.18 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
204.19 are not within the agency's jurisdiction must be referred to the appropriate local law
204.20 enforcement agency for further investigation or disposition.

204.21 Sec. 8. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

204.22 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
204.23 required under state law for law enforcement agencies. The fugitive apprehension unit also
204.24 must develop a policy for contacting law enforcement agencies in a city or county before
204.25 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
204.26 ~~These policies must be filed with the board of peace officers standards and training by~~
204.27 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
204.28 ten days of the effective date of the revision. The Department of Corrections shall train all
204.29 of its peace officers regarding the application of these policies.

205.1 Sec. 9. Minnesota Statutes 2022, section 241.90, is amended to read:

205.2 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
205.3 **FUNCTION.**

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

205.13 Sec. 10. **243.95 PRIVATE PRISON CONTRACTS PROHIBITED.**

205.14 (a) The commissioner may not contract with privately owned and operated prisons for
205.15 the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

205.16 (b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner
205.17 from contracting with privately owned residential facilities, such as halfway houses, group
205.18 homes, work release centers, or treatment facilities, to provide for the care, custody, and
205.19 rehabilitation of inmates who have been released from prison under section 241.26, 244.05,
205.20 244.0513, 244.065, or 244.172, or any other form of supervised or conditional release.

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

205.22 Sec. 11. **244.049 INDETERMINATE SENTENCE RELEASE BOARD.**

205.23 Subdivision 1. Establishment; membership. (a) As provided under paragraph (b) and
205.24 section 244.05, subdivision 5, the Indeterminate Sentence Release Board is established to
205.25 review eligible cases and make release and final discharge decisions for:

205.26 (1) inmates serving life sentences with the possibility of parole or supervised release
205.27 under sections 243.05, subdivision 1, and 244.05, subdivision 5; and

205.28 (2) inmates serving indeterminate sentences for crimes committed on or before April
205.29 30, 1980.

206.1 (b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge
206.2 previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph
206.3 (a), and 3; 244.08; and 609.12 is transferred to the board.

206.4 (c) The board consists of five members as follows:

206.5 (1) four members appointed by the governor from which each of the majority leaders
206.6 and minority leaders of the house of representatives and the senate provides two candidate
206.7 recommendations for consideration; and

206.8 (2) the commissioner, who serves as chair.

206.9 (d) Appointed board members must meet the following qualifications, at a minimum:

206.10 (1) a law degree or a bachelor's degree in criminology, corrections, or a related social
206.11 science;

206.12 (2) five years of experience in corrections, a criminal justice or community corrections
206.13 field, rehabilitation programming, behavioral health, or criminal law; and

206.14 (3) demonstrated knowledge of victim issues and correctional processes.

206.15 Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered
206.16 terms, but the terms of the initial members are as follows:

206.17 (1) two members must be appointed for terms that expire January 1, 2026; and

206.18 (2) two members must be appointed for terms that expire January 1, 2028.

206.19 (b) An appointed member is eligible for reappointment, and a vacancy must be filled
206.20 according to subdivision 1.

206.21 (c) For appointed members, compensation and removal are as provided in section 15.0575.

206.22 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
206.23 quorum.

206.24 (b) An appointed board member must visit at least one state correctional facility every
206.25 12 months.

206.26 (c) The commissioner must provide the board with personnel, supplies, equipment, office
206.27 space, and other administrative services necessary and incident to fulfilling the board's
206.28 functions.

206.29 Subd. 4. **Limitation.** Nothing in this section or section 244.05, subdivision 5:

207.1 (1) supersedes the commissioner's authority to set conditions of release or revoke an
207.2 inmate's release for violating any of the conditions; or

207.3 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
207.4 case.

207.5 Subd. 5. **Report.** (a) Beginning February 15, 2025, and each year thereafter, the board
207.6 must submit to the legislative committees with jurisdiction over criminal justice policy a
207.7 written report that:

207.8 (1) details the number of inmates reviewed;

207.9 (2) identifies inmates granted release or final discharge in the preceding year; and

207.10 (3) provides demographic data of inmates who were granted release or final discharge
207.11 and inmates who were denied release or final discharge.

207.12 (b) The report must also include the board's recommendations to the commissioner for
207.13 policy modifications that influence the board's duties.

207.14 Sec. 12. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

207.15 Subd. 2. **Rules.** (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause
207.16 (1), the commissioner of corrections shall ~~must~~ adopt by rule standards and procedures for
207.17 the revocation of ~~revoking~~ supervised or conditional release; and shall ~~must~~ specify the
207.18 period of revocation for each violation of release ~~except in accordance with subdivision 5,~~
207.19 paragraph (i), for inmates serving life sentences.

207.20 (b) Procedures for the revocation of ~~revoking~~ release shall ~~must~~ provide due process of
207.21 law for the inmate.

207.22 **EFFECTIVE DATE.** This section is effective July 1, 2024.

207.23 Sec. 13. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

207.24 Subd. 5. **Supervised release; life sentence and indeterminate sentences.** (a) The
207.25 ~~commissioner of corrections~~ board may, under rules ~~promulgated~~ adopted by the
207.26 commissioner, ~~give~~ grant supervised release or parole to an inmate serving a mandatory
207.27 life sentence ~~under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455,~~
207.28 ~~subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3;~~

207.29 (1) after the inmate has served the minimum term of imprisonment specified in
207.30 subdivision 4 or section 243.05, subdivision 1, paragraph (a); or

208.1 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
208.2 committed on or before April 30, 1980.

208.3 (b) No earlier than three years before an inmate reaches their minimum term of
208.4 imprisonment or parole eligibility date, the commissioner must conduct a formal review
208.5 and make programming recommendations relevant to the inmate's release review under this
208.6 subdivision.

208.7 (c) The ~~commissioner shall~~ board must require the preparation of a community
208.8 investigation report and ~~shall~~ consider the findings of the report when making a supervised
208.9 release or parole decision under this subdivision. The report ~~shall~~ must:

208.10 (1) reflect the sentiment of the various elements of the community toward the inmate,
208.11 both at the time of the offense and at the present time;

208.12 ~~The report shall~~ (2) include the views of the sentencing judge, the prosecutor, any law
208.13 enforcement personnel who may have been involved in the case, and any successors to these
208.14 individuals who may have information relevant to the supervised release decision; and

208.15 ~~The report shall also~~ (3) include the views of the victim and the victim's family unless
208.16 the victim or the victim's family chooses not to participate.

208.17 ~~(e)~~ (d) The commissioner shall must make reasonable efforts to notify the victim, in
208.18 advance, of the time and place of the inmate's supervised release review hearing. The victim
208.19 has a right to submit an oral or written statement at the review hearing. The statement may
208.20 summarize the harm suffered by the victim as a result of the crime and give the victim's
208.21 recommendation on whether the inmate should be given supervised release or parole at this
208.22 time. ~~The commissioner must consider the victim's statement when making the supervised~~
208.23 ~~release decision.~~

208.24 ~~(d)~~ (e) Supervised release or parole must be granted with a majority vote of the board
208.25 members. When considering whether to give grant supervised release or parole to an inmate
208.26 -serving a life sentence under section 609.3455, subdivision 3 or 4 or indeterminate sentence,
208.27 ~~the commissioner shall~~ board must consider, at a minimum, the following:

208.28 (1) the risk the inmate poses to the community if released;

208.29 (2) the inmate's progress in treatment;

208.30 (3) the inmate's behavior while incarcerated;

208.31 (4) psychological or other diagnostic evaluations of the inmate;

208.32 (5) the inmate's criminal history;

- 209.1 (6) a victim statement under paragraph (d), if submitted; and
- 209.2 (7) any other relevant conduct of the inmate while incarcerated or before incarceration.
- 209.3 (f) The ~~commissioner~~ board may not ~~give grant~~ supervised release ~~or parole~~ to ~~the an~~
- 209.4 inmate unless:
- 209.5 (1) while in prison:
- 209.6 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;
- 209.7 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
- 209.8 has successfully completed substance use disorder treatment; and
- 209.9 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
- 209.10 successfully completed mental health treatment; and
- 209.11 (2) a comprehensive individual release plan is in place for the inmate that:
- 209.12 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
- 209.13 aftercare and community-based treatment. ~~The comprehensive plan also must include; and~~
- 209.14 (ii) includes a postprison employment or education plan for the inmate.
- 209.15 ~~(e)~~ (g) When granting supervised release under this subdivision, the board must set
- 209.16 prerelease conditions to be followed by the inmate before their actual release or before
- 209.17 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
- 209.18 the commissioner may rescind the grant of supervised release without a hearing at any time
- 209.19 before the inmate's release or before constructive parole becomes effective. A grant of
- 209.20 constructive parole becomes effective once the inmate begins serving the consecutive
- 209.21 sentence.
- 209.22 (h) If the commissioner rescinds a grant of supervised release or parole, the board:
- 209.23 (1) must set a release review date that occurs within 90 days of the commissioner's
- 209.24 rescission; and
- 209.25 (2) by majority vote, may set a new supervised release date or set another review date.
- 209.26 (i) If the commissioner revokes supervised release or parole for an inmate serving a life
- 209.27 sentence, the revocation is not subject to the limitations under section 244.30 and the board:
- 209.28 (1) must set a release review date that occurs within one year of the commissioner's final
- 209.29 revocation decision; and
- 209.30 (2) by majority vote, may set a new supervised release date or set another review date.

210.1 (j) The board may, by a majority vote, grant a person on supervised release or parole
210.2 for a life or indeterminate sentence a final discharge from their sentence in accordance with
210.3 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
210.4 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
210.5 that term.

210.6 ~~As used in~~ (k) For purposes of this subdivision;

210.7 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

210.8 (2) "constructive parole" means the status of an inmate who has been paroled from an
210.9 indeterminate sentence to begin serving a consecutive sentence in prison; and

210.10 (3) "victim" means ~~the~~ an individual who has directly suffered loss or harm as a result
210.11 of the from an inmate's crime or, ~~if the individual is deceased, the deceased's a murder~~
210.12 victim's surviving spouse ~~or~~, next of kin, or family kin.

210.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

210.14 Sec. 14. Minnesota Statutes 2022, section 260B.176, is amended by adding a subdivision
210.15 to read:

210.16 Subd. 1a. **Risk-assessment instrument.** (a) If a peace officer, probation officer, or
210.17 parole officer who takes a child into custody does not release the child according to
210.18 subdivision 1, the officer must communicate with or deliver the child to a juvenile secure
210.19 detention facility to determine whether the child should be released or detained.

210.20 (b) To determine whether a child should be released or detained, a facility's supervisor
210.21 must use an objective and racially, ethnically, and gender-responsive juvenile detention
210.22 risk-assessment instrument developed by the commissioner of corrections, county, group
210.23 of counties, or judicial district, in consultation with the state coordinator or coordinators of
210.24 the Minnesota Juvenile Detention Alternative Initiative.

210.25 (c) The risk-assessment instrument must:

210.26 (1) assess the likelihood that a child released from preadjudication detention under this
210.27 section or section 260B.178 would endanger others or not return for a court hearing;

210.28 (2) identify the appropriate setting for a child who might endanger others or not return
210.29 for a court hearing pending adjudication, with either continued detention or placement in a
210.30 noncustodial community-based supervision setting; and

211.1 (3) identify the type of noncustodial community-based supervision setting necessary to
211.2 minimize the risk that a child who is released from custody will endanger others or not
211.3 return for a court hearing.

211.4 (d) If, after using the instrument, a determination is made that the child should be released,
211.5 the person taking the child into custody or the facility supervisor must release the child
211.6 according to subdivision 1.

211.7 **EFFECTIVE DATE.** This section is effective August 15, 2023.

211.8 **Sec. 15. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

211.9 Subdivision 1. **Placement prohibited.** After August 1, 2023, a sheriff shall not allow
211.10 inmates committed to the custody of the sheriff who are not on probation, work release, or
211.11 some other form of approved release status to be housed in facilities that are not owned and
211.12 operated by a local government, or a group of local units of government.

211.13 Subd. 2. **Contracts prohibited.** (a) Except as provided in paragraph (b), the county
211.14 board may not authorize the sheriff to contract with privately owned and operated prisons
211.15 for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

211.16 (b) Nothing in this section prohibits a county board from contracting with privately
211.17 owned residential facilities, such as halfway houses, group homes, work release centers, or
211.18 treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are
211.19 on probation, work release, or some other form of approved release status.

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

211.21 **Sec. 16. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:**

211.22 **Subd. 2. **Medical aid.**** Except as provided in section 466.101, the county board shall
211.23 pay the costs of medical services provided to prisoners pursuant to this section. The amount
211.24 paid by the county board for a medical service shall not exceed the maximum allowed
211.25 medical assistance payment rate for the service, as determined by the commissioner of
211.26 human services. In the absence of a health or medical insurance or health plan that has a
211.27 contractual obligation with the provider or the prisoner, medical providers shall charge no
211.28 higher than the rate negotiated between the county and the provider. In the absence of an
211.29 agreement between the county and the provider, the provider may not charge an amount
211.30 that exceeds the maximum allowed medical assistance payment rate for the service, as
211.31 determined by the commissioner of human services. The county is entitled to reimbursement
211.32 from the prisoner for payment of medical bills to the extent that the prisoner to whom the

212.1 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
212.2 incur co-payment obligations for health care services provided by a county correctional
212.3 facility. The county board shall determine the co-payment amount. Notwithstanding any
212.4 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
212.5 by the county, to the extent possible. If there is a disagreement between the county and a
212.6 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
212.7 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
212.8 If a prisoner is covered by health or medical insurance or other health plan when medical
212.9 services are provided, the medical provider shall bill that health or medical insurance or
212.10 other plan. If the county providing the medical services for a prisoner that has coverage
212.11 under health or medical insurance or other plan, that county has a right of subrogation to
212.12 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
212.13 prisoner that are covered by the policy of insurance or health plan, in accordance with the
212.14 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
212.15 health plan. The county may maintain an action to enforce this subrogation right. The county
212.16 does not have a right of subrogation against the medical assistance program. The county
212.17 shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline,
212.18 a mental health provider, or calls for the purpose of providing case management or mental
212.19 health services as defined in section 245.462 to prisoners.

212.20 Sec. 17. Minnesota Statutes 2022, section 641.155, is amended to read:

212.21 **~~641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT~~**
212.22 **~~MENTAL ILLNESS.~~**

212.23 Subdivision 1. **Discharge plans.** The commissioner of corrections shall develop and
212.24 distribute a model discharge planning process for every offender with a serious and persistent
212.25 mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been
212.26 convicted and sentenced to serve three or more months and is being released from a county
212.27 jail or county regional jail. The commissioner may specify different model discharge plans
212.28 for prisoners who have been detained pretrial and prisoners who have been sentenced to
212.29 jail. The commissioner must consult best practices and the most current correctional health
212.30 care standards from national accrediting organizations. The commissioner must review and
212.31 update the model process as needed.

212.32 Subd. 2. **Discharge plans for people with serious and persistent mental illnesses.** An
212.33 offender A person with a serious and persistent mental illness, as defined in section 245.462,
212.34 subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more

213.1 months and is being released from a county jail or county regional jail shall be referred to
213.2 the appropriate staff in the county human services department at least 60 days before being
213.3 released. The county human services department ~~may carry out provisions of the model~~
213.4 ~~discharge planning process such as~~ must complete a discharge plan with the prisoner no
213.5 less than 14 days before release that may include:

213.6 (1) providing assistance in filling out an application for medical assistance or
213.7 MinnesotaCare;

213.8 (2) making a referral for case management as outlined under section 245.467, subdivision
213.9 4;

213.10 (3) providing assistance in obtaining a state photo identification;

213.11 (4) securing a timely appointment with a psychiatrist or other appropriate community
213.12 mental health providers; and

213.13 (5) providing prescriptions for a 30-day supply of all necessary medications.

213.14 Subd. 3. Reentry coordination programs. (a) A county may establish a program to
213.15 provide services and assist prisoners with reentering the community. Reentry services may
213.16 include but are not limited to:

213.17 (1) providing assistance in meeting the basic needs of the prisoner immediately after
213.18 release including but not limited to provisions for transportation, clothing, food, and shelter;

213.19 (2) providing assistance in filling out an application for medical assistance or
213.20 MinnesotaCare;

213.21 (3) providing assistance in obtaining a state photo identification;

213.22 (4) providing assistance in obtaining prescriptions for all necessary medications;

213.23 (5) coordinating services with the local county services agency or the social services
213.24 agency in the county where the prisoner is a resident; and

213.25 (6) coordinating services with a community mental health or substance use disorder
213.26 provider.

213.27 Sec. 18. MENTAL HEALTH UNIT PILOT PROGRAM.

213.28 (a) The commissioner of corrections shall establish a pilot program with interested
213.29 counties to provide mental health care to individuals with serious and persistent mental
213.30 illness who are incarcerated in county jails. The pilot program must require the participating
213.31 counties to pay according to Minnesota Statutes, section 243.51, a per diem for

214.1 reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park
214.2 Heights, and other costs incurred by the Department of Corrections.

214.3 (b) The commissioner in consultation with the Minnesota Sheriffs' Association shall
214.4 develop program protocols, guidelines, and procedures and qualifications for participating
214.5 counties and incarcerated individuals to be treated in the Mental Health Unit. The program
214.6 is limited to a total of five incarcerated individuals from the participating counties at any
214.7 one time. Incarcerated individuals must volunteer to be treated in the unit and be able to
214.8 participate in programming with other incarcerated individuals.

214.9 (c) The Minnesota Correctional Facility - Oak Park Heights warden, director of
214.10 psychology, and associate director of behavioral health, or a designee of each, in consultation
214.11 with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association
214.12 on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

214.13 (d) On November 15, 2024, the warden shall submit a report to the chairs and ranking
214.14 minority members of the legislative committees and divisions with jurisdiction over
214.15 corrections describing the protocols, guidelines, and procedures for participation in the pilot
214.16 program by counties and incarcerated individuals, challenges with staffing, cost sharing
214.17 with counties, capacity of the program, services provided to the incarcerated individuals,
214.18 program outcomes, concerns regarding the program, and recommendations for the viability
214.19 of a long-term program.

214.20 (e) The pilot program expires November 16, 2024.

214.21 **Sec. 19. REVISED FACILITY PLANS.**

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

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

214.28 **Sec. 20. RULEMAKING.**

214.29 (a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to
214.30 enforce the requirements under Minnesota Statutes, section 241.0215, including but not
214.31 limited to training, facility audits, strip searches, disciplinary room time, time-outs, and

215.1 seclusion. The commissioner may amend the rules to make technical changes and ensure
215.2 consistency with Minnesota Statutes, section 241.0215.

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

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

215.8 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
215.9 60, or any other law to the contrary, the joint rulemaking authority with the commissioner
215.10 of human services does not apply to rule amendments applicable only to the Department of
215.11 Corrections. A rule that is amending jointly administered rule parts must be related to
215.12 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be
215.13 necessary for consistency with this section.

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

215.15 Sec. 21. **REGIONAL AND COUNTY JAILS; STUDY AND REPORT.**

215.16 Subdivision 1. **Study.** The commissioner of corrections must study and make
215.17 recommendations on the consolidation or merger of county jails and alternatives to
215.18 incarceration for persons experiencing mental health disorders. The commissioner must
215.19 engage and solicit feedback from citizens who live in communities served by facilities that
215.20 may be impacted by the commissioner's recommendations for the consolidation or merger
215.21 of jails. The commissioner must consult with the following individuals on the study and
215.22 recommendations:

215.23 (1) county sheriffs;

215.24 (2) county and city attorneys who prosecute offenders;

215.25 (3) chief law enforcement officers;

215.26 (4) administrators of county jail facilities; and

215.27 (5) district court administrators.

215.28 Each party receiving a request for information from the commissioner under this section
215.29 shall provide the requested information in a timely manner.

215.30 Subd. 2. **Report.** The commissioner of corrections must file a report with the chairs and
215.31 ranking minority members of the senate and house of representatives committees and
215.32 divisions with jurisdiction over public safety and capital investment on the study and

- 216.1 recommendations under subdivision 1 on or before December 1, 2024. The report must, at
- 216.2 a minimum, provide the following information:
- 216.3 (1) the daily average number of offenders incarcerated in each county jail facility:
- 216.4 (i) who are in pretrial detention;
- 216.5 (ii) who cannot afford to pay bail;
- 216.6 (iii) for failure to pay fines and fees;
- 216.7 (iv) for offenses that stem from controlled substance addiction or mental health disorders;
- 216.8 (v) for nonfelony offenses;
- 216.9 (vi) who are detained pursuant to contracts with other authorities; and
- 216.10 (vii) for supervised release and probation violations;
- 216.11 (2) the actual cost of building a new jail facility, purchasing another facility, or repairing
- 216.12 a current facility;
- 216.13 (3) the age of current jail facilities;
- 216.14 (4) county population totals and trends;
- 216.15 (5) county crime rates and trends;
- 216.16 (6) the proximity of current jails to courthouses, probation services, social services,
- 216.17 treatment providers, and work-release employment opportunities;
- 216.18 (7) specific recommendations for alternatives to incarceration for persons experiencing
- 216.19 mental health disorders; and
- 216.20 (8) specific recommendations on the consolidation or merger of county jail facilities
- 216.21 and operations, including:
- 216.22 (i) where consolidated facilities should be located;
- 216.23 (ii) which counties are best suited for consolidation;
- 216.24 (iii) the projected costs of construction, renovation, or purchase of the facility; and
- 216.25 (iv) the projected cost of operating the facility.
- 216.26 Subd. 3. **Evaluation.** The commissioner, in consultation with the commissioner of
- 216.27 management and budget, must evaluate the need of any capital improvement project that
- 216.28 requests an appropriation of state capital budget money during an odd-numbered year to
- 216.29 construct a jail facility or for capital improvements to expand the number of incarcerated

217.1 offenders at an existing jail facility. The commissioner shall use the report under subdivision
217.2 2 to inform the evaluation. The commissioner must submit all evaluations under this
217.3 subdivision by January 15 of each even-numbered year to the chairs and ranking minority
217.4 members of the senate and house of representatives committees and divisions with jurisdiction
217.5 over public safety and capital investment on the study and recommendations under this
217.6 subdivision.

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

217.8 Sec. 22. **INDETERMINATE SENTENCE RELEASE BOARD.**

217.9 Notwithstanding Minnesota Statutes, section 244.049, subdivision 1, paragraph (a), the
217.10 Indeterminate Sentence Release Board may not begin to review eligible cases and make
217.11 release and final discharge decisions until July 1, 2024.

217.12 Sec. 23. **REVISOR INSTRUCTION.**

217.13 When necessary to reflect the transfer under Minnesota Statutes, section 244.049,
217.14 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner
217.15 of corrections" to "Indeterminate Sentence Release Board" or "board" in Minnesota Statutes,
217.16 sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12, and make any
217.17 other necessary grammatical changes.

217.18 **EFFECTIVE DATE.** This section is effective July 1, 2024.

217.19 **ARTICLE 13**

217.20 **MINNESOTA REHABILITATION AND REINVESTMENT ACT**

217.21 Section 1. Minnesota Statutes 2022, section 244.03, is amended to read:

217.22 **244.03 REHABILITATIVE PROGRAMS.**

217.23 Subdivision 1. **Commissioner responsibility.** (a) For individuals committed to the
217.24 commissioner's authority, the commissioner shall provide appropriate mental health programs
217.25 and vocational and educational programs with employment-related goals for inmates. The
217.26 selection, design and implementation of programs under this section shall be the sole
217.27 responsibility of the commissioner, acting within the limitations imposed by the funds
217.28 appropriated for such programs. must develop, implement, and provide, as appropriate:

217.29 (1) substance use disorder treatment programs;

217.30 (2) sexual offender treatment programming;

218.1 (3) domestic abuse programming;

218.2 (4) medical and mental health services;

218.3 (5) spiritual and faith-based programming;

218.4 (6) culturally responsive programming;

218.5 (7) vocational, employment and career, and educational programming; and

218.6 (8) other rehabilitative programs.

218.7 (b) While evidence-based programs must be prioritized, selecting, designing, and
218.8 implementing programs under this section are the sole responsibility of the commissioner,
218.9 acting within the limitations imposed by the funds appropriated for the programs under this
218.10 section.

218.11 Subd. 2. Challenge prohibited. No action challenging the level of expenditures for
218.12 rehabilitative programs authorized under this section, nor any action challenging the selection,
218.13 design, or implementation of these programs, including employee assignments, may be
218.14 maintained by an inmate in any court in this state.

218.15 Subd. 3. Disciplinary sanctions. The commissioner may impose disciplinary sanctions
218.16 ~~upon~~ on any inmate who refuses to participate in rehabilitative programs.

218.17 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

218.18 Subd. 1b. **Supervised release; offenders inmates who commit crimes on or after**
218.19 **August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to
218.20 prison for a felony offense committed on or after August 1, 1993, shall serve a supervised
218.21 release term upon completion of the inmate's term of imprisonment and any disciplinary
218.22 confinement period imposed by the commissioner due to the inmate's violation of any
218.23 disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative
218.24 program required under section 244.03. The amount of time the inmate serves on supervised
218.25 release ~~shall be~~ is equal in length to the amount of time remaining in to one-third of the
218.26 inmate's fixed executed sentence ~~after the inmate has served the term of imprisonment and~~
218.27 ~~any disciplinary confinement period imposed by the commissioner, less any disciplinary~~
218.28 confinement period imposed by the commissioner and regardless of any earned incentive
218.29 release credit applied toward the individual's term of imprisonment under section 244.44.

218.30 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
218.31 program as required under section 244.03 shall be placed on supervised release until the
218.32 inmate has served the disciplinary confinement period for that disciplinary sanction or until

219.1 the inmate is discharged or released from punitive ~~segregation~~ restrictive-housing
219.2 confinement, whichever is later. The imposition of a disciplinary confinement period shall
219.3 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
219.4 imposing the disciplinary confinement period and the rights of the inmate in the procedure
219.5 shall be those in effect for the imposition of other disciplinary sanctions at each state
219.6 correctional institution.

219.7 (c) For purposes of this subdivision, "earned incentive release credit" has the meaning
219.8 given in section 244.41, subdivision 7.

219.9 **Sec. 3. [244.40] MINNESOTA REHABILITATION AND REINVESTMENT ACT.**

219.10 Sections 244.40 to 244.51 may be cited as the "Minnesota Rehabilitation and
219.11 Reinvestment Act."

219.12 **Sec. 4. [244.41] DEFINITIONS.**

219.13 Subdivision 1. **Scope.** For purposes of the act, the terms defined in this section have the
219.14 meanings given.

219.15 Subd. 2. **Act.** "Act" means the Minnesota Rehabilitation and Reinvestment Act.

219.16 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections.

219.17 Subd. 4. **Correctional facility.** "Correctional facility" means a state facility under the
219.18 direct operational authority of the commissioner but does not include a commissioner-licensed
219.19 local detention facility.

219.20 Subd. 5. **Direct-cost per diem.** "Direct-cost per diem" means the actual nonsalary
219.21 expenditures, including encumbrances as of July 31 following the end of the fiscal year,
219.22 from the Department of Corrections expense budgets for food preparation; food provisions;
219.23 personal support for incarcerated persons, including clothing, linen, and other personal
219.24 supplies; transportation; and professional technical contracted health care services.

219.25 Subd. 6. **Earned compliance credit.** "Earned compliance credit" means a one-month
219.26 reduction from the period during active supervision of the supervised release term for every
219.27 two months that a supervised individual exhibits compliance with the conditions and goals
219.28 of the individual's supervision plan.

219.29 Subd. 7. **Earned incentive release credit.** "Earned incentive release credit" means credit
219.30 that is earned and included in calculating an incarcerated person's term of imprisonment for

220.1 completing objectives established by their individualized rehabilitation plan under section
220.2 244.42.

220.3 Subd. 8. **Earned incentive release savings.** "Earned incentive release savings" means
220.4 the calculation of the direct-cost per diem multiplied by the number of incarcerated days
220.5 saved for the period of one fiscal year.

220.6 Subd. 9. **Executed sentence.** "Executed sentence" means the total period for which an
220.7 incarcerated person is committed to the custody of the commissioner.

220.8 Subd. 10. **Incarcerated days saved.** "Incarcerated days saved" means the number of
220.9 days of an incarcerated person's original term of imprisonment minus the number of actual
220.10 days served, excluding days not served due to death or as a result of time earned in the
220.11 challenge incarceration program under sections 244.17 to 244.173.

220.12 Subd. 11. **Incarcerated person.** "Incarcerated person" has the meaning given "inmate"
220.13 in section 244.01, subdivision 2.

220.14 Subd. 12. **Supervised release.** "Supervised release" means the release of an incarcerated
220.15 person according to section 244.05.

220.16 Subd. 13. **Supervised release term.** "Supervised release term" means the period equal
220.17 to one-third of the individual's fixed executed sentence, less any disciplinary confinement
220.18 period or punitive restrictive-housing confinement imposed under section 244.05, subdivision
220.19 1b.

220.20 Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end
220.21 to active correctional supervision of a supervised individual without effect on the legal
220.22 expiration date of the individual's executed sentence less any earned incentive release credit.

220.23 Subd. 15. **Term of imprisonment.** "Term of imprisonment" has the meaning given in
220.24 section 244.01, subdivision 8.

220.25 Sec. 5. **[244.42] COMPREHENSIVE ASSESSMENT AND INDIVIDUALIZED**
220.26 **REHABILITATION PLAN REQUIRED.**

220.27 Subdivision 1. **Comprehensive assessment.** (a) The commissioner must develop a
220.28 comprehensive assessment process for each person who:

220.29 (1) is committed to the commissioner's custody and confined in a state correctional
220.30 facility on or after January 1, 2025; and

220.31 (2) has 365 or more days remaining until the person's scheduled supervised release date
220.32 or parole eligibility date.

221.1 (b) As part of the assessment process, the commissioner must take into account
221.2 appropriate rehabilitative programs under section 244.03.

221.3 Subd. 2. **Individualized rehabilitation plan.** After completing the assessment process,
221.4 the commissioner must ensure the development of an individualized rehabilitation plan,
221.5 along with identified goals, for every person committed to the commissioner's custody. The
221.6 individualized rehabilitation plan must be holistic in nature by identifying intended outcomes
221.7 for addressing:

221.8 (1) the incarcerated person's needs and risk factors;

221.9 (2) the person's identified strengths; and

221.10 (3) available and needed community supports, including victim safety considerations
221.11 as required under section 244.47, if applicable.

221.12 Subd. 3. **Victim input.** (a) If an individual is committed to the commissioner's custody
221.13 for a crime listed in section 609.02, subdivision 16, the commissioner must make reasonable
221.14 efforts to notify a victim of the opportunity to provide input during the assessment and
221.15 rehabilitation plan process. Victim input may include:

221.16 (1) a summary of victim concerns relative to release;

221.17 (2) concerns related to victim safety during the committed individual's term of
221.18 imprisonment; or

221.19 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
221.20 or supervised release.

221.21 (b) The commissioner must consider all victim input statements when developing an
221.22 individualized rehabilitation plan and establishing conditions governing confinement or
221.23 release.

221.24 Subd. 4. **Transition and release plan.** For an incarcerated person with less than 365
221.25 days remaining until the person's supervised release date, the commissioner, in consultation
221.26 with the incarcerated person, must develop a transition and release plan.

221.27 Subd. 5. **Scope of act.** This act is separate and distinct from other legislatively authorized
221.28 release programs, including the challenge incarceration program, work release, conditional
221.29 medical release, or the program for the conditional release of nonviolent controlled substance
221.30 offenders.

222.1 Sec. 6. [244.43] EARNED INCENTIVE RELEASE CREDIT.

222.2 Subdivision 1. Policy for earned incentive release credit; stakeholder consultation. (a)

222.3 To encourage and support rehabilitation when consistent with the public interest and public
222.4 safety, the commissioner must establish a policy providing for earned incentive release
222.5 credit as a part of the term of imprisonment. The policy must be established in consultation
222.6 with the following organizations:

222.7 (1) Minnesota County Attorneys Association;

222.8 (2) Minnesota Board of Public Defense;

222.9 (3) Minnesota Association of Community Corrections Act Counties;

222.10 (4) Minnesota Indian Women's Sexual Assault Coalition;

222.11 (5) Violence Free Minnesota;

222.12 (6) Minnesota Coalition Against Sexual Assault;

222.13 (7) Minnesota Alliance on Crime;

222.14 (8) Minnesota Sheriffs' Association;

222.15 (9) Minnesota Chiefs of Police Association;

222.16 (10) Minnesota Police and Peace Officers Association; and

222.17 (11) faith-based organizations that reflect the demographics of the incarcerated population.

