

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 970

(SENATE AUTHORS: LIMMER, Mathews, Kiffmeyer, Duckworth and Latz)

DATE	D-PG	OFFICIAL STATUS
02/11/2021	341	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
04/12/2021	2086a	Comm report: To pass as amended and re-refer to Finance
	2146	Rule 12.10: report of votes in committee
04/13/2021	2767	Authors added Mathews; Kiffmeyer; Duckworth; Latz
04/14/2021	2777a	Comm report: To pass as amended
	2779	Second reading
04/15/2021		Special Order: Amended
		Third reading Passed

1.1 A bill for an act

1.2 relating to public safety; amending law and appropriating money for courts,

1.3 Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial

1.4 Standards, Board of Public Defense, human rights, Sentencing Guidelines

1.5 Commission, public safety, Peace Officers Standards and Training Board, Private

1.6 Detective Board, corrections, ombudsperson for corrections, and other related

1.7 matters; authorizing the placement of pregnant and postpartum female inmates in

1.8 community-based programs; expanding the duties of the commissioner of

1.9 corrections relating to releasing offenders; reestablishing a Legislative Commission

1.10 on Data Practices and Personal Data Privacy; establishing a 911 telecommunicator

1.11 working group to establish statewide standards for training and certification;

1.12 directing the Sentencing Guidelines Commission to increase the rankings for

1.13 certain child pornography crimes in a specified manner; establishing the crime of

1.14 child torture; increasing penalties for certain human trafficking offenses; increasing

1.15 penalties for patrons of prostitutes; increasing penalties for certain trespassing

1.16 offenses; modifying and clarifying criminal sexual conduct provisions; creating a

1.17 new crime of sexual extortion; imposing criminal penalties; requiring reports and

1.18 studies; amending Minnesota Statutes 2020, sections 2.722, subdivision 1; 243.166,

1.19 subdivision 1b; 244.065; 299A.52, subdivision 2; 299C.80, subdivision 3;

1.20 340A.504, subdivision 7; 363A.36, subdivision 2; 363A.44, subdivision 2; 403.11,

1.21 subdivision 1; 477A.03, subdivision 2b; 609.1095, subdivision 1; 609.131,

1.22 subdivision 2; 609.2325; 609.322, subdivisions 1, 1a; 609.324, subdivisions 2, 4;

1.23 609.3241; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding subdivisions;

1.24 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; 609.3459; 609.347, by

1.25 adding a subdivision; 609.352, subdivision 4; 609.605, subdivision 2; 611.27,

1.26 subdivisions 9, 10, 11, 13, 15; Laws 2017, chapter 95, article 3, section 30; Laws

1.27 2020, Seventh Special Session chapter 2, article 2, section 4; proposing coding for

1.28 new law in Minnesota Statutes, chapters 3; 241; 609; repealing Minnesota Statutes

1.29 2020, section 609.324, subdivision 3.

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

1.31 **ARTICLE 1**

1.32 **APPROPRIATIONS**

1.33 Section 1. **APPROPRIATIONS.**

2.1 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.2 and for the purposes specified in this article. The appropriations are from the general fund,
 2.3 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.4 The figures "2022" and "2023" used in this article mean that the appropriations listed under
 2.5 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
 2.6 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
 2.7 is fiscal years 2022 and 2023.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2022</u>	<u>2023</u>
2.8		
2.9		
2.10		
2.11		
2.12	<u>Sec. 2. SUPREME COURT</u>	
2.13	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 61,474,000 \$ 60,004,000</u>
2.14	<u>The amounts that may be spent for each</u>	
2.15	<u>purpose are specified in the following</u>	
2.16	<u>subdivisions.</u>	
2.17	<u>Subd. 2. Supreme Court Operations</u>	<u>44,854,000 43,384,000</u>
2.18	<u>(a) Contingent Account. \$5,000 each year is</u>	
2.19	<u>for a contingent account for expenses</u>	
2.20	<u>necessary for the normal operation of the court</u>	
2.21	<u>for which no other reimbursement is provided.</u>	
2.22	<u>(b) Justices' Compensation. Justices'</u>	
2.23	<u>compensation is increased by 2.5 percent in</u>	
2.24	<u>the first year.</u>	
2.25	<u>(c) Online Court Record Access. \$795,000</u>	
2.26	<u>the first year is to fund critical improvements</u>	
2.27	<u>to the Minnesota Court Record Online</u>	
2.28	<u>application.</u>	
2.29	<u>(d) Cybersecurity. \$500,000 the first year is</u>	
2.30	<u>to fund critical improvements to the judiciary</u>	
2.31	<u>branch cyber security program.</u>	
2.32	<u>(e) Courthouse Security Grants. \$500,000</u>	
2.33	<u>the first year is for a competitive grant</u>	
2.34	<u>program established by the chief justice for</u>	

3.1 the distribution of safe and secure courthouse
 3.2 fund grants to governmental entities
 3.3 responsible for providing or maintaining a
 3.4 courthouse or other facility where court
 3.5 proceedings are held. Grant recipients must
 3.6 provide a 50 percent nonstate match. This
 3.7 appropriation is available until June 30, 2024.

3.8 **(f) Neuropsychological Examination**
 3.9 **Feasibility Study.** \$30,000 the first year is for
 3.10 the neuropsychological examination feasibility
 3.11 study described in article 2, section 14.

3.12 **Subd. 3. Civil Legal Services** 16,620,000 16,620,000

3.13 **Legal Services to Low-Income Clients in**
 3.14 **Family Law Matters.** \$1,017,000 each year
 3.15 is to improve the access of low-income clients
 3.16 to legal representation in family law matters.
 3.17 This appropriation must be distributed under
 3.18 Minnesota Statutes, section 480.242, to the
 3.19 qualified legal services program described in
 3.20 Minnesota Statutes, section 480.242,
 3.21 subdivision 2, paragraph (a). Any
 3.22 unencumbered balance remaining in the first
 3.23 year does not cancel and is available in the
 3.24 second year.

3.25 **Sec. 3. COURT OF APPEALS** \$ 13,490,000 \$ 13,574,000

3.26 **Judges' Compensation.** Judges' compensation
 3.27 is increased by 2.5 percent in the first year.

3.28 **Sec. 4. DISTRICT COURTS** \$ 326,172,000 \$ 328,946,000

3.29 **(a) Judges' Compensation.** Judges'
 3.30 compensation is increased by 2.5 percent in
 3.31 the first year.

3.32 **(b) New Judgeship.** \$482,000 the first year
 3.33 and \$449,000 the second year are for a new
 3.34 judge unit in the Fifth Judicial District.

4.1	Sec. 5. <u>GUARDIAN AD LITEM BOARD</u>	\$	<u>22,576,000</u>	\$	<u>22,815,000</u>
4.2	Sec. 6. <u>TAX COURT</u>	\$	<u>1,827,000</u>	\$	<u>1,841,000</u>
4.3	Sec. 7. <u>UNIFORM LAWS COMMISSION</u>	\$	<u>100,000</u>	\$	<u>100,000</u>
4.4	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	\$	<u>580,000</u>	\$	<u>586,000</u>
4.5	<u>If the appropriation for either year is</u>				
4.6	<u>insufficient, the appropriation for the other</u>				
4.7	<u>fiscal year is available.</u>				
4.8	<u>Major Disciplinary Actions.</u> \$125,000 each				
4.9	<u>year is for special investigative and hearing</u>				
4.10	<u>costs for major disciplinary actions undertaken</u>				
4.11	<u>by the board. This appropriation does not</u>				
4.12	<u>cancel. Any unencumbered and unspent</u>				
4.13	<u>balances remain available for these</u>				
4.14	<u>expenditures until June 30, 2025.</u>				
4.15	Sec. 9. <u>BOARD OF PUBLIC DEFENSE</u>	\$	<u>107,852,000</u>	\$	<u>106,930,000</u>
4.16	<u>(a) Public Defense Corporations.</u> \$74,000				
4.17	<u>the first year and \$152,000 the second year</u>				
4.18	<u>are for increases to public defense</u>				
4.19	<u>corporations.</u>				
4.20	<u>(b) COVID-19 Backlog.</u> \$1,000,000 the first				
4.21	<u>year is for temporary staffing to address the</u>				
4.22	<u>COVID-19 created case backlog.</u>				
4.23	Sec. 10. <u>SENTENCING GUIDELINES</u>	\$	<u>740,000</u>	\$	<u>765,000</u>
4.24	Sec. 11. <u>PUBLIC SAFETY</u>				
4.25	Subdivision 1. <u>Total Appropriation</u>	\$	<u>205,286,000</u>	\$	<u>203,912,000</u>
4.26	<u>Appropriations by Fund</u>				
4.27		<u>2022</u>	<u>2023</u>		
4.28	<u>General</u>	<u>122,777,000</u>	<u>121,346,000</u>		
4.29	<u>Special Revenue</u>	<u>14,436,000</u>	<u>14,502,000</u>		
4.30	<u>State Government</u>				
4.31	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>		
4.32	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>		
4.33	<u>911 Fund</u>	<u>67,897,000</u>	<u>67,888,000</u>		

5.1 The amounts that may be spent for each
 5.2 purpose are specified in the following
 5.3 subdivisions.

5.4 **Subd. 2. Emergency Management** 3,078,000 3,078,000

	<u>Appropriations by Fund</u>	
5.5 <u>General</u>	<u>3,005,000</u>	<u>3,005,000</u>
5.6 <u>Environmental</u>	<u>73,000</u>	<u>73,000</u>

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

5.9 \$225,000 each year is for supplemental
 5.10 nonprofit security grants under this paragraph.

5.11 Nonprofit organizations whose applications
 5.12 for funding through the Federal Emergency
 5.13 Management Agency's nonprofit security grant
 5.14 program have been approved by the Division
 5.15 of Homeland Security and Emergency
 5.16 Management are eligible for grants under this
 5.17 paragraph. No additional application shall be
 5.18 required for grants under this paragraph, and
 5.19 an application for a grant from the federal
 5.20 program is also an application for funding
 5.21 from the state supplemental program.

5.22 Eligible organizations may receive grants of
 5.23 up to \$75,000, except that the total received
 5.24 by any individual from both the federal
 5.25 nonprofit security grant program and the state
 5.26 supplemental nonprofit security grant program
 5.27 shall not exceed \$75,000. Grants shall be
 5.28 awarded in an order consistent with the
 5.29 ranking given to applicants for the federal
 5.30 nonprofit security grant program. No grants
 5.31 under the state supplemental nonprofit security
 5.32 grant program shall be awarded until the
 5.33 announcement of the recipients and the

6.1 amount of the grants awarded under the federal
 6.2 nonprofit security grant program.

6.3 The commissioner may use up to one percent
 6.4 of the appropriation received under this
 6.5 paragraph to pay costs incurred by the
 6.6 department in administering the supplemental
 6.7 nonprofit security grant program. These
 6.8 appropriations are onetime.

6.9 **(b) School Safety Center**

6.10 \$250,000 each year is for two school safety
 6.11 specialists at the Minnesota School Safety
 6.12 Center.

6.13 **Subd. 3. Criminal Apprehension** 75,981,000 74,793,000

6.14 Appropriations by Fund

6.15 General 75,974,000 74,786,000

6.16 State Government

6.17 Special Revenue 7,000 7,000

6.18 **(a) DWI Lab Analysis**

6.19 \$2,429,000 each year is for staff and operating
 6.20 costs for laboratory analysis related to
 6.21 driving-while-impaired cases.

6.22 **(b) Use of Trunk Highway Funds;**

6.23 **Department of Public Safety**

6.24 Payment of expenses related to forensic
 6.25 science services and other activities of the
 6.26 Bureau of Criminal Apprehension do not
 6.27 further a highway purpose under Minnesota
 6.28 Statutes, section 161.20, subdivision 3, and
 6.29 under article 14, sections 5, 6, and 9 of the
 6.30 Minnesota Constitution. The commissioner of
 6.31 public safety must not expend money from
 6.32 the trunk highway fund for any purpose of the
 6.33 Bureau of Criminal Apprehension.

7.1 **(c) Civil Unrest**

7.2 \$539,000 the first year is for costs related to
7.3 responding to civil unrest.

7.4 **(d) Body Worn Cameras**

7.5 \$397,000 the first year and \$205,000 the
7.6 second year are for the purchase,
7.7 implementation, and maintenance of body
7.8 worn cameras.

7.9 **(e) Cybersecurity**

7.10 \$2,111,000 the first year and \$2,000,000 the
7.11 second year are for staff, hardware, and
7.12 software to upgrade critical network
7.13 infrastructure and support cybersecurity
7.14 compliance with standards set by the Federal
7.15 Bureau of Investigation. The base for this is
7.16 \$1,002,000 in fiscal years 2024 and 2025.

7.17 **(f) Rapid DNA Program**

7.18 \$285,000 each year is for the Rapid DNA
7.19 Program.

7.20 **(g) Additional Forensic Scientist**

7.21 \$128,000 the first year and \$113,000 the
7.22 second year are for one additional forensic
7.23 scientist.

7.24 **(h) Criminal Alert Network**

7.25 \$200,000 the first year is for the criminal alert
7.26 network to increase membership, reduce the
7.27 registration fee, and create additional alert
7.28 categories, including at a minimum a dementia
7.29 and Alzheimer's disease specific category.

7.30 **(i) Additional Special Agent**

7.31 \$160,000 each year is for one additional
7.32 special agent. This is a onetime appropriation.

8.1 **(j) Predatory Offender Statutory**8.2 **Framework Working Group**

8.3 \$131,000 the first year is to convene,
 8.4 administer, and implement the predatory
 8.5 offender statutory framework working group
 8.6 described in article 4, section 22.

8.7 **Subd. 4. Fire Marshal**

8,752,000

8,818,000

8.8 **Appropriations by Fund**

8.9 <u>General</u>	<u>178,000</u>	<u>178,000</u>
8.10 <u>Special Revenue</u>	<u>8,574,000</u>	<u>8,640,000</u>

8.11 The special revenue fund appropriation is from
 8.12 the fire safety account in the special revenue
 8.13 fund and is for activities under Minnesota
 8.14 Statutes, section 299F.012.

8.15 **(a) Inspections**

8.16 \$300,000 each year is from the fire safety
 8.17 account in the special revenue fund for
 8.18 inspection of nursing homes and boarding care
 8.19 facilities.

8.20 **(b) Hazmat and Chemical Assessment**8.21 **Teams**

8.22 \$950,000 the first year and \$850,000 the
 8.23 second year are from the fire safety account
 8.24 in the special revenue fund. These amounts
 8.25 must be used to fund the hazardous materials
 8.26 and chemical assessment teams. Of this
 8.27 amount, \$100,000 the first year is for cases
 8.28 for which there is no identified responsible
 8.29 party. The base appropriation is \$950,000 in
 8.30 fiscal year 2024 and \$850,000 in fiscal year
 8.31 2025.

8.32 **(c) Bomb Squad Reimbursements**

9.1 \$50,000 each year is from the general fund for
 9.2 reimbursements to local governments for
 9.3 bomb squad services.

9.4 **(d) Emergency Response Teams**

9.5 \$675,000 each year is from the fire safety
 9.6 account in the special revenue fund to maintain
 9.7 four emergency response teams: one under the
 9.8 jurisdiction of the St. Cloud Fire Department
 9.9 or a similarly located fire department if
 9.10 necessary; one under the jurisdiction of the
 9.11 Duluth Fire Department; one under the
 9.12 jurisdiction of the St. Paul Fire Department;
 9.13 and one under the jurisdiction of the Moorhead
 9.14 Fire Department.

9.15 **Subd. 5. Firefighter Training and Education**
 9.16 **Board**

5,792,000

5,792,000

9.17 Appropriations by Fund

9.18 Special Revenue 5,792,000 5,792,000

9.19 The special revenue fund appropriation is from
 9.20 the fire safety account in the special revenue
 9.21 fund and is for activities under Minnesota
 9.22 Statutes, section 299F.012.

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

9.24 \$4,500,000 each year is for firefighter training
 9.25 and education.

9.26 **(b) Task Force 1**

9.27 \$975,000 each year is for the Minnesota Task
 9.28 Force 1.

9.29 **(c) Air Rescue**

9.30 \$317,000 each year is for the Minnesota Air
 9.31 Rescue Team.

9.32 **(d) Unappropriated Revenue**

10.1 Any additional unappropriated money
 10.2 collected in fiscal year 2021 is appropriated
 10.3 to the commissioner of public safety for the
 10.4 purposes of Minnesota Statutes, section
 10.5 299F.012. The commissioner may transfer
 10.6 appropriations and base amounts between
 10.7 activities in this subdivision.

10.8 **Subd. 6. Alcohol and Gambling Enforcement** 2,590,000 2,497,000

10.9 Appropriations by Fund

10.10 General 2,520,000 2,427,000

10.11 Special Revenue 70,000 70,000

10.12 \$70,000 each year is from the lawful gambling
 10.13 regulation account in the special revenue fund.

10.14 **(a) Legal Costs**

10.15 \$93,000 the first year is for legal costs
 10.16 associated with Alexis Bailly Vineyard, Inc.
 10.17 v. Harrington.

10.18 **(b) Body Worn Cameras**

10.19 \$16,000 each year is for the purchase,
 10.20 implementation, and maintenance of body
 10.21 worn cameras.

10.22 **Subd. 7. Office of Justice Programs** 41,196,000 41,046,000

10.23 Appropriations by Fund

10.24 General 41,100,000 40,950,000

10.25 State Government

10.26 Special Revenue 96,000 96,000

10.27 **(a) Administration Costs**

10.28 Of the grant funds appropriated in this
 10.29 subdivision, up to \$1,026,000 each year may
 10.30 be used by the commissioner to administer the
 10.31 grant programs.

10.32 **(b) Improving Retention in Domestic**

10.33 **Violence Programs**

11.1 \$150,000 the first year is to develop an open
11.2 and competitive grant process to award a grant
11.3 to establish a pilot project to increase the rate
11.4 at which participants voluntarily complete a
11.5 person-centered, trauma-informed violence
11.6 prevention program by addressing the social
11.7 and economic barriers that inhibit program
11.8 completion. This appropriation is available
11.9 until June 30, 2024.

11.10 The grant recipient shall have an established
11.11 program for individuals who have been
11.12 identified as using abusive behaviors within
11.13 a home or community setting. The established
11.14 program must apply evidence-based
11.15 interventions to equip participants with skills
11.16 and techniques to stop abusive behaviors as
11.17 they occur and prevent them from happening
11.18 in the future.

11.19 The pilot project shall address financial,
11.20 transportation, food, housing, or social support
11.21 barriers in order to increase the rate of
11.22 participants completing the program. Money
11.23 may be used to advance program capacity,
11.24 reduce the administrative burden on program
11.25 staff, secure participant consent for
11.26 assessment, enhance measurement and
11.27 evaluation of the program, and provide other
11.28 services and support to increase the rate of
11.29 program completion while maintaining low
11.30 recidivism rates.

11.31 By January 15, 2023, the grant recipient shall
11.32 provide a report to the Office of Justice
11.33 Programs identifying:
11.34 (1) the number of individuals, including the
11.35 age, race, and sex of those individuals, who

- 12.1 were admitted into the program before and
12.2 after the pilot project began;
- 12.3 (2) the number of individuals, including the
12.4 age, race, and sex of those individuals, who
12.5 completed the program before and after the
12.6 pilot project began;
- 12.7 (3) the number of individuals, including the
12.8 age, race, and sex of those individuals, who
12.9 left the program prior to completion before
12.10 and after the pilot project began;
- 12.11 (4) information on whether the individuals
12.12 were members of a two-parent or single-parent
12.13 home; and
- 12.14 (5) any other relevant measurement and
12.15 evaluation of the pilot project, including
12.16 information related to social and economic
12.17 barriers that impact program completion rates.
- 12.18 By January 15, 2024, the grant recipient shall
12.19 provide a report to the Office of Justice
12.20 Programs identifying the domestic violence
12.21 recidivism rate of individuals who completed
12.22 the program, including the age, race, and sex
12.23 of those individuals, before and after the pilot
12.24 project began.
- 12.25 By February 15, 2024, the Office of Justice
12.26 Programs shall compile the information
12.27 received from the grant recipient and provide
12.28 that compilation to the senate and house of
12.29 representatives committees and divisions with
12.30 jurisdiction over public safety.
- 12.31 (c) VCETs

13.1 \$1,000,000 each year is for additional violent
 13.2 crime enforcement teams. The base for this is
 13.3 \$1,000,000 in fiscal years 2024 and 2025.

13.4 Of this amount, \$250,000 each year is a
 13.5 onetime appropriation for a team to address
 13.6 criminal activities in and around metropolitan
 13.7 transit lines. This team must include members
 13.8 from the Hennepin County Sheriff's Office,
 13.9 the Ramsey County Sheriff's Office, the St.
 13.10 Paul Police Department, the Minneapolis
 13.11 Police Department, and the Metropolitan
 13.12 Transit Police Department. The Hennepin
 13.13 County Sheriff's Office shall serve as the
 13.14 team's fiscal agent. By February 1, 2022, the
 13.15 commissioner shall report to the chairs and
 13.16 ranking minority members of the legislative
 13.17 committees with jurisdiction over criminal
 13.18 justice policy and funding on the activities of
 13.19 the team. The report must detail the impact
 13.20 the team had on reducing criminal activity in
 13.21 and around metropolitan transit lines and
 13.22 recommend whether to fund the team in the
 13.23 future or whether the money for this would be
 13.24 better directed towards other violent crime
 13.25 enforcement teams.