222.18 (b) The policy must:

222.19 (1) provide circumstances upon which an incarcerated person may receive earned
222.20 incentive release credits, including participation in rehabilitative programming under section
222.21 244.03; and

222.22 (2) address circumstances where:

222.23 (i) the capacity to provide rehabilitative programming in the correctional facility is
222.24 diminished but the programming is available in the community; and

222.25 (ii) the conditions under which the incarcerated person could be released to the
222.26 community-based resource but remain subject to commitment to the commissioner and
222.27 could be considered for earned incentive release credit.

222.28 Subd. 2. Policy on disparities. The commissioner must develop a policy establishing a
222.29 process for assessing and addressing any systemic and programmatic gender and racial
222.30 disparities that may be identified when awarding earned incentive release credits.

223.1 Sec. 7. **[244.44] APPLYING EARNED INCENTIVE RELEASE CREDIT.**

223.2 Earned incentive release credits are included in calculating the term of imprisonment
223.3 but are not added to the person's supervised release term, the total length of which remains
223.4 unchanged. The maximum amount of earned incentive release credit that can be earned and
223.5 subtracted from the term of imprisonment is 17 percent of the total executed sentence.
223.6 Earned credit cannot reduce the term of imprisonment to less than one-half of the incarcerated
223.7 person's executed sentence. Once earned, earned incentive release credits are nonrevocable.

223.8 Sec. 8. **[244.45] INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.**

223.9 (a) The commissioner, in consultation with the organizations listed in section 244.43,
223.10 subdivision 1, paragraph (a), shall determine if any of the following offenses shall be
223.11 ineligible for earned incentive release credit under sections 244.031 to 244.033:

223.12 (1) section 609.185, first degree murder, or 609.19, murder in the second degree;

223.13 (2) section 609.195, murder in the third degree, or 609.221, assault in the first degree;

223.14 (3) section 609.342, first degree criminal sexual conduct, 609.343, second degree criminal
223.15 sexual conduct, or 609.344, third degree criminal sexual conduct, if the offense was
223.16 committed with force or violence;

223.17 (4) section 609.3455, subdivision 5, dangerous sex offenders, where the court shall
223.18 specify a minimum term of imprisonment, based on the Sentencing Guidelines or any
223.19 applicable mandatory minimum sentence, that must be served before the offender may be
223.20 considered for supervised release;

223.21 (5) section 609.229, subdivision 4, paragraph (b), crimes committed for the benefit of
223.22 a gang where any person convicted and sentenced as required by section 609.229, subdivision
223.23 4, paragraph (a), is not eligible for probation, parole, discharge, work release, or supervised
223.24 release until that person has served the full term of imprisonment as provided by law;

223.25 (6) section 152.026 where a person with a mandatory minimum sentence imposed for
223.26 a first or second degree controlled substance crime is not eligible for probation, parole,
223.27 discharge, or supervised release until that person has served the full term of imprisonment
223.28 as provided by law;

223.29 (7) a person who was convicted in any other jurisdiction of a crime and the person's
223.30 supervision was transferred to this state;

223.31 (8) section 243.166, subdivision 5, paragraph (e), predatory offender registration;

224.1 (9) section 609.11, subdivision 6, use of firearm or dangerous weapon during the
224.2 commission of certain offenses;

224.3 (10) section 609.221, subdivision 5, paragraph (b), use of deadly force against a peace
224.4 officer, prosecutor, judge, or correctional employee;

224.5 (11) section 609.2231, subdivision 3a, paragraph (d), assault against secure treatment
224.6 personnel; and

224.7 (12) a person subject to a conditional release term under section 609.3455, subdivisions
224.8 6 and 7, whether on the present offense or previous offense for which a term of conditional
224.9 release remains.

224.10 (b) Persons serving life sentences, persons given indeterminate sentences for crimes
224.11 committed on or before April 30, 1980, or persons subject to good time under section 244.04,
224.12 or similar laws are ineligible for earned incentive release credit.

224.13 **Sec. 9. [244.46] EARNED COMPLIANCE CREDIT AND SUPERVISION**
224.14 **ABATEMENT STATUS.**

224.15 **Subdivision 1. Adopting policy for earned compliance credit; supervision abatement**
224.16 **status.** (a) The commissioner must adopt a policy providing for earned compliance credit.

224.17 (b) Except as otherwise provided in the act, once the time served on active supervision
224.18 plus earned compliance credits equals the total length of the supervised release term, the
224.19 commissioner must place the individual on supervision abatement status for the remainder
224.20 of the supervised release term.

224.21 **Subd. 2. Violating conditions of release; commissioner action.** If an individual violates
224.22 the conditions of release while on supervision abatement status, the commissioner may:

224.23 (1) return the individual to active supervision for the remainder of the supervised release
224.24 term, with or without modifying the conditions of release; or

224.25 (2) revoke the individual's supervised release in accordance with section 244.05,
224.26 subdivision 3.

224.27 **Subd. 3. Supervision abatement status; requirements.** A person who is placed on
224.28 supervision abatement status under this section must not be required to regularly report to
224.29 a supervised release agent or pay a supervision fee but must continue to:

224.30 (1) obey all laws;

224.31 (2) report any new criminal charges; and

225.1 (3) abide by section 243.1605 before seeking written authorization to relocate to another
225.2 state.

225.3 Subd. 4. **Applicability.** This section does not apply to individuals:

225.4 (1) serving life sentences;

225.5 (2) given indeterminate sentences for crimes committed on or before April 30, 1980; or

225.6 (3) subject to good time under section 244.04 or similar laws.

225.7 Sec. 10. **[244.47] VICTIM INPUT.**

225.8 Subdivision 1. **Notifying victim; victim input.** (a) If an individual is committed to the
225.9 custody of the commissioner for a crime listed in section 609.02, subdivision 16, and is
225.10 eligible for earned incentive release credit, the commissioner must make reasonable efforts
225.11 to notify the victim that the committed individual is eligible for earned incentive release
225.12 credit.

225.13 (b) Victim input may include:

225.14 (1) a summary of victim concerns relative to eligibility of earned incentive release credit;

225.15 (2) concerns related to victim safety during the committed individual's term of
225.16 imprisonment; or

225.17 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
225.18 or supervised release.

225.19 Subd. 2. **Victim input statements.** The commissioner must consider victim input
225.20 statements when establishing requirements governing conditions of release. The
225.21 commissioner must provide the name and telephone number of the local victim agency
225.22 serving the jurisdiction of release to any victim providing input on earned incentive release
225.23 credit.

225.24 Sec. 11. **[244.48] VICTIM NOTIFICATION.**

225.25 Nothing in this act limits any victim notification obligations of the commissioner required
225.26 by statute related to a change in custody status, committing offense, end-of-confinement
225.27 review, or notification registration.

225.28 Sec. 12. **[244.49] INTERSTATE COMPACT.**

225.29 (a) This section applies to a person serving a Minnesota sentence while being supervised
225.30 in another state according to the Interstate Compact for Adult Supervision.

226.1 (b) As may be allowed under section 243.1605, a person may be eligible for supervision
226.2 abatement status according to the act only if they meet eligibility criteria for earned
226.3 compliance credit as established under section 244.46.

226.4 Sec. 13. **[244.50] REALLOCATING EARNED INCENTIVE RELEASE SAVINGS.**

226.5 Subdivision 1. **Establishing reallocation revenue account.** The reallocation of earned
226.6 incentive release savings account is established in the special revenue fund in the state
226.7 treasury. Funds in the account are appropriated to the commissioner and must be expended
226.8 in accordance with the allocation established in subdivision 4 after the requirements of
226.9 subdivision 2 are met. Funds in the account are available until expended.

226.10 Subd. 2. **Certifying earned incentive release savings.** On or before the final closeout
226.11 date of each fiscal year, the commissioner must certify to Minnesota Management and
226.12 Budget the earned incentive release savings from the previous fiscal year. The commissioner
226.13 must provide the detailed calculation substantiating the savings amount, including
226.14 accounting-system-generated data where possible, supporting the direct-cost per diem and
226.15 the incarcerated days saved.

226.16 Subd. 3. **Savings to be transferred to reallocation revenue account.** After the
226.17 certification in subdivision 2 is completed, the commissioner must transfer funds from the
226.18 appropriation from which the savings occurred to the reallocation revenue account according
226.19 to the allocation in subdivision 4. Transfers must occur by September 1 each year.

226.20 Subd. 4. **Distributing reallocation funds.** The commissioner must distribute funds as
226.21 follows:

226.22 (1) 25 percent must be transferred to the Office of Justice Programs in the Department
226.23 of Public Safety for crime victim services;

226.24 (2) 25 percent must be transferred to the Community Corrections Act subsidy
226.25 appropriation and to the Department of Corrections for supervised release and intensive
226.26 supervision services, based upon a three-year average of the release jurisdiction of supervised
226.27 releasees and intensive supervised releasees across the state;

226.28 (3) 25 percent must be transferred to the Department of Corrections for:

226.29 (i) grants to develop and invest in community-based services that support the identified
226.30 needs of correctionally involved individuals or individuals at risk of becoming involved in
226.31 the criminal justice system; and

227.1 (ii) sustaining the operation of evidence-based programming in state and local correctional
227.2 facilities; and

227.3 (4) 25 percent must be transferred to the general fund.

227.4 Sec. 14. **[244.51] REPORTING REQUIRED.**

227.5 Subdivision 1. Annual report required. (a) Beginning January 15, 2026, and by January
227.6 15 each year thereafter for ten years, the commissioner must provide a report to the chairs
227.7 and ranking minority members of the house of representatives and senate committees and
227.8 divisions with jurisdiction over public safety and judiciary.

227.9 (b) For the 2026 report, the commissioner must report on implementing the requirements
227.10 in this act. Starting with the 2027 report, the commissioner must report on the status of the
227.11 requirements in this act for the previous fiscal year.

227.12 (c) Each report must be provided to the sitting president of the Minnesota Association
227.13 of Community Corrections Act Counties and the executive directors of the Minnesota
227.14 Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition,
227.15 the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against
227.16 Sexual Assault, and the Minnesota County Attorneys Association.

227.17 (d) The report must include but not be limited to:

227.18 (1) a qualitative description of policy development; implementation status; identified
227.19 implementation or operational challenges; strategies identified to mitigate and ensure that
227.20 the act does not create or exacerbate gender, racial, and ethnic disparities; and proposed
227.21 mechanisms for projecting future savings and reallocation of savings;

227.22 (2) the number of persons who were granted earned incentive release credit, the total
227.23 number of days of incentive release earned, a summary of committing offenses for those
227.24 persons who earned incentive release credit, a summary of earned incentive release savings,
227.25 and the demographic data for all persons eligible for earned incentive release credit and the
227.26 reasons and demographic data of those eligible persons for whom earned incentive release
227.27 credit was unearned or denied;

227.28 (3) the number of persons who earned supervision abatement status, the total number
227.29 of days of supervision abatement earned, the committing offenses for those persons granted
227.30 supervision abatement status, the number of revocations for reoffense while on supervision
227.31 abatement status, and the demographic data for all persons eligible for, considered for,
227.32 granted, or denied supervision abatement status and the reasons supervision abatement status
227.33 was unearned or denied;

228.1 (4) the number of persons deemed ineligible to receive earned incentive release credits
228.2 and supervise abatement and the demographic data for the persons; and

228.3 (5) the number of victims who submitted input, the number of referrals to local
228.4 victim-serving agencies, and a summary of the kinds of victim services requested.

228.5 Subd. 2. **Soliciting feedback.** (a) The commissioner must solicit feedback on
228.6 victim-related operational concerns from the Minnesota Indian Women's Sexual Assault
228.7 Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and
228.8 Violence Free Minnesota.

228.9 (b) The feedback should relate to applying earned incentive release credit and supervision
228.10 abatement status options. A summary of the feedback from the organizations must be
228.11 included in the annual report.

228.12 Subd. 3. **Evaluating earned incentive release credit and act.** The commissioner must
228.13 direct the Department of Corrections' research unit to regularly evaluate earned incentive
228.14 release credits and other provisions of the act. The findings must be published on the
228.15 Department of Corrections' website and in the annual report.

228.16 Sec. 15. **EFFECTIVE DATE.**

228.17 Sections 1 to 14 are effective August 1, 2023.

ARTICLE 14

FIREARMS BACKGROUND CHECKS

228.20 Section 1. Minnesota Statutes 2022, section 624.7131, subdivision 4, is amended to read:

228.21 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
228.22 sheriff ~~that~~ shall refuse to grant a transferee permit if the applicant is: (1) prohibited by
228.23 ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style
228.24 assault weapon ~~shall be the only basis for refusal to grant a transferee permit;~~ (2) determined
228.25 to be a danger to self or the public when in possession of firearms under paragraph (b); or
228.26 (3) listed in the criminal gang investigative data system under section 299C.091.

228.27 (b) A chief of police or sheriff shall refuse to grant a permit to a person if there exists a
228.28 substantial likelihood that the applicant is a danger to self or the public when in possession
228.29 of a firearm. To deny the application pursuant to paragraph (a), clause (2), the chief of police
228.30 or sheriff must provide the applicant with written notification and the specific factual basis
228.31 justifying the denial, including the source of the factual basis. The chief of police or sheriff
228.32 must inform the applicant of the applicant's right to submit, within 20 business days, any

229.1 additional documentation relating to the propriety of the denial. Upon receiving any additional
229.2 documentation, the chief of police or sheriff must reconsider the denial and inform the
229.3 applicant within 15 business days of the result of the reconsideration. Any denial after
229.4 reconsideration must be in the same form and substance as the original denial and must
229.5 specifically address any continued deficiencies in light of the additional documentation
229.6 submitted by the applicant. The applicant must be informed of the right to seek de novo
229.7 review of the denial as provided in subdivision 8.

229.8 (c) A person is not eligible to submit a permit application under this section if the person
229.9 has had an application denied pursuant to paragraph (b) and less than six months have
229.10 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
229.11 whichever is later.

229.12 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
229.13 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
229.14 joint jurisdiction over the proposed transferee's residence.

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

229.17 Sec. 2. Minnesota Statutes 2022, section 624.7131, subdivision 5, is amended to read:

229.18 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
229.19 permit or deny the application within ~~seven~~ 30 days of application for the permit.

229.20 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
229.21 written notification of a denial and the specific reason for the denial.

229.22 (c) The permits and their renewal shall be granted free of charge.

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

229.25 Sec. 3. Minnesota Statutes 2022, section 624.7131, subdivision 7, is amended to read:

229.26 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
229.27 that the holder becomes prohibited from possessing or receiving a pistol under section
229.28 624.713, in which event the holder shall return the permit within five days to the issuing
229.29 authority. If the chief law enforcement officer who issued the permit has knowledge that
229.30 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
229.31 revoke the permit and give notice to the holder in writing. Failure of the holder to return
229.32 the permit within the five days of learning that the permit is void or revoked is a gross

230.1 misdemeanor unless the court finds that the circumstances or the physical or mental condition
230.2 of the permit holder prevented the holder from complying with the return requirement.

230.3 (b) When a permit holder receives a court disposition that prohibits the permit holder
230.4 from possessing a firearm, the court must take possession of the permit, if it is available,
230.5 and send it to the issuing law enforcement agency. If the permit holder does not have the
230.6 permit when the court imposes a firearm prohibition, the permit holder must surrender the
230.7 permit to the assigned probation officer, if applicable. When a probation officer is assigned
230.8 upon disposition of the case, the court shall inform the probation agent of the permit holder's
230.9 obligation to surrender the permit. Upon surrender, the probation officer must send the
230.10 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
230.11 permit holder, the holder shall surrender the permit as provided in paragraph (a).

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

230.14 Sec. 4. Minnesota Statutes 2022, section 624.7131, subdivision 8, is amended to read:

230.15 Subd. 8. **Hearing upon denial.** (a) Any person aggrieved by denial of a transferee permit
230.16 may appeal ~~the denial to the district court having jurisdiction over the county or municipality~~
230.17 ~~in which the denial occurred.~~ by petition to the district court having jurisdiction over the
230.18 county or municipality where the application was submitted. The petition must list the
230.19 applicable chief of police or sheriff as the respondent. The district court must hold a hearing
230.20 at the earliest practicable date and in any event no later than 60 days following the filing of
230.21 the petition for review. The court may not grant or deny any relief before the completion
230.22 of the hearing. The record of the hearing must be sealed. The matter must be heard de novo
230.23 without a jury.

230.24 (b) The court must issue written findings of fact and conclusions of law regarding the
230.25 issues submitted by the parties. The court must issue its writ of mandamus directing that
230.26 the permit be issued and order other appropriate relief unless the chief of police or sheriff
230.27 establishes by clear and convincing evidence that:

230.28 (1) the applicant is disqualified from possessing a firearm under state or federal law;

230.29 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
230.30 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
230.31 investigated and documented may not be considered; or

230.32 (3) the applicant is listed in the criminal gang investigative data system under section
230.33 299C.091.

231.1 (c) If an application is denied because the proposed transferee is listed in the criminal
231.2 gang investigative data system under section 299C.091, the applicant may challenge the
231.3 denial, after disclosure under court supervision of the reason for that listing, based on grounds
231.4 that the person:

231.5 (1) was erroneously identified as a person in the data system;

231.6 (2) was improperly included in the data system according to the criteria outlined in
231.7 section 299C.091, subdivision 2, paragraph (b); or

231.8 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
231.9 in the data system.

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

231.12 Sec. 5. Minnesota Statutes 2022, section 624.7131, subdivision 9, is amended to read:

231.13 Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714
231.14 constitutes a transferee permit for the purposes of this section and ~~section~~ sections 624.7132
231.15 and 624.7134.

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

231.18 Sec. 6. Minnesota Statutes 2022, section 624.7131, subdivision 11, is amended to read:

231.19 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
231.20 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
231.21 ~~misdemeanor~~ felony.

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

231.24 Sec. 7. Minnesota Statutes 2022, section 624.7132, subdivision 4, is amended to read:

231.25 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
231.26 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
231.27 until ~~five business~~ 30 days after the date the agreement to transfer is delivered to a chief of
231.28 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
231.29 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
231.30 all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or
231.31 sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period

232.1 concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic
232.2 military-style assault weapon because of a threat to the life of the transferee or of any member
232.3 of the household of the transferee. Prior to modifying the waiting period under the authority
232.4 granted in clause (2), the chief of police or sheriff must first determine that the proposed
232.5 transferee is not prohibited from possessing a firearm under state or federal law.

232.6 No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm
232.7 to a proposed transferee after receiving a written notification that the chief of police or
232.8 sheriff has determined that the proposed transferee is prohibited by section 624.713 from
232.9 possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

232.10 If the transferor makes a report of transfer and receives no written notification of
232.11 disqualification of the proposed transferee within ~~five~~ 30 business days after delivery of the
232.12 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm
232.13 may be delivered to the transferee, unless the transferor knows the transferee is ineligible
232.14 to possess firearms.

232.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
232.16 committed on or after that date.

232.17 Sec. 8. Minnesota Statutes 2022, section 624.7132, subdivision 5, is amended to read:

232.18 Subd. 5. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police or
232.19 sheriff that shall deny an application if the proposed transferee is: (1) prohibited by section
232.20 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault
232.21 weapon shall be the sole basis for a notification of disqualification under this section; (2)
232.22 determined to be a danger to self or the public when in possession of firearms under paragraph
232.23 (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

232.24 (b) A chief of police or sheriff shall deny an application if there exists a substantial
232.25 likelihood that the proposed transferee is a danger to self or the public when in possession
232.26 of a firearm. To deny the application under this paragraph, the chief of police or sheriff
232.27 must provide the applicant with written notification and the specific factual basis justifying
232.28 the denial, including the source of the factual basis. The chief of police or sheriff must
232.29 inform the applicant of the applicant's right to submit, within 20 business days, any additional
232.30 documentation relating to the propriety of the denial. Upon receiving any additional
232.31 documentation, the chief of police or sheriff must reconsider the denial and inform the
232.32 applicant within 15 business days of the result of the reconsideration. Any denial after
232.33 reconsideration must be in the same form and substance as the original denial and must
232.34 specifically address any continued deficiencies in light of the additional documentation

233.1 submitted by the applicant. The applicant must be informed of the right to seek de novo
233.2 review of the denial as provided in subdivision 13.

233.3 (c) A chief of police or sheriff need not process an application under this section if the
233.4 person has had an application denied pursuant to paragraph (b) and less than six months
233.5 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
233.6 denied, whichever is later.

233.7 (d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must
233.8 provide a copy of the notice of disqualification to the chief of police or sheriff with joint
233.9 jurisdiction over the applicant's residence.

233.10 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
233.11 committed on or after that date.

233.12 Sec. 9. Minnesota Statutes 2022, section 624.7132, subdivision 8, is amended to read:

233.13 Subd. 8. **Report not required.** If the proposed transferee presents ~~a valid transferee~~
233.14 ~~permit issued under section 624.7131 or a valid permit to carry issued under section 624.714,~~
233.15 the transferor need not file a transfer report.

233.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
233.17 committed on or after that date.

233.18 Sec. 10. Minnesota Statutes 2022, section 624.7132, subdivision 10, is amended to read:

233.19 Subd. 10. **Restriction on records.** Except as provided in section 624.7134, subdivision
233.20 3, paragraph (e), if, after a determination that the transferee is not a person prohibited by
233.21 section 624.713 from possessing a pistol or semiautomatic military-style assault weapon,
233.22 a transferee requests that no record be maintained of the fact of who is the transferee of a
233.23 pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall
233.24 sign the transfer report and return it to the transferee as soon as possible. Thereafter, no
233.25 government employee or agency shall maintain a record of the transfer that identifies the
233.26 transferee, and the transferee shall retain the report of transfer.

233.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
233.28 committed on or after that date.

233.29 Sec. 11. Minnesota Statutes 2022, section 624.7132, subdivision 13, is amended to read:

233.30 Subd. 13. **Appeal.** (a) A person aggrieved by the determination of a chief of police or
233.31 sheriff ~~that the person is prohibited by section 624.713 from possessing a pistol or~~

234.1 ~~semiautomatic military-style assault weapon may appeal the determination as provided in~~
234.2 ~~this subdivision. The district court shall have jurisdiction of proceedings under this~~
234.3 ~~subdivision.~~ under subdivision 5 may appeal by petition to the district court having
234.4 jurisdiction over the county or municipality where the application was submitted. The
234.5 petition must list the applicable chief of police or sheriff as the respondent. The district
234.6 court must hold a hearing at the earliest practicable date and in any event no later than 60
234.7 days following the filing of the petition for review. The court may not grant or deny any
234.8 relief before the completion of the hearing. The record of the hearing must be sealed. The
234.9 matter must be heard de novo without a jury.

234.10 ~~On review pursuant to this subdivision, the court shall be limited to a determination of~~
234.11 ~~whether the proposed transferee is a person prohibited from possessing a pistol or~~
234.12 ~~semiautomatic military-style assault weapon by section 624.713.~~

234.13 (b) The court must issue written findings of fact and conclusions of law regarding the
234.14 issues submitted by the parties. The court must issue its writ of mandamus directing that
234.15 the permit be issued and order other appropriate relief unless the chief of police or sheriff
234.16 establishes by clear and convincing evidence that:

234.17 (1) the applicant is disqualified under state or federal law from possession of firearms;

234.18 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
234.19 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
234.20 investigated and documented may not be considered; or

234.21 (3) the applicant is listed in the criminal gang investigative data system under section
234.22 299C.091.

234.23 (c) If an application is denied because the proposed transferee is listed in the criminal
234.24 gang investigative data system under section 299C.091, the proposed transferee may
234.25 challenge the denial, after disclosure under court supervision of the reason for that listing,
234.26 based on grounds that the person:

234.27 (1) was erroneously identified as a person in the data system;

234.28 (2) was improperly included in the data system according to the criteria outlined in
234.29 section 299C.091, subdivision 2, paragraph (b); or

234.30 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
234.31 in the data system.

234.32 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
234.33 committed on or after that date.

235.1 Sec. 12. **624.7134 PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
235.2 **REQUIRED.**

235.3 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
235.4 meanings provided in this subdivision.

235.5 (b) "Firearms dealer" means a person who is licensed by the United States Department
235.6 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
235.7 title 18, section 923(a).

235.8 (c) "State or federally issued identification" means a document or card made or issued
235.9 by or under the authority of the United States government or the state that contains the
235.10 person's name, residence address, date of birth, and photograph and is of a type commonly
235.11 accepted for the purpose of identification of individuals.

235.12 (d) "Unlicensed person" means a person who does not hold a license under United States
235.13 Code, title 18, section 923(a).

235.14 Subd. 2. **Background check and evidence of identity.** An unlicensed person is prohibited
235.15 from transferring a pistol or semiautomatic military-style assault weapon to any other
235.16 unlicensed person, unless: (1) the transfer is made through a firearms dealer as provided
235.17 for in subdivision 3; or (2) the transferee presents a valid transferee permit issued under
235.18 section 624.7131 and a current state or federally issued identification.

235.19 Subd. 3. **Background check conducted by federally licensed firearms dealer.** (a)
235.20 Where both parties to a prospective transfer of a pistol or semiautomatic military-style
235.21 assault weapon are unlicensed persons, the transferor and transferee may appear jointly
235.22 before a federally licensed firearms dealer with the firearm and request that the federally
235.23 licensed firearms dealer conduct a background check on the transferee and facilitate the
235.24 transfer.

235.25 (b) Except as otherwise provided in this section, a federally licensed firearms dealer
235.26 who agrees to facilitate a transfer under this section shall:

235.27 (1) process the transfer as though transferring the firearm from the dealer's inventory to
235.28 the transferee; and

235.29 (2) comply with all requirements of federal and state law that would apply if the firearms
235.30 dealer were making the transfer, including, at a minimum, all background checks and
235.31 record-keeping requirements. The exception to the report of transfer process in section
235.32 624.7132, subdivision 12, clause (1), does not apply to transfers completed under this
235.33 subdivision.

236.1 (c) If the transferee is prohibited by federal law from purchasing or possessing the firearm
236.2 or not entitled under state law to possess the firearm, neither the federally licensed firearms
236.3 dealer nor the transferor shall transfer the firearm to the transferee.

236.4 (d) Notwithstanding any other law to the contrary, this section shall not prevent the
236.5 transferor from:

236.6 (1) removing the firearm from the premises of the federally licensed firearms dealer, or
236.7 the gun show or event where the federally licensed firearms dealer is conducting business,
236.8 as applicable, while the background check is being conducted, provided that the transferor
236.9 must return to the federally licensed firearms dealer with the transferee before the transfer
236.10 takes place, and the federally licensed firearms dealer must take possession of the firearm
236.11 in order to complete the transfer; and

236.12 (2) removing the firearm from the business premises of the federally licensed firearms
236.13 dealer if the results of the background check indicate the transferee is prohibited by federal
236.14 law from purchasing or possessing the firearm or not entitled under state law to possess the
236.15 firearm.

236.16 (e) A transferee who consents to participate in a transfer under this subdivision is not
236.17 entitled to have the transfer report returned as provided for in section 624.7132, subdivision
236.18 10.

236.19 (f) A firearms dealer may charge a reasonable fee for conducting a background check
236.20 and facilitating a transfer between the transferor and transferee pursuant to this section.

236.21 Subd. 4. **Record of transfer; required information.** (a) Unless a transfer is made
236.22 through a firearms dealer as provided in subdivision 3, when two unlicensed persons complete
236.23 the transfer of a pistol or semiautomatic military-style assault weapon, the transferor and
236.24 transferee must complete a record of transfer on a form designed and made publicly available
236.25 without fee for this purpose by the superintendent of the Bureau of Criminal Apprehension.
236.26 Each page of the record of transfer must be signed and dated by the transferor and the
236.27 transferee and contain the serial number of the pistol or semiautomatic military-style assault
236.28 weapon.

236.29 (b) The record of transfer must contain the following information:

236.30 (1) a clear copy of each person's current state or federally issued identification;

236.31 (2) a clear copy of the transferee permit presented by the transferee; and

236.32 (3) a signed statement by the transferee swearing that the transferee is not currently
236.33 prohibited by state or federal law from possessing a firearm.

237.1 (c) The record of transfer must also contain the following information regarding the
237.2 transferred pistol or semiautomatic military-style assault weapon:

237.3 (1) the type of pistol or semiautomatic military-style assault weapon;

237.4 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
237.5 assault weapon; and

237.6 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
237.7 serial number.

237.8 (d) Both the transferor and the transferee must retain a copy of the record of transfer
237.9 and any attachments to the record of transfer for 20 years from the date of the transfer. A
237.10 copy in digital form shall be acceptable for the purposes of this paragraph.

237.11 **Subd. 5. Compulsory production of a record of transfer; gross misdemeanor**
237.12 **penalty.** (a) Unless a transfer was completed under subdivision 3, the transferor and
237.13 transferee of a pistol or semiautomatic military-style assault weapon transferred under
237.14 subdivision 4 must produce the record of transfer when a peace officer requests the record
237.15 as part of a criminal investigation.

237.16 (b) A person who refuses or is unable to produce a record of transfer for a firearm
237.17 transferred under this section in response to a request for production made by a peace officer
237.18 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for
237.19 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
237.20 committed involving the transferred firearm.

237.21 **Subd. 6. Immunity.** A person is immune to a charge of violating this section if the person
237.22 presents a record of transfer that satisfies the requirements of subdivision 4.

237.23 **Subd. 7. Exclusions.** (a) This section shall not apply to the following transfers:

237.24 (1) a transfer by or to a federally licensed firearms dealer;

237.25 (2) a transfer by or to any law enforcement agency;

237.26 (3) to the extent the transferee is acting within the course and scope of employment and
237.27 official duties, a transfer to:

237.28 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

237.29 (ii) a member of the United States armed forces, the National Guard, or the Reserves of
237.30 the United States armed forces;

237.31 (iii) a federal law enforcement officer; or

- 238.1 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;
- 238.2 (4) a transfer between immediate family members, which for the purposes of this section
- 238.3 means spouses, domestic partners, parents, children, siblings, grandparents, and
- 238.4 grandchildren;
- 238.5 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
- 238.6 or a trust that occurs by operation of law upon the death of the former owner of the firearm;
- 238.7 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;
- 238.8 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
- 238.9 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
- 238.10 by United States Code, title 18, section 921(a)(13), who each have in their possession a
- 238.11 valid collector of curio and relics license issued by the United States Department of Justice,
- 238.12 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 238.13 (8) the temporary transfer of a firearm if:
- 238.14 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
- 238.15 (ii) the person's possession lasts only as long as immediately necessary to prevent such
- 238.16 imminent death or great bodily harm;
- 238.17 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
- 238.18 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
- 238.19 and
- 238.20 (10) a temporary transfer if the transferee's possession of the firearm following the
- 238.21 transfer is only:
- 238.22 (i) at a shooting range that operates in compliance with the performance standards under
- 238.23 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
- 238.24 is not required by the governing body of the jurisdiction, at an established shooting range
- 238.25 operated consistently with local law in the jurisdiction;
- 238.26 (ii) at a lawfully organized competition involving the use of a firearm, or while
- 238.27 participating in or practicing for a performance by an organized group that uses firearms as
- 238.28 part of the performance;
- 238.29 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
- 238.30 transferee possesses the firearm and the transferee holds all licenses or permits required for
- 238.31 hunting or trapping;

239.1 (iv) at a lawfully organized educational or instructional course and under the direct
239.2 supervision of a certified instructor, as that term is defined in section 624.714, subdivision
239.3 2a, paragraph (d); or

239.4 (v) while in the actual presence of the transferor.

239.5 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
239.6 believe:

239.7 (1) that the transferee is prohibited by federal law from buying or possessing firearms
239.8 or not entitled under state law to possess firearms;

239.9 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
239.10 supervision and control of an adult, that the adult is prohibited by federal law from buying
239.11 or possessing firearms or not entitled under state law to possess firearms; or

239.12 (3) that the transferee will use or intends to use the firearm in the commission of a crime.