13.26 **Subd. 8. Emergency Communication Networks** 67,897,000 67,888,000

13.27 This appropriation is from the state
 13.28 government special revenue fund for 911
 13.29 emergency telecommunications services.

13.30 This appropriation includes funds for
 13.31 information technology project services and
 13.32 support subject to the provisions of Minnesota
 13.33 Statutes, section 16E.0466. Any ongoing
 13.34 information technology costs shall be
 13.35 incorporated into the service level agreement

14.1 and shall be paid to the Office of MN.IT
14.2 Services by the Department of Public Safety
14.3 under the rates and mechanism specified in
14.4 that agreement.

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

14.6 \$27,328,000 the first year and \$28,011,000
14.7 the second year shall be distributed as
14.8 provided in Minnesota Statutes, section
14.9 403.113, subdivision 2. The base for this is
14.10 \$28,011,000 in fiscal years 2024 and 2025.

14.11 **(b) Medical Resource Communication Centers**

14.12 \$683,000 the first year is for grants to the
14.13 Minnesota Emergency Medical Services
14.14 Regulatory Board for the Metro East and
14.15 Metro West Medical Resource
14.16 Communication Centers that were in operation
14.17 before January 1, 2000.

14.18 **(c) ARMER State Backbone Operating**

14.19 **Costs**

14.20 \$9,675,000 each year is transferred to the
14.21 commissioner of transportation for costs of
14.22 maintaining and operating the statewide radio
14.23 system backbone.

14.24 **(d) ARMER Improvements**

14.25 \$1,000,000 each year is to the Statewide
14.26 Emergency Communications Board for
14.27 improvements to those elements of the
14.28 statewide public safety radio and
14.29 communication system that support mutual
14.30 aid communications and emergency medical
14.31 services or provide interim enhancement of
14.32 public safety communication interoperability
14.33 in those areas of the state where the statewide

15.1 public safety radio and communication system
 15.2 is not yet implemented, and grants to local
 15.3 units of government to further the strategic
 15.4 goals set forth by the Statewide Emergency
 15.5 Communications Board strategic plan.

15.6 **(e) 911 Telecommunicator Working Group**

15.7 \$9,000 the first year is for the 911
 15.8 Telecommunicator Working Group described
 15.9 in article 2, section 15.

15.10 **Sec. 12. PEACE OFFICER STANDARDS AND**
 15.11 **TRAINING (POST) BOARD**

15.12 **Subdivision 1. Total Appropriation** \$ **11,401,000** \$ **11,423,000**

15.13 The amounts that may be spent for each
 15.14 purpose are specified in the following
 15.15 subdivisions.

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

15.17 \$2,949,000 each year is for reimbursements
 15.18 to local governments for peace officer training
 15.19 costs.

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

15.21 \$6,000,000 each year is to support and
 15.22 strengthen law enforcement training and
 15.23 implement best practices. The base for this
 15.24 activity is \$0 in fiscal year 2024 and thereafter.

15.25 **Sec. 13. PRIVATE DETECTIVE BOARD** \$ **282,000** \$ **288,000**

15.26 **Sec. 14. HUMAN RIGHTS** \$ **5,371,000** \$ **5,371,000**

15.27 **Sec. 15. CORRECTIONS**

15.28 **Subdivision 1. Total Appropriation** \$ **631,518,000** \$ **633,177,000**

15.29 The amounts that may be spent for each
 15.30 purpose are specified in the following
 15.31 subdivisions.

16.1	<u>Subd. 2. Correctional Institutions</u>	<u>463,708,000</u>	<u>465,367,000</u>
16.2	<u>(a) Healthy Start Act</u>		
16.3	<u>\$100,000 each year is to implement Minnesota</u>		
16.4	<u>Statutes, section 244.065, subdivision 2, under</u>		
16.5	<u>article 3, section 4, to create a release program</u>		
16.6	<u>for pregnant women and new mothers.</u>		
16.7	<u>(b) Identification Cards, Medications, and</u>		
16.8	<u>Homelessness Mitigation Plan</u>		
16.9	<u>\$60,000 the first year and \$48,000 the second</u>		
16.10	<u>year are to implement the duties required in</u>		
16.11	<u>Minnesota Statutes, sections 241.067 and</u>		
16.12	<u>241.068.</u>		
16.13	<u>(c) Institutions Base Budget</u>		
16.14	<u>The general fund base for Department of</u>		
16.15	<u>Corrections institutions is \$465,368,000 in</u>		
16.16	<u>fiscal year 2024 and \$466,044,000 in fiscal</u>		
16.17	<u>year 2025.</u>		
16.18	<u>Subd. 3. Community Services</u>	<u>138,033,000</u>	<u>138,033,000</u>
16.19	<u>(a) Community Corrections Act Subsidy</u>		
16.20	<u>Increase</u>		
16.21	<u>\$1,250,000 each year is added to the</u>		
16.22	<u>Community Corrections Act subsidy, as</u>		
16.23	<u>described in Minnesota Statutes, section</u>		
16.24	<u>401.14.</u>		
16.25	<u>(b) County Probation Officers</u>		
16.26	<u>Reimbursement Increase</u>		
16.27	<u>\$350,000 each year is for county probation</u>		
16.28	<u>officers reimbursement, as described in</u>		
16.29	<u>Minnesota Statutes, section 244.19,</u>		
16.30	<u>subdivision 6.</u>		
16.31	<u>(c) Alternatives to Incarceration Program</u>		

17.1	<u>\$320,000 each year is for funding to Crow</u>		
17.2	<u>Wing County and Wright County to facilitate</u>		
17.3	<u>access to community treatment options under</u>		
17.4	<u>the alternatives to incarceration program</u>		
17.5	<u>described in Laws 2017, chapter 95, article 3,</u>		
17.6	<u>section 30, as amended by article 2, section</u>		
17.7	<u>12.</u>		
17.8	<u>Subd. 4. Operations Support</u>	<u>29,777,000</u>	<u>29,777,000</u>
17.9	<u>\$600,000 each year is to increase support for</u>		
17.10	<u>ongoing technology needs.</u>		
17.11	<u>Sec. 16. OMBUDSPERSON FOR</u>		
17.12	<u>CORRECTIONS</u>	<u>\$ 659,000</u>	<u>\$ 663,000</u>
17.13	<u>Sec. 17. LEGISLATIVE COORDINATING</u>		
17.14	<u>COMMISSION</u>	<u>\$ 60,000</u>	<u>\$ 60,000</u>
17.15	<u>\$60,000 each year is for the Legislative</u>		
17.16	<u>Commission on Data Practices under</u>		
17.17	<u>Minnesota Statutes, section 3.8844.</u>		
17.18	<u>Sec. 18. DISASTER CONTINGENCY</u>		
17.19	<u>ACCOUNT</u>		
17.20	<u>\$20,000,000 the first year is to the</u>		
17.21	<u>commissioner of public safety for transfer to</u>		
17.22	<u>the disaster assistance contingency account</u>		
17.23	<u>established under Minnesota Statutes, section</u>		
17.24	<u>12.221, subdivision 6.</u>		
17.25	<u>Sec. 19. CANCELLATION; FISCAL YEAR 2021</u>		
17.26	<u>(a) Alcohol and Gambling Enforcement</u>		
17.27	<u>\$132,000 of the fiscal year 2021 general fund</u>		
17.28	<u>appropriation under Laws 2019, First Special</u>		
17.29	<u>Session chapter 5, article 1, section 12,</u>		
17.30	<u>subdivision 6, is canceled.</u>		
17.31	<u>(b) Office of Justice Programs</u>		
17.32	<u>\$213,000 of the fiscal year 2021 general fund</u>		
17.33	<u>appropriation under Laws 2019, First Special</u>		

18.1 Session chapter 5, article 1, section 12,
18.2 subdivision 7, is canceled.

18.3 **ARTICLE 2**

18.4 **BUDGET-RELATED CHANGES**

18.5 Section 1. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

18.6 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for
18.7 the regional hazardous materials response team costs of response. The commissioner may
18.8 bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional
18.9 court costs. Any funds received by the commissioner under this subdivision are appropriated
18.10 to the commissioner to pay for costs for which the funds were received. Any remaining
18.11 funds at the end of the biennium shall be transferred to the Fire Safety Account.

18.12 Sec. 2. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

18.13 Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor
18.14 or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
18.15 licensee has obtained a permit from the commissioner. Application for the permit must be
18.16 on a form the commissioner prescribes. Permits are effective for one year from date of
18.17 issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's
18.18 gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in
18.19 which the permit is issued, and is at the following rates:

18.20 (1) up to \$100,000 in gross receipts, \$300;

18.21 (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

18.22 (3) over \$500,000 in gross receipts, \$1,000.

18.23 For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale
18.24 for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a
18.25 retailer of 3.2 percent malt liquor, the fee is \$200.

18.26 (b) The commissioner shall deposit all permit fees received under this subdivision in
18.27 the alcohol enforcement account in the ~~special revenue~~ general fund.

18.28 (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish
18.29 to the commissioner the information necessary to administer and enforce this subdivision.

19.1 Sec. 3. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

19.2 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~
19.3 \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's
19.4 designated agent. The proceeds of the fee must be deposited in a human rights fee special
19.5 revenue account. Money in the account is appropriated to the commissioner to fund the cost
19.6 of issuing certificates and investigating grievances.

19.7 **EFFECTIVE DATE.** This section is effective for applications received on or after July
19.8 1, 2021.

19.9 Sec. 4. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

19.10 Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying
19.11 a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the
19.12 commissioner. The proceeds from the fees collected under this subdivision shall be deposited
19.13 in an equal pay certificate special revenue account. Money in the account is appropriated
19.14 to the commissioner for the purposes of this section. The commissioner shall issue an equal
19.15 pay certificate of compliance to a business that submits to the commissioner a statement
19.16 signed by the chairperson of the board or chief executive officer of the business:

19.17 (1) that the business is in compliance with Title VII of the Civil Rights Act of 1964,
19.18 Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for Equal
19.19 Work Law;

19.20 (2) that the average compensation for its female employees is not consistently below
19.21 the average compensation for its male employees within each of the major job categories
19.22 in the EEO-1 employee information report for which an employee is expected to perform
19.23 work under the contract, taking into account factors such as length of service, requirements
19.24 of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or
19.25 other mitigating factors;

19.26 (3) that the business does not restrict employees of one sex to certain job classifications
19.27 and makes retention and promotion decisions without regard to sex;

19.28 (4) that wage and benefit disparities are corrected when identified to ensure compliance
19.29 with the laws cited in clause (1) and with clause (2); and

19.30 (5) how often wages and benefits are evaluated to ensure compliance with the laws cited
19.31 in clause (1) and with clause (2).