239.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
239.14 committed on or after that date.

239.15 Sec. 13. **REPEALER.**

239.16 Minnesota Statutes 2022, sections 624.7131, subdivision 10; and 624.7132, subdivisions
239.17 6 and 14, are repealed.

239.18 **ARTICLE 15**

239.19 **EXTREME RISK PROTECTION ORDERS**

239.20 Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

239.21 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
239.22 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
239.23 (1), any other firearm:

239.24 (1) a person under the age of 18 years except that a person under 18 may possess
239.25 ammunition designed for use in a firearm that the person may lawfully possess and may
239.26 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
239.27 presence or under the direct supervision of the person's parent or guardian, (ii) for the
239.28 purpose of military drill under the auspices of a legally recognized military organization
239.29 and under competent supervision, (iii) for the purpose of instruction, competition, or target
239.30 practice on a firing range approved by the chief of police or county sheriff in whose
239.31 jurisdiction the range is located and under direct supervision; or (iv) if the person has

240.1 successfully completed a course designed to teach marksmanship and safety with a pistol
240.2 or semiautomatic military-style assault weapon and approved by the commissioner of natural
240.3 resources;

240.4 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
240.5 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
240.6 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
240.7 includes crimes in other states or jurisdictions which would have been crimes of violence
240.8 as herein defined if they had been committed in this state;

240.9 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
240.10 determination that the person is mentally ill, developmentally disabled, or mentally ill and
240.11 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
240.12 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
240.13 the person's ability to possess a firearm and ammunition has been restored under subdivision
240.14 4;

240.15 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
240.16 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
240.17 of conviction and, during that time, the person has not been convicted of any other such
240.18 violation of chapter 152 or a similar law of another state; or a person who is or has ever
240.19 been committed by a judicial determination for treatment for the habitual use of a controlled
240.20 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
240.21 to possess a firearm and ammunition has been restored under subdivision 4;

240.22 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
240.23 by a judicial determination that the person is chemically dependent as defined in section
240.24 253B.02, unless the person has completed treatment or the person's ability to possess a
240.25 firearm and ammunition has been restored under subdivision 4. Property rights may not be
240.26 abated but access may be restricted by the courts;

240.27 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
240.28 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
240.29 of the treatment facility discharging or provisionally discharging the officer from the
240.30 treatment facility. Property rights may not be abated but access may be restricted by the
240.31 courts;

240.32 (7) a person, including a person under the jurisdiction of the juvenile court, who has
240.33 been charged with committing a crime of violence and has been placed in a pretrial diversion

241.1 program by the court before disposition, until the person has completed the diversion program
241.2 and the charge of committing the crime of violence has been dismissed;

241.3 (8) except as otherwise provided in clause (9), a person who has been convicted in
241.4 another state of committing an offense similar to the offense described in section 609.224,
241.5 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
241.6 unless three years have elapsed since the date of conviction and, during that time, the person
241.7 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
241.8 subdivision 3, or a similar law of another state;

241.9 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
241.10 household member and who was found by the court to have used a firearm in any way
241.11 during commission of the assault is prohibited from possessing any type of firearm or
241.12 ammunition for the period determined by the sentencing court;

241.13 (10) a person who:

241.14 (i) has been convicted in any court of a crime punishable by imprisonment for a term
241.15 exceeding one year;

241.16 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
241.17 for a crime or to avoid giving testimony in any criminal proceeding;

241.18 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

241.19 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
241.20 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
241.21 public, as defined in section 253B.02;

241.22 (v) is an alien who is illegally or unlawfully in the United States;

241.23 (vi) has been discharged from the armed forces of the United States under dishonorable
241.24 conditions;

241.25 (vii) has renounced the person's citizenship having been a citizen of the United States;

241.26 or

241.27 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
241.28 922(g)(8) or (9), as amended through March 1, 2014;

241.29 (11) a person who has been convicted of the following offenses at the gross misdemeanor
241.30 level, unless three years have elapsed since the date of conviction and, during that time, the
241.31 person has not been convicted of any other violation of these sections: section 609.229
241.32 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated

242.1 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
242.2 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
242.3 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
242.4 gross misdemeanor convictions include crimes committed in other states or jurisdictions
242.5 which would have been gross misdemeanors if conviction occurred in this state;

242.6 (12) a person who has been convicted of a violation of section 609.224 if the court
242.7 determined that the assault was against a family or household member in accordance with
242.8 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
242.9 the date of conviction and, during that time, the person has not been convicted of another
242.10 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

242.11 (13) a person who is subject to an order for protection as described in section 260C.201,
242.12 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

242.13 (14) a person who is subject to an extreme risk protection order as described in section
242.14 624.7172 or 624.7174.

242.15 A person who issues a certificate pursuant to this section in good faith is not liable for
242.16 damages resulting or arising from the actions or misconduct with a firearm or ammunition
242.17 committed by the individual who is the subject of the certificate.

242.18 The prohibition in this subdivision relating to the possession of firearms other than
242.19 pistols and semiautomatic military-style assault weapons does not apply retroactively to
242.20 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
242.21 weapon under this subdivision before August 1, 1994.

242.22 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
242.23 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
242.24 (2), applies only to offenders who are discharged from sentence or court supervision for a
242.25 crime of violence on or after August 1, 1993.

242.26 For purposes of this section, "judicial determination" means a court proceeding pursuant
242.27 to sections 253B.07 to 253B.09 or a comparable law from another state.

242.28 **Sec. 2. [624.7171] EXTREME RISK PROTECTION ORDERS.**

242.29 Subdivision 1. Definitions. (a) As used in sections 624.7171 to 624.7178, the following
242.30 terms have the meanings given.

242.31 (b) "Family or household members" means:

242.32 (1) spouses and former spouses of the respondent;

243.1 (2) parents and children of the respondent;

243.2 (3) persons who are presently residing with the respondent; or

243.3 (4) a person involved in a significant romantic or sexual relationship with the respondent.

243.4 In determining whether persons are in a significant romantic or sexual relationship under

243.5 clause (4), the court shall consider the length of time of the relationship; type of relationship;

243.6 and frequency of interaction between the parties.

243.7 (c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

243.8 (d) "Mental health professional" has the meaning given in section 245I.02, subdivision

243.9 27.

243.10 Subd. 2. **Court jurisdiction.** (a) An application for relief under sections 624.7172 and

243.11 624.7174 may be filed in the county of residence of the respondent except as provided for

243.12 in paragraph (b). Actions under sections 624.7172 and 624.7174 shall be given docket

243.13 priorities by the court.

243.14 (b) At the time of filing, a petitioner may request that the court allow the petitioner to

243.15 appear virtually at all proceedings. If the court denies the petitioner's request for virtual

243.16 participation, the petitioner may refile the petition in the county where the petitioner resides

243.17 or is officed.

243.18 Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's

243.19 request, information maintained by the court regarding the petitioner's location or residence

243.20 is not accessible to the public and may be disclosed only to court personnel or law

243.21 enforcement for purposes of service of process, conducting an investigation, or enforcing

243.22 an order.

243.23 Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme

243.24 risk protection order, which order shall enjoin and prohibit the respondent from possessing

243.25 or purchasing firearms for as long as the order remains in effect.

243.26 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by the chief

243.27 law enforcement officer, the chief law enforcement officer's designee, a city or county

243.28 attorney, any family or household members of the respondent, or a guardian, as defined in

243.29 section 524.1-201, clause (27), of the respondent.

243.30 (c) A petition for relief shall allege that the respondent poses a significant danger of

243.31 bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The

243.32 petition shall be accompanied by an affidavit made under oath stating specific facts and

244.1 circumstances forming a basis to allege that an extreme risk protection order should be
244.2 granted. The affidavit may include but is not limited to evidence showing any of the factors
244.3 described in section 624.7172, subdivision 2.

244.4 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
244.5 the respondent presents an immediate and present danger of either bodily harm to others or
244.6 of taking their life.

244.7 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
244.8 and location of any firearms believed by the petitioner to be possessed by the respondent.

244.9 (f) The court shall provide simplified forms and clerical assistance to help with the
244.10 writing and filing of a petition under this section.

244.11 (g) The state court administrator shall create all forms necessary under sections 624.7171
244.12 to 624.7178.

244.13 (h) The filing fees for an extreme risk protection order under this section are waived for
244.14 the petitioner and respondent. The court administrator, the sheriff of any county in this state,
244.15 and other law enforcement and corrections officers shall perform their duties relating to
244.16 service of process without charge to the petitioner. The court shall direct payment of the
244.17 reasonable costs of service of process if served by a private process server when the sheriff
244.18 or other law enforcement or corrections officer is unavailable or if service is made by
244.19 publication, without requiring the petitioner to make application under section 563.01.

244.20 (i) The court shall advise the petitioner of the right to serve the respondent by alternate
244.21 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
244.22 personal service by concealment or otherwise, and shall assist in the writing and filing of
244.23 the affidavit.

244.24 (j) The court shall advise the petitioner of the right to request a hearing under section
244.25 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner
244.26 that the respondent may request a hearing and that notice of the hearing date and time will
244.27 be provided to the petitioner by mail at least five days before the hearing.

244.28 (k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
244.29 civil or criminal remedies.

244.30 (l) All health records and other health information provided in a petition or considered
244.31 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
244.32 public disclosure but may be provided to law enforcement agencies as described in this
244.33 section.

245.1 (m) Any extreme risk protection order or subsequent extension issued under sections
245.2 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
245.3 local law enforcement agency with jurisdiction over the residence of the respondent and
245.4 electronically transmitted within three business days to the National Instant Criminal
245.5 Background Check System. When an order expires or is terminated by the court, the court
245.6 must submit a request that the order be removed from the National Instant Background
245.7 Check System. Each appropriate law enforcement agency shall make available to other law
245.8 enforcement officers, through a system for verification, information as to the existence and
245.9 status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

245.10 Subd. 5. **Mental health professionals.** When a mental health professional has a statutory
245.11 duty to warn another of a client's serious threat of physically violent behavior or determines
245.12 that a client presents a significant risk of suicide by possessing a firearm, the mental health
245.13 professional must communicate the threat or risk to the sheriff of the county where the client
245.14 resides and make a recommendation to the sheriff regarding the client's fitness to possess
245.15 firearms.

245.16 Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
245.17 **HEARING.**

245.18 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
245.19 court must schedule and hold a hearing within 14 days from the date the petition was
245.20 received.

245.21 (b) The court shall advise the petitioner of the right to request an emergency extreme
245.22 risk protection order under section 624.7174 separately from or simultaneously with the
245.23 petition under this subdivision.

245.24 (c) The petitioning agency shall be responsible for service of an extreme risk protection
245.25 order issued by the court and shall further be the agency responsible for the execution of
245.26 any legal process required for the seizure and storage of firearms subject to the order. Nothing
245.27 in this provision limits the ability of the law enforcement agency of record from cooperating
245.28 with other law enforcement entities. When a court issues an extreme risk protection order
245.29 for a person who resides on Tribal territory, the chief law enforcement officer of the law
245.30 enforcement agency responsible for serving the order must request the assistance and counsel
245.31 of the appropriate Tribal police department prior to serving the respondent. When the
245.32 petitioner is a family or household member of the respondent, the primary law enforcement
245.33 agency serving the jurisdiction of residency of the respondent shall be responsible for the

246.1 execution of any legal process required for the seizure and storage of firearms subject to
246.2 the order.

246.3 (d) Personal service of notice for the hearing may be made upon the respondent at any
246.4 time up to 48 hours prior to the time set for the hearing, provided that the respondent at the
246.5 hearing may request a continuance of up to 14 days if the respondent is served less than
246.6 five days prior to the hearing, which continuance shall be granted unless there are compelling
246.7 reasons not to do so. If the court grants the requested continuance, and an existing emergency
246.8 order under section 624.7174 will expire due to the continuance, the court shall also issue
246.9 a written order continuing the emergency order pending the new time set for the hearing.

246.10 (e) If personal service cannot be made, the court may order service of the petition and
246.11 any order issued under this section by alternate means. The application for alternate service
246.12 must include the last known location of the respondent; the petitioner's most recent contacts
246.13 with the respondent; the last known location of the respondent's employment; the names
246.14 and locations of the respondent's parents, siblings, children, and other close relatives; the
246.15 names and locations of other persons who are likely to know the respondent's whereabouts;
246.16 and a description of efforts to locate those persons. The court shall consider the length of
246.17 time the respondent's location has been unknown, the likelihood that the respondent's location
246.18 will become known, the nature of the relief sought, and the nature of efforts made to locate
246.19 the respondent. The court shall order service by first class mail, forwarding address requested,
246.20 to any addresses where there is a reasonable possibility that mail or information will be
246.21 forwarded or communicated to the respondent. The court may also order publication, within
246.22 or without the state, but only if it might reasonably succeed in notifying the respondent of
246.23 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
246.24 court-ordered publication.

246.25 (f) When a petitioner who is not the sheriff of the county where the respondent resides,
246.26 the sheriff's designee, or a family or household member files a petition, the petitioner must
246.27 provide notice of the action to the sheriff of the county where the respondent resides. When
246.28 a family or household member is the petitioner, the court must provide notice of the action
246.29 to the sheriff of the county where the respondent resides.

246.30 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by clear and
246.31 convincing evidence that the respondent poses a significant danger to other persons or is at
246.32 significant risk of suicide by possessing a firearm.

246.33 (b) In determining whether to grant the order after a hearing, the court shall consider
246.34 evidence of the following, whether or not the petitioner has provided evidence of the same:

- 247.1 (1) a history of threats or acts of violence by the respondent directed toward another
247.2 person;
- 247.3 (2) the history of use, attempted use, or threatened use of physical force by the respondent
247.4 against another person;
- 247.5 (3) a violation of any court order, including but not limited to orders issued under sections
247.6 624.7171 to 624.7178 or chapter 260C or 518B;
- 247.7 (4) a prior arrest for a felony offense;
- 247.8 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
247.9 under section 609.749, or for domestic assault under section 609.2242;
- 247.10 (6) a conviction for an offense of cruelty to animals under chapter 343;
- 247.11 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;
- 247.12 (8) suicide attempts by the respondent or a serious mental illness; and
- 247.13 (9) whether the respondent is named in an existing order in effect under sections 624.7171
247.14 to 624.7178 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
247.15 other action under sections 624.7171 to 624.7178 or chapter 518B.
- 247.16 (c) In determining whether to grant the order after a hearing, the court may:
- 247.17 (1) subpoena peace officers who have had contact with the respondent to provide written
247.18 or sworn testimony regarding the officer's contacts with the respondent; and
- 247.19 (2) consider any other evidence that bears on whether the respondent poses a danger to
247.20 others or is at risk of suicide.
- 247.21 (d) If the court finds there is clear and convincing evidence to issue an extreme risk
247.22 protection order, the court shall issue the order prohibiting the person from possessing or
247.23 purchasing a firearm for the duration of the order. The court shall inform the respondent
247.24 that the respondent is prohibited from possessing or purchasing firearms and shall issue a
247.25 transfer order under section 624.7175. The court shall also give notice to the county attorney's
247.26 office, which may take action as it deems appropriate.
- 247.27 (e) The court shall determine the length of time the order is in effect, but may not set
247.28 the length of time for less than six months or more than one year, subject to renewal or
247.29 extension under section 624.7173.
- 247.30 (f) If there is no existing emergency order under section 624.7174 at the time an order
247.31 is granted under this section, the court shall determine by clear and convincing evidence

248.1 whether the respondent presents an immediate and present danger of bodily harm. If the
248.2 court so determines, the transfer order shall include the provisions described in section
248.3 624.7175, paragraph (d).

248.4 (g) If, after a hearing, the court does not issue an order of protection, the court shall
248.5 vacate any emergency extreme risk protection order currently in effect.

248.6 (h) A respondent may waive the respondent's right to contest the hearing and consent
248.7 to the court's imposition of an extreme risk protection order. The court shall seal the petition
248.8 filed under this section and section 624.7144 if a respondent who consents to imposition of
248.9 an extreme risk protection order requests that the petition be sealed, unless the court finds
248.10 that there is clear and convincing evidence that the interests of the public and public safety
248.11 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
248.12 protection orders based on the respondent being a danger to others shall remain public.
248.13 Extreme risk protection orders issued for respondents who are solely at risk of suicide shall
248.14 not be public.

248.15 **Sec. 4. [624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

248.16 (a) Upon application by any party entitled to petition for an order under section 624.7172,
248.17 and after notice to the respondent and a hearing, the court may extend the relief granted in
248.18 an existing order granted after a hearing under section 624.7172. Application for an extension
248.19 may be made any time within the three months before the expiration of the existing order.
248.20 The court may extend the order if the court makes the same findings by clear and convincing
248.21 evidence as required for granting of an initial order under section 624.7172, subdivision 2,
248.22 paragraph (d). The minimum length of time of an extension is six months and the maximum
248.23 length of time of an extension is one year. The court shall consider the same types of evidence
248.24 as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and
248.25 (c).

248.26 (b) Upon application by the respondent to an order issued under section 624.7172, the
248.27 court may terminate an order after a hearing at which the respondent shall bear the burden
248.28 of proving by clear and convincing evidence that the respondent does not pose a significant
248.29 danger to other persons or is at significant risk of suicide by possessing a firearm. Application
248.30 for termination may be made one time for each year an order is in effect. If an order has
248.31 been issued for a period of six months, the respondent may apply for termination one time.

249.1 Sec. 5. [624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION
249.2 ORDER.

249.3 (a) In determining whether to grant an emergency extreme risk protection order, the
249.4 court shall consider evidence of all facts identified in section 624.7172, subdivision 2,
249.5 paragraphs (b) and (c).

249.6 (b) The court shall advise the petitioner of the right to request an order after a hearing
249.7 under section 624.7172 separately from or simultaneously with the petition.

249.8 (c) If the court finds there is probable cause that (1) the respondent poses a significant
249.9 danger of bodily harm to other persons or is at significant risk of suicide by possessing a
249.10 firearm, and (2) the respondent presents an immediate and present danger of either bodily
249.11 harm to others or of taking their life, the court shall issue an ex parte emergency order
249.12 prohibiting the respondent from possessing or purchasing a firearm for the duration of the
249.13 order. The order shall inform the respondent that the respondent is prohibited from possessing
249.14 or purchasing a firearm and shall issue a transfer order under section 624.7175, paragraph
249.15 (d).

249.16 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
249.17 protection order constitutes a finding that sufficient reasons exist not to require notice under
249.18 applicable court rules governing applications for ex parte relief.

249.19 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set
249.20 under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's
249.21 finding that no order is issued under section 624.7172.

249.22 (f) Except as provided in paragraph (g), the respondent shall be personally served
249.23 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
249.24 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
249.25 If the petitioner does not request a hearing under section 624.7172, an order served on a
249.26 respondent under this section must include a notice advising the respondent of the right to
249.27 request a hearing challenging the issuance of the emergency order, and must be accompanied
249.28 by a form that can be used by the respondent to request a hearing.

249.29 (g) Service of the emergency order may be made by alternate service as provided under
249.30 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
249.31 required under that subdivision. If the petitioner does not request a hearing under section
249.32 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
249.33 by the form for requesting a hearing described in paragraph (f).

250.1 Sec. 6. [624.7175] TRANSFER OF FIREARMS.

250.2 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
250.3 order, the court shall direct the respondent to transfer any firearms the person possesses as
250.4 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
250.5 firearms dealer or a law enforcement agency. If the respondent elects to transfer the
250.6 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
250.7 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
250.8 the receiving party to possess the firearm and does not transfer ownership or title. If the
250.9 respondent makes a temporary transfer, a federally licensed firearms dealer or law
250.10 enforcement agency may charge the respondent a reasonable fee to store the firearms and
250.11 may establish policies for disposal of abandoned firearms, provided these policies require
250.12 that the respondent be notified prior to disposal of abandoned firearms. If a respondent
250.13 permanently transfers the respondent's firearms to a law enforcement agency, the agency
250.14 is not required to compensate the respondent and may charge the respondent a reasonable
250.15 processing fee.

250.16 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
250.17 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
250.18 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
250.19 27, section 478.11, as amended, to a relative who does not live with the respondent after
250.20 confirming that the relative may lawfully own or possess a firearm.

250.21 (c) The respondent must file proof of transfer as provided in this paragraph.

250.22 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
250.23 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
250.24 proof of transfer must specify whether the firearms were permanently or temporarily
250.25 transferred and must include the name of the respondent, date of transfer, and the serial
250.26 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
250.27 licensed firearms dealer, the respondent shall, within two business days after being served
250.28 with the order, file a copy of proof of transfer with the law enforcement agency and attest
250.29 that all firearms owned or possessed at the time of the order have been transferred in
250.30 accordance with this section and that the person currently does not possess any firearms. If
250.31 the respondent claims not to own or possess firearms, the respondent shall file a declaration
250.32 of nonpossession with the law enforcement agency attesting that, at the time of the order,
250.33 the respondent neither owned nor possessed any firearms, and that the respondent currently
250.34 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
250.35 paragraph (b), the relative must sign an affidavit under oath before a notary public either

251.1 acknowledging that the respondent permanently transferred the respondent's antique firearms,
251.2 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
251.3 firearms, curios, or relics until such time as the respondent is legally permitted to possess
251.4 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
251.5 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

251.6 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
251.7 filed pursuant to this paragraph.

251.8 (d) If a court issues an emergency order under section 624.7174, or makes a finding of
251.9 immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and
251.10 there is probable cause to believe the respondent possesses firearms, the court shall issue a
251.11 search warrant to the local law enforcement agency to take possession of all firearms in the
251.12 respondent's possession as soon as practicable. The chief law enforcement officer or the
251.13 chief's designee shall notify the respondent of the option to voluntarily comply with the
251.14 order by surrendering the respondent's firearms to law enforcement prior to execution of
251.15 the search warrant. Only if the respondent refuses to voluntarily comply with the order to
251.16 surrender the respondent's firearms shall the officer or officers tasked with serving the search
251.17 warrant execute the warrant. The local law enforcement agency shall, upon written notice
251.18 from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a
251.19 local law enforcement agency transfers a firearm under this paragraph, the agency shall
251.20 require the federally licensed firearms dealer receiving the firearm to submit a proof of
251.21 transfer that complies with the requirements for proofs of transfer established in paragraph
251.22 (c). The agency shall file all proofs of transfer received by the court within two business
251.23 days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer
251.24 pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer
251.25 directly from the respondent. If the law enforcement agency does not receive written notice
251.26 from the respondent within three business days, the agency may charge a reasonable fee to
251.27 store the respondent's firearms. A law enforcement agency may establish policies for disposal
251.28 of abandoned firearms, provided these policies require that the respondent be notified prior
251.29 to disposal of abandoned firearms.

251.30 **Sec. 7. [624.7176] RETURN OF FIREARMS.**

251.31 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
251.32 temporary transfer of firearms under section 624.7175 shall return the firearms to the
251.33 respondent after the expiration of the order, provided the respondent is not otherwise
251.34 prohibited from possessing firearms under state or federal law.

252.1 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
252.2 transfer of firearms under section 624.7175 shall return the transferred firearms to the
252.3 respondent upon request after the expiration of the order, provided the respondent is not
252.4 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
252.5 firearms dealer returning firearms shall comply with state and federal law as though
252.6 transferring a firearm from the dealer's own inventory.

252.7 Sec. 8. [624.7177] OFFENSES.

252.8 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
252.9 risk protection order under section 624.7172 or 624.7174, knowing any information in the
252.10 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
252.11 gross misdemeanor. A person who violates this subdivision a second or subsequent time is
252.12 guilty of a felony.

252.13 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
252.14 have known that the person is prohibited from doing so by an extreme risk protection order
252.15 under section 624.7172 or 624.7174, or by an order of protection granted by a judge or
252.16 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
252.17 and shall be prohibited from possessing firearms for a period of five years. Each extreme
252.18 risk protection order granted under this chapter must contain a conspicuous notice to the
252.19 respondent regarding the penalty for violation of the order.

252.20 Sec. 9. [624.7178] LIABILITY PROTECTION.

252.21 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, the
252.22 chief law enforcement officer's designee, or a city or county attorney who, in good faith,
252.23 decides not to petition for an extreme risk protection order or emergency extreme risk
252.24 protection order shall be immune from criminal or civil liability.

252.25 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
252.26 be immune from civil or criminal liability for any damage or deterioration of firearms,
252.27 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
252.28 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
252.29 negligence, or intentional misconduct by the law enforcement agency.

252.30 Subd. 3. **Liability protection for harm following service of an order or execution of**
252.31 a search warrant. A peace officer, law enforcement agency, and the state or a political
252.32 subdivision by which a peace officer is employed has immunity from any liability, civil or
252.33 criminal, for harm caused by a person who is the subject of an extreme risk protection order,

253.1 a search warrant issued pursuant to section 624.7175, paragraph (d), or both, after service
253.2 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
253.3 good faith in serving the order or executing the warrant.

253.4 Subd. 4. **Liability protection for mental health professionals.** A mental health
253.5 professional who provides notice to the sheriff under section 624.7171, subdivision 5, is
253.6 immune from monetary liability and no cause of action, or disciplinary action by the person's
253.7 licensing board, may arise against the mental health professional for disclosure of confidences
253.8 to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous disclosure
253.9 of confidences to the sheriff in a good faith effort to warn against or take precautions against
253.10 a client's violent behavior or threat of suicide.

253.11 Sec. 10. **[626.8481] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**
253.12 **OF MODEL PROCEDURES.**

253.13 By December 1, 2023, the Peace Officer Standards and Training Board, after consulting
253.14 with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys
253.15 Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association,
253.16 and the Minnesota Police and Peace Officers Association, shall develop model procedures
253.17 and standards for the storage of firearms transferred to law enforcement under section
253.18 624.7175.

253.19 Sec. 11. **FEDERAL BYRNE STATE CRISIS INTERVENTION PROGRAM.**

253.20 The Department of Public Safety is designated the state agency with the exclusive
253.21 authority to apply for federal Byrne State Crisis Intervention Program grants.

253.22 Sec. 12. **EFFECTIVE DATE.**

253.23 Sections 1 to 9 are effective January 1, 2024, and apply to firearm permit background
253.24 checks made on or after that date.

ARTICLE 16

CONTROLLED SUBSTANCES POLICY

253.27 Section 1. Minnesota Statutes 2022, section 121A.28, is amended to read:

253.28 **121A.28 LAW ENFORCEMENT RECORDS.**

253.29 A law enforcement agency shall provide notice of any drug incident occurring within
253.30 the agency's jurisdiction, in which the agency has probable cause to believe a student violated

254.1 section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092~~, 152.097,
254.2 or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided,
254.3 within two weeks after an incident occurs, to the chemical abuse preassessment team in the
254.4 school where the student is enrolled.

254.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

254.6 Sec. 2. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to
254.7 read:

254.8 **Subd. 43. Syringe services provider.** "Syringe services provider" means a
254.9 community-based public health program that offers cost-free comprehensive harm reduction
254.10 services, which may include: providing sterile needles, syringes, and other injection
254.11 equipment; making safe disposal containers for needles and syringes available; educating
254.12 participants and others about overdose prevention, safer injection practices, and infectious
254.13 disease prevention; providing blood-borne pathogen testing or referrals to blood-borne
254.14 pathogen testing; offering referrals to substance use disorder treatment, including substance
254.15 use disorder treatment with medications for opioid use disorder; and providing referrals to
254.16 medical treatment and services, mental health programs and services, and other social
254.17 services.

254.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

254.19 Sec. 3. Minnesota Statutes 2022, section 151.40, subdivision 1, is amended to read:

254.20 Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control, manufacture,~~
254.21 ~~or sell, furnish, dispense, or otherwise dispose of~~ hypodermic syringes or needles or any
254.22 instrument or implement which can be adapted for subcutaneous injections, except for:

254.23 (1) the following persons when acting in the course of their practice or employment:

254.24 (i) licensed practitioners and their employees, agents, or delegates;

254.25 (ii) licensed pharmacies and their employees or agents;

254.26 (iii) licensed pharmacists;

254.27 (iv) registered nurses and licensed practical nurses;

254.28 (v) registered medical technologists;

254.29 (vi) medical interns and residents;

254.30 (vii) licensed drug wholesalers and their employees or agents;

- 255.1 (viii) licensed hospitals;
- 255.2 (ix) bona fide hospitals in which animals are treated;
- 255.3 (x) licensed nursing homes;
- 255.4 (xi) licensed morticians;
- 255.5 (xii) syringe and needle manufacturers and their dealers and agents;
- 255.6 (xiii) persons engaged in animal husbandry;
- 255.7 (xiv) clinical laboratories and their employees;
- 255.8 (xv) persons engaged in bona fide research or education or industrial use of hypodermic
255.9 syringes and needles provided such persons cannot use hypodermic syringes and needles
255.10 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,
255.11 and administered by a person lawfully authorized to do so; ~~and~~
- 255.12 (xvi) persons who administer drugs pursuant to an order or direction of a licensed
255.13 practitioner; and
- 255.14 (xvii) syringe services providers and their employees and agents;
- 255.15 (2) a person who self-administers drugs pursuant to either the prescription or the direction
255.16 of a practitioner, or a family member, caregiver, or other individual who is designated by
255.17 such person to assist the person in obtaining and using needles and syringes for the
255.18 administration of such drugs;
- 255.19 (3) a person who is disposing of hypodermic syringes and needles through an activity
255.20 or program developed under section 325F.785; ~~or~~
- 255.21 (4) a person who sells, ~~possesses~~, or handles hypodermic syringes and needles pursuant
255.22 to subdivision 2; or
- 255.23 (5) a participant receiving services from a syringe services provider, who accesses or
255.24 receives new syringes or needles from a syringe services provider or returns used syringes
255.25 or needles to a syringe services provider.

255.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

255.27 Sec. 4. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

255.28 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered
255.29 pharmacy or a licensed pharmacist may sell, without the prescription or direction of a

256.1 practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer~~, provided
256.2 the pharmacy or pharmacist complies with all of the requirements of this subdivision.

256.3 (b) At any location where hypodermic needles and syringes are kept for retail sale under
256.4 this subdivision, the needles and syringes shall be stored in a manner that makes them
256.5 available only to authorized personnel and not openly available to customers.

256.6 (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
256.7 syringes under this subdivision may give the purchaser the materials developed by the
256.8 commissioner of health under section 325F.785.

256.9 (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
256.10 syringes under this subdivision must certify to the commissioner of health participation in
256.11 an activity, including but not limited to those developed under section 325F.785, that supports
256.12 proper disposal of used hypodermic needles or syringes.

256.13 Sec. 5. Minnesota Statutes 2022, section 152.01, subdivision 12a, is amended to read:

256.14 Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the
256.15 federal government, the state, a local unit of government, a park district board, ~~or~~ a park
256.16 and recreation board in a city of the first class, or a federally recognized Indian Tribe. "Park
256.17 zone" includes the area within 300 feet or one city block, whichever distance is greater, of
256.18 the park boundary.

256.19 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
256.20 committed on or after that date.

256.21 Sec. 6. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

256.22 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
256.23 paraphernalia" means all equipment, products, and materials of any kind, except those items
256.24 used in conjunction with permitted uses of controlled substances under this chapter or the
256.25 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
256.26 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
256.27 introducing into the human body a controlled substance, or (3) testing the strength,
256.28 effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled
256.29 substance.

256.30 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
256.31 of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2~~
256.32 hypodermic syringes or needles or any instrument or implement which can be adapted for

257.1 subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl
257.2 analog in a controlled substance.

257.3 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
257.4 committed on or after that date.

257.5 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
257.6 read:

257.7 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
257.8 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
257.9 subdivisions 2 and 3.

257.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

257.11 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

257.12 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
257.13 degree if:

257.14 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
257.15 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

257.16 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
257.17 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine
257.18 and:

257.19 (i) the person or an accomplice possesses on their person or within immediate reach, or
257.20 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
257.21 firearm; or

257.22 (ii) the offense involves two aggravating factors;

257.23 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
257.24 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
257.25 heroin or fentanyl;

257.26 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
257.27 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
257.28 cocaine, heroin, fentanyl, or methamphetamine;

257.29 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
257.30 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,

258.1 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
258.2 more dosage units; or

258.3 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
258.4 more mixtures of a total weight of 25 kilograms or more containing marijuana or
258.5 Tetrahydrocannabinols.

258.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and
258.7 applies to crimes committed on or after that date.

258.8 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

258.9 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
258.10 the first degree if:

258.11 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
258.12 or more containing cocaine or methamphetamine;

258.13 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
258.14 or more containing cocaine or methamphetamine and:

258.15 (i) the person or an accomplice possesses on their person or within immediate reach, or
258.16 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
258.17 firearm; or

258.18 (ii) the offense involves two aggravating factors;

258.19 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
258.20 or more, or 100 dosage units or more, containing heroin or fentanyl;

258.21 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
258.22 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

258.23 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
258.24 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
258.25 substance is packaged in dosage units, equaling 500 or more dosage units; or

258.26 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
258.27 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
258.28 more marijuana plants.

258.29 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
258.30 not be considered in measuring the weight of a mixture except in cases where the mixture
258.31 contains four or more fluid ounces of fluid.

259.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
259.2 applies to crimes committed on or after that date.

259.3 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

259.4 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
259.5 second degree if:

259.6 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
259.7 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
259.8 heroin or fentanyl;

259.9 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
259.10 more mixtures of a total weight of three grams or more containing cocaine or
259.11 methamphetamine and:

259.12 (i) the person or an accomplice possesses on their person or within immediate reach, or
259.13 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
259.14 firearm; or

259.15 (ii) the offense involves three aggravating factors;

259.16 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
259.17 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
259.18 containing heroin or fentanyl;

259.19 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
259.20 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
259.21 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
259.22 more dosage units;

259.23 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
259.24 more mixtures of a total weight of ten kilograms or more containing marijuana or
259.25 Tetrahydrocannabinols;

259.26 (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
259.27 under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
259.28 sell the substance; or

259.29 (7) the person unlawfully sells any of the following in a school zone, a park zone, a
259.30 public housing zone, or a drug treatment facility:

259.31 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
259.32 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

260.1 (ii) one or more mixtures containing methamphetamine or amphetamine; or

260.2 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
260.3 or Tetrahydrocannabinols.

260.4 **EFFECTIVE DATE.** This section is effective the day following final enactment and
260.5 applies to crimes committed on or after that date.

260.6 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

260.7 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
260.8 second degree if:

260.9 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
260.10 or more containing cocaine or methamphetamine;

260.11 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
260.12 or more containing cocaine or methamphetamine and:

260.13 (i) the person or an accomplice possesses on their person or within immediate reach, or
260.14 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
260.15 firearm; or

260.16 (ii) the offense involves three aggravating factors;

260.17 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
260.18 or more, or 50 dosage units or more, containing heroin or fentanyl;

260.19 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
260.20 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

260.21 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
260.22 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
260.23 substance is packaged in dosage units, equaling 100 or more dosage units; or

260.24 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
260.25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
260.26 more marijuana plants.

260.27 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
260.28 not be considered in measuring the weight of a mixture except in cases where the mixture
260.29 contains four or more fluid ounces of fluid.

260.30 **EFFECTIVE DATE.** This section is effective the day following final enactment and
260.31 applies to crimes committed on or after that date.

261.1 Sec. 12. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

261.2 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
261.3 third degree if:

261.4 (1) on one or more occasions within a 90-day period the person unlawfully possesses
261.5 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
261.6 than heroin or fentanyl;

261.7 (2) on one or more occasions within a 90-day period the person unlawfully possesses
261.8 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
261.9 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

261.10 (3) on one or more occasions within a 90-day period the person unlawfully possesses
261.11 one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged
261.12 in dosage units, and equals 50 or more dosage units;

261.13 (4) on one or more occasions within a 90-day period the person unlawfully possesses
261.14 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
261.15 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
261.16 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
261.17 or a drug treatment facility;

261.18 (5) on one or more occasions within a 90-day period the person unlawfully possesses
261.19 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
261.20 Tetrahydrocannabinols; or

261.21 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
261.22 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
261.23 facility.

261.24 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
261.25 not be considered in measuring the weight of a mixture except in cases where the mixture
261.26 contains four or more fluid ounces of fluid.

261.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
261.28 applies to crimes committed on or after that date.

261.29 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

261.30 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
261.31 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

262.1 (1) the person unlawfully possesses one or more mixtures containing a controlled
262.2 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or a
262.3 residual amount of one or more mixtures of controlled substances contained in drug
262.4 paraphernalia; or

262.5 (2) the person procures, attempts to procure, possesses, or has control over a controlled
262.6 substance by any of the following means:

262.7 (i) fraud, deceit, misrepresentation, or subterfuge;

262.8 (ii) using a false name or giving false credit; or

262.9 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
262.10 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
262.11 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
262.12 obtaining a controlled substance.

262.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
262.14 committed on or after that date.

262.15 Sec. 14. Minnesota Statutes 2022, section 152.093, is amended to read:

262.16 **152.093 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**
262.17 **PROHIBITED.**

262.18 It is unlawful for any person ~~knowingly or intentionally to deliver drug paraphernalia~~
262.19 ~~or knowingly or intentionally to possess or manufacture drug paraphernalia for delivery.~~
262.20 Any violation of this section is a misdemeanor.

262.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
262.22 committed on or after that date.

262.23 Sec. 15. Minnesota Statutes 2022, section 152.205, is amended to read:

262.24 **152.205 LOCAL REGULATIONS.**

262.25 Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt
262.26 enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise
262.27 regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

262.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

263.1 Sec. 16. [626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.

263.2 Subdivision 1. **Training.** A chief law enforcement officer must provide basic training
263.3 to peace officers employed by the chief's agency on:

263.4 (1) identifying persons who are suffering from narcotics overdoses; and

263.5 (2) the proper use of opiate antagonists to treat a narcotics overdose.

263.6 Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient
263.7 supply of opiate antagonists to ensure that officers employed by the chief's agency can
263.8 satisfy the requirements of subdivision 3.

263.9 Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond
263.10 to emergency calls must have at least two unexpired opiate antagonist doses readily available
263.11 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
263.12 during the officer's shift shall replace the expended doses from the officer's agency's supply
263.13 so long as replacing the doses will not compromise public safety.

263.14 Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace
263.15 officers employed by the chief's agency to perform administration of an opiate antagonist
263.16 when an officer believes a person is suffering a narcotics overdose.

263.17 (b) In order to administer opiate antagonists, a peace officer must comply with section
263.18 151.37, subdivision 12, paragraph (b), clause (1).

263.19 Sec. 17. **REPEALER.**

263.20 Minnesota Statutes 2022, section 152.092, is repealed.

263.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

263.22 **ARTICLE 17**

263.23 **CONTROLLED SUBSTANCES SCHEDULES**

263.24 Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

263.25 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

263.26 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
263.27 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
263.28 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
263.29 and salts is possible:

263.30 (1) acetylmethadol;

- 264.1 (2) allylprodine;
- 264.2 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
- 264.3 acetate);
- 264.4 (4) alphameprodine;
- 264.5 (5) alphamethadol;
- 264.6 (6) alpha-methylfentanyl benzethidine;
- 264.7 (7) betacetylmethadol;
- 264.8 (8) betameprodine;
- 264.9 (9) betamethadol;
- 264.10 (10) betaprodine;
- 264.11 (11) clonitazene;
- 264.12 (12) dextromoramide;
- 264.13 (13) diampromide;
- 264.14 (14) diethylambutene;
- 264.15 (15) difenoxin;
- 264.16 (16) dimenoxadol;
- 264.17 (17) dimepheptanol;
- 264.18 (18) dimethylambutene;
- 264.19 (19) dioxaphetyl butyrate;
- 264.20 (20) dipipanone;
- 264.21 (21) ethylmethylthiambutene;
- 264.22 (22) etonitazene;
- 264.23 (23) etoxeridine;
- 264.24 (24) furethidine;
- 264.25 (25) hydroxypethidine;
- 264.26 (26) ketobemidone;
- 264.27 (27) levomoramide;

- 265.1 (28) levophenacymorphan;
- 265.2 (29) 3-methylfentanyl;
- 265.3 (30) acetyl-alpha-methylfentanyl;
- 265.4 (31) alpha-methylthiofentanyl;
- 265.5 (32) benzylfentanyl beta-hydroxyfentanyl;
- 265.6 (33) beta-hydroxy-3-methylfentanyl;
- 265.7 (34) 3-methylthiofentanyl;
- 265.8 (35) thenylfentanyl;
- 265.9 (36) thiofentanyl;
- 265.10 (37) para-fluorofentanyl;
- 265.11 (38) morpheridine;
- 265.12 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 265.13 (40) noracymethadol;
- 265.14 (41) norlevorphanol;
- 265.15 (42) normethadone;
- 265.16 (43) norpipanone;
- 265.17 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 265.18 (45) phenadoxone;
- 265.19 (46) phenampromide;
- 265.20 (47) phenomorphan;
- 265.21 (48) phenoperidine;
- 265.22 (49) piritramide;
- 265.23 (50) proheptazine;
- 265.24 (51) properidine;
- 265.25 (52) propiram;
- 265.26 (53) racemoramide;
- 265.27 (54) tilidine;

- 266.1 (55) trimeperidine;
- 266.2 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 266.3 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 266.4 methylbenzamide(U47700);
- 266.5 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);
- 266.6 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 266.7 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 266.8 fentanyl);
- 266.9 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 266.10 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 266.11 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 266.12 fentanyl);
- 266.13 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 266.14 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 266.15 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 266.16 (para-chloroisobutyryl fentanyl);
- 266.17 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
- 266.18 fentanyl);
- 266.19 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 266.20 (para-methoxybutyryl fentanyl);
- 266.21 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);
- 266.22 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
- 266.23 fentanyl or para-fluoroisobutyryl fentanyl);
- 266.24 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
- 266.25 acryloylfentanyl);
- 266.26 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
- 266.27 fentanyl);
- 266.28 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
- 266.29 or 2-fluorofentanyl);

267.1 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
267.2 (tetrahydrofuranyl fentanyl); ~~and~~

267.3 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
267.4 esters and ethers, meaning any substance not otherwise listed under another federal
267.5 Administration Controlled Substance Code Number or not otherwise listed in this section,
267.6 and for which no exemption or approval is in effect under section 505 of the Federal Food,
267.7 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related
267.8 to fentanyl by one or more of the following modifications:

267.9 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether
267.10 or not further substituted in or on the monocycle;

267.11 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,
267.12 haloalkyl, amino, or nitro groups;

267.13 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
267.14 hydroxyl, halo, haloalkyl, amino, or nitro groups;

267.15 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further
267.16 substituted in or on the aromatic monocycle; or

267.17 (v) replacement of the N-propionyl group by another acyl group;

267.18 (76) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-
267.19 dihydro-2H-benzo[d]imidazol-2-one (bromphine);

267.20 (77) 4'-methyl acetyl fentanyl;

267.21 (78) beta-hydroxythiofentanyl;

267.22 (79) beta-methyl fentanyl;

267.23 (80) beta'-phenyl fentanyl;

267.24 (81) crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);

267.25 (82) cyclopropyl fentanyl

267.26 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);

267.27 (83) fentanyl carbamate;

267.28 (84) isotonitazene (N,N-diethyl-2-(2-(4

267.29 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);

267.30 (85) para-fluoro furanyl fentanyl;

- 268.1 (86) para-methylfentanyl;
- 268.2 (87) phenyl fentanyl;
- 268.3 (88) ortho-fluoroacryl fentanyl;
- 268.4 (89) ortho-fluorobutyryl fentanyl;
- 268.5 (90) ortho-fluoroisobutyryl fentanyl;
- 268.6 (91) ortho-methyl acetylfentanyl;
- 268.7 (92) thiofuranyl fentanyl;
- 268.8 (93) metonitazene
- 268.9 (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- 268.10 (94) metodesnitazene
- 268.11 (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 268.12 (95) etodesnitazene; etazene
- 268.13 (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- 268.14 (96) protonitazene
- 268.15 (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 268.16 (97) butonitazene
- 268.17 (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- 268.18 (98) flunitazene
- 268.19 (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine); and
- 268.20 (99) N-pyrrolidino etonitazene; etonitazepyne
- 268.21 (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole).
- 268.22 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
- 268.23 and salts of isomers, unless specifically excepted or unless listed in another schedule,
- 268.24 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 268.25 (1) acetorphine;
- 268.26 (2) acetyldihydrocodeine;
- 268.27 (3) benzylmorphine;
- 268.28 (4) codeine methylbromide;
- 268.29 (5) codeine-n-oxide;

- 269.1 (6) cyprenorphine;
- 269.2 (7) desomorphine;
- 269.3 (8) dihydromorphine;
- 269.4 (9) drotebanol;
- 269.5 (10) etorphine;
- 269.6 (11) heroin;
- 269.7 (12) hydromorphenol;
- 269.8 (13) methyl-desorphine;
- 269.9 (14) methyl-dihydromorphine;
- 269.10 (15) morphine methylbromide;
- 269.11 (16) morphine methylsulfonate;
- 269.12 (17) morphine-n-oxide;
- 269.13 (18) myrophine;
- 269.14 (19) nicocodeine;
- 269.15 (20) nicomorphine;
- 269.16 (21) normorphine;
- 269.17 (22) pholcodine; and
- 269.18 (23) thebacon.

- 269.19 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
- 269.20 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
- 269.21 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
- 269.22 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
- 269.23 possible:

- 269.24 (1) methylenedioxy amphetamine;
- 269.25 (2) methylenedioxymethamphetamine;
- 269.26 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 269.27 (4) n-hydroxy-methylenedioxyamphetamine;
- 269.28 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);

- 270.1 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 270.2 (7) 4-methoxyamphetamine;
- 270.3 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 270.4 (9) alpha-ethyltryptamine;
- 270.5 (10) bufotenine;
- 270.6 (11) diethyltryptamine;
- 270.7 (12) dimethyltryptamine;
- 270.8 (13) 3,4,5-trimethoxyamphetamine;
- 270.9 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 270.10 (15) ibogaine;
- 270.11 (16) lysergic acid diethylamide (LSD);
- 270.12 (17) mescaline;
- 270.13 (18) parahexyl;
- 270.14 (19) N-ethyl-3-piperidyl benzilate;
- 270.15 (20) N-methyl-3-piperidyl benzilate;
- 270.16 (21) psilocybin;
- 270.17 (22) psilocyn;
- 270.18 (23) tenocyclidine (TPCP or TCP);
- 270.19 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 270.20 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 270.21 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 270.22 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 270.23 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 270.24 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 270.25 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 270.26 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 270.27 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);

- 271.1 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 271.2 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 271.3 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 271.4 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 271.5 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 271.6 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 271.7 (2-CB-FLY);
- 271.8 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 271.9 (40) alpha-methyltryptamine (AMT);
- 271.10 (41) N,N-diisopropyltryptamine (DiPT);
- 271.11 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 271.12 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 271.13 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 271.14 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 271.15 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 271.16 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 271.17 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 271.18 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 271.19 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 271.20 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 271.21 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 271.22 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 271.23 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 271.24 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 271.25 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 271.26 (57) methoxetamine (MXE);
- 271.27 (58) 5-iodo-2-aminoindane (5-IAI);

- 272.1 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 272.2 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 272.3 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 272.4 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 272.5 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 272.6 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 272.7 (65) N,N-Dipropyltryptamine (DPT);
- 272.8 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 272.9 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 272.10 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 272.11 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 272.12 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,
- 272.13 ethketamine, NENK);
- 272.14 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 272.15 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 272.16 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 272.17 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
- 272.18 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
- 272.19 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
- 272.20 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
- 272.21 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
- 272.22 Church, and members of the American Indian Church are exempt from registration. Any
- 272.23 person who manufactures peyote for or distributes peyote to the American Indian Church,
- 272.24 however, is required to obtain federal registration annually and to comply with all other
- 272.25 requirements of law.
- 272.26 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
- 272.27 another schedule, any material compound, mixture, or preparation which contains any
- 272.28 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
- 272.29 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 272.30 (1) mecloqualone;

- 273.1 (2) methaqualone;
- 273.2 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;
- 273.3 (4) flunitrazepam;
- 273.4 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
- 273.5 methoxyketamine);
- 273.6 (6) tianeptine;
- 273.7 (7) clonazepam;
- 273.8 (8) etizolam;
- 273.9 (9) flubromazolam; and
- 273.10 (10) flubromazepam.
- 273.11 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 273.12 material compound, mixture, or preparation which contains any quantity of the following
- 273.13 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
- 273.14 analogs, salts, isomers, and salts of isomers is possible:
- 273.15 (1) aminorex;
- 273.16 (2) cathinone;
- 273.17 (3) fenethylamine;
- 273.18 (4) methcathinone;
- 273.19 (5) methylaminorex;
- 273.20 (6) N,N-dimethylamphetamine;
- 273.21 (7) N-benzylpiperazine (BZP);
- 273.22 (8) methylmethcathinone (mephedrone);
- 273.23 (9) 3,4-methylenedioxy-N-methylcathinone (methyldone);
- 273.24 (10) methoxymethcathinone (methedrone);
- 273.25 (11) methylenedioxypropylamphetamine (MDPV);
- 273.26 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 273.27 (13) methylethcathinone (MEC);
- 273.28 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);

- 274.1 (15) dimethylmethcathinone (DMMC);
- 274.2 (16) fluoroamphetamine;
- 274.3 (17) fluoromethamphetamine;
- 274.4 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 274.5 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 274.6 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 274.7 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
274.8 naphyrone);
- 274.9 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 274.10 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 274.11 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 274.12 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 274.13 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 274.14 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 274.15 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 274.16 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 274.17 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 274.18 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 274.19 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 274.20 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);
- 274.21 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 274.22 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 274.23 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 274.24 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 274.25 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 274.26 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 274.27 ~~and~~

275.1 (40) any other substance, except bupropion or compounds listed under a different
275.2 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
275.3 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
275.4 compound is further modified in any of the following ways:

275.5 (i) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
275.6 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
275.7 system by one or more other univalent substituents;

275.8 (ii) by substitution at the 3-position with an acyclic alkyl substituent;

275.9 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
275.10 methoxybenzyl groups; or

275.11 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure;

275.12 (41) 4,4'-dimethylaminorex (4,4'-DMAR;
275.13 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine);

275.14 (42) 4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-A-PVP);

275.15 (43) para-methoxymethamphetamine (PMMA),
275.16 1-(4-methoxyphenyl)-N-methylpropan-2-amine; and

275.17 (44) N-ethylhexedrone.

275.18 (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
275.19 excepted or unless listed in another schedule, any natural or synthetic material, compound,
275.20 mixture, or preparation that contains any quantity of the following substances, their analogs,
275.21 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
275.22 of the isomers, esters, ethers, or salts is possible:

275.23 (1) marijuana;

275.24 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except
275.25 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation
275.26 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic
275.27 equivalents of the substances contained in the cannabis plant or in the resinous extractives
275.28 of the plant; or synthetic substances with similar chemical structure and pharmacological
275.29 activity to those substances contained in the plant or resinous extract, including, but not
275.30 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
275.31 cis or trans tetrahydrocannabinol;

275.32 (3) synthetic cannabinoids, including the following substances:

276.1 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
276.2 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
276.3 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
276.4 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
276.5 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
276.6 naphthoylindoles include, but are not limited to:

276.7 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

276.8 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

276.9 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

276.10 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

276.11 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

276.12 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

276.13 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

276.14 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

276.15 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

276.16 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

276.17 (ii) Naphthylmethylindoles, which are any compounds containing a
276.18 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
276.19 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
276.20 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
276.21 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
276.22 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

276.23 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

276.24 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

276.25 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
276.26 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
276.27 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
276.28 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
276.29 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
276.30 naphthoylpyrroles include, but are not limited to,
276.31 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

277.1 (iv) Naphthylmethylenes, which are any compounds containing a naphthylideneindene
277.2 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
277.3 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
277.4 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
277.5 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
277.6 naphthylmethylenes include, but are not limited to,
277.7 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

277.8 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
277.9 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
277.10 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
277.11 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
277.12 extent, whether or not substituted in the phenyl ring to any extent. Examples of
277.13 phenylacetylindoles include, but are not limited to:

277.14 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

277.15 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

277.16 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

277.17 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

277.18 (vi) Cyclohexylphenols, which are compounds containing a
277.19 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
277.20 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
277.21 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
277.22 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
277.23 limited to:

277.24 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

277.25 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
277.26 (Cannabicyclohexanol or CP 47,497 C8 homologue);

277.27 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
277.28 -phenol (CP 55,940).

277.29 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
277.30 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
277.31 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
277.32 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any

- 278.1 extent and whether or not substituted in the phenyl ring to any extent. Examples of
278.2 benzoylindoles include, but are not limited to:
- 278.3 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 278.4 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 278.5 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
278.6 48,098 or Pravadoline).
- 278.7 (viii) Others specifically named:
- 278.8 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
278.9 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 278.10 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
278.11 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 278.12 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
278.13 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 278.14 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- 278.15 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
278.16 (XLR-11);
- 278.17 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
278.18 (AKB-48(APINACA));
- 278.19 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
278.20 (5-Fluoro-AKB-48);
- 278.21 (H) 1-pentyl-8-quinoliny ester-1H-indole-3-carboxylic acid (PB-22);
- 278.22 (I) 8-quinoliny ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
- 278.23 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
278.24 (AB-PINACA);
- 278.25 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
278.26 1H-indazole-3-carboxamide (AB-FUBINACA);
- 278.27 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
278.28 indazole-3-carboxamide(AB-CHMINACA);
- 278.29 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate
278.30 (5-fluoro-AMB);

- 279.1 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 279.2 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
- 279.3 (FUBIMINA);
- 279.4 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
- 279.5 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 279.6 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
- 279.7 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 279.8 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 279.9 -1H-indole-3-carboxamide;
- 279.10 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 279.11 -1H-indazole-3-carboxamide;
- 279.12 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 279.13 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
- 279.14 H-indazole-3-carboxamide (MAB-CHMINACA);
- 279.15 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
- 279.16 (ADB-PINACA);
- 279.17 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 279.18 (X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
- 279.19 3-carboxamide. (APP-CHMINACA);
- 279.20 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 279.21 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 279.22 (ix) Additional substances specifically named:
- 279.23 (A) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
- 279.24 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 279.25 (B) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide
- 279.26 (4-CN-Cumyl-Butinaca);
- 279.27 (C) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; CBL2201);
- 279.28 (D) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
- 279.29 H-indazole-3-carboxamide (5F-ABPINACA);

280.1 (E) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
280.2 (MDMB CHMICA);

280.3 (F) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
280.4 (5F-ADB; 5F-MDMB-PINACA); ~~and~~

280.5 (G) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
280.6 1H-indazole-3-carboxamide (ADB-FUBINACA);

280.7 (H) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide;

280.8 (I) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone;

280.9 (J) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;

280.10 (K) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;

280.11 (L) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;

280.12 (M) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate;

280.13 (N) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide; and

280.14 (O) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide.

280.15 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
280.16 for human consumption.

280.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

280.18 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 3, is amended to read:

280.19 Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

280.20 (b) Unless specifically excepted or unless listed in another schedule, any of the following
280.21 substances whether produced directly or indirectly by extraction from substances of vegetable
280.22 origin or independently by means of chemical synthesis, or by a combination of extraction
280.23 and chemical synthesis:

280.24 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
280.25 opiate.

280.26 (i) Excluding:

280.27 (A) apomorphine;

280.28 (B) thebaine-derived butorphanol;

280.29 (C) dextrophan;

- 281.1 (D) nalbuphine;
- 281.2 (E) nalmefene;
- 281.3 (F) naloxegol;
- 281.4 (G) naloxone;
- 281.5 (H) naltrexone; and
- 281.6 (I) their respective salts;
- 281.7 (ii) but including the following:
 - 281.8 (A) opium, in all forms and extracts;
 - 281.9 (B) codeine;
 - 281.10 (C) dihydroetorphine;
 - 281.11 (D) ethylmorphine;
 - 281.12 (E) etorphine hydrochloride;
 - 281.13 (F) hydrocodone;
 - 281.14 (G) hydromorphone;
 - 281.15 (H) metopon;
 - 281.16 (I) morphine;
 - 281.17 (J) oxycodone;
 - 281.18 (K) oxymorphone;
 - 281.19 (L) thebaine;
 - 281.20 (M) oripavine;
- 281.21 (2) any salt, compound, derivative, or preparation thereof which is chemically equivalent
- 281.22 or identical with any of the substances referred to in clause (1), except that these substances
- 281.23 shall not include the isoquinoline alkaloids of opium;
- 281.24 (3) opium poppy and poppy straw;
- 281.25 (4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves
- 281.26 (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers
- 281.27 and derivatives), and any salt, compound, derivative, or preparation thereof which is
- 281.28 chemically equivalent or identical with any of these substances, except that the substances

- 282.1 shall not include decocainized coca leaves or extraction of coca leaves, which extractions
282.2 do not contain cocaine or ecgonine;
- 282.3 (5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid,
282.4 or powder form which contains the phenanthrene alkaloids of the opium poppy).
- 282.5 (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
282.6 of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule,
282.7 whenever the existence of such isomers, esters, ethers and salts is possible within the specific
282.8 chemical designation:
- 282.9 (1) alfentanil;
- 282.10 (2) alphaprodine;
- 282.11 (3) anileridine;
- 282.12 (4) bezitramide;
- 282.13 (5) bulk dextropropoxyphene (nondosage forms);
- 282.14 (6) carfentanil;
- 282.15 (7) dihydrocodeine;
- 282.16 (8) dihydromorphinone;
- 282.17 (9) diphenoxylate;
- 282.18 (10) fentanyl;
- 282.19 (11) isomethadone;
- 282.20 (12) levo-alpha-acetylmethadol (LAAM);
- 282.21 (13) levomethorphan;
- 282.22 (14) levorphanol;
- 282.23 (15) metazocine;
- 282.24 (16) methadone;
- 282.25 (17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 282.26 (18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic
282.27 acid;
- 282.28 (19) pethidine;
- 282.29 (20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;

- 283.1 (21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;
- 283.2 (22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 283.3 (23) phenazocine;
- 283.4 (24) piminodine;
- 283.5 (25) racemethorphan;
- 283.6 (26) racemorphan;
- 283.7 (27) remifentanyl;
- 283.8 (28) sufentanyl;
- 283.9 (29) tapentadol;
- 283.10 (30) 4-Anilino-N-phenethylpiperidine-₂;
- 283.11 (31) oliceridine;
- 283.12 (32) norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide).
- 283.13 (d) Unless specifically excepted or unless listed in another schedule, any material,
- 283.14 compound, mixture, or preparation which contains any quantity of the following substances
- 283.15 having a stimulant effect on the central nervous system:
- 283.16 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 283.17 (2) methamphetamine, its salts, isomers, and salts of its isomers;
- 283.18 (3) phenmetrazine and its salts;
- 283.19 (4) methylphenidate;
- 283.20 (5) lisdexamfetamine.
- 283.21 (e) Unless specifically excepted or unless listed in another schedule, any material,
- 283.22 compound, mixture, or preparation which contains any quantity of the following substances
- 283.23 having a depressant effect on the central nervous system, including its salts, isomers, and
- 283.24 salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible
- 283.25 within the specific chemical designation:
- 283.26 (1) amobarbital;
- 283.27 (2) glutethimide;
- 283.28 (3) secobarbital;
- 283.29 (4) pentobarbital;

- 284.1 (5) phencyclidine;
- 284.2 (6) phencyclidine immediate precursors:
- 284.3 (i) 1-phenylcyclohexylamine;
- 284.4 (ii) 1-piperidinocyclohexanecarbonitrile;
- 284.5 (7) phenylacetone.
- 284.6 (f) Cannabinoids:
- 284.7 (1) nabilone;
- 284.8 (2) dronabinol [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)] in an oral solution
- 284.9 in a drug product approved for marketing by the United States Food and Drug Administration.
- 284.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

284.11 Sec. 3. Minnesota Statutes 2022, section 152.02, subdivision 5, is amended to read:

284.12 Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.

284.13 (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,

284.14 any material, compound, mixture, or preparation containing any of the following narcotic

284.15 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities

284.16 as follows:

284.17 (1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine

284.18 sulfate per dosage unit;

284.19 (2) dextropropoxyphene (Darvon and Darvocet);

284.20 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and

284.21 geometric isomers, and salts of these isomers (including tramadol);

284.22 (4) eluxadoline;

284.23 (5) pentazocine; and

284.24 (6) butorphanol (including its optical isomers).

284.25 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any

284.26 material, compound, mixture, or preparation containing any quantity of the following

284.27 substances, including its salts, isomers, and salts of isomers whenever the existence of the

284.28 salts, isomers, and salts of isomers is possible:

284.29 (1) alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);

- 285.1 (2) alprazolam;
- 285.2 (3) barbital;
- 285.3 (4) bromazepam;
- 285.4 (5) camazepam;
- 285.5 (6) carisoprodol;
- 285.6 (7) chloral betaine;
- 285.7 (8) chloral hydrate;
- 285.8 (9) chlordiazepoxide;
- 285.9 (10) clobazam;
- 285.10 (11) clonazepam;
- 285.11 (12) clorazepate;
- 285.12 (13) clotiazepam;
- 285.13 (14) cloxazolam;
- 285.14 (15) delorazepam;
- 285.15 (16) diazepam;
- 285.16 (17) dichloralphenazone;
- 285.17 (18) estazolam;
- 285.18 (19) ethchlorvynol;
- 285.19 (20) ethinamate;
- 285.20 (21) ethyl loflazepate;
- 285.21 (22) fludiazepam;
- 285.22 (23) flurazepam;
- 285.23 (24) fospropofol;
- 285.24 (25) halazepam;
- 285.25 (26) haloxazolam;
- 285.26 (27) ketazolam;
- 285.27 (28) loprazolam;

- 286.1 (29) lorazepam;
- 286.2 (30) lormetazepam mebutamate;
- 286.3 (31) medazepam;
- 286.4 (32) meprobamate;
- 286.5 (33) methohexital;
- 286.6 (34) methylphenobarbital;
- 286.7 (35) midazolam;
- 286.8 (36) nimetazepam;
- 286.9 (37) nitrazepam;
- 286.10 (38) nordiazepam;
- 286.11 (39) oxazepam;
- 286.12 (40) oxazolam;
- 286.13 (41) paraldehyde;
- 286.14 (42) petrichloral;
- 286.15 (43) phenobarbital;
- 286.16 (44) pinazepam;
- 286.17 (45) prazepam;
- 286.18 (46) quazepam;
- 286.19 (47) suvorexant;
- 286.20 (48) temazepam;
- 286.21 (49) tetrazepam;
- 286.22 (50) triazolam;
- 286.23 (51) zaleplon;
- 286.24 (52) zolpidem;
- 286.25 (53) zopiclone;
- 286.26 (54) brexanolone (3 α -hydroxy-5 α -pregnan-20-one);
- 286.27 (55) lemborexant;

287.1 (56) remimazolam (4H-imidazol[1,2-a][1,4]benzodiazepine-4-propionic acid).

287.2 (d) Any material, compound, mixture, or preparation which contains any quantity of the
287.3 following substance including its salts, isomers, and salts of such isomers, whenever the
287.4 existence of such salts, isomers, and salts of isomers is possible: fenfluramine.

287.5 (e) Stimulants. Unless specifically excepted or unless listed in another schedule, any
287.6 material, compound, mixture, or preparation which contains any quantity of the following
287.7 substances having a stimulant effect on the central nervous system, including its salts,
287.8 isomers, and salts of isomers:

287.9 (1) cathine (norpseudoephedrine);

287.10 (2) diethylpropion;

287.11 (3) fencamfamine;

287.12 (4) fenproporex;

287.13 (5) mazindol;

287.14 (6) mefenorex;

287.15 (7) modafinil;

287.16 (8) pemoline (including organometallic complexes and chelates thereof);

287.17 (9) phentermine;

287.18 (10) pipradol;

287.19 (11) sibutramine;

287.20 (12) SPA (1-dimethylamino-1,2-diphenylethane)-;

287.21 (13) serdexmethylphenidate;

287.22 (14) solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-,
287.23 carbamate (ester)).