20.1 (b) The equal pay compliance statement shall also indicate whether the business, in
20.2 setting compensation and benefits, utilizes:

20.3 (1) a market pricing approach;

20.4 (2) state prevailing wage or union contract requirements;

20.5 (3) a performance pay system;

20.6 (4) an internal analysis; or

20.7 (5) an alternative approach to determine what level of wages and benefits to pay its
20.8 employees. If the business uses an alternative approach, the business must provide a
20.9 description of its approach.

20.10 (c) Receipt of the equal pay compliance statement by the commissioner does not establish
20.11 compliance with the laws set forth in paragraph (a), clause (1).

20.12 **EFFECTIVE DATE.** This section is effective for applications received on or after July
20.13 1, 2021.

20.14 Sec. 5. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

20.15 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
20.16 of a wireless or wire-line switched or packet-based telecommunications service provider
20.17 connected to the public switched telephone network that furnishes service capable of
20.18 originating a 911 emergency telephone call is assessed a fee based upon the number of
20.19 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
20.20 maintenance and related improvements for trunking and central office switching equipment
20.21 for 911 emergency telecommunications service, to offset administrative and staffing costs
20.22 of the commissioner related to managing the 911 emergency telecommunications service
20.23 program, to make distributions provided for in section 403.113, and to offset the costs,
20.24 including administrative and staffing costs, incurred by the State Patrol Division of the
20.25 Department of Public Safety in handling 911 emergency calls made from wireless phones.

20.26 (b) Money remaining in the 911 emergency telecommunications service account after
20.27 all other obligations are paid must not cancel and is carried forward to subsequent years
20.28 and may be appropriated from time to time to the commissioner to provide financial
20.29 assistance to counties for the improvement of local emergency telecommunications services.

20.30 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
20.31 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
20.32 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~

21.1 ~~eight cents~~ nor more than 95 cents a month on or after July 1, 2010, for each customer access
 21.2 line or other basic access service, including trunk equivalents as designated by the Public
 21.3 Utilities Commission for access charge purposes and including wireless telecommunications
 21.4 services. With the approval of the commissioner of management and budget, the
 21.5 commissioner of public safety shall establish the amount of the fee within the limits specified
 21.6 and inform the companies and carriers of the amount to be collected. When the revenue
 21.7 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
 21.8 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
 21.9 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
 21.10 notice of each fee change. The fee must be the same for all customers, except that the fee
 21.11 imposed under this subdivision does not apply to prepaid wireless telecommunications
 21.12 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
 21.13 paragraph (a).

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

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

21.23 Sec. 6. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

21.24 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
 21.25 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
 21.26 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
 21.27 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
 21.28 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
 21.29 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
 21.30 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
 21.31 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
 21.32 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
 21.33 ~~year,~~ On or before the first installment date provided in section 477A.015, paragraph (a),
 21.34 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner

22.1 of revenue to ~~make reimbursements to the commissioner of management and budget~~ the
 22.2 Board of Public Defense for ~~payments made~~ the payment of service under section 611.27.
 22.3 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~
 22.4 ~~counsel under section 611.27.~~ Any ~~retained~~ transferred amounts not used for reimbursement
 22.5 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense
 22.6 to the commissioner of revenue on or before October 1 and shall be included in the next
 22.7 distribution certification of county need aid ~~that is certified to the county auditors for the~~
 22.8 ~~purpose of property tax reduction for the next taxes payable year.~~

22.9 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
 22.10 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
 22.11 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
 22.12 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
 22.13 transfer to the commissioner of management and budget \$207,000 annually for the cost of
 22.14 preparation of local impact notes as required by section 3.987, and other local government
 22.15 activities. The commissioner of revenue shall transfer to the commissioner of education
 22.16 \$7,000 annually for the cost of preparation of local impact notes for school districts as
 22.17 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
 22.18 under this paragraph from the appropriation under this paragraph. The amounts transferred
 22.19 are appropriated to the commissioner of management and budget and the commissioner of
 22.20 education respectively.

22.21 Sec. 7. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

22.22 Subd. 9. **Request for other appointment of counsel.** The chief district public defender
 22.23 ~~with the approval of~~ may request that the state public defender ~~may request that the chief~~
 22.24 ~~judge of the district court, or a district court judge designated by the chief judge,~~ authorize
 22.25 appointment of counsel other than the district public defender in such cases.

22.26 Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

22.27 Subd. 10. **Addition of permanent staff.** The chief public defender may not request ~~the~~
 22.28 ~~court~~ nor may the ~~court order~~ state public defender approve the addition of permanent staff
 22.29 under subdivision 7.

22.30 Sec. 9. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

22.31 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
 22.32 provision of adequate legal representation, including associated services, is beyond the

23.1 ability of the district public defender to provide, the ~~court shall order~~ state public defender
 23.2 may approve counsel to be appointed, with compensation and expenses to be paid under
 23.3 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
 23.4 by the chief district public defender. ~~If the court issues an order denying the request, the~~
 23.5 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~
 23.6 ~~district public defender may immediately appeal the order denying the request to the court~~
 23.7 ~~of appeals and may request an expedited hearing.~~

23.8 Sec. 10. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

23.9 Subd. 13. **Correctional facility inmates.** All billings for services rendered and ordered
 23.10 under subdivision 7 shall require the approval of the chief district public defender before
 23.11 being forwarded ~~on a monthly basis~~ to the state public defender. In cases where adequate
 23.12 representation cannot be provided by the district public defender and where counsel has
 23.13 been ~~appointed under a court order~~ approved by the state public defender, the ~~state public~~
 23.14 ~~defender~~ Board of Public Defense shall ~~forward to the commissioner of management and~~
 23.15 ~~budget~~ pay all billings for services rendered under the court order. ~~The commissioner shall~~
 23.16 ~~pay for services~~ from county program aid ~~retained~~ transferred by the commissioner of
 23.17 revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

23.18 The costs of appointed counsel and associated services in cases arising from new criminal
 23.19 charges brought against indigent inmates who are incarcerated in a Minnesota state
 23.20 correctional facility are the responsibility of the state Board of Public Defense. In such cases
 23.21 the state public defender may follow the procedures outlined in this section for obtaining
 23.22 court-ordered counsel.

23.23 Sec. 11. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

23.24 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
 23.25 appellate public defender's office does not have sufficient funds to pay for transcripts and
 23.26 other necessary expenses because it has spent or committed all of the transcript funds in its
 23.27 annual budget, the ~~state public defender may forward to the commissioner of management~~
 23.28 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~
 23.29 Board of Public Defense may pay for these transcripts and other necessary expenses from
 23.30 county program aid ~~retained~~ transferred by the commissioner of revenue for that purpose
 23.31 under section 477A.03, subdivision 2b, paragraph (a).

24.1 Sec. 12. Laws 2017, chapter 95, article 3, section 30, is amended to read:

24.2 Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

24.3 (a) Agencies providing supervision to offenders on probation, parole, or supervised
 24.4 release are eligible for ~~grants~~ funding to facilitate access to community options including,
 24.5 but not limited to, inpatient chemical dependency treatment for nonviolent controlled
 24.6 substance offenders to address and correct behavior that is, or is likely to result in, a technical
 24.7 violation of the conditions of release. For purposes of this section, "nonviolent controlled
 24.8 substance offender" is a person who meets the criteria described under Minnesota Statutes,
 24.9 section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means
 24.10 a violation of a court order of probation, condition of parole, or condition of supervised
 24.11 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
 24.12 citation, or petition.

24.13 (b) The Department of Corrections shall ~~establish criteria for selecting grant recipients~~
 24.14 ~~and the amount awarded to each grant recipient~~ issue annual funding of \$160,000 to each
 24.15 recipient.

24.16 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit a an annual
 24.17 report to the chairs of the house of representatives and senate committees with jurisdiction
 24.18 over public safety policy and finance by January 15 of each year. At a minimum, the report
 24.19 must include:

24.20 ~~(1) the total number of grants issued under this program;~~

24.21 ~~(2) the average amount of each grant;~~

24.22 ~~(3)~~ (1) the community services accessed as a result of the ~~grants~~ funding;

24.23 ~~(4)~~ (2) a summary of the type of supervision offenders were under when a ~~grant~~ funding
 24.24 was used to help access a community option;

24.25 ~~(5)~~ (3) the number of individuals who completed, and the number who failed to complete,
 24.26 programs accessed as a result of this ~~grant~~ funding; ~~and~~

24.27 ~~(6)~~ (4) the number of individuals who violated the terms of release following participation
 24.28 in a program accessed as a result of this ~~grant~~ funding, separating technical violations and
 24.29 new criminal offenses.;

24.30 (5) the number of individuals who completed or were discharged from probation after
 24.31 participating in the program;

25.1 (6) the number of individuals identified in clause (5) who committed a new offense after
 25.2 discharge from the program;

25.3 (7) identification of barriers nonviolent controlled substance offenders face in accessing
 25.4 community services and a description of how the program navigates those barriers; and

25.5 (8) identification of gaps in existing community services for nonviolent controlled
 25.6 substance offenders.

25.7 Sec. 13. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended
 25.8 to read:

25.9 **Sec. 4. TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

25.10 ~~(a)~~ By July 15, 2021, the commissioner of public safety must certify to the commissioner
 25.11 of management and budget the amount of permit fees waived under section 3, clause (2),
 25.12 during the period from January 1, 2021, to June 30, 2021, and the commissioner of
 25.13 management and budget must transfer the certified amount from the general fund to the
 25.14 alcohol enforcement account in the special revenue fund established under Minnesota
 25.15 Statutes, section 299A.706.

25.16 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
 25.17 ~~commissioner of management and budget the amount of permit fees waived under section~~
 25.18 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
 25.19 ~~commissioner of management and budget must transfer the certified amount from the general~~
 25.20 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
 25.21 ~~Minnesota Statutes, section 299A.706.~~

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

25.23 **Sec. 14. NEUROPSYCHOLOGICAL EXAMINATION FEASIBILITY STUDY.**

25.24 (a) The state court administrator shall conduct a feasibility study on requiring courts to
 25.25 order that individuals convicted of felony-level criminal offenses undergo a
 25.26 neuropsychological examination to determine whether, due to a stroke, traumatic brain
 25.27 injury, or fetal alcohol spectrum disorder, the individual had a mental impairment that caused
 25.28 the individual to lack substantial capacity for judgment when the offense was committed.

25.29 (b) In conducting the study, the administrator shall consult with interested parties,
 25.30 including but not limited to prosecutors, public defenders, private criminal defense attorneys,
 25.31 law enforcement officials, probation officers, judges and employees of the judiciary,

26.1 corrections officials, mental health practitioners and treatment providers, individuals with
26.2 experience in conducting neuropsychological examinations, and individuals who have
26.3 experience in the criminal justice system with people who have suffered strokes, traumatic
26.4 brain injuries, and fetal alcohol spectrum disorder.