287.24 (f) lorcaserin.

287.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

287.26 Sec. 4. Minnesota Statutes 2022, section 152.02, subdivision 6, is amended to read:

287.27 Subd. 6. **Schedule V; restrictions on methamphetamine precursor drugs.** (a) As used
287.28 in this subdivision, the following terms have the meanings given:

288.1 (1) "methamphetamine precursor drug" means any compound, mixture, or preparation
288.2 intended for human consumption containing ephedrine or pseudoephedrine as its sole active
288.3 ingredient or as one of its active ingredients; and

288.4 (2) "over-the-counter sale" means a retail sale of a drug or product but does not include
288.5 the sale of a drug or product pursuant to the terms of a valid prescription.

288.6 (b) The following items are listed in Schedule V:

288.7 (1) any compound, mixture, or preparation containing any of the following limited
288.8 quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal
288.9 ingredients in sufficient proportion to confer upon the compound, mixture or preparation
288.10 valuable medicinal qualities other than those possessed by the narcotic drug alone:

288.11 (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

288.12 (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

288.13 (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of
288.14 atropine sulfate per dosage unit;

288.15 (iv) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; or

288.16 (v) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine
288.17 sulfate per dosage unit.

288.18 (2) Stimulants. Unless specifically exempted or excluded or unless listed in another
288.19 schedule, any material, compound, mixture, or preparation that contains any quantity of the
288.20 following substance having a stimulant effect on the central nervous system, including its
288.21 salts, isomers, and salts of isomers: pyrovalerone.

288.22 (3) Depressants. Unless specifically exempted or excluded or unless listed in another
288.23 schedule, any material, compound, mixture, or preparation that contains any quantity of the
288.24 following substance having a depressant effect on the central nervous system, including its
288.25 salts, isomers, and salts of isomers:

288.26 (i) ezogabine;

288.27 (ii) pregabalin;

288.28 (iii) lacosamide;

288.29 (iv) cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl]carbamate.

288.30 (4) Any compound, mixture, or preparation containing ephedrine or pseudoephedrine
288.31 as its sole active ingredient or as one of its active ingredients.

289.1 (c) No person may sell in a single over-the-counter sale more than two packages of a
289.2 methamphetamine precursor drug or a combination of methamphetamine precursor drugs
289.3 or any combination of packages exceeding a total weight of six grams, calculated as the
289.4 base.

289.5 (d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

289.6 (1) packages containing not more than a total of three grams of one or more
289.7 methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine
289.8 base; or

289.9 (2) for nonliquid products, sales in blister packs, where each blister contains not more
289.10 than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit
289.11 dose packets or pouches.

289.12 (e) A business establishment that offers for sale methamphetamine precursor drugs in
289.13 an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a
289.14 checkout counter where the public is not permitted and are offered for sale only by a licensed
289.15 pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall
289.16 ensure that the person making the sale requires the buyer:

289.17 (1) to provide photographic identification showing the buyer's date of birth; and

289.18 (2) to sign a written or electronic document detailing the date of the sale, the name of
289.19 the buyer, and the amount of the drug sold.

289.20 A document described under clause (2) must be retained by the establishment for at least
289.21 three years and must at all reasonable times be open to the inspection of any law enforcement
289.22 agency.

289.23 Nothing in this paragraph requires the buyer to obtain a prescription for the drug's
289.24 purchase.

289.25 (f) No person may acquire through over-the-counter sales more than six grams of
289.26 methamphetamine precursor drugs, calculated as the base, within a 30-day period.

289.27 (g) No person may sell in an over-the-counter sale a methamphetamine precursor drug
289.28 to a person under the age of 18 years. It is an affirmative defense to a charge under this
289.29 paragraph if the defendant proves by a preponderance of the evidence that the defendant
289.30 reasonably and in good faith relied on proof of age as described in section 340A.503,
289.31 subdivision 6.

290.1 (h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a
290.2 misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to
290.3 payment of a fine of not more than \$1,000, or both.

290.4 (i) An owner, operator, supervisor, or manager of a business establishment that offers
290.5 for sale methamphetamine precursor drugs whose employee or agent is convicted of or
290.6 charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties
290.7 for violating any of those paragraphs if the person:

290.8 (1) did not have prior knowledge of, participate in, or direct the employee or agent to
290.9 commit the violation; and

290.10 (2) documents that an employee training program was in place to provide the employee
290.11 or agent with information on the state and federal laws and regulations regarding
290.12 methamphetamine precursor drugs.

290.13 (j) Any person employed by a business establishment that offers for sale
290.14 methamphetamine precursor drugs who sells such a drug to any person in a suspicious
290.15 transaction shall report the transaction to the owner, supervisor, or manager of the
290.16 establishment. The owner, supervisor, or manager may report the transaction to local law
290.17 enforcement. A person who reports information under this subdivision in good faith is
290.18 immune from civil liability relating to the report.

290.19 (k) Paragraphs (b) to (j) do not apply to:

290.20 (1) pediatric products labeled pursuant to federal regulation primarily intended for
290.21 administration to children under 12 years of age according to label instructions;

290.22 (2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as
290.23 being manufactured in a manner that prevents the drug from being used to manufacture
290.24 methamphetamine;

290.25 (3) methamphetamine precursor drugs in gel capsule or liquid form; or

290.26 (4) compounds, mixtures, or preparations in powder form where pseudoephedrine
290.27 constitutes less than one percent of its total weight and is not its sole active ingredient.

290.28 (l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall
290.29 certify methamphetamine precursor drugs that meet the requirements of paragraph (k),
290.30 clause (2), and publish an annual listing of these drugs.

290.31 (m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy
290.32 pursuant to sections ~~151.42 to 151.51~~ 151.43 to 151.471 and registered with and regulated

291.1 by the United States Drug Enforcement Administration are exempt from the
291.2 methamphetamine precursor drug storage requirements of this section.

291.3 (n) This section preempts all local ordinances or regulations governing the sale by a
291.4 business establishment of over-the-counter products containing ephedrine or
291.5 pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

291.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

291.7 ARTICLE 18

291.8 911 EMERGENCY COMMUNICATION SYSTEM

291.9 Section 1. Minnesota Statutes 2022, section 403.02, subdivision 7, is amended to read:

291.10 Subd. 7. **Automatic location identification.** "Automatic location identification" means
291.11 the process of electronically identifying and displaying ~~the name of the subscriber and the~~
291.12 ~~location, where available, of the calling telephone number~~ the name of the subscriber, the
291.13 communications device's current location, and the callback number to a ~~person~~ public safety
291.14 telecommunicator answering a 911 emergency call.

291.15 Sec. 2. Minnesota Statutes 2022, section 403.02, subdivision 9a, is amended to read:

291.16 Subd. 9a. **Callback number.** "Callback number" means a telephone number or
291.17 functionally equivalent Internet address or device identification number used by the public
291.18 safety answering point to ~~recontact~~ contact the location device from which the 911 call was
291.19 placed.

291.20 Sec. 3. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
291.21 read:

291.22 Subd. 10a. **Cost recovery.** "Cost recovery" means costs incurred by
291.23 commissioner-approved originating service providers specifically for the purpose of providing
291.24 access to the 911 network for their subscribers or maintenance of 911 customer databases.
291.25 These costs may be reimbursed to the requesting originating service provider. Recoverable
291.26 costs include only those costs that the requesting provider would avoid if the provider were
291.27 not providing access to the 911 network or maintenance of 911 customer databases.

292.1 Sec. 4. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.2 read:

292.3 Subd. 10b. **Cybersecurity.** "Cybersecurity" means the prevention of damage to,
292.4 unauthorized use of, exploitation of, and if needed, the restoration of, electronic information
292.5 and communications systems and services and the information contained therein to ensure
292.6 confidentiality, integrity, and availability.

292.7 Sec. 5. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.8 read:

292.9 Subd. 10c. **Emergency communications network service provider**
292.10 (ECNSP). "Emergency communications network service provider" or "ECNSP" means a
292.11 service provider, determined by the commissioner to be capable of providing effective and
292.12 efficient components of the 911 network or its management that provides or manages all
292.13 or portions of the statewide 911 emergency communications network. The ECNSP is the
292.14 entity or entities that the state contracts with to provide facilities and services associated
292.15 with operating and maintaining the Minnesota statewide 911 network.

292.16 Sec. 6. Minnesota Statutes 2022, section 403.02, subdivision 11b, is amended to read:

292.17 Subd. 11b. **Emergency response location.** "Emergency response location" means a
292.18 location to which a 911 ~~emergency response team~~ services may be dispatched. The location
292.19 must be specific enough to provide a reasonable opportunity for ~~the emergency response~~
292.20 ~~team to locate~~ a caller to be located anywhere within it.

292.21 Sec. 7. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.22 read:

292.23 Subd. 11c. **Emergency services.** "Emergency services" includes but is not limited to
292.24 firefighting, police, ambulance, medical, or other mobile services dispatched, monitored,
292.25 or controlled by a public safety answering point.

292.26 Sec. 8. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
292.27 read:

292.28 Subd. 11d. **Emergency Services Internet (ESI_{net}).** "Emergency Services Internet" or
292.29 "ESI_{net}" means an Internet protocol-based and multipurpose network supporting local,
292.30 regional, and national public safety communications services in addition to 911 services.

293.1 The ESInet is comprised of three network components, including ingress network, next
293.2 generation core services, and egress network.

293.3 Sec. 9. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
293.4 read:

293.5 Subd. 12a. **End user equipment.** "End user equipment" means any device held or
293.6 operated by an employee of a public safety agency, except for public safety
293.7 telecommunicators, for the purpose of receiving voice or data communications outside of
293.8 a public safety answering point. This includes but is not limited to mobile radios, portable
293.9 radios, pagers, mobile computers, tablets, and cellular telephones.

293.10 Sec. 10. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
293.11 read:

293.12 Subd. 13a. **Geographical Information System (GIS).** "Geographical Information
293.13 System" or "GIS" means a system for capturing, storing, displaying, analyzing, and managing
293.14 data and associated attributes that are spatially referenced.

293.15 Sec. 11. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
293.16 read:

293.17 Subd. 14a. **Internet protocol (IP).** "Internet protocol" or "IP" means the method by
293.18 which data are sent from one computer to another on the Internet or other networks.

293.19 Sec. 12. Minnesota Statutes 2022, section 403.02, subdivision 16a, is amended to read:

293.20 Subd. 16a. **Multiline telephone system (MLTS).** "Multiline telephone system" or
293.21 "MLTS" means a ~~private telephone~~ system comprised of common control units, ~~telephones,~~
293.22 ~~and telephone sets,~~ control hardware ~~and,~~ software ~~that share a common interface to the~~
293.23 ~~public switched telephone network,~~ and adjunct systems used to support the capabilities
293.24 outlined in this chapter. This includes network and premises-based systems such as Centrex,
293.25 VoIP, PBX, Hybrid, and Key Telephone Systems, as classified by the Federal
293.26 Communications Commission requirements under Code of Federal Regulations, title 47,
293.27 part 68, and systems owned or leased by governmental agencies ~~and,~~ nonprofit entities, ~~as~~
293.28 well as and for-profit businesses.

294.1 Sec. 13. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
294.2 read:

294.3 Subd. 16c. **Next generation core services (NGCS).** "Next generation core services" or
294.4 "NGCS" means the base set of services needed to process a 911 call on an ESInet. These
294.5 services include but are not limited to the Emergency Services Routing Proxy, Emergency
294.6 Call Routing Function, Location Validation Function, Border Control Function, Bridge,
294.7 Policy Store, Logging Services, and typical IP services such as DNS and DHCP. Next
294.8 generation core services includes only the services and not the network on which they
294.9 operate.

294.10 Sec. 14. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
294.11 read:

294.12 Subd. 16d. **Next generation 911 (NG911).** "Next generation 911" or "NG911" means
294.13 an Internet protocol-based system comprised of managed Emergency Services IP networks,
294.14 functional elements and applications, and databases that replicate the traditional E911
294.15 features and functions and that also provides additional capabilities based on industry
294.16 standards. NG911 is designed to provide access to emergency services from all connected
294.17 communications services and provide multimedia data capabilities for public safety answering
294.18 points and other emergency services organizations.

294.19 Sec. 15. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
294.20 read:

294.21 Subd. 16e. **911 call.** "911 call" means any form of communication requesting any type
294.22 of emergency services by contacting a public safety answering point, including voice or
294.23 nonvoice communications, as well as transmission of any analog or digital data. 911 call
294.24 includes a voice call, video call, text message, or data-only call.

294.25 Sec. 16. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
294.26 read:

294.27 Subd. 16f. **911 network.** "911 network" means:

294.28 (1) a legacy telecommunications network that supports basic and enhanced 911 service;
294.29 or

294.30 (2) the ESInet that is used for 911 calls that can be shared by all public safety answering
294.31 points and that provides the IP transport infrastructure upon which independent public safety

295.1 application platforms and core functional processes can be deployed, including but not
295.2 limited to those necessary for providing next generation 911 service capability.

295.3 A network may be constructed from a mix of dedicated and shared facilities and may be
295.4 interconnected at local, regional, state, national, and international levels.

295.5 Sec. 17. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
295.6 read:

295.7 Subd. 16g. **911 system.** "911 system" means a coordinated system of technologies,
295.8 networks, hardware, and software applications that a public safety answering point must
295.9 procure and maintain in order to connect to the state 911 network and provide 911 services.

295.10 Sec. 18. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
295.11 read:

295.12 Subd. 16h. **Originating service provider (OSP).** "Originating service provider" or
295.13 "OSP" means an entity that provides the capability for customers to originate 911 calls to
295.14 public safety answering points, including wire-line communications service providers, Voice
295.15 over Internet Protocol service providers, and wireless communications service providers.

295.16 Sec. 19. Minnesota Statutes 2022, section 403.02, subdivision 17, is amended to read:

295.17 Subd. 17. **911 service.** "911 service" means a telecommunications service that
295.18 automatically connects a person dialing the digits 911 to an established public safety
295.19 answering point. 911 service includes: the emergency response service a public safety
295.20 answering point provides as a result of processing 911 calls through its 911 system.

295.21 ~~(1) customer data and network components connecting to the common 911 network and~~
295.22 ~~database;~~

295.23 ~~(2) common 911 network and database equipment, as appropriate, for automatically~~
295.24 ~~selectively routing 911 calls to the public safety answering point serving the caller's~~
295.25 ~~jurisdiction; and~~

295.26 ~~(3) provision of automatic location identification if the public safety answering point~~
295.27 ~~has the capability of providing that service.~~

295.28 Sec. 20. Minnesota Statutes 2022, section 403.02, subdivision 17c, is amended to read:

295.29 Subd. 17c. **911 Public safety telecommunicator.** "911 Public safety telecommunicator"
295.30 means a person employed by a public safety answering point, an emergency medical dispatch

296.1 service provider, or both, who is qualified to answer incoming emergency telephone calls,
296.2 text messages, and computer notifications or provide for the appropriate emergency response
296.3 either directly or through communication with the appropriate public safety answering point.

296.4 Sec. 21. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
296.5 read:

296.6 Subd. 17e. **Point of interconnection (POI).** "Point of interconnection" or "POI" means
296.7 the location or locations within the 911 network where OSPs deliver 911 calls on behalf of
296.8 their users or subscribers for delivery to the appropriate public service answering point.

296.9 Sec. 22. Minnesota Statutes 2022, section 403.02, subdivision 18, is amended to read:

296.10 Subd. 18. **Public safety agency.** "Public safety agency" means ~~a functional division of~~
296.11 ~~a public agency which provides firefighting, police, medical, or other emergency services,~~
296.12 ~~or a private entity which provides emergency medical or ambulance services~~ an agency that
296.13 provides emergency services to the public.

296.14 Sec. 23. Minnesota Statutes 2022, section 403.02, subdivision 19, is amended to read:

296.15 Subd. 19. **Public safety answering point (PSAP).** "Public safety answering point" or
296.16 "PSAP" means a governmental agency operating a 24-hour communications facility operated
296.17 ~~on a 24-hour basis which~~ that first receives 911 and other emergency calls from persons in
296.18 ~~a 911 service area and which may, as appropriate,~~ central station notifications, text messages,
296.19 and computer notifications and directly dispatch public safety dispatches emergency response
296.20 ~~services or extend, transfer, or relay 911 calls~~ relays communications to appropriate public
296.21 safety agencies according to a specific operational policy.

296.22 Sec. 24. Minnesota Statutes 2022, section 403.02, subdivision 19a, is amended to read:

296.23 Subd. 19a. **Secondary public safety answering point.** "Secondary public safety
296.24 answering point" means a communications facility that: ~~(1) is operated on a 24-hour basis,~~
296.25 ~~in which a minimum of three public safety answering points (PSAPs) route calls for~~
296.26 ~~postdispatch or prearrival instructions; (2) receives calls directly from medical facilities to~~
296.27 ~~reduce call volume at the PSAPs; and (3) is able to receive 911 calls routed to it from a~~
296.28 ~~PSAP when the PSAP is unable to receive or answer 911 calls~~ receives calls transferred
296.29 from a public safety answering point and is connected to the 911 network.

297.1 Sec. 25. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
297.2 read:

297.3 Subd. 19c. **Public Utilities Commission (PUC).** "Public Utilities Commission" or
297.4 "PUC" means the Minnesota state commission defined in section 216A.03.

297.5 Sec. 26. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
297.6 read:

297.7 Subd. 19d. **Regional board.** "Regional board" means one of the seven emergency
297.8 services and emergency communications boards in this state.

297.9 Sec. 27. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
297.10 read:

297.11 Subd. 19e. **Service user.** "Service user" means any person who initiates a 911 call to
297.12 receive emergency services.

297.13 Sec. 28. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
297.14 read:

297.15 Subd. 19f. **Voice over Internet Protocol (VoIP) service provider.** "Voice over Internet
297.16 Protocol service provider" or "VoIP service provider" means an entity that provides distinct
297.17 packetized voice information in a digital format using the Internet protocol directly or
297.18 through a third party, marketed or sold as either a telephone service or an information service
297.19 interconnected with the PSTN, including both facilities-based service providers and resellers
297.20 of such services.

297.21 Sec. 29. Minnesota Statutes 2022, section 403.02, subdivision 20, is amended to read:

297.22 Subd. 20. **Wire-line telecommunications communications service provider.** "Wire-line
297.23 telecommunications communications service provider" means a person, firm, association,
297.24 corporation, or other legal entity, however organized, or combination of them, authorized
297.25 by state or federal regulatory agencies to furnish telecommunications communications
297.26 service, including local service, over wire-line facilities.

297.27 Sec. 30. Minnesota Statutes 2022, section 403.02, subdivision 20a, is amended to read:

297.28 Subd. 20a. **Wireless telecommunications communications service.** "Wireless
297.29 telecommunications communications service" means a commercial mobile radio service,
297.30 as that term is defined in Code of Federal Regulations, title 47, section 20.3, including all

298.1 broadband personal communication services, wireless radio telephone services, and
298.2 geographic area specialized mobile radio licensees, that offer real-time, two-way voice
298.3 service interconnected with the public switched telephone network.

298.4 Sec. 31. Minnesota Statutes 2022, section 403.02, subdivision 21, is amended to read:

298.5 Subd. 21. **Wireless ~~telecommunications~~ communications service provider.** "Wireless
298.6 ~~telecommunications~~ communications service provider" means a provider of wireless
298.7 ~~telecommunications~~ communications service.

298.8 Sec. 32. Minnesota Statutes 2022, section 403.025, is amended to read:

298.9 **403.025 911 EMERGENCY ~~TELECOMMUNICATIONS~~ COMMUNICATIONS**
298.10 **SYSTEM AND SERVICES REQUIRED.**

298.11 ~~Subdivision 1. **General requirement.** Each county shall operate and maintain a 911~~
298.12 ~~emergency telecommunications system.~~

298.13 Subd. 1a. **Emergency telephone number 911.** The digits 911, so designated by the
298.14 Federal Communications Commission, must be the primary emergency telephone number
298.15 within the ~~system~~ 911 network. A public safety agency may maintain a separate secondary
298.16 backup number for emergency calls and ~~shall~~ must maintain a separate number for
298.17 nonemergency telephone calls.

298.18 Subd. 1b. **State requirements.** The commissioner must establish, maintain, and make
298.19 available to all counties a statewide interoperable ESInet backbone 911 network that ensures
298.20 interoperability between all public safety answering points connected to the network and
298.21 meets the requirements of counties operating 911 systems that have an approved update to
298.22 their 911 plans.

298.23 Subd. 1c. **Contractual requirements.** (a) The commissioner must contract with one or
298.24 more ECNSPs to deliver the 911 network.

298.25 (b) The contract language or subsequent amendments to the contracts between the parties
298.26 must contain provisions on how the 911 call routing and location validation data provided
298.27 by the counties will be utilized by the ECNSPs, including how data coordination and quality
298.28 assurance with the counties will be conducted.

298.29 (c) The contract language or subsequent amendments to contracts between the parties
298.30 must contain provisions for resolving disputes.

299.1 (d) All data required under this chapter or Minnesota Rules, chapter 7580, to route 911
299.2 calls, provide caller location, or validate possible 911 caller location information that is
299.3 utilized or intended to be utilized by the 911 system must be provided by the counties and
299.4 the state without cost and may be utilized by ECNSPs and OSPs for purposes of performing
299.5 location data quality assurance, ensuring 911 system performance and statutory compliance.
299.6 Use of the data is governed by section 403.07 and Minnesota Rules, chapter 7580.

299.7 Subd. 1d. **Intergovernmental agreements.** Intergovernmental agreements may be
299.8 implemented between the commissioner and counties or regional boards to support 911
299.9 system plan changes, communicate the network design, and specify cybersecurity standards.
299.10 The commissioner must develop the master agreement in collaboration with the governmental
299.11 entity.

299.12 Subd. 1e. **County requirements.** (a) Each county must operate and maintain a 911
299.13 system and provide 911 services.

299.14 (b) Each county is responsible for creating and maintaining a master street address guide
299.15 and Geographical Information Systems data necessary to support accurate 911 call routing
299.16 and location validation required to support the 911 network.

299.17 Subd. 1f. **911 plans.** Each participating county, federal, Tribal, or other organization
299.18 must maintain and update a 911 plan that accurately documents current operations and 911
299.19 system configurations within the public safety answering point in accordance with Minnesota
299.20 Rules, chapter 7580. The commissioner must review 911 system plans for compliance with
299.21 911 network and cybersecurity standards required under Minnesota Rules, chapter 7580.

299.22 Subd. 1g. **Secondary public safety answering point requirements.** Secondary public
299.23 safety answering points may be required to engage in agreements with the commissioner
299.24 regarding network design standards, cybersecurity standards, and 911 fee audits.

299.25 Subd. 2. **Multijurisdictional system.** The 911 network, 911 services, and 911 systems
299.26 may be multijurisdictional and regional in character provided that design and implementation
299.27 are preceded by cooperative planning on a county-by-county basis with local public safety
299.28 agencies. An intergovernmental agreement must be in place between the participating
299.29 government entities in a multijurisdictional or regional system, and the commissioner must
299.30 be notified of the 911 plan change in accordance with Minnesota Rules, chapter 7580.

299.31 Subd. 3. **Connected telecommunications originating service provider**
299.32 requirements. Every owner and operator of a wire-line or wireless circuit-switched or
299.33 packet-based telecommunications system connected to the public-switched telephone network
299.34 shall design and maintain the system to dial the 911 number without charge to the caller.

300.1 Every OSP must allow Minnesota customers to access 911 without charge and deliver the
300.2 request for emergency assistance to the 911 network at a state-designated POI and provide
300.3 caller location information unless there are circumstances beyond the control of the provider
300.4 to define a valid caller address, geographic location, and primary place of address.

300.5 Subd. 3a. **Originating service provider contractual requirements.** (a) The state may
300.6 contract with the appropriate wire-line telecommunications service providers or other entities
300.7 determined by the commissioner to be eligible for cost recovery for providing access to the
300.8 911 network for their subscribers.

300.9 (b) The contract language or subsequent amendments to the contract must include a
300.10 description of the costs that are being reimbursed. The contract language or subsequent
300.11 amendments must include the terms of compensation based on the effective tariff or price
300.12 list filed with the Public Utilities Commission or the prices agreed to by the parties.

300.13 (c) The contract language or subsequent amendments to contracts between the parties
300.14 must contain a provision for resolving disputes.

300.15 ~~Subd. 4. **Wireless requirements.** Every owner and operator of a wireless~~
300.16 ~~telecommunications system shall design and maintain the system to dial the 911 number~~
300.17 ~~without charge to the caller.~~

300.18 ~~Subd. 5. **Pay phone requirements.** Every pay phone owner and operator shall~~ must
300.19 ~~permit dialing of the 911 number without coin and without charge to the caller.~~

300.20 ~~Subd. 6. **Multistation or PBX system.** Every owner and operator of a multistation or~~
300.21 ~~private branch exchange (PBX) multiline telephone system shall~~ must ~~design and maintain~~
300.22 ~~the system to dial the 911 number without charge to the caller.~~

300.23 ~~Subd. 7. **Contractual requirements.** (a) The state shall contract with the county or other~~
300.24 ~~governmental agencies operating public safety answering points and with the appropriate~~
300.25 ~~wire-line telecommunications service providers or other entities determined by the~~
300.26 ~~commissioner to be capable of providing effective and efficient components of the 911~~
300.27 ~~system for the operation, maintenance, enhancement, and expansion of the 911 system.~~

300.28 ~~(b) The contract language or subsequent amendments to the contract must include a~~
300.29 ~~description of the services to be furnished to the county or other governmental agencies~~
300.30 ~~operating public safety answering points. The contract language or subsequent amendments~~
300.31 ~~must include the terms of compensation based on the effective tariff or price list filed with~~
300.32 ~~the Public Utilities Commission or the prices agreed to by the parties.~~

301.1 ~~(e) The contract language or subsequent amendments to contracts between the parties~~
301.2 ~~must contain a provision for resolving disputes.~~

301.3 Sec. 33. Minnesota Statutes 2022, section 403.03, subdivision 2, is amended to read:

301.4 Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) ~~On or before July~~
301.5 ~~1, 2021,~~ Every public safety answering point must maintain a telephone cardiopulmonary
301.6 resuscitation program by either:

301.7 (1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation;
301.8 or

301.9 (2) transferring callers to another public safety answering point with 911
301.10 telecommunicators that have received training in cardiopulmonary resuscitation.

301.11 (b) Training in cardiopulmonary resuscitation must, at a minimum, include:

301.12 (1) use of an evidence-based protocol or script for providing cardiopulmonary
301.13 resuscitation instruction that has been recommended by an academic institution or a nationally
301.14 recognized organization specializing in medical dispatch and, if the public safety answering
301.15 point has a medical director, approved by that medical director; and

301.16 (2) appropriate continuing education, as determined by the evidence-based protocol for
301.17 providing cardiopulmonary resuscitation instruction and, if the public safety answering
301.18 point has a medical director, approved by that medical director.

301.19 (c) A public safety answering point that transfers callers to another public safety
301.20 answering point must, at a minimum:

301.21 (1) use an evidence-based protocol for the identification of a person in need of
301.22 cardiopulmonary resuscitation;

301.23 (2) provide each 911 telecommunicator with appropriate training and continuing education
301.24 to identify a person in need of cardiopulmonary resuscitation through the use of an
301.25 evidence-based protocol; and

301.26 (3) ensure that any public safety answering point to which calls are transferred uses 911
301.27 telecommunicators who meet the training requirements under paragraph (b).

301.28 (d) Each public safety answering point shall conduct ongoing quality assurance of its
301.29 telephone cardiopulmonary resuscitation program.

302.1 Sec. 34. Minnesota Statutes 2022, section 403.05, is amended to read:

302.2 **403.05 911 SYSTEM NETWORK OPERATION AND MAINTENANCE.**

302.3 Subdivision 1. **Operate and maintain.** ~~Each county or any other governmental agency~~
302.4 ~~shall~~ The commissioner must operate and maintain its statewide 911 system to meet
302.5 network meeting the requirements of governmental agencies whose services are available
302.6 through the 911 system and to permit future expansion or enhancement of the system. set
302.7 forth by the commissioner through rules established under chapter 14, including but not
302.8 limited to network and data performance measures, diversity, redundancy, interoperability,
302.9 and cybersecurity. Each county, federal, Tribal, or other organization connected to the
302.10 statewide 911 network must operate and maintain a 911 system that meets the requirements
302.11 of governmental agencies whose services are available through the 911 network.

302.12 Subd. 1a. **GIS validation and aggregation.** The commissioner must provide geospatial
302.13 data validation and aggregation tools that counties need in order to share the GIS data
302.14 required for the 911 network.

302.15 Subd. 2. **Rule requirements for 911 system plans.** ~~Each county or any other~~
302.16 ~~governmental agency shall maintain and update its 911 system plans as required under~~
302.17 ~~Minnesota Rules, chapter 7580.~~

302.18 Subd. 2a. **Responsibilities of PSAPs.** (a) Each PSAP connecting to the statewide 911
302.19 network must comply with state and, where applicable, regional 911 plans. Federal, Tribal,
302.20 or other governmental organizations operating their own 911 systems must be approved by
302.21 the commissioner.

302.22 (b) Any PSAP not connected to the state 911 network that desires to interact with a 911
302.23 system or has an agreement for shared 911 services must be interoperable with the state
302.24 911 network.

302.25 Subd. 3. **Agreements for service.** ~~Each county or any other governmental agency shall~~
302.26 ~~contract with the state for the recurring and nonrecurring costs associated with operating~~
302.27 ~~and maintaining 911 emergency communications systems. If requested by the county or~~
302.28 ~~other governmental agency, the county or agency is entitled to be a party to any contract~~
302.29 ~~between the state and any wire-line telecommunications service provider or 911 emergency~~
302.30 ~~telecommunications service provider providing components of the 911 system within the~~
302.31 ~~county.~~ The state must contract for facilities and services associated with the operation and
302.32 maintenance of the statewide 911 network and ESInet. The contract and any subsequent
302.33 amendments must include a description of the services to be provided and the terms of
302.34 compensation based on the prices agreed to by the parties.

303.1 Sec. 35. Minnesota Statutes 2022, section 403.06, is amended to read:

303.2 **403.06 COMMISSIONER'S DUTIES.**

303.3 Subdivision 1. **System coordination, improvements, variations, and agreements.** The
303.4 commissioner ~~shall~~ may coordinate with counties on the management and maintenance of
303.5 their 911 systems. If requested, the commissioner shall must aid counties in the formulation
303.6 of ~~concepts, methods,~~ their public safety answering point plans, system design plans,
303.7 performance and operational requirements, and procedures which will improve the operation
303.8 and maintenance of their 911 systems. ~~The commissioner shall establish procedures for~~
303.9 ~~determining and evaluating requests for variations from the established design standards.~~
303.10 ~~The commissioner shall respond to requests by wireless or wire-line telecommunications~~
303.11 ~~service providers or by counties or other governmental agencies for system agreements,~~
303.12 ~~contracts, and tariff language promptly and no later than within 45 days of the request unless~~
303.13 ~~otherwise mutually agreed to by the parties.~~

303.14 Subd. 1a. **Biennial budget; annual financial report.** The commissioner ~~shall~~ must
303.15 prepare a biennial budget ~~for maintaining the 911 system.~~ by December 15 of each year,
303.16 The commissioner ~~shall~~ must submit a report to the legislature detailing the expenditures
303.17 for maintaining the 911 ~~system~~ network, the 911 fees collected, the balance of the 911 fund,
303.18 ~~the~~ 911-related administrative expenses of the commissioner, and the most recent forecast
303.19 of revenues and expenditures for the 911 emergency telecommunications service account,
303.20 including a separate projection of ~~E911~~ 911 fees from prepaid wireless customers and
303.21 projections of year-end fund balances. The commissioner is authorized to expend money
303.22 that has been appropriated to pay for the maintenance, enhancements, and expansion of the
303.23 911 ~~system~~ network.

303.24 Subd. 1b. **Connection plan required; commissioner review and enforcement.** (a)
303.25 The commissioner must respond to network and database change requests by OSPs promptly
303.26 and no later than 45 days after the request unless otherwise mutually agreed to by the parties.
303.27 All network and location database variances requested by OSPs connecting to the ESInet
303.28 must comply with Minnesota Rules.

303.29 (b) All OSPs must submit and maintain a plan for connection to the 911 network POIs
303.30 in accordance with the requirements set forth in Minnesota Rules. The commissioner must
303.31 review all connection plans to ensure compliance with all 911 network and database design
303.32 and performance requirements.

303.33 Subd. 2. **Waiver.** Any county, ~~other governmental agency, wireless telecommunications~~
303.34 ~~service provider, or wire-line telecommunications service provider~~ federal, Tribal, or other

304.1 organization connected to the statewide 911 network or OSP may petition the commissioner
304.2 for a waiver of all or portions of the requirements. A waiver may be granted upon a
304.3 demonstration by the petitioner that the requirement is economically infeasible.

304.4 Sec. 36. Minnesota Statutes 2022, section 403.07, is amended to read:

304.5 **403.07 NETWORK STANDARDS ESTABLISHED; DATA PRIVACY.**

304.6 Subdivision 1. **Rules.** The commissioner ~~shall~~ must establish and adopt in accordance
304.7 with chapter 14, rules for the administration of this chapter and for the development of 911
304.8 ~~systems~~ network in the state including:

304.9 (1) design and performance standards for the 911 systems ~~incorporating the standards~~
304.10 ~~adopted pursuant to subdivision 2 for the seven-county metropolitan area~~ network, including
304.11 but not limited to network, routing, and database standards for counties, OSPs, and ECNSPs;
304.12 and

304.13 (2) ~~a procedure for determining and evaluating requests for variations from the established~~
304.14 ~~design standards~~ design and performance standards for the ten-county metropolitan area,
304.15 incorporating the standards adopted pursuant to subdivision 2.

304.16 Subd. 2. **Design standards for metropolitan area.** The Metropolitan Emergency
304.17 Services Board ~~shall~~ must establish and adopt design and performance standards for the
304.18 ~~metropolitan area 911 system and transmit them to the commissioner for incorporation into~~
304.19 ~~the rules adopted pursuant to this section.~~ 911 network for the ten-county metropolitan area,
304.20 including but not limited to network design, routing, and database standards for counties,
304.21 OSP, and ECNSPs operating in the ten-county metropolitan area and provide them to the
304.22 commissioner in accordance with chapter 14 for incorporation into the rules adopted pursuant
304.23 to this section. The standards must be interoperable with the statewide 911 network and
304.24 data standards.

304.25 Subd. 3. **Database Location data.** ~~In 911 systems that have been approved by the~~
304.26 ~~commissioner for a local location identification database, each wire-line telecommunications~~
304.27 ~~service provider shall provide current customer names, service addresses, and telephone~~
304.28 ~~numbers to each public safety answering point within the 911 system and shall update the~~
304.29 ~~information according to a schedule prescribed by the county 911 plan. Information provided~~
304.30 ~~under this subdivision must be provided in accordance with the transactional record disclosure~~
304.31 ~~requirements of the federal Communications Act of 1934, United States Code, title 47,~~
304.32 ~~section 222, subsection (g).~~ All OSPs must provide to the 911 network, at the time of each
304.33 911 call, the location of the device making the 911 call, unless there are circumstances

305.1 beyond the control of the provider that prevents the OSP from sharing the location data.

305.2 Any OSP supplying the location of 911 calls in civic address form must prevalidate the

305.3 address to location data supplied by the county accessible through the NGCS.

305.4 Subd. 3a. **Access to data for accuracy.** (a) OSPs must, upon request of the state, a

305.5 region, the ECNSP, or a PSAP, provide a description or copy of subscriber address location

305.6 information or GIS data used by the OSP that is necessary to verify location and routing

305.7 accuracy of 911 calls. Any ECNSP routing 911 calls must, upon request of the state, provide

305.8 a copy of routing files used in determining PSAP selection for the purpose of verifying

305.9 routing accuracy.

305.10 (b) OSPs must, upon request of the state, a region, the ECNSP, or a PSAP, provide a

305.11 copy of subscriber address location information for uses specific to 911 systems. This request

305.12 may carry a cost to the requester.

305.13 Subd. 3b. **Database standards in metropolitan area.** The Metropolitan Emergency

305.14 Services Board must establish and adopt 911 database standards for OSPs operating in the

305.15 ten-county metropolitan area 911 system and provide them to the commissioner for

305.16 incorporation in accordance with chapter 14 into the rules adopted pursuant to this section.

305.17 Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone numbers

305.18 provided to a 911 system under subdivision 3 are private data and may be used only:

305.19 (1) to identify the location or identity, or both, of a person calling a 911 ~~public safety~~

305.20 ~~answering point~~ PSAP; or

305.21 (2) by a ~~public safety answering point~~ PSAP to notify the public of an emergency.

305.22 (b) The information furnished under ~~subdivision 3~~ this chapter and the rules adopted

305.23 pursuant to subdivision 1 may not be used or disclosed by 911 system agencies, their agents,

305.24 or their employees for any other purpose except under a court order.

305.25 ~~(b)~~ (c) For purposes of this subdivision, "emergency" means a situation in which property

305.26 or human life is in jeopardy and the prompt notification of the public by the public safety

305.27 answering point is essential.

305.28 Subd. 5. **Liability.** (a) ~~A wire-line telecommunications service provider~~ An OSP, its

305.29 employees, or its agents are not liable to any person who uses ~~enhanced 911~~

305.30 ~~telecommunications service~~ NG911 services for release of subscriber information required

305.31 under this chapter to any ~~public safety answering point~~ PSAP.

305.32 (b) ~~A wire-line telecommunications service provider~~ An OSP is not liable to any person

305.33 for the good-faith release to emergency communications personnel of information not in

306.1 the public record, including, but not limited to, nonpublished or nonlisted telephone numbers,
306.2 except for willful or wanton misconduct.

306.3 ~~(c) A wire-line telecommunications service provider, its employees, or its agents are not~~
306.4 ~~liable to any person for civil damages resulting from or caused by any act or omission in~~
306.5 ~~the development, design, installation, operation, maintenance, performance, or provision~~
306.6 ~~of enhanced 911 telecommunications service, except for willful or wanton misconduct.~~

306.7 ~~(d) A multiline telephone system manufacturer, provider, or operator is not liable for~~
306.8 ~~any civil damages or penalties as a result of any act or omission, except willful or wanton~~
306.9 ~~misconduct, in connection with developing, designing, installing, maintaining, performing,~~
306.10 ~~provisioning, adopting, operating, or implementing any plan or system required by section~~
306.11 ~~403.15.~~

306.12 ~~(e) A telecommunications service provider~~ (c) An OSP that participates in or cooperates
306.13 with the public safety answering point in notifying the public of an emergency, as authorized
306.14 under subdivision 4, is immune from liability arising out of the notification except for willful
306.15 or wanton misconduct.

306.16 Sec. 37. Minnesota Statutes 2022, section 403.08, is amended to read:

306.17 **403.08 WIRELESS TELECOMMUNICATIONS ORIGINATING SERVICE**
306.18 **PROVIDER PROVIDERS.**

306.19 Subd. 7. **Duties.** ~~Each wireless telecommunications service provider shall cooperate in~~
306.20 ~~planning and implementing integration with enhanced 911 systems operating in their service~~
306.21 ~~territories to meet Federal Communications Commission enhanced 911 standards. Each~~
306.22 ~~wireless telecommunications service provider shall annually develop and provide to the~~
306.23 ~~commissioner good faith estimates of installation and recurring expenses to integrate wireless~~
306.24 ~~911 service into the enhanced 911 networks to meet Federal Communications Commission~~
306.25 ~~phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties~~
306.26 ~~and affected public safety agency representatives in developing a statewide design and plan~~
306.27 ~~for implementation.~~ Each originating service provider (OSP) must cooperate in planning
306.28 and implementing integration with the statewide 911 network to meet Federal
306.29 Communications Commission and Public Utilities Commission 911 requirements, as
306.30 applicable.

306.31 Subd. 9. **Scope.** ~~Planning considerations must include cost, degree of integration into~~
306.32 ~~existing 911 systems, the retention of existing 911 infrastructure, and the potential~~
306.33 ~~implications of phase 2 of the Federal Communications Commission wireless enhanced~~

307.1 ~~911 standards~~ a plan to interconnect to the 911 network POIs, the retention and reuse of
307.2 existing 911 infrastructure, and the implications of the Federal Communications
307.3 Commission's wireless location accuracy requirements.

307.4 Subd. 10. **Plan integration.** ~~Counties shall incorporate the statewide design when~~
307.5 ~~modifying county 911 plans to provide for integrating wireless 911 service into existing~~
307.6 ~~county 911 systems.~~ An OSP must annually submit plans to the commissioner detailing
307.7 how they will connect, or confirming how they already connect, to the statewide 911 network.

307.8 Subd. 11. **Liability.** (a) ~~No wireless enhanced 911 emergency telecommunications~~
307.9 ~~service provider~~ OSP, its employees, or its agents are liable to any person for civil damages
307.10 resulting from or caused by any act or omission in the development, design, installation,
307.11 operation, maintenance, performance, or provision of ~~enhanced~~ 911 wireless service, except
307.12 for willful or wanton misconduct.

307.13 (b) ~~No wireless carrier, its employees, or its agents are liable to any person who uses~~
307.14 ~~enhanced 911 wireless service for release of subscriber information required under this~~
307.15 ~~chapter to any public safety answering point.~~

307.16 (b) A multiline telephone system manufacturer, provider, or operator is not liable for
307.17 any civil damages or penalties as a result of any act or omission, except willful or wanton
307.18 misconduct, in connection with developing, designing, installing, maintaining, performing,
307.19 provisioning, adopting, operating, or implementing any plan or system required by section
307.20 403.15.

307.21 Subd. 12. **Notification of subscriber.** ~~A provider of wireless telecommunications services~~
307.22 ~~shall notify its subscribers at the time of initial subscription and four times per year thereafter~~
307.23 ~~that a 911 emergency call made from a wireless telephone is not always answered by a local~~
307.24 ~~public safety answering point but may be routed to a State Patrol dispatcher and that,~~
307.25 ~~accordingly, the caller must provide specific information regarding the caller's location.~~

307.26 Sec. 38. Minnesota Statutes 2022, section 403.09, subdivision 2, is amended to read:

307.27 Subd. 2. **Commission authority.** At the request of the public utilities commission, the
307.28 attorney general may commence proceedings before the district court pursuant to section
307.29 237.27, against any ~~wire-line telecommunications~~ originating service provider that falls
307.30 under the commission's authority and refuses to comply with this chapter.

308.1 Sec. 39. Minnesota Statutes 2022, section 403.10, subdivision 2, is amended to read:

308.2 Subd. 2. **Notice to ~~public safety~~ government agency.** ~~Public safety~~ Government agencies
308.3 with jurisdictional responsibilities ~~shall~~ must in all cases be notified by the public safety
308.4 answering point of a request for service in their jurisdiction.

308.5 Sec. 40. Minnesota Statutes 2022, section 403.10, subdivision 3, is amended to read:

308.6 Subd. 3. **Allocating costs.** Counties, public agencies, operating public safety answering
308.7 points, and other local governmental units may enter into cooperative agreements under
308.8 section 471.59 for the allocation of operational and capital costs attributable to the 911
308.9 system and 911 services.

308.10 Sec. 41. Minnesota Statutes 2022, section 403.11, is amended to read:

308.11 **403.11 911 SYSTEM COST ACCOUNTING REQUIREMENTS; FEE.**

308.12 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
308.13 ~~of a wireless or wire-line switched or packet-based telecommunications~~ an originating
308.14 service provider connected to the public switched telephone network that furnishes service
308.15 capable of originating a 911 emergency telephone call is assessed a fee based upon the
308.16 number of wired or wireless telephone lines, or their equivalent, to provide access to the
308.17 911 network and maintenance of the 911 customer database, or when the only option, to
308.18 cover the costs of ongoing maintenance and related improvements for trunking and central
308.19 office switching equipment and maintenance of 911 customer databases for 911 emergency
308.20 telecommunications service, to offset administrative and staffing costs of the commissioner
308.21 related to managing the 911 emergency telecommunications service program, to make
308.22 distributions provided for in section 403.113, and to offset the costs, including administrative
308.23 and staffing costs, incurred by the State Patrol Division of the Department of Public Safety
308.24 in handling 911 emergency calls made from wireless phones.

308.25 (b) Money remaining in the 911 emergency telecommunications service account after
308.26 all other obligations are paid and defined reserves are met must not cancel and is carried
308.27 forward to subsequent years and may be appropriated ~~from time to time~~ to the commissioner
308.28 to provide financial assistance to ~~counties~~ eligible entities for the improvement of ~~local~~
308.29 ~~emergency telecommunications services~~ 911 systems in compliance with use as designated
308.30 in section 403.113, subdivision 3.

308.31 (c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each
308.32 customer access line or other basic access service, including trunk equivalents as designated

309.1 by the Public Utilities Commission for access charge purposes and including wireless
309.2 telecommunications services. With the approval of the commissioner of management and
309.3 budget, the commissioner of public safety ~~shall~~ must establish the amount of the fee within
309.4 the limits specified and inform the companies and carriers of the amount to be collected.
309.5 ~~When the revenue bonds authorized under section 403.27, subdivision 1, have been fully~~
309.6 ~~paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the~~
309.7 ~~bonds is no longer needed.~~ The commissioner ~~shall~~ must provide companies and carriers a
309.8 minimum of 45 days' notice of each fee change. The fee must be the same for all customers,
309.9 except that the fee imposed under this subdivision does not apply to prepaid wireless
309.10 telecommunications service, which is instead subject to the fee imposed under section
309.11 403.161, subdivision 1, paragraph (a).

309.12 (d) The fee must be collected by each ~~wireless or wire-line telecommunications~~
309.13 originating service provider subject to the fee. Fees are payable to and must be submitted
309.14 to the commissioner monthly before the 25th of each month following the month of
309.15 collection, except that fees may be submitted quarterly if less than \$250 a month is due, or
309.16 annually if less than \$25 a month is due. Receipts must be deposited in the state treasury
309.17 and credited to a 911 emergency telecommunications service account in the special revenue
309.18 fund. The money in the account may only be used for 911 telecommunications services.
309.19 The money in the account may only be used for costs outlined in section 403.113.

309.20 (e) Competitive local exchanges carriers holding certificates of authority from the Public
309.21 Utilities Commission are eligible to receive payment for recurring 911 services.

309.22 Subd. 1a. **Fee collection declaration.** If the commissioner disputes the accuracy of a
309.23 fee submission or if no fees are submitted by a ~~wireless, wire-line, or packet-based~~
309.24 ~~telecommunications service provider, the wireless, wire-line, or packet-based~~
309.25 ~~telecommunications~~ an originating service provider ~~shall~~, the OSP must submit a sworn
309.26 declaration signed by an officer of the company certifying, under penalty of perjury, that
309.27 the information provided with the fee submission is true and correct. The sworn declaration
309.28 must specifically describe and affirm that the 911 fee computation is complete and accurate.
309.29 ~~When a wireless, wire-line, or packet-based telecommunications service provider~~ an OSP
309.30 fails to provide a sworn declaration within 90 days of notice by the commissioner that the
309.31 fee submission is disputed, the commissioner may estimate the amount due from the ~~wireless,~~
309.32 ~~wire-line, or packet-based telecommunications service provider~~ OSP and refer that amount
309.33 for collection under section 16D.04.

309.34 Subd. 1b. **Examination of fees.** If the commissioner determines that an examination is
309.35 necessary to document the fee submission and sworn declaration in subdivision 1a, the

310.1 ~~wireless, wire-line, or packet-based telecommunications service provider~~ OSP must contract
310.2 with an independent certified public accountant to conduct an examination of fees. The
310.3 examination must be conducted in accordance with attestation audit standards.

310.4 Subd. 3. **Method of payment.** (a) Any wireless or wire-line telecommunications service
310.5 provider incurring reimbursable costs under subdivision 1 ~~shall submit an invoice itemizing~~
310.6 ~~rate elements by county or service area to the commissioner for 911 services furnished under~~
310.7 ~~contract. Any wireless or wire-line telecommunications service provider is eligible to receive~~
310.8 ~~payment for 911 services rendered according to the terms and conditions specified in the~~
310.9 ~~contract. The commissioner shall pay the invoice within 30 days following receipt of the~~
310.10 ~~invoice unless the commissioner notifies the service provider that the commissioner disputes~~
310.11 ~~the invoice~~ must be paid in accordance with the amount and terms of their valid cost recovery
310.12 contract as described in section 403.025, subdivision 3a.

310.13 (b) The commissioner ~~shall~~ must estimate the amount required to reimburse 911
310.14 ~~emergency telecommunications service providers and wireless and wire-line~~
310.15 ~~telecommunications service providers~~ the OSP for the state's obligations under subdivision
310.16 1 and the governor ~~shall~~ must include the estimated amount in the biennial budget request.

310.17 Subd. 3a. **Timely invoices.** ~~An invoice for services provided for in the contract with a~~
310.18 ~~wireless or wire-line telecommunications service provider must be submitted to the~~
310.19 ~~commissioner no later than 90 days after commencing a new or additional eligible 911~~
310.20 ~~service. Each applicable contract must provide that, if certified expenses under the contract~~
310.21 ~~deviate from estimates in the contract by more than ten percent, the commissioner may~~
310.22 ~~reduce the level of service without incurring any termination fees.~~

310.23 Subd. 3b. **Declaration.** ~~If the commissioner disputes an invoice, the wireless and~~
310.24 ~~wire-line telecommunications service providers shall submit a declaration under section~~
310.25 ~~16A.41 signed by an officer of the company with the invoices for payment of service~~
310.26 ~~described in the service provider's 911 contract. The sworn declaration must specifically~~
310.27 ~~describe and affirm that the 911 service contracted for is being provided and the costs~~
310.28 ~~invoiced for the service are true and correct. When a wireless or wire-line telecommunications~~
310.29 ~~service provider fails to provide a sworn declaration within 90 days of notice by the~~
310.30 ~~commissioner that the invoice is disputed, the disputed amount of the invoice must be~~
310.31 ~~disallowed.~~

310.32 Subd. 3c. **Audit.** If the commissioner determines that an audit is necessary to document
310.33 ~~the invoice and sworn declaration in subdivision 3b~~ costs eligible for recovery as detailed
310.34 in subdivision 1, the ~~wireless or wire-line telecommunications service provider~~ OSP must

311.1 contract with an independent certified public accountant to conduct the audit. The audit
311.2 must be conducted according to generally accepted accounting principles. The ~~wireless or~~
311.3 ~~wire-line telecommunications service provider~~ OSP is responsible for any costs associated
311.4 with the audit.

311.5 Subd. 3d. **Eligible telecommunications carrier; requirement.** No ~~wireless~~
311.6 ~~communications provider~~ OSP may provide telecommunications services under a designation
311.7 of eligible telecommunications carrier, as provided under Minnesota Rules, part 7811.1400,
311.8 until and unless the commissioner of public safety certifies to the chair of the public utilities
311.9 commission that the wireless telecommunications provider is not in arrears in amounts owed
311.10 to the 911 emergency telecommunications service account in the special revenue fund.

311.11 Subd. 4. **Local recurring costs.** Recurring costs ~~of~~ not covered as part of the state 911
311.12 network contracts for telecommunications equipment and services at public safety answering
311.13 points must be borne by the local governmental agency operating the public safety answering
311.14 point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local
311.15 government electives for services not otherwise addressed under section 403.11 or 403.113
311.16 must be borne by the governmental agency requesting the elective service.

311.17 Subd. 5. **Tariff notification.** Wire-line telecommunications service providers or wireless
311.18 telecommunications service providers holding eligible telecommunications carrier status
311.19 ~~shall~~ must give notice to the commissioner and any other affected governmental agency of
311.20 tariff or price list changes related to 911 service at the same time that the filing is made with
311.21 the public utilities commission.

311.22 Subd. 6. **OSP report.** (a) ~~Beginning Each September 1, 2013, and continuing~~
311.23 ~~semiannually thereafter and March 1, each wireless telecommunications service provider~~
311.24 ~~shall~~ OSP must report to the commissioner, based on the ~~mobile subscriber's~~ telephone
311.25 number, ~~both~~. Wireless communication providers must include the total number of prepaid
311.26 wireless telecommunications subscribers sourced to Minnesota and the total number of
311.27 wireless telecommunications subscribers sourced to Minnesota. The report must be filed
311.28 on the same schedule as Federal Communications Commission Form 477.

311.29 (b) The commissioner ~~shall~~ must make a standard form available to all wireless
311.30 telecommunications service providers for submitting information required to compile the
311.31 report required under this subdivision.

311.32 (c) The information provided to the commissioner under this subdivision is considered
311.33 trade secret information under section 13.37 and may only be used for purposes of
311.34 administering this chapter.

312.1 Sec. 42. Minnesota Statutes 2022, section 403.113, is amended to read:

312.2 **403.113 ENHANCED 911 SERVICE COSTS; FEE.**

312.3 Subdivision 1. **Fee.** A portion of the fee collected under section 403.11 must be used to
312.4 fund implementation, operation, maintenance, enhancement, and expansion of ~~enhanced~~
312.5 the 911 service network, including acquisition of necessary equipment and the costs of the
312.6 commissioner to administer the program in accordance with Federal Communications
312.7 Commission rules.

312.8 Subd. 2. **Distribution of money.** (a) After payment of the costs of the commissioner to
312.9 administer the program, the commissioner ~~shall~~ must distribute the money collected under
312.10 this section as follows:

312.11 (1) one-half of the amount equally to all qualified counties, and after October 1, 1997,
312.12 to all qualified counties, existing ten public safety answering points operated by the
312.13 Minnesota State Patrol, and each governmental entity operating the individual public safety
312.14 answering points serving the Metropolitan Airports Commission, the Red Lake Indian
312.15 Reservation, and the University of Minnesota Police Department; and

312.16 (2) the remaining one-half to qualified counties and cities with existing 911 systems
312.17 based on each county's or city's percentage of the total population of qualified counties and
312.18 cities. The population of a qualified city with an existing system must be deducted from its
312.19 county's population when calculating the county's share under this clause if the city seeks
312.20 direct distribution of its share.

312.21 (b) A county's share under subdivision 1 must be shared pro rata between the county
312.22 and existing city systems in the county. A county or city or other governmental entity as
312.23 described in paragraph (a), clause (1), ~~shall~~ must deposit money received under this
312.24 subdivision in an interest-bearing fund or account separate from the governmental entity's
312.25 general fund and may use money in the fund or account only for the purposes specified in
312.26 subdivision 3.

312.27 (c) A county or city or other governmental entity as described in paragraph (a), clause
312.28 (1), is not qualified to share in the distribution of money for ~~enhanced~~ 911 service if it has
312.29 not implemented enhanced 911 service before December 31, 1998.

312.30 (d) For the purposes of this subdivision, "existing city system" means a city 911 system
312.31 that provides at least basic 911 service and that was implemented on or before April 1, 1993.

312.32 Subd. 3. **Local expenditures.** (a) Money distributed under subdivision 2 for ~~enhanced~~
312.33 911 service systems or services may be spent on ~~enhanced~~ 911 system costs for the purposes

313.1 stated in subdivision 1. ~~In addition, money may be spent to lease, purchase, lease-purchase,~~
313.2 ~~or maintain enhanced 911 equipment, including telephone equipment; recording equipment;~~
313.3 ~~computer hardware; computer software for database provisioning, addressing, mapping,~~
313.4 ~~and any other software necessary for automatic location identification or local location~~
313.5 ~~identification; trunk lines; selective routing equipment; the master street address guide;~~
313.6 ~~dispatcher public safety answering point equipment proficiency and operational skills; pay~~
313.7 ~~for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and~~
313.8 ~~the equipment necessary within the public safety answering point for community alert~~
313.9 ~~systems and to notify and communicate with the emergency services requested by the 911~~
313.10 ~~caller. as well as expenses deemed allowable in accordance with Code of Federal Regulations,~~
313.11 ~~title 47, section 9.2.~~

313.12 (b) Money distributed for ~~enhanced 911 service systems or services~~ may not be spent
313.13 on:

313.14 (1) purchasing or leasing of real estate or cosmetic additions to or remodeling of
313.15 ~~communications centers~~ public safety answering points;

313.16 (2) ~~mobile communications vehicles;~~ fire engines, ambulances, law enforcement vehicles,
313.17 or other emergency vehicles;

313.18 (3) signs, posts, or other markers related to addressing or any costs associated with the
313.19 installation or maintenance of signs, posts, or markers;

313.20 (4) any purposes prohibited by the Federal Communications Commission;

313.21 (5) the transfer of 911 fees into a state or other jurisdiction's general fund or other fund
313.22 for non-911 purposes;

313.23 (6) public safety telecommunicator salaries unless associated with training functions;
313.24 and

313.25 (7) the leasing or purchase of end user equipment.

313.26 Subd. 4. **Audits.** (a) Each county and city or other governmental entity federal, Tribal,
313.27 or other organization connected to the statewide 911 network as described in subdivision
313.28 2, paragraph (a), clause (1), shall or secondary public safety answering point must conduct
313.29 an annual audit a compliance report in accordance with Minnesota Rules, chapter 7580, and
313.30 Code of Federal Regulations, title 47, section 9.25, on the use of funds distributed to it for
313.31 enhanced 911 service systems or services to ensure the distribution is spent according to
313.32 subdivision 3. A copy of each audit compliance report must be submitted to the
313.33 commissioner.

314.1 (b) The commissioner may request a state audit of a county, federal, Tribal, or other
314.2 organization connected to the statewide 911 network which receives 911 funds from the
314.3 state to operate its 911 system or service to ensure compliance with subdivision 3.

314.4 (c) Failure to submit a compliance report may result in a disruption of 911 fee distribution
314.5 until the compliance report is submitted.

314.6 Sec. 43. Minnesota Statutes 2022, section 403.15, subdivision 1, is amended to read:

314.7 Subdivision 1. **Multistation or PBX system.** Except as otherwise provided in this
314.8 section, every owner and operator of a new multistation or private branch exchange (PBX)
314.9 multiline telephone system purchased or upgraded after December 31, 2004, ~~shall~~ must
314.10 design and maintain the system to provide a callback number or ten-digit caller ID and
314.11 emergency response location.

314.12 Sec. 44. Minnesota Statutes 2022, section 403.15, subdivision 2, is amended to read:

314.13 Subd. 2. **Multiline telephone system user dialing instructions.** (a) Each multiline
314.14 telephone system (MLTS) operator must demonstrate or otherwise inform each new telephone
314.15 system user how to call for emergency assistance from that particular multiline telephone
314.16 system.

314.17 (b) MLTS platforms that are manufactured, imported, offered for first sale or lease, first
314.18 sold or leased, or installed after February 16, 2020, must enable users to directly initiate a
314.19 call to 911 from any station equipped with dialing facilities without dialing any additional
314.20 digit, code, prefix, or postfix, including any trunk-access code such as the digit nine,
314.21 regardless of whether the user is required to dial such a digit, code, prefix, or postfix for
314.22 other calls.

314.23 (c) MLTSs that are manufactured, imported, offered for first sale or lease, first sold or
314.24 leased, or installed after February 16, 2020, must be configured so that upon an occurrence
314.25 of a 911 call it will provide a notification that a 911 call has been made to a central location
314.26 at the facility where the system is installed or to another person or organization, regardless
314.27 of location, if the system is able to be configured to provide the notification without an
314.28 improvement to the hardware or software of the system.

314.29 Sec. 45. Minnesota Statutes 2022, section 403.15, subdivision 3, is amended to read:

314.30 Subd. 3. **Shared residential multiline telephone system.** On and after January 1, 2005,
314.31 operators of shared multiline telephone systems, whenever installed, serving residential
314.32 customers ~~shall~~ must ensure that the shared multiline telephone system is connected to the

315.1 public switched network and that 911 calls from the system result in at least one distinctive
315.2 automatic number identification and automatic location identification for each residential
315.3 unit, except those requirements do not apply if the residential facility maintains one of the
315.4 following:

315.5 (1) automatic location identification for each respective emergency response location;

315.6 (2) the ability to direct emergency responders to the 911 caller's location through an
315.7 alternative and adequate means, such as the establishment of a 24-hour private answering
315.8 point operated by the facility; or

315.9 (3) a connection to a switchboard operator, attendant, or other designated on-site
315.10 individual.

315.11 Sec. 46. Minnesota Statutes 2022, section 403.15, subdivision 4, is amended to read:

315.12 Subd. 4. **Hotel or motel multiline telephone system.** Operators of hotel and motel
315.13 multiline telephone systems ~~shall~~ must permit the dialing of 911 and ~~shall~~ must ensure that
315.14 911 calls originating from hotel or motel multiline telephone systems allow the 911 system
315.15 to clearly identify the address and specific location of the 911 caller.

315.16 Sec. 47. Minnesota Statutes 2022, section 403.15, subdivision 5, is amended to read:

315.17 Subd. 5. **Business multiline telephone system.** (a) An operator of business multiline
315.18 telephone systems connected to the public switched telephone network and serving business
315.19 locations of one employer ~~shall~~ must ensure that calls to 911 from any telephone on the
315.20 system result in one of the following:

315.21 (1) automatic location identification for each respective emergency response location;

315.22 (2) an ability to direct emergency responders to the 911 caller's location through an
315.23 alternative and adequate means, such as the establishment of a 24-hour private answering
315.24 point operated by the employer; or

315.25 (3) a connection to a switchboard operator, attendant, or other designated on-site
315.26 individual.

315.27 (b) Except as provided in paragraph (c), providers of multiline telephone systems serving
315.28 multiple employers' business locations ~~shall~~ must ensure that calls to 911 from any telephone
315.29 result in automatic location identification for the respective emergency response location
315.30 of each business location sharing the system.

315.31 (c) Only one emergency response location is required in the following circumstances:

316.1 (1) an employer's work space is less than 40,000 square feet, located on a single floor
316.2 and on a single contiguous property;

316.3 (2) an employer's work space is less than 7,000 square feet, located on multiple floors
316.4 and on a single contiguous property; or

316.5 (3) an employer's work space is a single public entrance, single floor facility on a single
316.6 contiguous property.

316.7 Sec. 48. Minnesota Statutes 2022, section 403.15, subdivision 6, is amended to read:

316.8 Subd. 6. **Schools.** A multiline telephone system operated by a public or private
316.9 educational institution, including a system serving dormitories and other residential
316.10 customers, is subject to this subdivision and is not subject to subdivision 3. The operator
316.11 of the education institution multiline system connected to the public switched network must
316.12 ensure that calls to 911 from any telephone on the system result in one of the following:

316.13 (1) automatic location identification for each respective emergency response location;

316.14 (2) an ability to direct emergency responders to the 911 caller's location through an
316.15 alternative and adequate means, such as the establishment of a 24-hour private answering
316.16 point operated by the educational institution; or

316.17 (3) a connection to a switchboard operator, attendant, or other designated on-site
316.18 individual.

316.19 Sec. 49. Minnesota Statutes 2022, section 403.15, is amended by adding a subdivision to
316.20 read:

316.21 Subd. 9. **MLTS location compliance notification.** Beginning July 1, 2023, all vendors
316.22 of MLTSs or hosted MLTS services in Minnesota must disclose to their customers the 911
316.23 location requirements in this chapter and include 911 location compliant capabilities in the
316.24 systems or services they sell.

316.25 Sec. 50. **RENUMBERING.**

316.26 In Minnesota Statutes, the revisor of statutes shall renumber the subdivisions of Minnesota
316.27 Statutes, section 403.02.

316.28 Sec. 51. **REPEALER.**

316.29 Minnesota Statutes 2022, sections 403.02, subdivision 13; and 403.09, subdivision 3,
316.30 are repealed.

317.1 **ARTICLE 19**

317.2 **COMMUNITY SUPERVISION REFORM**

317.3 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1, is amended to read:

317.4 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole
317.5 any person sentenced to confinement in any state correctional facility for adults under the
317.6 control of the commissioner of corrections, provided that:

317.7 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
317.8 than murder committed in violation of clause (1) of section 609.185 who has not been
317.9 previously convicted of a felony shall be paroled without having served 20 years, less the
317.10 diminution that would have been allowed for good conduct had the sentence been for 20
317.11 years;

317.12 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
317.13 has been previously convicted of a felony or though not previously convicted of a felony
317.14 is serving a life sentence for murder in the first degree committed in violation of clause (1)
317.15 of section 609.185 shall be paroled without having served 25 years, less the diminution
317.16 which would have been allowed for good conduct had the sentence been for 25 years;

317.17 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
317.18 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

317.19 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
317.20 corrections which has the effect of postponing eligibility for parole has prospective effect
317.21 only and applies only with respect to persons committing offenses after the effective date
317.22 of the new rule or policy or change.