26.5 (c) The study must make recommendations on whether the law should be changed to
26.6 require these examinations and, if so, the situations and conditions under which the
26.7 examinations should be required, including but not limited to:

26.8 (1) the types of offenses the requirement should apply to;

26.9 (2) how best to screen individuals to determine whether an examination should be
26.10 required;

26.11 (3) situations in which an examination would not be required, potentially including
26.12 where a recent examination had been conducted;

26.13 (4) the costs involved with requiring examinations and how best to pay for these costs;
26.14 and

26.15 (5) the effect examination results should have on future proceedings involving the
26.16 individual, including sentencing and providing treatment.

26.17 (d) By February 15, 2022, the state court administrator shall report to the chairs and
26.18 ranking minority members of the legislative committees with jurisdiction over criminal
26.19 justice policy and funding on the results of the study.

26.20 **Sec. 15. 911 TELECOMMUNICATOR WORKING GROUP.**

26.21 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene a 911
26.22 telecommunicator working group that consists of the commissioner or a designee and one
26.23 representative of each of the following organizations:

26.24 (1) the Minnesota Chiefs of Police Association;

26.25 (2) the Minnesota Sheriffs' Association;

26.26 (3) the Minnesota Police and Peace Officers Association;

26.27 (4) the Emergency Communications Network;

26.28 (5) the Minnesota State Fire Chiefs Association;

26.29 (6) the Association of Minnesota Counties;

26.30 (7) the League of Minnesota Cities;

- 27.1 (8) Tribal dispatchers;
- 27.2 (9) the Metropolitan Emergency Services Board;
- 27.3 (10) the Emergency Medical Services Regulatory Board;
- 27.4 (11) the Statewide Emergency Communications Board;
- 27.5 (12) each of the Statewide Emergency Communications Board's seven regional boards;
- 27.6 (13) mental health crisis team providers; and
- 27.7 (14) the Minnesota Association of Public Safety Communications Officials (MN APCO)
- 27.8 and the National Emergency Number Association of Minnesota (NENA of MN).

27.9 (b) The organizations specified in paragraph (a) shall provide the commissioner with a

27.10 designated member to serve on the working group by June 15, 2021. The commissioner

27.11 shall appoint these members to the working group. Appointments to the working group

27.12 must be made by July 1, 2021.

27.13 Subd. 2. **Duties; report.** The working group must submit a report to the chairs and

27.14 ranking minority members of the legislative committees with jurisdiction over public safety

27.15 policy and finance by January 15, 2022. The report must:

- 27.16 (1) recommend a statutory definition of 911 telecommunicators;
- 27.17 (2) recommend minimum training and continuing education standards for certification
- 27.18 of 911 telecommunicators;
- 27.19 (3) recommend standards for certification of 911 telecommunicators;
- 27.20 (4) recommend funding options for mandated 911 telecommunicators training; and
- 27.21 (5) provide other recommendations the working group deems appropriate.

27.22 Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the

27.23 first meeting of the working group by August 1, 2021. At the first meeting, the members

27.24 must elect a chair. The working group may conduct meetings remotely. The chair shall be

27.25 responsible for document management of materials for the working group.

27.26 Subd. 4. **Compensation; reimbursement.** Members serve without compensation.

27.27 Subd. 5. **Administrative support.** The commissioner of public safety must provide

27.28 administrative support to the working group.

27.29 Subd. 6. **Expiration.** The working group expires January 15, 2022.

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

28.1 Sec. 16. **REVISOR INSTRUCTION.**

28.2 In the next edition of Minnesota Statutes, the revisor of statutes shall codify the
28.3 alternatives to incarceration pilot project under section 12 to reflect that it is a permanent
28.4 program. The revisor may make editorial and other nonsubstantive language changes to
28.5 accomplish this.

28.6 **ARTICLE 3**

28.7 **CRIMINAL AND PUBLIC SAFETY POLICY CHANGES RELATING TO THE**
28.8 **BUDGET**

28.9 Section 1. **[3.8844] LEGISLATIVE COMMISSION ON DATA PRACTICES.**

28.10 Subdivision 1. **Established.** The Legislative Commission on Data Practices and Personal
28.11 Data Privacy is created to study issues relating to government data practices and individuals'
28.12 personal data privacy rights and to review legislation impacting data practices, data security,
28.13 and personal data privacy. The commission is a continuation of the commission that was
28.14 established by Laws 2014, chapter 193, as amended, and which expired June 30, 2019.

28.15 Subd. 2. **Membership.** The commission consists of two senators appointed by the senate
28.16 majority leader, two senators appointed by the minority leader in the senate, two members
28.17 of the house of representatives appointed by the speaker, and two members of the house of
28.18 representatives appointed by the minority leader in the house. Two members from each
28.19 chamber must be from the majority party in that chamber and two members from each
28.20 chamber must be from the minority party in that chamber. Each appointing authority must
28.21 make appointments as soon as possible after the beginning of the regular legislative session
28.22 in the odd-numbered year. The ranking senator from the majority party appointed to the
28.23 commission must convene the first meeting of a biennium by February 15 in the
28.24 odd-numbered year. The commission may elect up to four former legislators who have
28.25 demonstrated an interest in, or have a history of working in, the areas of government data
28.26 practices and personal data privacy to serve as nonvoting members of the commission. The
28.27 former legislators must not be registered lobbyists and shall be compensated as provided
28.28 under section 15.0575, subdivision 3.

28.29 Subd. 3. **Terms; vacancies.** Members of the commission serve for terms beginning upon
28.30 appointment and ending at the beginning of the regular legislative session in the next
28.31 odd-numbered year. The appropriate appointing authority must fill a vacancy for a seat of
28.32 a current legislator for the remainder of the unexpired term.

29.1 Subd. 4. **Officers.** The commission must elect a chair and may elect other officers as it
 29.2 determines are necessary. The chair alternates between a member of the senate and a member
 29.3 of the house of representatives in January of each odd-numbered year.

29.4 Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to
 29.5 the commission. The Legislative Coordinating Commission may, if funding is available,
 29.6 appoint staff to provide research assistance.

29.7 Subd. 6. **Duties.** The commission shall:

29.8 (1) review and provide the legislature with research and analysis of emerging issues
 29.9 relating to government data practices and security and privacy of personal data;

29.10 (2) review and make recommendations on legislative proposals relating to the Minnesota
 29.11 Government Data Practices Act; and

29.12 (3) review and make recommendations on legislative proposals impacting personal data
 29.13 privacy rights, data security, and other related issues.

29.14 **EFFECTIVE DATE.** This section is effective the day following final enactment. Initial
 29.15 members of the commission serve for a term ending in January 2023. A member of the
 29.16 house of representatives shall serve as the first chair of the commission. A member of the
 29.17 senate shall serve as chair of the commission beginning in January 2023.

29.18 Sec. 2. **[241.067] RELEASE OF INMATES; DUTIES OF COMMISSIONER.**

29.19 Subdivision 1. **Assistance relating to identification cards.** (a) Upon the request of an
 29.20 inmate, the commissioner, in collaboration with the Department of Public Safety, shall
 29.21 facilitate the provision of a state identification card to an inmate at no cost to the inmate,
 29.22 provided the inmate possesses the necessary qualifying documents to obtain the card. This
 29.23 assistance does not apply to inmates who (1) upon intake have six months or less remaining
 29.24 in their term of imprisonment, (2) already have other valid identification, (3) already have
 29.25 a valid photograph on file with the Department of Public Safety that may be used as proof
 29.26 of identity for renewing an identification document, or (4) are being imprisoned for a release
 29.27 violation.

29.28 (b) The commissioner shall inform inmates of the commissioner's duties under paragraph
 29.29 (a) upon intake and again upon the initiation of release planning.

29.30 Subd. 2. **Medications.** (a) When releasing an inmate from prison, the commissioner
 29.31 shall provide the inmate with a one-month supply of any non-narcotic medications that have

30.1 been prescribed to the inmate and a prescription for a 30-day supply of these medications
30.2 that may be refilled twice.

30.3 (b) Paragraph (a) applies only to the extent the requirement is consistent with clinical
30.4 guidelines and permitted under state and federal law.

30.5 (c) Nothing in this subdivision overrides the requirements in section 244.054.

30.6 **EFFECTIVE DATE.** This section is effective September 1, 2021.

30.7 Sec. 3. **[241.068] HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING**
30.8 **ON HOMELESSNESS.**

30.9 Subdivision 1. **Homelessness mitigation plan; report.** (a) The commissioner of
30.10 corrections shall develop and implement a homelessness mitigation plan for individuals
30.11 released from prison. At minimum, the plan must include:

30.12 (1) redesigning of business practices and policies to boost efforts to prevent homelessness
30.13 for all persons released from prison;

30.14 (2) efforts to increase interagency and intergovernmental collaboration between state
30.15 and local governmental units to identify and leverage shared resources; and

30.16 (3) development of internal metrics for the agency to report on its progress towards
30.17 implementing the plan and achieving the plan's goals.

30.18 (b) The commissioner shall submit the plan to the chairs and ranking minority members
30.19 of the legislative committees having jurisdiction over criminal justice policy and finance
30.20 by October 31, 2022.

30.21 Subd. 2. **Reporting on individuals released to homelessness.** (a) By February 15 of
30.22 each year beginning in 2022, the commissioner shall report to the chairs and ranking minority
30.23 members of the legislative committees having jurisdiction over criminal justice policy and
30.24 finance the following information on adults, disaggregated by race, gender, and county of
30.25 release:

30.26 (1) the total number released to homelessness from prison;

30.27 (2) the total number released to homelessness by each Minnesota correctional facility;

30.28 (3) the total number released to homelessness by county of release; and

30.29 (4) the total number under supervised, intensive supervised, or conditional release
30.30 following release from prison who reported experiencing homelessness or a lack of housing
30.31 stability.

31.1 (b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner
 31.2 shall include in the report required under paragraph (a), information detailing progress,
 31.3 measures, and challenges to the implementation of the homelessness mitigation plan required
 31.4 by subdivision 1.

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

31.6 Sec. 4. Minnesota Statutes 2020, section 244.065, is amended to read:

31.7 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
 31.8 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
 31.9 **INSTITUTIONS IN COMMUNITY.**

31.10 Subdivision 1. **Work.** When consistent with the public interest and the public safety,
 31.11 the commissioner of corrections may conditionally release an inmate to work at paid
 31.12 employment, seek employment, or participate in a vocational training or educational program,
 31.13 as provided in section 241.26, if the inmate has served at least one half of the term of
 31.14 imprisonment.