317.23 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
317.24 under the control of the commissioner, subject at any time to be returned to a facility of the
317.25 Department of Corrections established by law for the confinement or treatment of convicted
317.26 persons and the parole rescinded by the commissioner.

317.27 (c) The written order of the commissioner of corrections, is sufficient authority for any
317.28 peace officer, state correctional investigator, or state parole and probation agent to retake
317.29 and place in actual custody any person on parole or supervised release. In addition, when
317.30 it appears necessary in order to prevent escape or enforce discipline, any state parole and
317.31 probation agent or state correctional investigator may, without order of warrant, take and
317.32 detain a parolee or person on supervised release or work release and bring the person to the
317.33 commissioner for action.

318.1 (d) The written order of the commissioner of corrections is sufficient authority for any
318.2 peace officer, state correctional investigator, or state parole and probation agent to retake
318.3 and place in actual custody any person on probation under the supervision of the
318.4 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
318.5 to prevent escape or enforce discipline, any state parole and probation agent or state
318.6 correctional investigator may, without an order, retake and detain a probationer and bring
318.7 the probationer before the court for further proceedings under section 609.14.

318.8 (e) The written order of the commissioner of corrections is sufficient authority for any
318.9 peace officer, state correctional investigator, or state parole and probation agent to detain
318.10 any person on pretrial release who absconds from pretrial release or fails to abide by the
318.11 conditions of pretrial release.

318.12 (f) Persons conditionally released, and those on probation under the supervision of the
318.13 commissioner of corrections pursuant to section 609.135 may be placed within or outside
318.14 the boundaries of the state at the discretion of the commissioner of corrections or the court,
318.15 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

318.16 (g) Except as otherwise provided in subdivision 1b, in considering applications for
318.17 conditional release or discharge, the commissioner is not required to hear oral argument
318.18 from any attorney or other person not connected with an adult correctional facility of the
318.19 Department of Corrections in favor of or against the parole or release of any inmates. The
318.20 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
318.21 as to the previous history, physical or mental condition, and character of the inmate and, to
318.22 that end, has the authority to require the attendance of the chief executive officer of any
318.23 state adult correctional facility and the production of the records of these facilities, and to
318.24 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
318.25 witnesses for these purposes.

318.26 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
318.27 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
318.28 ~~community work service for violating a condition of probation imposed by the court.~~
318.29 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
318.30 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
318.31 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
318.32 ~~period, beginning with the date on which community work service is first imposed. The~~
318.33 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
318.34 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~

319.1 ~~work service is first imposed. At the time community work service is imposed, parole and~~
319.2 ~~probation agents are required to provide written notice to the offender that states:~~

319.3 ~~(1) the condition of probation that has been violated;~~

319.4 ~~(2) the number of hours of community work service imposed for the violation; and~~

319.5 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
319.6 ~~period.~~

319.7 ~~An offender may challenge the imposition of community work service by filing a petition~~
319.8 ~~in district court. An offender must file the petition within five days of receiving written~~
319.9 ~~notice that community work service is being imposed. If the offender challenges the~~
319.10 ~~imposition of community work service, the state bears the burden of showing, by a~~
319.11 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
319.12 ~~under the circumstances.~~

319.13 ~~Community work service includes sentencing to service.~~

319.14 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~
319.15 ~~based on a technical violation, when the offender does not present a risk to the public and~~
319.16 ~~the offender is amenable to continued supervision in the community, a parole or probation~~
319.17 ~~agent must identify community options to address and correct the violation including, but~~
319.18 ~~not limited to, inpatient substance use disorder treatment. If a probation or parole agent~~
319.19 ~~determines that community options are appropriate, the agent shall seek to restructure the~~
319.20 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~
319.21 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~
319.22 ~~district court containing:~~

319.23 ~~(1) the specific nature of the technical violation of probation;~~

319.24 ~~(2) the recommended restructure to the terms of probation; and~~

319.25 ~~(3) a copy of the offender's signed stipulation indicating that the offender consents to~~
319.26 ~~the restructuring of probation.~~

319.27 ~~The recommended restructuring of probation becomes effective when confirmed by a~~
319.28 ~~judge. The order of the court shall be proof of such confirmation and amend the terms of~~
319.29 ~~the sentence imposed by the court under section 609.135. If a nonviolent controlled substance~~
319.30 ~~offender's parole or probation is revoked, the offender's agent must first attempt to place~~
319.31 ~~the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance~~
319.32 ~~offender" is a person who meets the criteria described under section 244.0513, subdivision~~
319.33 ~~2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order~~

320.1 ~~of probation or a condition of parole, except an allegation of a subsequent criminal act that~~
320.2 ~~is alleged in a formal complaint, citation, or petition.~~

320.3 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

320.4 Subd. 3. **Sanctions for violation.** (a) If an inmate violates the conditions of the inmate's
320.5 supervised release imposed by the commissioner, the commissioner may:

320.6 (1) continue the inmate's supervised release term, with or without:

320.7 (i) modifying or enlarging the conditions imposed on the inmate; or

320.8 (ii) transferring the inmate's case to a specialized caseload; or

320.9 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
320.10 period of time.

320.11 (b) Before revoking an inmate's supervised release because of a technical violation that
320.12 would result in reimprisonment, the commissioner must identify alternative interventions
320.13 to address and correct the violation only if:

320.14 (1) the inmate does not present a risk to the public; and

320.15 (2) the inmate is amenable to continued supervision.

320.16 (c) If alternative interventions are appropriate and available, the commissioner must
320.17 restructure the inmate's terms of release to incorporate the alternative interventions.

320.18 (d) Prior to revoking a nonviolent controlled substance offender's supervised release
320.19 based on a technical violation, when the offender does not present a risk to the public and
320.20 the offender is amenable to continued supervision in the community, the commissioner
320.21 must identify community options to address and correct the violation including, but not
320.22 limited to, inpatient substance use disorder treatment. If the commissioner determines that
320.23 community options are appropriate, the commissioner shall restructure the inmate's terms
320.24 of release to incorporate those options. If a nonviolent controlled substance offender's
320.25 supervised release is revoked, the offender's agent must first attempt to place the offender
320.26 in a local jail. For purposes of this subdivision, "nonviolent controlled substance offender"
320.27 is a person who meets the criteria described under section 244.0513, subdivision 2, clauses
320.28 (1), (2), and (5), and "technical violation" means a violation of a condition of supervised
320.29 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
320.30 citation, or petition.

320.31 (e) The period of time for which a supervised release may be revoked may not exceed
320.32 the period of time remaining in the inmate's sentence, except that if a sex offender is

321.1 sentenced and conditionally released under Minnesota Statutes 2004, section 609.108,
321.2 subdivision 5, the period of time for which conditional release may be revoked may not
321.3 exceed the balance of the conditional release term.

321.4 Sec. 3. Minnesota Statutes 2022, section 244.19, subdivision 1, is amended to read:

321.5 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
321.6 counties has established a human services board pursuant to chapter 402, the district court
321.7 may appoint one or more county probation officers as necessary to perform court services,
321.8 and the human services board shall appoint persons as necessary to provide correctional
321.9 services within the authority granted in chapter 402. In all counties of more than 200,000
321.10 population, which have not organized pursuant to chapter 402, the district court shall appoint
321.11 one or more persons of good character to serve as county probation officers during the
321.12 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
321.13 probation services to district courts in one of the following ways:

321.14 (1) the court, with the approval of the county boards, may appoint one or more salaried
321.15 county probation officers to serve during the pleasure of the court;

321.16 (2) when two or more counties offer probation services the district court through the
321.17 county boards may appoint common salaried county probation officers to serve in the several
321.18 counties;

321.19 (3) a county or a district court may request the commissioner of corrections to furnish
321.20 probation services in accordance with the provisions of this section, and the commissioner
321.21 of corrections shall furnish such services to any county or court that fails to provide its own
321.22 probation officer by one of the two procedures listed above;

321.23 (4) if a county or district court providing probation services under clause (1) or (2) asks
321.24 the commissioner of corrections or the legislative body for the state of Minnesota mandates
321.25 the commissioner of corrections to furnish probation services to the district court, the
321.26 probation officers and other employees displaced by the changeover shall be employed by
321.27 the commissioner of corrections. Years of service in the county probation department are
321.28 to be given full credit for future sick leave and vacation accrual purposes;

321.29 (5) ~~all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~
321.30 serve for a person who is enrolled or eligible to be enrolled in a Tribal Nation or who resides
321.31 in an enrolled member's household, a Tribal Nation may elect to provide probation services
321.32 within the county in which the person resides; and

322.1 (6) if a county receiving probation services under clause (3) decides to provide the
322.2 services under clause (1) or (2), the probation officers and other employees displaced by
322.3 the changeover shall be employed by the county at no loss of salary. Years of service in the
322.4 state are to be given full credit for future sick leave and vacation accrual purposes in the
322.5 county or counties they are now serving.

322.6 (b) A county providing probation services under paragraph (a), clause (1) or (2), is
322.7 designated a "CPO county" for purposes of receiving a subsidy under chapter 401. A county
322.8 receiving probation services under paragraph (a), clause (3), is not eligible for a subsidy
322.9 under chapter 401 and the commissioner of corrections is appropriated the county's share
322.10 of funding for the purpose of providing probation services and authority to seek
322.11 reimbursement from the county under subdivision 5.

322.12 (c) A county that requests the commissioner of corrections to provide probation services
322.13 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a
322.14 comprehensive plan as described in section 401.06.

322.15 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred
322.16 to state service under paragraph (a), clause (4), in the proper classifications in the classified
322.17 service. Each employee is appointed without examination at no loss in salary or accrued
322.18 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
322.19 may occur until the employee's total accrued vacation or sick leave benefits fall below the
322.20 maximum permitted by the state for the employee's position. An employee appointed under
322.21 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
322.22 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
322.23 to the commissioner of management and budget, who may uphold the decision, extend the
322.24 probation period, or certify the employee. The decision of the commissioner of management
322.25 and budget is final. The state shall negotiate with the exclusive representative for the
322.26 bargaining unit to which the employees are transferred regarding their seniority. For purposes
322.27 of computing seniority among those employees transferring from one county unit only, a
322.28 transferred employee retains the same seniority position as the employee had within that
322.29 county's probation office.

322.30 Sec. 4. Minnesota Statutes 2022, section 244.19, is amended by adding a subdivision to
322.31 read:

322.32 Subd. 1a. **Definition.** For purposes of this section, "Tribal Nation" means a federally
322.33 recognized Tribal Nation within the boundaries of the state of Minnesota.

323.1 Sec. 5. Minnesota Statutes 2022, section 244.19, subdivision 2, is amended to read:

323.2 Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to
323.3 meet the needs of the district court in each county. County probation officers serving district
323.4 courts in all counties of not more than 200,000 population shall also, pursuant to subdivision
323.5 3, provide probation and parole services to wards of the commissioner of corrections resident
323.6 in their counties. To provide these probation services counties containing a city of 10,000
323.7 or more population shall, as far as practicable, have one probation officer for not more than
323.8 35,000 population; in counties that do not contain a city of such size, the commissioner of
323.9 corrections shall, after consultation with the chief judge of the district court ~~and~~² the county
323.10 commissioners, or Tribal Nation through an approved plan and, in the light of experience,
323.11 establish probation districts to be served by one officer.

323.12 All probation officers appointed for any district court or ~~community county~~ corrections
323.13 agency, including Tribal Nations, shall be selected from a list of eligible candidates ~~who~~
323.14 ~~have~~. Those candidates must be minimally qualified according to the same or equivalent
323.15 examining procedures as used by the commissioner of management and budget to certify
323.16 eligibles eligibility to the commissioner of corrections in appointing parole agents, ~~and the~~
323.17 ~~Department of Management and Budget shall furnish the names of such candidates on~~
323.18 ~~request~~. This subdivision shall not apply to a political subdivision having a civil service or
323.19 merit system unless the subdivision elects to be covered by this subdivision.

323.20 Sec. 6. Minnesota Statutes 2022, section 244.19, subdivision 3, is amended to read:

323.21 Subd. 3. **Powers and duties.** All county or Tribal Nation probation officers serving a
323.22 district court shall act under the orders of the court in reference to any person committed
323.23 to their care by the court, and in the performance of their duties shall have the general powers
323.24 of a peace officer; and it shall be their duty to make such investigations with regard to any
323.25 person as may be required by the court before, during, or after the trial or hearing, and to
323.26 furnish to the court such information and assistance as may be required; to take charge of
323.27 any person before, during or after trial or hearing when so directed by the court, and to keep
323.28 such records and to make such reports to the court as the court may order. Tribal Nations
323.29 providing probation services have the same general powers provided to county probation
323.30 officers defined within statute or rule.

323.31 All county or Tribal Nation probation officers serving a district court shall, in addition,
323.32 provide probation and parole services to wards of the commissioner of corrections resident
323.33 in the counties they serve, and shall act under the orders of said commissioner of corrections
323.34 in reference to any ward committed to their care by the commissioner of corrections.

324.1 All probation officers serving a district court shall, under the direction of the authority
324.2 having power to appoint them, initiate programs for the welfare of persons coming within
324.3 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
324.4 community persons who come within the jurisdiction of the court and are properly subject
324.5 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
324.6 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
324.7 public or private character, and other groups concerned with the prevention of crime and
324.8 delinquency and the rehabilitation of persons convicted of crime and delinquency.

324.9 All probation officers serving a district court shall make monthly and annual reports to
324.10 the commissioner of corrections, on forms furnished by the commissioner, containing such
324.11 information on number of cases cited to the juvenile division of district court, offenses,
324.12 adjudications, dispositions, and related matters as may be required by the commissioner of
324.13 corrections. The reports shall include the information on individuals convicted as an extended
324.14 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

324.15 Sec. 7. Minnesota Statutes 2022, section 244.19, subdivision 5, is amended to read:

324.16 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~
324.17 ~~judges of the district court may direct the payment of such salary to probation officers as~~
324.18 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~
324.19 ~~necessary expenses incurred in the performance of their official duties.~~ In all counties which
324.20 obtain probation services from the commissioner of corrections the commissioner shall, out
324.21 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
324.22 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
324.23 service, office equipment and supplies, postage, telephone and telegraph services, and travel
324.24 and subsistence. Each county receiving probation services from the commissioner of
324.25 corrections shall reimburse the department of corrections for the total cost and expenses of
324.26 such services as incurred by the commissioner of corrections, excluding the cost and expense
324.27 of services provided under the state's obligation in section 244.20. ~~Total annual costs for~~
324.28 ~~each county shall be that portion of the total costs and expenses for the services of one~~
324.29 ~~probation officer represented by the ratio which the county's population bears to the total~~
324.30 ~~population served by one officer. For the purposes of this section, the population of any~~
324.31 ~~county shall be the most recent estimate made by the Department of Health.~~ At least every
324.32 six months the commissioner of corrections shall bill for the total cost and expenses incurred
324.33 by the commissioner on behalf of each county which has received probation services. The
324.34 commissioner of corrections shall notify each county of the cost and expenses and the county
324.35 shall pay to the commissioner the amount due for reimbursement. All such reimbursements

325.1 shall be ~~deposited in the general fund~~ used to provide services for each county according
325.2 to their reimbursement amount. Objections by a county to all allocation of such cost and
325.3 expenses shall be presented to and determined by the commissioner of corrections. Each
325.4 county providing probation services under this section is hereby authorized to use unexpended
325.5 funds and to levy additional taxes for this purpose.

325.6 The county commissioners of any county of not more than 200,000 population shall,
325.7 when requested to do so by the juvenile judge, provide probation officers with suitable
325.8 offices, and may provide equipment, and secretarial help needed to render the required
325.9 services.

325.10 Sec. 8. Minnesota Statutes 2022, section 244.195, subdivision 1, is amended to read:

325.11 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to
325.12 244.1995, the following terms have the meanings given them.

325.13 (b) "Commissioner" means the commissioner of corrections.

325.14 (c) "Conditional release" means parole, supervised release, conditional release as
325.15 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
325.16 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
325.17 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
325.18 any other authorized temporary release from a correctional facility.

325.19 (d) "Court services director" means the director or designee of a county probation agency
325.20 that is not organized under section 244.19 or an agency organized under chapter 401.

325.21 (e) "Detain" means to take into actual custody, including custody within a local
325.22 correctional facility.

325.23 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
325.24 1.

325.25 (g) "Probation agency" means the Department of Corrections field office or a probation
325.26 agency organized under section 244.19 or chapter 401.

325.27 (h) "Probation officer" means a court services director, county probation officer, or any
325.28 other community supervision officer employed by the commissioner or by a probation
325.29 agency organized under section 244.19 or chapter 401.

325.30 (i) "Release" means to release from actual custody.

326.1 Sec. 9. Minnesota Statutes 2022, section 244.195, subdivision 2, is amended to read:

326.2 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
326.3 or to prevent a person on conditional release from escaping or absconding from supervision,
326.4 a court services director has the authority to issue a written order directing any peace officer
326.5 or any probation officer in the state serving the district and juvenile courts to detain and
326.6 bring the person before the court or the commissioner, whichever is appropriate, for
326.7 disposition. If the person on conditional release commits a violation described in section
326.8 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
326.9 belief that the order is necessary to prevent the person from escaping or absconding from
326.10 supervision or that the continued presence of the person in the community presents a risk
326.11 to public safety before issuing a written order. This written order is sufficient authority for
326.12 the peace officer or probation officer to detain the person for not more than 72 hours,
326.13 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
326.14 commissioner.

326.15 Sec. 10. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision
326.16 to read:

326.17 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
326.18 probation officer may require a person committed to the officer's care by the court to perform
326.19 community work service for violating a condition of probation imposed by the court.
326.20 Community work service may be imposed for the purpose of protecting the public, aiding
326.21 the person's rehabilitation, or both. A probation officer may impose up to eight hours of
326.22 community work service for each violation and up to a total of 24 hours per person per
326.23 12-month period, beginning on the date on which community work service is first imposed.
326.24 The court services director or probation agency may authorize an additional 40 hours of
326.25 community work service, for a total of 64 hours per person per 12-month period, beginning
326.26 with the date on which community work service is first imposed. At the time community
326.27 work service is imposed, probation officers are required to provide written notice to the
326.28 person that states:

326.29 (1) the condition of probation that has been violated;

326.30 (2) the number of hours of community work service imposed for the violation; and

326.31 (3) the total number of hours of community work service imposed to date in the 12-month
326.32 period.

327.1 (b) A person on supervision may challenge the imposition of community work service
327.2 by filing a petition in district court within five days of receiving written notice that
327.3 community work service is being imposed. If the person challenges the imposition of
327.4 community work service, the state bears the burden of showing, by a preponderance of the
327.5 evidence, that the imposition of community work service is reasonable under the
327.6 circumstances.

327.7 (c) Community work service includes sentencing to service.

327.8 Sec. 11. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision
327.9 to read:

327.10 Subd. 7. **Contacts.** Supervision contacts may be conducted over videoconference
327.11 technology in accordance with the probation agency's established policy.

327.12 Sec. 12. Minnesota Statutes 2022, section 244.20, is amended to read:

327.13 **244.20 PROBATION SUPERVISION.**

327.14 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
327.15 Department of Corrections shall have exclusive responsibility for providing probation
327.16 services for adult felons in counties that do not take part in the Community Corrections Act.
327.17 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~
327.18 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
327.19 ~~be discharged according to local judicial policy.~~

327.20 Sec. 13. Minnesota Statutes 2022, section 244.21, is amended to read:

327.21 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

327.22 Subdivision 1. **Collection of information by probation service providers; report**
327.23 **required.** By January 1, 1998, probation service providers shall begin collecting and
327.24 maintaining information on offenders under supervision. The commissioner of corrections
327.25 shall specify the nature and extent of the information to be collected. By April 1 of every
327.26 year, each probation service provider shall report a summary of the information collected
327.27 to the commissioner as a condition of state subsidy funding under chapter 401.

327.28 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2024, the
327.29 commissioner of corrections shall report to the chairs and ranking minority members of the
327.30 ~~senate crime prevention and house of representatives judiciary~~ legislative committees with
327.31 jurisdiction over public safety policy and finance on recommended methods of coordinating

328.1 the exchange of information collected on offenders under subdivision 1: (1) between
328.2 probation service providers; and (2) between probation service providers and the Department
328.3 of Corrections, ~~without requiring service providers to acquire uniform computer software.~~

328.4 Sec. 14. Minnesota Statutes 2022, section 401.01, is amended to read:

328.5 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS SUBSIDIES.**

328.6 Subdivision 1. ~~Grants~~ Subsidies. For the purpose of more effectively protecting society
328.7 and to promote efficiency and economy in the delivery of correctional services, the
328.8 commissioner is authorized to ~~make grants to assist~~ subsidize counties and Tribal Nations
328.9 in the development, implementation, and operation of community-based corrections programs
328.10 including preventive or diversionary correctional programs, conditional release programs,
328.11 community corrections centers, and facilities for the detention or confinement, care and
328.12 treatment of persons convicted of crime or adjudicated delinquent. ~~The commissioner may~~
328.13 ~~authorize the use of a percentage of a grant for the operation of an emergency shelter or~~
328.14 ~~make a separate grant for the rehabilitation of a facility owned by the grantee and used as~~
328.15 ~~a shelter to bring the facility into compliance with state and local laws pertaining to health,~~
328.16 ~~fire, and safety, and to provide security.~~

328.17 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
328.18 terms have the meanings given them.

328.19 (b) ~~"CCA county"~~ "CCA jurisdiction" means a county or Tribal Nation that participates
328.20 in the Community Corrections Act.

328.21 (c) "Commissioner" means the commissioner of corrections or a designee.

328.22 (d) "Conditional release" means parole, supervised release, conditional release as
328.23 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
328.24 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
328.25 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
328.26 any other authorized temporary release from a correctional facility.

328.27 (e) "County probation officer" means a probation officer appointed under section 244.19.

328.28 (f) "CPO county" means a county that participates in funding under this act by providing
328.29 local corrections service for all juveniles and individuals on probation for misdemeanors,
328.30 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

328.31 (g) "Detain" means to take into actual custody, including custody within a local
328.32 correctional facility.

329.1 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

329.2 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
329.3 1.

329.4 ~~(i)~~ (j) "Local correctional service" means those services authorized by and employees,
329.5 officers, and agents appointed under section 244.19, subdivision 1.

329.6 ~~(j)~~ (k) "Release" means to release from actual custody.

329.7 (l) "Tribal government" means one of the federally recognized Tribes described in section
329.8 3.922.

329.9 Sec. 15. Minnesota Statutes 2022, section 401.02, is amended to read:

329.10 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

329.11 Subdivision 1. **Qualification of counties or Tribal Nations.** (a) One or more counties;
329.12 ~~having an aggregate population of 30,000 or more persons, or Tribal Nations~~ may qualify
329.13 for a ~~grant as provided in~~ subsidy under section 401.01 by ~~the enactment of appropriate~~
329.14 ~~resolutions creating and establishing a corrections advisory board,~~ designating the officer
329.15 or agency to be responsible for administering ~~grant funds~~ subsidies, and providing for the
329.16 preparation of a comprehensive plan for the development, implementation and operation
329.17 of the correctional services described in ~~section~~ sections 401.01 and 401.11, including the
329.18 assumption of those correctional services, other than the operation of state facilities, presently
329.19 provided in such counties by the Department of Corrections, or for Tribal Nations, probation
329.20 services within a Tribal Nation, and providing for centralized administration and control of
329.21 those correctional services described in section 401.01. Counties participating as a CCA
329.22 county must also enact the appropriate resolutions creating and establishing a corrections
329.23 advisory board.

329.24 Where counties or Tribal governments combine as authorized in this section, they shall
329.25 comply with the provisions of section 471.59.

329.26 (b) A county that has participated in the Community Corrections Act for five or more
329.27 years is eligible to continue to participate in the Community Corrections Act.

329.28 (c) If a county or Tribal government withdraws from the subsidy program as outlined
329.29 in subdivision 1 and asks the commissioner of corrections or the legislature mandates the
329.30 commissioner of corrections to furnish probation services to the county, the probation
329.31 officers and other employees displaced by the changeover shall be employed by the

330.1 commissioner of corrections at no loss of salary. Years of service in the county probation
330.2 department are to be given full credit for future sick leave and vacation accrual purposes.

330.3 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
330.4 or Tribal Nations which have complied with the provisions of subdivision 1 and require
330.5 financial aid to defray all or a part of the expenses incurred by corrections advisory board
330.6 members in discharging their official duties pursuant to section 401.08, the commissioner
330.7 may designate counties or Tribal Nations as "planning counties", and, upon receipt of
330.8 resolutions by the governing boards of the counties or Tribal Nations certifying the need
330.9 for and inability to pay the expenses described in this subdivision, advance to the counties
330.10 or Tribal Nations an amount not to exceed five percent of the maximum quarterly subsidy
330.11 for which the counties or Tribal Nations are eligible. The expenses described in this
330.12 subdivision shall be paid in the same manner and amount as for state employees.

330.13 Subd. 3. **Establishment and reorganization of administrative structure.** Any county,
330.14 Tribal Nation, or group of counties which have qualified for participation in the ~~community~~
330.15 ~~corrections~~ subsidy program provided by this chapter may establish, organize, and reorganize
330.16 an administrative structure and provide for the budgeting, staffing, and operation of court
330.17 services and probation, construction or improvement to juvenile detention and juvenile
330.18 correctional facilities and adult detention and correctional facilities, and other activities
330.19 required to conform to the purposes of this chapter. No contrary general or special statute
330.20 divests any county or group of counties of the authority granted by this subdivision.

330.21 ~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county~~
330.22 ~~probation officers may require a person committed to the officer's care by the court to~~
330.23 ~~perform community work service for violating a condition of probation imposed by the~~
330.24 ~~court. Community work service may be imposed for the purpose of protecting the public,~~
330.25 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
330.26 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
330.27 ~~12-month period, beginning on the date on which community work service is first imposed.~~
330.28 ~~The chief executive officer of a community corrections agency may authorize an additional~~
330.29 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
330.30 ~~period, beginning with the date on which community work service is first imposed. At the~~
330.31 ~~time community work service is imposed, probation officers are required to provide written~~
330.32 ~~notice to the offender that states:~~

330.33 (1) ~~the condition of probation that has been violated;~~

330.34 (2) ~~the number of hours of community work service imposed for the violation; and~~

331.1 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
331.2 ~~period.~~

331.3 ~~An offender may challenge the imposition of community work service by filing a petition~~
331.4 ~~in district court. An offender must file the petition within five days of receiving written~~
331.5 ~~notice that community work service is being imposed. If the offender challenges the~~
331.6 ~~imposition of community work service, the state bears the burden of showing, by a~~
331.7 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
331.8 ~~under the circumstances.~~

331.9 ~~Community work service includes sentencing to service.~~

331.10 Sec. 16. Minnesota Statutes 2022, section 401.025, is amended to read:

331.11 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
331.12 **RELEASEES, AND PRETRIAL RELEASEES.**

331.13 Subdivision 1. **Peace officers and probation officers serving CCA ~~counties~~**
331.14 **jurisdictions**. (a) When it appears necessary to enforce discipline or to prevent a person on
331.15 conditional release from escaping or absconding from supervision, the chief executive
331.16 officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has
331.17 the authority to issue a written order directing any peace officer or any probation officer in
331.18 the state serving the district and juvenile courts to detain and bring the person before the
331.19 court or the commissioner, whichever is appropriate, for disposition. If the person on
331.20 conditional release commits a violation described in section 609.14, subdivision 1a, paragraph
331.21 (a), the chief executive officer or designee must have a reasonable belief that the order is
331.22 necessary to prevent the person from escaping or absconding from supervision or that the
331.23 continued presence of the person in the community presents a risk to public safety before
331.24 issuing a written order. This written order is sufficient authority for the peace officer or
331.25 probation officer to detain the person for not more than 72 hours, excluding Saturdays,
331.26 Sundays, and holidays, pending a hearing before the court or the commissioner.

331.27 (b) The chief executive officer or designee of a community corrections agency in a CCA
331.28 ~~county~~ jurisdiction has the authority to issue a written order directing a peace officer or
331.29 probation officer serving the district and juvenile courts to release a person detained under
331.30 paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an
331.31 appearance before the court or the commissioner. This written order is sufficient authority
331.32 for the peace officer or probation officer to release the detained person.

332.1 (c) The chief executive officer or designee of a community corrections agency in a CCA
332.2 ~~county~~ jurisdiction has the authority to issue a written order directing any peace officer or
332.3 any probation officer serving the district and juvenile courts to detain any person on
332.4 court-ordered pretrial release who absconds from pretrial release or fails to abide by the
332.5 conditions of pretrial release. A written order issued under this paragraph is sufficient
332.6 authority for the peace officer or probation officer to detain the person.

332.7 Subd. 2. **Peace officers and probation officers in other counties and state correctional**
332.8 **investigators.** (a) The chief executive officer or designee of a community corrections agency
332.9 in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state
332.10 correctional investigator or any peace officer, probation officer, or county probation officer
332.11 from another county to detain a person under sentence or on probation who:

332.12 (1) fails to report to serve a sentence at a local correctional facility;

332.13 (2) fails to return from furlough or authorized temporary release from a local correctional
332.14 facility;

332.15 (3) escapes from a local correctional facility; or

332.16 (4) absconds from court-ordered home detention.

332.17 (b) The chief executive officer or designee of a community corrections agency in a CCA
332.18 ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional
332.19 investigator or any peace officer, probation officer, or county probation officer from another
332.20 county to detain any person on court-ordered pretrial release who absconds from pretrial
332.21 release or fails to abide by the conditions of pretrial release.

332.22 (c) A written order issued under paragraph (a) or (b) is sufficient authority for the state
332.23 correctional investigator, peace officer, probation officer, or county probation officer to
332.24 detain the person.

332.25 Subd. 3. **Offenders under Department of Corrections commitment.** CCA ~~counties~~
332.26 jurisdictions shall comply with the policies prescribed by the commissioner when providing
332.27 supervision and other correctional services to persons conditionally released pursuant to
332.28 sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty
332.29 transfer of persons on conditional release and the conduct of presentence investigations.

333.1 Sec. 17. Minnesota Statutes 2022, section 401.04, is amended to read:

333.2 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
333.3 **STRUCTURE; EMPLOYEES.**

333.4 Any county ~~or~~, group of counties, or Tribal Nation electing to come within the provisions
333.5 of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease
333.6 or transfer of custodial control, the lands, buildings and equipment necessary and incident
333.7 to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and
333.8 establish the administrative structure best suited to the efficient administration and delivery
333.9 of the correctional services described in section 401.01, and (c) employ a director and other
333.10 officers, employees and agents as deemed necessary to carry out the provisions of sections
333.11 401.01 to 401.16. To the extent that participating counties shall assume and take over state
333.12 and local correctional services presently provided in counties, employment shall be given
333.13 to those state and local officers, employees and agents thus displaced; if hired by a county,
333.14 employment shall, to the extent possible and notwithstanding the provisions of any other
333.15 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
333.16 enjoyed by such officer, employee or agent while in the service of the state or local
333.17 correctional service.

333.18 State or local employees displaced by county participation in the subsidy program
333.19 provided by this chapter are on layoff status and, if not hired by a participating county as
333.20 provided herein, may exercise their rights under layoff procedures established by law or
333.21 union agreement whichever is applicable.

333.22 State or local officers and employees displaced by a county's participation in the
333.23 Community Corrections Act and hired by the participating county shall retain all fringe
333.24 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
333.25 the service of the state.

333.26 Sec. 18. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

333.27 Subdivision 1. **Authorization to use and accept funds.** Any ~~county~~ CCA jurisdiction
333.28 or group of counties electing to come within the provisions of sections 401.01 to 401.16
333.29 may, through their governing bodies, use unexpended funds; accept gifts, grants, and
333.30 subsidies from any lawful source; and apply for and accept federal funds.