31.15 Subd. 2. **Pregnancy.** (a) In the furtherance of public interest and community safety, the
 31.16 commissioner of corrections may conditionally release:

31.17 (1) for up to one year postpartum, an inmate who gave birth within eight months of the
 31.18 date of commitment; and

31.19 (2) for the duration of the pregnancy and up to one year postpartum, an inmate who is
 31.20 pregnant.

31.21 (b) The commissioner may conditionally release an inmate under paragraph (a) to
 31.22 community-based programming for the purpose of participation in prenatal or postnatal
 31.23 care programming and to promote mother-child bonding in addition to other programming
 31.24 requirements as established by the commissioner, including evidence-based parenting skills
 31.25 programming; working at paid employment; seeking employment; or participating in
 31.26 vocational training, an educational program, or chemical dependency or mental health
 31.27 treatment services.

31.28 (c) The commissioner shall develop policy and criteria to implement this subdivision
 31.29 according to public safety and generally accepted correctional practice.

31.30 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking
 31.31 minority members of the house of representatives and senate committees with jurisdiction

32.1 over corrections on the number of inmates released and the duration of the release under
 32.2 this subdivision for the prior calendar year.

32.3 Sec. 5. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

32.4 Subd. 3. **Additional duty.** (a) The unit shall investigate all criminal sexual conduct
 32.5 cases:

32.6 (1) involving peace officers, including criminal sexual conduct cases involving chief
 32.7 law enforcement officers; and

32.8 (2) where a member of the Minnesota National Guard is the victim, the accused is a
 32.9 member of the Minnesota National Guard, and the incident occurred in Minnesota.

32.10 (b) The unit shall assist the agency investigating an alleged sexual assault of a member
 32.11 of the Minnesota National Guard by another member of the Minnesota National Guard that
 32.12 occurred in a jurisdiction outside of the state, if the investigating agency requests assistance
 32.13 from the unit.

32.14 (c) The unit may also investigate conflict of interest cases involving peace officers.

32.15 Sec. 6. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

32.18 (b) "Conviction" means any of the following accepted and recorded by the court: a plea
 32.19 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes
 32.20 a conviction by any court in Minnesota or another jurisdiction.

32.21 (c) "Prior conviction" means a conviction that occurred before the offender committed
 32.22 the next felony resulting in a conviction and before the offense for which the offender is
 32.23 being sentenced under this section.

32.24 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
 32.25 the following laws of this state or any similar laws of the United States or any other state:
 32.26 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
 32.27 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;
 32.28 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;
 32.29 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,
 32.30 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision
 32.31 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony

33.1 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15
 33.2 years or more; or Minnesota Statutes 2012, section 609.21.

33.3 **EFFECTIVE DATE.** This section is effective August 1, 2021.

33.4 Sec. 7. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

33.5 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor
 33.6 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision
 33.7 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3;~~ 609.52; or 617.23, or an ordinance
 33.8 that conforms in substantial part to any of those sections. A violation described in this
 33.9 subdivision must be treated as a misdemeanor unless the defendant consents to the
 33.10 certification of the violation as a petty misdemeanor.

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

33.13 Sec. 8. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

33.14 Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
 33.15 **in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,
 33.16 intentionally does any of the following may be sentenced to imprisonment for not more
 33.17 than ~~20~~ 25 years or to payment of a fine of not more than \$50,000, or both:

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

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

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

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

33.24 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment
 33.25 for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if
 33.26 one or more of the following aggravating factors are present:

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

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

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

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

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

34.6 Sec. 9. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

34.7 Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking**
 34.8 **in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally
 34.9 does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years
 34.10 or to payment of a fine of not more than \$40,000, or both:

34.11 (1) solicits or induces an individual to practice prostitution;

34.12 (2) promotes the prostitution of an individual;

34.13 (3) receives profit, knowing or having reason to know that it is derived from the
 34.14 prostitution, or the promotion of the prostitution, of an individual; or

34.15 (4) engages in the sex trafficking of an individual.

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

34.18 Sec. 10. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

34.19 Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever,
 34.20 while acting as a patron, intentionally does any of the following ~~while in a public place~~ is
 34.21 guilty of a gross misdemeanor:

34.22 (1) engages in prostitution with an individual 18 years of age or older; or

34.23 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage
 34.24 in sexual penetration or sexual contact.

34.25 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
 34.26 subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

34.27 (b) Whoever violates the provisions of this subdivision within ten years of a previous
 34.28 conviction for violating this section or section 609.322 is guilty of a felony and may be
 34.29 sentenced to imprisonment for not more than five years or to payment of a fine of not more
 34.30 than \$10,000, or both.

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

35.3 Sec. 11. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

35.4 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person
35.5 convicted of violating subdivision 2 ~~or 3~~ to perform community work service in lieu of all
35.6 or a portion of the minimum fine required under those subdivisions if the court makes
35.7 specific, written findings that the convicted person is indigent or that payment of the fine
35.8 would create undue hardship for the convicted person or that person's immediate family.
35.9 Community work service ordered under this subdivision is in addition to any mandatory
35.10 community work service ordered under subdivision 3.

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

35.13 Sec. 12. Minnesota Statutes 2020, section 609.3241, is amended to read:

35.14 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

35.15 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
35.16 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
35.17 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
35.18 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
35.19 609.324, subdivision 2, ~~a misdemeanor violation of section 609.324, subdivision 3,~~ a violation
35.20 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an
35.21 assessment of not less than \$750 and not more than \$1,000. The assessment shall be
35.22 distributed as provided in paragraph (c) and is in addition to the surcharge required by
35.23 section 357.021, subdivision 6.

35.24 (b) The court may not waive payment of the minimum assessment required by this
35.25 section. If the defendant qualifies for the services of a public defender or the court finds on
35.26 the record that the convicted person is indigent or that immediate payment of the assessment
35.27 would create undue hardship for the convicted person or that person's immediate family,
35.28 the court may reduce the amount of the minimum assessment to not less than \$100. The
35.29 court also may authorize payment of the assessment in installments.

35.30 (c) The assessment collected under paragraph (a) must be distributed as follows:

35.31 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
35.32 employs the arresting officer for use in enforcement, training, and education activities related

36.1 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
36.2 state, this portion shall be forwarded to the commissioner of public safety for those purposes
36.3 identified in clause (3);

36.4 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
36.5 the case for use in training and education activities relating to combating sexual exploitation
36.6 activities of youth; and

36.7 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
36.8 deposited in the safe harbor for youth account in the special revenue fund and are
36.9 appropriated to the commissioner for distribution to crime victims services organizations
36.10 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
36.11 31.

36.12 (d) A safe harbor for youth account is established as a special account in the state treasury.

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

36.15 Sec. 13. Minnesota Statutes 2020, section 609.3459, is amended to read:

36.16 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

36.17 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
36.18 enforcement investigation by contacting any law enforcement agency, regardless of where
36.19 the crime may have occurred. The agency must prepare a summary of the allegation and
36.20 provide the person with a copy of it. The agency must begin an investigation of the facts,
36.21 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
36.22 with the summary to the law enforcement agency where the suspected crime was committed
36.23 for an investigation of the facts. If the agency learns that both the victim and the accused
36.24 are members of the Minnesota National Guard, the agency receiving the report must refer
36.25 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
36.26 pursuant to section 299C.80.

36.27 (b) If a law enforcement agency refers the matter to the law enforcement agency where
36.28 the crime was committed, it need not include the allegation as a crime committed in its
36.29 jurisdiction for purposes of information that the agency is required to provide to the
36.30 commissioner of public safety pursuant to section 299C.06, but must confirm that the other
36.31 law enforcement agency has received the referral.

37.1 Sec. 14. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

37.2 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony and
37.3 may be sentenced to imprisonment for not more than ~~three~~ five years, or to payment of a
37.4 fine of not more than ~~\$5,000~~ \$10,000, or both.

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

37.7 Sec. 15. **[609.3775] CHILD TORTURE.**

37.8 Subdivision 1. **Definition.** As used in this section, "torture" means the intentional
37.9 infliction of extreme mental anguish, or extreme psychological or physical abuse, when
37.10 committed in an especially depraved manner.

37.11 Subd. 2. **Crime.** A person who tortures a child is guilty of a felony and may be sentenced
37.12 to imprisonment for not more than 25 years or to payment of a fine of not more than \$35,000,
37.13 or both.

37.14 Subd. 3. **Proof; evidence.** (a) Expert testimony as to the existence or extent of mental
37.15 anguish or psychological abuse is not a requirement for a conviction under this section.

37.16 (b) A child's special susceptibility to mental anguish or psychological abuse does not
37.17 constitute an independent cause of the condition so that a defendant is exonerated from
37.18 criminal liability.

37.19 (c) Proof that a victim suffered pain is not an element of a violation of this section.

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

37.22 Sec. 16. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

37.23 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility
37.24 providing emergency shelter services for battered women, as defined under section 611A.31,
37.25 subdivision 3, or providing comparable services for sex trafficking victims, as defined under
37.26 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered
37.27 women and their children or sex trafficking victims and their children, without claim of
37.28 right or consent of one who has right to give consent, and refuses to depart from the grounds
37.29 of the facility on demand of one who has right to give consent, is guilty of a gross
37.30 misdemeanor.

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

38.3 Sec. 17. **INITIAL APPOINTMENTS AND MEETINGS.**

38.4 Appointing authorities for the Legislative Commission on Data Practices under Minnesota
38.5 Statutes, section 3.8844, must make initial appointments by June 1, 2021. The speaker of
38.6 the house of representatives must designate one member of the commission to convene the
38.7 first meeting of the commission by June 15, 2021.

38.8 Sec. 18. **SENTENCING GUIDELINES COMPREHENSIVE REVIEW.**

38.9 The Sentencing Guidelines Commission shall comprehensively review and consider
38.10 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
38.11 described in Minnesota Statutes, section 609.322.

38.12 **EFFECTIVE DATE.** This section is effective August 1, 2021.

38.13 Sec. 19. **SENTENCING GUIDELINES COMMISSION DIRECTED TO INCREASE**
38.14 **THE RANKINGS FOR CERTAIN CHILD PORNOGRAPHY CRIMES.**

38.15 The Sentencing Guidelines Commission is directed to increase the severity rankings on
38.16 the sex offender grid for a violation of Minnesota Statutes, section 617.247, subdivision 3,
38.17 paragraph (b), from severity level D to C, and subdivision 4, paragraph (b), from severity
38.18 level F to E, consistent with the recommendations contained in the minority report in the
38.19 commission's 2021 report to the legislature. The other modifications to the grid relating to
38.20 child pornography crimes proposed in the main report are adopted.