334.1 Sec. 19. Minnesota Statutes 2022, section 401.06, is amended to read:

334.2 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
334.3 **COMPLIANCE.**

334.4 Subdivision 1. Commissioner approval required. (a) No county, Tribal Nation, or
334.5 group of counties or Tribal government or group of Tribal governments electing to provide
334.6 correctional services pursuant to sections 401.01 to 401.16 shall be under this chapter is
334.7 eligible for the subsidy herein provided unless and until its comprehensive plan shall have
334.8 has been approved by the commissioner. A comprehensive plan must comply with
334.9 commissioner-developed standards and reporting requirements and must sufficiently address
334.10 community needs and supervision standards.

334.11 (b) If the commissioner provides supervision to a county that elects not to provide the
334.12 supervision, the commissioner must prepare a comprehensive plan for the county and present
334.13 it to the local county board of commissioners. The Department of Corrections is subject to
334.14 all the standards and requirements under this chapter and supervision standards and policies.

334.15 (c) A comprehensive plan is valid for four years, and a corrections advisory board must
334.16 review and update the plan two years after the plan has been approved or two years after
334.17 submitted to the commissioner, whichever is earlier.

334.18 (d) All approved comprehensive plans, including updated plans, must be made publicly
334.19 available on the Department of Corrections website.

334.20 Subd. 2. Rulemaking. The commissioner ~~shall~~ must, pursuant to in accordance with
334.21 the Administrative Procedure Act, promulgate adopt rules establishing standards of eligibility
334.22 for CCA and CPO counties and Tribal Nations to receive funds under sections 401.01 to
334.23 401.16 this chapter.

334.24 Subd. 3. Substantial compliance required. (a) To remain eligible for the subsidy
334.25 ~~counties shall~~, CCA jurisdictions must maintain substantial compliance with the minimum
334.26 standards established pursuant according to sections 401.01 to 401.16 this chapter and the
334.27 policies and procedures governing the services ~~described in~~ under section 401.025 as
334.28 prescribed by the commissioner.

334.29 (b) Counties shall also must:

334.30 (1) be in substantial compliance with other correctional operating standards permitted
334.31 by law and established by the commissioner; and shall

335.1 (2) report statistics required by the commissioner, including but not limited to information
335.2 on individuals convicted as an extended jurisdiction juvenile ~~identified in~~ under section
335.3 241.016, subdivision 1, paragraph (c).

335.4 Subd. 4. Commissioner review. (a) The commissioner ~~shall~~ must review annually the
335.5 comprehensive plans submitted by participating ~~counties~~ CCA jurisdictions, including the
335.6 facilities and programs operated under the plans. The commissioner ~~is hereby authorized~~
335.7 ~~to~~ may enter ~~upon~~ any facility operated under the plan, and inspect books and records, for
335.8 purposes of recommending needed changes or improvements.

335.9 ~~When~~ (b) If the commissioner shall determine determines that there are reasonable
335.10 grounds to believe that a ~~county~~ CCA jurisdiction or group of counties or Tribal government
335.11 or group of Tribal governments is not in substantial compliance with minimum standards,
335.12 the commissioner must provide at least 30 days' notice ~~shall be given~~ to the county or
335.13 ~~counties and~~ CCA jurisdiction of a commissioner-conducted hearing ~~conducted by the~~
335.14 ~~commissioner~~ to ascertain whether there is substantial compliance or satisfactory progress
335.15 being made toward compliance.

335.16 Subd. 5. Noncompliance with comprehensive plan. (a) After a hearing, the
335.17 commissioner may sanction a county or group of counties or Tribal government or group
335.18 of Tribal governments under this subdivision if the commissioner determined that the agency
335.19 is not maintaining substantial compliance with minimum standards or that satisfactory
335.20 progress toward compliance has not been made.

335.21 (b) The commissioner may suspend all or a portion of any subsidy ~~until the required~~
335.22 ~~standard of operation has been met~~ without issuing a corrective action plan.

335.23 (c) The commissioner may issue a corrective action plan, which must:

335.24 (1) be in writing;

335.25 (2) identify all deficiencies;

335.26 (3) detail the corrective action required to remedy the deficiencies; and

335.27 (4) provide a deadline to:

335.28 (i) correct each deficiency; and

335.29 (ii) report to the commissioner progress toward correcting the deficiency.

335.30 (d) After the deficiency has been corrected, documentation must be submitted to the
335.31 commissioner detailing compliance with the corrective action plan. If the commissioner
335.32 determines that the county or group of counties or Tribal government or group of Tribal

336.1 governments has not complied with the plan, the commissioner may suspend all or a portion
336.2 of the subsidy.

336.3 Sec. 20. Minnesota Statutes 2022, section 401.08, subdivision 2, is amended to read:

336.4 Subd. 2. **Appointment; terms.** The members of the corrections advisory board shall be
336.5 appointed by the board of county commissioners ~~or~~, the joint board in the case of multiple
336.6 counties, or a Tribal Nation and shall serve for terms of two years from and after the date
336.7 of their appointment, and shall remain in office until their successors are duly appointed.
336.8 The board may elect its own officers.

336.9 Sec. 21. Minnesota Statutes 2022, section 401.08, subdivision 4, is amended to read:

336.10 Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections
336.11 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan
336.12 for the development, implementation, and operation of the correctional program and services
336.13 described in section 401.01, and shall make a formal recommendation to the county board,
336.14 Tribal government, or joint board at least annually concerning the comprehensive plan and
336.15 its implementation during the ensuing year.

336.16 Sec. 22. Minnesota Statutes 2022, section 401.09, is amended to read:

336.17 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

336.18 Failure of a ~~county~~ CCA jurisdiction or group of counties to elect to come within the
336.19 provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state
336.20 grant or subsidy for correctional purposes otherwise provided by law. Any comprehensive
336.21 plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected
336.22 correctional services from the state by contract, including the temporary detention and
336.23 confinement of persons convicted of crime or adjudicated delinquent; confinement to be in
336.24 an appropriate state facility as otherwise provided by law. The commissioner shall annually
336.25 determine the costs of the purchase of services under this section and deduct them from the
336.26 subsidy due and payable to the county or counties concerned; provided that no contract
336.27 shall exceed in cost the amount of subsidy to which the participating county or counties are
336.28 eligible.

337.1 Sec. 23. Minnesota Statutes 2022, section 401.10, is amended to read:

337.2 **401.10 COMMUNITY CORRECTIONS AID.**

337.3 Subdivision 1. ~~Aid calculations~~ Funding formula. ~~To determine the community~~
337.4 ~~corrections aid amount to be paid to each participating county, the commissioner of~~
337.5 ~~corrections must apply the following formula:~~

337.6 (1) ~~For each of the 87 counties in the state, a percent score must be calculated for each~~
337.7 ~~of the following five factors:~~

337.8 (i) ~~percent of the total state population aged ten to 24 residing within the county according~~
337.9 ~~to the most recent federal census, and, in the intervening years between the taking of the~~
337.10 ~~federal census, according to the most recent estimate of the state demographer;~~

337.11 (ii) ~~percent of the statewide total number of felony case filings occurring within the~~
337.12 ~~county, as determined by the state court administrator;~~

337.13 (iii) ~~percent of the statewide total number of juvenile case filings occurring within the~~
337.14 ~~county, as determined by the state court administrator;~~

337.15 (iv) ~~percent of the statewide total number of gross misdemeanor case filings occurring~~
337.16 ~~within the county, as determined by the state court administrator; and~~

337.17 (v) ~~percent of the total statewide number of convicted felony offenders who did not~~
337.18 ~~receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines~~
337.19 ~~Commission.~~

337.20 ~~The percents in items (ii) to (v) must be calculated by combining the most recent~~
337.21 ~~three-year period of available data. The percents in items (i) to (v) each must sum to 100~~
337.22 ~~percent across the 87 counties.~~

337.23 (2) ~~For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must~~
337.24 ~~be weighted, summed, and divided by the sum of the weights to yield an average percent~~
337.25 ~~for each county, referred to as the county's "composite need percent." When performing~~
337.26 ~~this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The~~
337.27 ~~composite need percent must sum to 100 percent across the 87 counties.~~

337.28 (3) ~~For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
337.29 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
337.30 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
337.31 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
337.32 ~~87 counties.~~

338.1 (4) For each of the 87 counties, the county's composite need percent must be divided by
338.2 the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by
338.3 the county's composite need percent, results in the county's "tax base adjusted need percent."

338.4 (5) For each of the 87 counties, the county's tax base adjusted need percent must be
338.5 added to twice the composite need percent, and the sum must be divided by 3, to yield the
338.6 county's "weighted need percent."

338.7 (6) Each participating county's weighted need percent must be added to the weighted
338.8 need percent of each other participating county to yield the "total weighted need percent
338.9 for participating counties."

338.10 (7) Each participating county's weighted need percent must be divided by the total
338.11 weighted need percent for participating counties to yield the county's "share percent." The
338.12 share percents for participating counties must sum to 100 percent.

338.13 (8) Each participating county's "base funding amount" is the aid amount that the county
338.14 received under this section for fiscal year 1995 plus the amount received in caseload or
338.15 workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal
338.16 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,
338.17 no county's aid amount under this section may be less than its base funding amount, provided
338.18 that the total amount appropriated for this purpose is at least as much as the aggregate base
338.19 funding amount defined in clause (9).

338.20 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
338.21 for all participating counties. If a county that participated under this section chooses not to
338.22 participate in any given year, then the aggregate base funding amount must be reduced by
338.23 that county's base funding amount. If a county that did not participate under this section in
338.24 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
338.25 funding amount must be increased by the amount of aid that the county would have received
338.26 had it participated in fiscal year 1995 plus the estimated amount it would have received in
338.27 caseload or workload reduction, felony caseload reduction, and sex offender supervision
338.28 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
338.29 of increase shall be that county's base funding amount.

338.30 (10) In any given year, the total amount appropriated for this purpose first must be
338.31 allocated to participating counties in accordance with each county's base funding amount.
338.32 Then, any remaining amount in excess of the aggregate base funding amount must be
338.33 allocated to participating counties in proportion to each county's share percent, and is referred
338.34 to as the county's "formula amount."

339.1 ~~Each participating county's "community corrections aid amount" equals the sum of (i)~~
339.2 ~~the county's base funding amount, and (ii) the county's formula amount.~~

339.3 ~~(11) However, if in any year the total amount appropriated for the purpose of this section~~
339.4 ~~is less than the aggregate base funding amount, then each participating county's community~~
339.5 ~~corrections aid amount is the product of (i) the county's base funding amount multiplied by~~
339.6 ~~(ii) the ratio of the total amount appropriated to the aggregate base funding amount.~~

339.7 ~~For each participating county, the county's community corrections aid amount calculated~~
339.8 ~~in this subdivision is the total amount of subsidy to which the county is entitled under~~
339.9 ~~sections 401.01 to 401.16.~~

339.10 (a) Beginning in fiscal year 2024, the subsidy paid to each county and Tribal government
339.11 and the commissioner of corrections for supervision in counties or Tribal jurisdictions served
339.12 by the department shall equal the sum of:

339.13 (1) a base funding amount equal to \$200,000, plus:

339.14 (i) ten percent of the total for all appropriations to the commissioner for community
339.15 supervision and postrelease services during the fiscal year prior to the fiscal year for which
339.16 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
339.17 total population as determined by the most recent census; and

339.18 (ii) ten percent of the total for all appropriations to the commissioner for community
339.19 supervision and postrelease services during the fiscal year prior to the fiscal year for which
339.20 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
339.21 total geographic area; and

339.22 (2) a community supervision formula equal to the sum of:

339.23 (i) for felony cases, a felony per diem rate of \$5.33 multiplied by the sum of the county's
339.24 adult felony population, adult supervised release and parole populations, and juvenile
339.25 supervised release and parole populations as reported in the most recent probation survey
339.26 published by the commissioner, multiplied by 365, and

339.27 (ii) for gross misdemeanor, misdemeanor, and juvenile probation cases, the felony per
339.28 diem rate used in item (i) multiplied by 0.5 and then multiplied by the sum of the county's
339.29 gross misdemeanor, misdemeanor, and juvenile populations as reported in the most recent
339.30 probation survey published by the commissioner, multiplied by 365.

339.31 (b) Each participating county's community corrections aid amount equals the sum of (1)
339.32 the county's base funding amount, and (2) the county's formula amount.

340.1 (c) If in any year the total amount appropriated for the purpose of this section is more
340.2 than or less than the total of base funding plus community supervision formula funding for
340.3 all counties, the sum of each county's base funding plus community supervision formula
340.4 funding shall be adjusted by the ratio of amounts appropriated for this purpose divided by
340.5 the total of base funding plus community supervision formula funding for all counties.

340.6 (d) For each Tribal Nation, a base funding amount of \$250,000 is allotted annually
340.7 through legislative appropriation to each Tribal Nation to purchase probation services
340.8 regardless of participation in a CCA jurisdiction. An additional formula amount through
340.9 legislative appropriation must be developed and approved by the commissioner for equitable
340.10 distribution for Tribal Nations under a CCA jurisdiction.

340.11 **Subd. 2. Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
340.12 of corrections, after notifying the committees on finance of the senate and ways and means
340.13 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
340.14 funds, including funds available due the withdrawal of a county under section 401.16, in
340.15 any appropriation to the Department of Corrections to the appropriation under sections
340.16 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
340.17 of sections 401.01 to 401.16.

340.18 **Subd. 3. Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~
340.19 ~~over community corrections funding decisions in the house of representatives and the senate,~~
340.20 ~~in consultation with the Department of Corrections and any interested county organizations,~~
340.21 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
340.22 ~~its continuation, modification, replacement, or discontinuation.~~ For fiscal year 2025 and
340.23 subsequent fiscal years, the commissioner shall make a funding recommendation based
340.24 upon the commissioner's workload study and the caseload data collected by the commissioner.

340.25 **Subd. 4. Report; supervision fees.** (a) The commissioner must collect annual summary
340.26 expenditure data and funding from each community supervision provider in the state.

340.27 (b) On January 15, 2025, and every year thereafter, the commissioner must submit a
340.28 report to the chairs and ranking minority members of the legislative committees with
340.29 jurisdiction over public safety finance and policy on the data collected under paragraph (a).
340.30 The report may be made in conjunction with reporting under section 244.21.

341.1 Sec. 24. Minnesota Statutes 2022, section 401.11, is amended to read:

341.2 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

341.3 Subdivision 1. Items. The comprehensive plan submitted to the commissioner for
341.4 approval ~~shall~~ must include ~~those~~ items prescribed by ~~rule~~ policy of the commissioner,
341.5 ~~which may require the inclusion of the following~~ including but not limited to:

341.6 ~~(a)~~ (1) the manner in which presentence and postsentence investigations and reports for
341.7 the district courts and social history reports for the juvenile courts will be made;

341.8 ~~(b)~~ (2) the manner in which conditional release services to the courts and persons under
341.9 jurisdiction of the commissioner ~~of corrections~~ will be provided;

341.10 ~~(c)~~ (3) a program for ~~the detention, supervision, and treatment of~~ detaining, supervising,
341.11 and treating persons under pretrial detention or under commitment;

341.12 ~~(d)~~ (4) delivery of other local correctional services ~~defined in section 401.01;~~

341.13 ~~(e)~~ (5) proposals for new programs, which proposals must demonstrate a need for the
341.14 program, ~~its~~ and the program's purpose, objective, administrative structure, staffing pattern,
341.15 staff training, financing, evaluation process, degree of community involvement, client
341.16 participation, and duration ~~of program; and~~

341.17 (6) outcome and output data, expenditures, and costs.

341.18 Subd. 2. Review. ~~In addition to the foregoing requirements made by this section,~~ Each
341.19 participating CCA county or group of counties ~~shall~~ must develop and implement a procedure
341.20 for ~~the review of grant~~ reviewing subsidy applications made to the corrections advisory
341.21 board and for the manner in which corrections advisory board action will be taken on ~~them~~
341.22 the applications. A description of ~~this~~ the procedure must be made available to members of
341.23 the public upon request.

341.24 Sec. 25. Minnesota Statutes 2022, section 401.12, is amended to read:

341.25 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

341.26 Participating counties or Tribal Nations shall not diminish their current level of spending
341.27 for correctional expenses as defined in section 401.01, to the extent of any subsidy received
341.28 pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the
341.29 expenditure for correctional purposes in excess of those funds currently being expended.

341.30 Should a participating ~~county~~ CCA jurisdiction be unable to expend the full amount of the
341.31 subsidy to which it would be entitled in any one year under the provisions of sections 401.01
341.32 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following

342.1 year wherein such ~~county~~ CCA jurisdiction can demonstrate a need for and ability to expend
342.2 same for the purposes provided in section 401.01. If in any biennium the subsidy is increased
342.3 by an inflationary adjustment which results in the ~~county~~ CCA jurisdiction receiving more
342.4 actual subsidy than it did in the previous calendar year, the ~~county~~ CCA jurisdiction shall
342.5 be eligible for that increase only if the current level of spending is increased by a percentage
342.6 equal to that increase within the same biennium.

342.7 Sec. 26. Minnesota Statutes 2022, section 401.14, subdivision 1, is amended to read:

342.8 Subdivision 1. **Payment.** Upon compliance by a ~~county~~ CCA jurisdiction or group of
342.9 counties with the prerequisites for participation in the subsidy prescribed by sections 401.01
342.10 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner
342.11 shall determine whether funds exist for the payment of the subsidy and proceed to pay same
342.12 in accordance with applicable rules.

342.13 Sec. 27. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

342.14 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
342.15 for community corrections services to each ~~county~~ CCA jurisdiction in 12 installments per
342.16 year. The commissioner shall ensure that the pertinent payment of the allotment for each
342.17 month is made to each ~~county~~ CCA jurisdiction on the first working day after the end of
342.18 each month of the calendar year, except for the last month of the calendar year. The
342.19 commissioner shall ensure that each county receives its payment of the allotment for that
342.20 month no later than the last working day of that month. ~~The payment described in this~~
342.21 ~~subdivision for services rendered during June 1985 shall be made on the first working day~~
342.22 ~~of July 1985.~~

342.23 Sec. 28. Minnesota Statutes 2022, section 401.15, subdivision 1, is amended to read:

342.24 Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days
342.25 of the end of each calendar quarter, participating ~~counties~~ CCA jurisdictions which have
342.26 received the payments authorized by section 401.14 shall submit to the commissioner
342.27 certified statements detailing the amounts expended and costs incurred in furnishing the
342.28 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified
342.29 statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12,
342.30 determine the amount each participating county is entitled to receive, making any adjustments
342.31 necessary to rectify any disparity between the amounts received pursuant to the estimate
342.32 provided in section 401.14 and the amounts actually expended. If the amount received
342.33 pursuant to the estimate is greater than the amount actually expended during the quarter,

343.1 the commissioner may withhold the difference from any subsequent monthly payments
343.2 made pursuant to section 401.14. Upon certification by the commissioner of the amount a
343.3 participating ~~county~~ CCA jurisdiction is entitled to receive under the provisions of section
343.4 401.14 or of this subdivision the commissioner of management and budget shall thereupon
343.5 issue a payment to the chief fiscal officer of each participating ~~county~~ CCA jurisdiction for
343.6 the amount due together with a copy of the certificate prepared by the commissioner.

343.7 Sec. 29. Minnesota Statutes 2022, section 401.16, is amended to read:

343.8 **401.16 WITHDRAWAL FROM PROGRAM.**

343.9 Any participating ~~county~~ CCA jurisdiction may, at the beginning of any calendar quarter,
343.10 by resolution of its board of commissioners or Tribal Council leaders, notify the
343.11 commissioner of its intention to withdraw from the subsidy program established by sections
343.12 401.01 to 401.16, and the withdrawal shall be effective the last day of the ~~last month of the~~
343.13 ~~quarter in~~ third quarter after which the notice was given. ~~Upon withdrawal, the unexpended~~
343.14 ~~balance of moneys allocated to the county, or that amount necessary to reinstate state~~
343.15 ~~correctional services displaced by that county's participation, including complement positions,~~
343.16 ~~may, upon approval of the legislative advisory commission, be transferred to the~~
343.17 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~
343.18 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

343.19 Sec. 30. **[401.17] COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

343.20 Subdivision 1. Establishment; members. (a) The commissioner must establish a
343.21 Community Supervision Advisory Committee to develop and make recommendations to
343.22 the commissioner on standards for probation, supervised release, and community supervision.
343.23 The committee consists of 17 members as follows:

343.24 (1) two directors appointed by the Minnesota Association of Community Corrections
343.25 Act Counties;

343.26 (2) two probation directors appointed by the Minnesota Association of County Probation
343.27 Officers;

343.28 (3) three county commissioner representatives appointed by the Association of Minnesota
343.29 Counties;

343.30 (4) two behavioral health, treatment, or programming providers who work directly with
343.31 individuals on correctional supervision, one appointed by the Department of Human Services
343.32 and one appointed by the Minnesota Association of County Social Service Administrators;

- 344.1 (5) two representatives appointed by the Minnesota Indian Affairs Council;
344.2 (6) one commissioner-appointed representative from the Department of Corrections;
344.3 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;
344.4 (8) three individuals who have been supervised, either individually or collectively, under
344.5 each of the state's three community supervision delivery systems appointed by the
344.6 commissioner in consultation with the Minnesota Association of County Probation Officers
344.7 and the Minnesota Association of Community Corrections Act Counties; and
344.8 (9) an advocate for victims of crime appointed by the commissioner.

344.9 (b) When an appointing authority selects an individual for membership on the committee,
344.10 the authority must make reasonable efforts to reflect geographic diversity and to appoint
344.11 qualified members of protected groups, as defined under section 43A.02, subdivision 33.

344.12 (c) The commissioner must convene the first meeting of the committee on or before July
344.13 15, 2024.

344.14 Subd. 2. **Terms; removal; reimbursement.** (a) If there is a vacancy, the appointing
344.15 authority must appoint an individual to fill the vacancy. Committee members must elect
344.16 any officers and create any subcommittees necessary for the efficient discharge of committee
344.17 duties.

344.18 (b) A member may be removed by the appointing authority at any time at the pleasure
344.19 of the appointing authority.

344.20 (c) Each committee member must be reimbursed for all reasonable expenses actually
344.21 paid or incurred by that member in the performance of official duties in the same manner
344.22 as other employees of the state. The public members of the committee must be compensated
344.23 at the rate of \$55 for each day or part of the day spent on committee activities.

344.24 Subd. 3. **Duties; committee.** (a) The committee must comply with section 401.10.

344.25 (b) By June 30, 2024, the committee must provide written advice and recommendations
344.26 to the commissioner on developing policy on:

344.27 (1) developing statewide supervision standards and definitions to be applied to community
344.28 supervision provided by CPO counties, CCA counties, the Department of Corrections, and
344.29 Tribal governments;

344.30 (2) requiring community supervision agencies to use the same agreed-upon risk screener
344.31 and risk and needs assessment tools as the main supervision assessment methods or a
344.32 universal five-level matrix allowing for consistent supervision levels and that all tools in

345.1 use be validated on Minnesota's community supervision population and revalidated every
345.2 five years;

345.3 (3) requiring the use of assessment-driven, formalized collaborative case planning to
345.4 focus case planning goals on identified criminogenic and behavioral health need areas for
345.5 moderate- and high-risk individuals;

345.6 (4) limiting standard conditions required for all people on supervision across all
345.7 supervision systems and judicial districts, ensuring that conditions of supervision are directly
345.8 related to the offense of the person on supervision, and tailoring special conditions to people
345.9 on supervision identified as high-risk and high-need;

345.10 (5) providing gender-responsive, culturally appropriate services and trauma-informed
345.11 approaches;

345.12 (6) developing a statewide incentives and sanctions grid to guide responses to client
345.13 behavior while under supervision to be reviewed and updated every five years to maintain
345.14 alignment with national best practices;

345.15 (7) developing performance indicators for supervision success as well as recidivism;

345.16 (8) developing a statewide training, coaching, and quality assurance system overseen
345.17 by an evidence-based practices coordinator; and

345.18 (9) devising a plan, by December 1, 2024, to eliminate the financial penalty incurred by
345.19 a jurisdiction that successfully discharges an offender from supervision before the offender's
345.20 term of supervision concludes.

345.21 (c) By December 1, 2024, and every six years thereafter, the committee must review
345.22 and reassess the existing workload study published by the commissioner under subdivision
345.23 4 and make recommendations to the commissioner based on the committee's review.

345.24 (d) By June 30, 2024, the committee must submit a report on supervision fees to the
345.25 commissioner and the chairs and ranking minority members of the legislative committees
345.26 with jurisdiction over corrections finance and policy. The committee must collect data on
345.27 supervision fees and include the data in the report.

345.28 Subd. 4. **Duties; commissioner.** The commissioner, in consultation with the committee,
345.29 must complete a workload study by December 1, 2024, to develop a capitated rate for
345.30 equitably funding community supervision throughout the state. The study must be updated
345.31 every six years after the initial study is completed.

346.1 Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in
346.2 consultation with the Minnesota Counties Computer Cooperative, must create a method to
346.3 (1) standardize data classifications across the three delivery systems, and (2) collect data
346.4 for the commissioner to publish in an annual report to the chairs and ranking minority
346.5 members of the legislative committees and divisions with jurisdiction over public safety
346.6 finance and policy.

346.7 (b) The advisory committee's method, at a minimum, must provide for collecting the
346.8 following data:

346.9 (1) the number of offenders placed on probation each year;

346.10 (2) the offense levels and offense types for which offenders are placed on probation;

346.11 (3) violation and revocation rates and the identified grounds for the violations and
346.12 revocations, including final disposition of the violation action such as execution of the
346.13 sentence, imposition of new conditions, or a custodial sanction;

346.14 (4) the number of offenders granted early discharge from probation;

346.15 (5) the number of offenders restructured on supervision, including imposition of new
346.16 conditions of release; and

346.17 (6) the number of offenders revoked from supervision and the identified grounds for
346.18 revocation.

346.19 (c) On February 1, 2025, and every year thereafter, the commissioner must prepare a
346.20 report that contains the data collected under the method established by the committee under
346.21 this subdivision. The report must provide an analysis of the collected data disaggregated
346.22 by race, gender, and county.

346.23 (d) Nothing in this section overrides the commissioner's authority to require additional
346.24 data be provided under sections 241.065, 401.06, 401.10, and 401.11.

346.25 Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations,
346.26 the commissioner must respond in writing to the committee's advice and recommendations
346.27 under subdivision 3. The commissioner's response must explain:

346.28 (1) whether the agency will adopt policy changes based on the recommendations;

346.29 (2) the timeline for adopting policy changes; and

346.30 (3) why the commissioner will not or cannot include any individual recommendations
346.31 of the committee in the agency's policy.

347.1 (b) The commissioner must submit the advice and recommendations of the committee
347.2 to the chairs and ranking minority members of the legislative committees with jurisdiction
347.3 over public safety finance and policy.

347.4 Subd. 7. Staff; meeting room; office equipment. The commissioner must provide the
347.5 committee with a committee administrator, staff support, a meeting room, and access to
347.6 office equipment and services.

347.7 Sec. 31. Minnesota Statutes 2022, section 609.14, subdivision 1, is amended to read:

347.8 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
347.9 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
347.10 which warrants the imposing or execution of sentence, the court may without notice revoke
347.11 the stay and direct that the defendant be taken into immediate custody. Revocation shall
347.12 only be used as a last resort when rehabilitation has failed.

347.13 (b) When it appears that the defendant violated any of the conditions of probation during
347.14 the term of the stay, but the term of the stay has since expired, the defendant's probation
347.15 officer or the prosecutor may ask the court to initiate probation revocation proceedings
347.16 under the Rules of Criminal Procedure at any time within six months after the expiration
347.17 of the stay. The court also may initiate proceedings under these circumstances on its own
347.18 motion. If proceedings are initiated within this six-month period, the court may conduct a
347.19 revocation hearing and take any action authorized under rule 27.04 at any time during or
347.20 after the six-month period.

347.21 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
347.22 proceedings to revoke the stay have been initiated by a court order revoking the stay and
347.23 directing either that the defendant be taken into custody or that a summons be issued in
347.24 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
347.25 the summary hearing provided by subdivision 2 may be conducted after the expiration of
347.26 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
347.27 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
347.28 term of the stay or after the six-month period. The ability or inability to locate or apprehend
347.29 the defendant prior to the expiration of the stay or during or after the six-month period shall
347.30 not preclude the court from conducting the summary hearing unless the defendant
347.31 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
347.32 advantage.

347.33 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
347.34 that occur on or after that date.

348.1 Sec. 32. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
348.2 read:

348.3 Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional
348.4 treatment is better provided through a community resource than through confinement and
348.5 would not unduly depreciate the seriousness of the violation if probation was not revoked.
348.6 Policies favoring probation outweigh the need for confinement if a person has not previously
348.7 violated a condition of probation or intermediate sanction and does any of the following in
348.8 violation of a condition imposed by the court:

348.9 (1) fails to abstain from the use of controlled substances without a valid prescription,
348.10 unless the person is under supervision for a violation of section:

348.11 (i) 169A.20;

348.12 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

348.13 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
348.14 (6);

348.15 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
348.16 violation of section:

348.17 (i) 169A.20;

348.18 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

348.19 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
348.20 (6);

348.21 (3) possesses drug paraphernalia in violation of section 152.092;

348.22 (4) fails to obtain or maintain employment;

348.23 (5) fails to pursue a course of study or vocational training;

348.24 (6) fails to report a change in employment, unless the person is prohibited from having
348.25 contact with minors and the employment would involve such contact;

348.26 (7) violates a curfew;

348.27 (8) fails to report contact with a law enforcement agency, unless the person was charged
348.28 with a misdemeanor, gross misdemeanor, or felony; or

348.29 (9) commits any offense for which the penalty is a petty misdemeanor.

349.1 (b) A violation by a person described in paragraph (a) does not warrant the imposition
349.2 or execution of sentence and the court may not direct that the person be taken into immediate
349.3 custody unless the court receives a written report, signed under penalty of perjury pursuant
349.4 to section 358.116, showing probable cause to believe the person violated probation and
349.5 establishing by a preponderance of the evidence that the continued presence of the person
349.6 in the community would present a risk to public safety. If the court does not direct that the
349.7 person be taken into custody, the court may request a supplemental report from the
349.8 supervising agent containing:

349.9 (1) the specific nature of the violation;

349.10 (2) the response of the person under supervision to the violation, if any; and

349.11 (3) the actions the supervising agent has taken or will take to address the violation.

349.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
349.13 that occur on or after that date.

349.14 **Sec. 33. LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.**

349.15 By August 1, 2025, each local correctional agency under Minnesota Statutes, section
349.16 244.18, must provide a plan for phasing out local correctional fees. A copy of the plan must
349.17 be provided to all individuals under supervision by the agency. Local correctional fees must
349.18 not increase from the effective date of this section through August 1, 2025.

349.19 **Sec. 34. COMMUNITY SUPERVISION ADVISORY COMMITTEE; REPORT.**

349.20 (a) By January 15, 2025, the committee must submit a report to the chairs and ranking
349.21 minority members of the legislative committees with jurisdiction over public safety policy
349.22 and finance on progress toward developing standards and recommendations under Minnesota
349.23 Statutes, section 401.17, subdivision 3.

349.24 (b) By January 15, 2026, the committee must submit a final report to the chairs and
349.25 ranking minority members of the legislative committees with jurisdiction over public safety
349.26 policy and finance on the standards and recommendations developed according to Minnesota
349.27 Statutes, section 401.17, subdivision 3. At a minimum, the recommendations must include
349.28 a proposed state-level Community Supervision Advisory Board with a governance structure
349.29 and duties for the board.

350.1 Sec. 35. **REPEALER.**

350.2 (a) Minnesota Statutes 2022, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
350.3 and 244.30, are repealed.

350.4 (b) Minnesota Statutes 2022, section 244.18, is repealed.

350.5 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2023, and paragraph (b) is
350.6 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.

(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.

626.93 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.

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:

- (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

APPENDIX
Repealed Minnesota Statutes: UES2909-2

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.