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

38.23 Sec. 20. **REPEALER.**

38.24 Minnesota Statutes 2020, section 609.324, subdivision 3, is repealed.

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

ARTICLE 4

CRIMINAL SEXUAL CONDUCT CHANGES

39.1
39.2
39.3 Section 1. Minnesota Statutes 2020, section 2.722, subdivision 1, is amended to read:

39.4 Subdivision 1. **Description.** Effective July 1, 1959, the state is divided into ten judicial
39.5 districts composed of the following named counties, respectively, in each of which districts
39.6 judges shall be chosen as hereinafter specified:

39.7 1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 36 judges; and four
39.8 permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe
39.9 and one other shall be maintained at the place designated by the chief judge of the district;

39.10 2. Ramsey; 26 judges;

39.11 3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower,
39.12 and Fillmore; 23 judges; and permanent chambers shall be maintained in Faribault, Albert
39.13 Lea, Austin, Rochester, and Winona;

39.14 4. Hennepin; 60 judges;

39.15 5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood,
39.16 Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~16~~ 17 judges; and
39.17 permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and
39.18 Mankato;

39.19 6. Carlton, St. Louis, Lake, and Cook; 15 judges;

39.20 7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and
39.21 Wadena; 30 judges; and permanent chambers shall be maintained in Moorhead, Fergus
39.22 Falls, Little Falls, and St. Cloud;

39.23 8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big
39.24 Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers
39.25 shall be maintained in Morris, Montevideo, and Willmar;

39.26 9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin,
39.27 Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and
39.28 Koochiching; 24 judges; and permanent chambers shall be maintained in Crookston, Thief
39.29 River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

39.30 10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 45
39.31 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places
39.32 designated by the chief judge of the district.

40.1 Sec. 2. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

40.8 (ii) kidnapping under section 609.25;

40.9 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
40.10 subdivision 3; or 609.3453;

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

40.12 (v) surreptitious intrusion under the circumstances described in section 609.746,
40.13 subdivision 1, paragraph (f);

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

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

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

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

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

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

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

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

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

40.28 (4) the person was charged with or petitioned for, including pursuant to a court martial,
40.29 violating a law of the United States, including the Uniform Code of Military Justice, similar

41.1 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
41.2 for that offense or another offense arising out of the same set of circumstances.

41.3 Notwithstanding clause (1), item (iii), a person is not required to register based on conduct
41.4 described in section 609.3451, subdivision 3, paragraph (a), unless the person has previously
41.5 been convicted of violating section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3453;
41.6 617.23, subdivision 2, clause (2), or 3; or 617.247.

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

41.8 (1) the person was charged with or petitioned for an offense in another state that would
41.9 be a violation of a law described in paragraph (a) if committed in this state and convicted
41.10 of or adjudicated delinquent for that offense or another offense arising out of the same set
41.11 of circumstances;

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

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

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

41.24 (c) A person also shall register under this section if the person was committed pursuant
41.25 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
41.26 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
41.27 United States, regardless of whether the person was convicted of any offense.

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

41.29 (1) the person was charged with or petitioned for a felony violation or attempt to violate
41.30 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
41.31 the United States, or the person was charged with or petitioned for a violation of any of the
41.32 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
41.33 States;

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

42.4 (3) the person was committed pursuant to a court commitment order under section
 42.5 253B.18 or a similar law of another state or the United States.

42.6 Sec. 3. Minnesota Statutes 2020, section 609.2325, is amended to read:

42.7 **609.2325 CRIMINAL ABUSE.**

42.8 Subdivision 1. **Crimes.** ~~(a)~~ A caregiver who, with intent to produce physical or mental
 42.9 pain or injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation
 42.10 procedure, unreasonable confinement, or involuntary seclusion, is guilty of criminal abuse
 42.11 and may be sentenced as provided in subdivision 3.

42.12 This ~~paragraph~~ subdivision does not apply to therapeutic conduct.

42.13 ~~(b) A caregiver, facility staff person, or person providing services in a facility who~~
 42.14 ~~engages in sexual contact or penetration, as defined in section 609.341, under circumstances~~
 42.15 ~~other than those described in sections 609.342 to 609.345, with a resident, patient, or client~~
 42.16 ~~of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision~~
 42.17 ~~3.~~

42.18 Subd. 2. **Exemptions.** For the purposes of this section, a vulnerable adult is not abused
 42.19 for the sole reason that:

42.20 (1) the vulnerable adult or a person with authority to make health care decisions for the
 42.21 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
 42.22 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
 42.23 that authority and within the boundary of reasonable medical practice, to any therapeutic
 42.24 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
 42.25 or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition
 42.26 and hydration parenterally or through intubation; this paragraph does not enlarge or diminish
 42.27 rights otherwise held under law by:

42.28 (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an
 42.29 involved family member, to consent to or refuse consent for therapeutic conduct; or

42.30 (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

42.31 (2) the vulnerable adult, a person with authority to make health care decisions for the
 42.32 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or

43.1 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
 43.2 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
 43.3 adult or with the expressed intentions of the vulnerable adult; ~~or,~~

43.4 ~~(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or~~
 43.5 ~~emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a~~
 43.6 ~~person, including a facility staff person, when a consensual sexual personal relationship~~
 43.7 ~~existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of~~
 43.8 ~~whether the consensual sexual personal relationship existed prior to the caregiving~~
 43.9 ~~relationship.~~

43.10 Subd. 3. **Penalties.** ~~(a)~~ A person who violates subdivision 1, ~~paragraph (a),~~ may be
 43.11 sentenced as follows:

43.12 (1) if the act results in the death of a vulnerable adult, imprisonment for not more than
 43.13 15 years or payment of a fine of not more than \$30,000, or both;

43.14 (2) if the act results in great bodily harm, imprisonment for not more than ten years or
 43.15 payment of a fine of not more than \$20,000, or both;

43.16 (3) if the act results in substantial bodily harm or the risk of death, imprisonment for not
 43.17 more than five years or payment of a fine of not more than \$10,000, or both; or

43.18 (4) in other cases, imprisonment for not more than one year or payment of a fine of not
 43.19 more than \$3,000, or both.

43.20 ~~(b) A person who violates subdivision 1, paragraph (b), may be sentenced to imprisonment~~
 43.21 ~~for not more than one year or to payment of a fine of not more than \$3,000, or both.~~

43.22 Sec. 4. Minnesota Statutes 2020, section 609.341, subdivision 3, is amended to read:

43.23 Subd. 3. **Force.** "Force" means either: (1) the infliction; by the actor of bodily harm; or
 43.24 (2) the attempted infliction, or threatened infliction by the actor of bodily harm or commission
 43.25 or threat of any other crime by the actor against the complainant or another, which (a) causes
 43.26 the complainant to reasonably believe that the actor has the present ability to execute the
 43.27 threat and (b) if the actor does not have a significant relationship to the complainant, also
 43.28 causes the complainant to submit.

43.29 Sec. 5. Minnesota Statutes 2020, section 609.341, subdivision 7, is amended to read:

43.30 Subd. 7. **Mentally incapacitated.** "Mentally incapacitated" means:

44.1 (1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other
 44.2 substance, administered to that person without the person's agreement, lacks the judgment
 44.3 to give a reasoned consent to sexual contact or sexual penetration; or

44.4 (2) that a person is under the influence of any substance or substances to a degree that
 44.5 renders them incapable of consenting or incapable of appreciating, understanding, or
 44.6 controlling the person's conduct.

44.7 Sec. 6. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

44.8 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
 44.9 subdivision 1, clauses (a) to ~~(f)~~ (e), and subdivision 1a, clauses (a) to (f) and (i), and 609.345,
 44.10 subdivision 1, clauses (a) to ~~(e)~~ (d) and ~~(h)~~ (i), and subdivision 1a, clauses (a) to (e),
 44.11 (h), and (i), includes any of the following acts committed without the complainant's consent,
 44.12 except in those cases where consent is not a defense, and committed with sexual or aggressive
 44.13 intent:

44.14 (i) the intentional touching by the actor of the complainant's intimate parts, or

44.15 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 44.16 parts effected by a person in a current or recent position of authority, or by coercion, or by
 44.17 inducement if the complainant is under ~~13~~ 14 years of age or mentally impaired, or

44.18 (iii) the touching by another of the complainant's intimate parts effected by coercion or
 44.19 by a person in a current or recent position of authority, or

44.20 (iv) in any of the cases above, the touching of the clothing covering the immediate area
 44.21 of the intimate parts, or

44.22 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
 44.23 body or the clothing covering the complainant's body.

44.24 (b) "Sexual contact," for the purposes of sections 609.343, subdivision ~~1~~ 1a, clauses (g)
 44.25 and (h), and 609.345, subdivision ~~1~~ 1a, clauses (f) and (g), includes any of the following
 44.26 acts committed with sexual or aggressive intent:

44.27 (i) the intentional touching by the actor of the complainant's intimate parts;

44.28 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 44.29 parts;

44.30 (iii) the touching by another of the complainant's intimate parts;

45.1 (iv) in any of the cases listed above, touching of the clothing covering the immediate
45.2 area of the intimate parts; or

45.3 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
45.4 body or the clothing covering the complainant's body.

45.5 (c) "Sexual contact with a person under ~~13~~ 14" means the intentional touching of the
45.6 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
45.7 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
45.8 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

45.9 Sec. 7. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:

45.10 Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts
45.11 committed without the complainant's consent, except in those cases where consent is not a
45.12 defense, whether or not emission of semen occurs:

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

45.14 (2) any intrusion however slight into the genital or anal openings:

45.15 (i) of the complainant's body by any part of the actor's body or any object used by the
45.16 actor for this purpose;

45.17 (ii) of the complainant's body by any part of the body of the complainant, by any part
45.18 of the body of another person, or by any object used by the complainant or another person
45.19 for this purpose, when effected by a person in a current or recent position of authority, or
45.20 by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired;
45.21 or

45.22 (iii) of the body of the actor or another person by any part of the body of the complainant
45.23 or by any object used by the complainant for this purpose, when effected by a person in a
45.24 current or recent position of authority, or by coercion, or by inducement if the child is under
45.25 ~~13~~ 14 years of age or mentally impaired.

45.26 Sec. 8. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

45.27 Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances
45.28 that cause the complainant reasonably to fear ~~that the actor will inflict~~ the infliction of bodily
45.29 harm upon the complainant or another, or the use by the actor of confinement, or superior
45.30 size or strength, against the complainant ~~that causes the complainant to submit to sexual~~

46.1 ~~penetration or contact against the complainant's will~~ to accomplish the act. Proof of coercion
 46.2 does not require proof of a specific act or threat.

46.3 Sec. 9. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

46.4 Subd. 15. **Significant relationship.** "Significant relationship" means a situation in which
 46.5 the actor is:

46.6 (1) the complainant's parent, stepparent, or guardian;

46.7 (2) any of the following persons related to the complainant by blood, marriage, or
 46.8 adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece,
 46.9 grandparent, great-grandparent, great-uncle, great-aunt; ~~or~~

46.10 (3) an adult who jointly resides intermittently or regularly in the same dwelling as the
 46.11 complainant and who is not the complainant's spouse; or

46.12 (4) an adult who is or was involved in a significant romantic or sexual relationship with
 46.13 the parent of a complainant.

46.14 Sec. 10. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 46.15 to read:

46.16 Subd. 24. **Prohibited occupational relationship.** A "prohibited occupational
 46.17 relationship" exists when the actor is in one of the following occupations and the act takes
 46.18 place under the specified circumstances:

46.19 (1) the actor performed massage or other bodywork for hire, the sexual penetration or
 46.20 sexual contact occurred during or immediately before or after the actor performed or was
 46.21 hired to perform one of those services for the complainant, and the sexual penetration or
 46.22 sexual contact was nonconsensual; or

46.23 (2) the actor and the complainant were in one of the following occupational relationships
 46.24 at the time of the act. Consent by the complainant is not a defense:

46.25 (i) the actor was a psychotherapist, the complainant was the actor's patient, and the sexual
 46.26 penetration or sexual contact occurred during a psychotherapy session or during a period
 46.27 of time when the psychotherapist-patient relationship was ongoing;

46.28 (ii) the actor was a psychotherapist and the complainant was the actor's former patient
 46.29 who was emotionally dependent on the actor;

47.1 (iii) the actor was or falsely impersonated a psychotherapist, the complainant was the
47.2 actor's patient or former patient, and the sexual penetration or sexual contact occurred by
47.3 means of therapeutic deception;

47.4 (iv) the actor was or falsely impersonated a provider of medical services to the
47.5 complainant and the sexual penetration or sexual contact occurred by means of deception
47.6 or false representation that the sexual penetration or sexual contact was for a bona fide
47.7 medical purpose;

47.8 (v) the actor was or falsely impersonated a member of the clergy, the complainant was
47.9 not married to the actor, the complainant met with the actor in private seeking or receiving
47.10 religious or spiritual advice, aid, or comfort from the actor, and the sexual penetration or
47.11 sexual contact occurred during the course of the meeting or during a period of time when
47.12 the meetings were ongoing;

47.13 (vi) the actor provided special transportation service to the complainant and the sexual
47.14 penetration or sexual contact occurred during or immediately before or after the actor
47.15 transported the complainant;

47.16 (vii) the actor was or falsely impersonated a peace officer, as defined in section 626.84,
47.17 the actor physically or constructively restrained the complainant or the complainant did not
47.18 reasonably feel free to leave the actor's presence, and the sexual penetration or sexual contact
47.19 was not pursuant to a lawful search or lawful use of force;

47.20 (viii) the actor was an employee, independent contractor, or volunteer of a state, county,
47.21 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
47.22 or treatment facility providing services to clients civilly committed as mentally ill and
47.23 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including but
47.24 not limited to jails, prisons, detention centers, or work release facilities, and the complainant
47.25 was a resident of a facility or under supervision of the correctional system;

47.26 (ix) the complainant was enrolled in a secondary school and:

47.27 (A) the actor was a licensed educator employed or contracted to provide service for the
47.28 school at which the complainant was a student;

47.29 (B) the actor was age 18 or older and at least 48 months older than the complainant and
47.30 was employed or contracted to provide service for the secondary school at which the
47.31 complainant was a student; or

48.1 (C) the actor was age 18 or older and at least 48 months older than the complainant, and
 48.2 was a licensed educator employed or contracted to provide services for an elementary,
 48.3 middle, or secondary school;

48.4 (x) the actor was a caregiver, facility staff person, or person providing services in a
 48.5 facility, as defined under section 609.232, subdivision 3, and the complainant was a
 48.6 vulnerable adult who was a resident, patient, or client of the facility who was impaired in
 48.7 judgment or capacity by mental or emotional dysfunction or undue influence; or

48.8 (xi) the actor was a caregiver, facility staff person, or person providing services in a
 48.9 facility, and the complainant was a resident, patient, or client of the facility. This clause
 48.10 does not apply if a consensual sexual personal relationship existed prior to the caregiving
 48.11 relationship or if the actor was a personal care attendant.

48.12 Sec. 11. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 48.13 to read:

48.14 Subd. 25. **Caregiver.** "Caregiver" has the meaning given in section 609.232, subdivision
 48.15 2.

48.16 Sec. 12. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 48.17 to read:

48.18 Subd. 26. **Facility.** "Facility" has the meaning given in section 609.232, subdivision 3.

48.19 Sec. 13. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
 48.20 to read:

48.21 Subd. 27. **Vulnerable adult.** "Vulnerable adult" has the meaning given in section
 48.22 609.232, subdivision 11.

48.23 Sec. 14. Minnesota Statutes 2020, section 609.342, is amended to read:

48.24 **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

48.25 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
 48.26 with another person, ~~or in sexual contact with a person under 13 years of age as defined in~~
 48.27 ~~section 609.341, subdivision 11, paragraph (e),~~ is guilty of criminal sexual conduct in the
 48.28 first degree if any of the following circumstances exists:

49.1 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
 49.2 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
 49.3 ~~the complainant is a defense;~~

49.4 ~~(b) the complainant is at least 13 years of age but less than 16 years of age and the actor~~
 49.5 ~~is more than 48 months older than the complainant and in a current or recent position of~~
 49.6 ~~authority over the complainant. Neither mistake as to the complainant's age nor consent to~~
 49.7 ~~the act by the complainant is a defense;~~

49.8 ~~(e)~~ (a) circumstances existing at the time of the act cause the complainant to have a
 49.9 reasonable fear of imminent great bodily harm to the complainant or another;

49.10 ~~(d)~~ (b) the actor is armed with a dangerous weapon or any article used or fashioned in
 49.11 a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
 49.12 uses or threatens to use the weapon or article to cause the complainant to submit;

49.13 ~~(e)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following
 49.14 circumstances exist:

49.15 (i) the actor uses ~~force or~~ coercion to accomplish the act; ~~or~~

49.16 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

49.17 ~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired,
 49.18 mentally incapacitated, or physically helpless;

49.19 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

49.20 ~~(f)~~ (e) the actor is aided or abetted by one or more accomplices within the meaning of
 49.21 section 609.05, and either of the following circumstances exists:

49.22 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
 49.23 or

49.24 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
 49.25 fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous
 49.26 weapon and uses or threatens to use the weapon or article to cause the complainant to
 49.27 submit;

49.28 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
 49.29 ~~under 16 years of age at the time of the act. Neither mistake as to the complainant's age nor~~
 49.30 ~~consent to the act by the complainant is a defense; or~~

49.31 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
 49.32 ~~16 years of age at the time of the act, and:~~

- 50.1 ~~(i) the actor or an accomplice used force or coercion to accomplish the act;~~
 50.2 ~~(ii) the complainant suffered personal injury; or~~
 50.3 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~

50.4 Neither mistake as to the complainant's age nor consent to the act by the complainant is
 50.5 a defense.

50.6 Subd. 1a. Victim under the age of 18; crime defined. A person who engages in
 50.7 penetration with anyone under 18 years of age or sexual contact with a person under 14
 50.8 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal
 50.9 sexual conduct in the first degree if any of the following circumstances exists:

50.10 (a) circumstances existing at the time of the act cause the complainant to have a
 50.11 reasonable fear of imminent great bodily harm to the complainant or another;

50.12 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
 50.13 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
 50.14 or threatens to use the weapon or article to cause the complainant to submit;

50.15 (c) the actor causes personal injury to the complainant, and any of the following
 50.16 circumstances exist:

50.17 (i) the actor uses coercion to accomplish the act;

50.18 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

50.19 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
 50.20 mentally incapacitated, or physically helpless;

50.21 (d) the actor is aided or abetted by one or more accomplices within the meaning of
 50.22 section 609.05, and either of the following circumstances exists:

50.23 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
 50.24 or

50.25 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
 50.26 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
 50.27 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

50.28 (e) the complainant is under 14 years of age and the actor is more than 36 months older
 50.29 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
 50.30 the complainant is a defense;

50.31 (f) the complainant is at least 14 years of age but less than 16 years of age and:

51.1 (i) the actor is more than 36 months older than the complainant; and

51.2 (ii) the actor is in a current or recent position of authority over the complainant.

51.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
51.4 defense;

51.5 (g) the complainant was under 16 years of age at the time of the act and the actor has a
51.6 significant relationship to the complainant. Neither mistake as to the complainant's age nor
51.7 consent to the act by the complainant is a defense;

51.8 (h) the complainant was under 16 years of age at the time of the act, and the actor has
51.9 a significant relationship to the complainant and any of the following circumstances exist:

51.10 (i) the actor or an accomplice used force or coercion to accomplish the act;

51.11 (ii) the complainant suffered personal injury; or

51.12 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

51.13 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
51.14 defense; or

51.15 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

51.16 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
51.17 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
51.18 may be sentenced to imprisonment for not more than 30 years or to a payment of a fine of
51.19 not more than \$40,000, or both.

51.20 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
51.21 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
51.22 presume that an executed sentence of 144 months must be imposed on an offender convicted
51.23 of violating this section. Sentencing a person in a manner other than that described in this
51.24 paragraph is a departure from the Sentencing Guidelines.

51.25 (c) A person convicted under this section is also subject to conditional release under
51.26 section 609.3455.

51.27 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
51.28 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 or 1a,
51.29 clause (g), the court may stay imposition or execution of the sentence if it finds that:

51.30 (a) a stay is in the best interest of the complainant or the family unit; and

52.1 (b) a professional assessment indicates that the offender has been accepted by and can
52.2 respond to a treatment program.

52.3 If the court stays imposition or execution of sentence, it shall include the following as
52.4 conditions of probation:

52.5 (1) incarceration in a local jail or workhouse;

52.6 (2) a requirement that the offender complete a treatment program; and

52.7 (3) a requirement that the offender have no unsupervised contact with the complainant
52.8 until the offender has successfully completed the treatment program unless approved by
52.9 the treatment program and the supervising correctional agent.

52.10 Sec. 15. Minnesota Statutes 2020, section 609.343, is amended to read:

52.11 **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

52.12 Subdivision 1. Adult victim; crime defined. A person who engages in sexual contact
52.13 with another person is guilty of criminal sexual conduct in the second degree if any of the
52.14 following circumstances exists:

52.15 ~~(a) the complainant is under 13 years of age and the actor is more than 36 months older~~
52.16 ~~than the complainant. Neither mistake as to the complainant's age nor consent to the act by~~
52.17 ~~the complainant is a defense. In a prosecution under this clause, the state is not required to~~
52.18 ~~prove that the sexual contact was coerced;~~

52.19 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
52.20 ~~48 months older than the complainant and in a current or recent position of authority over~~
52.21 ~~the complainant. Neither mistake as to the complainant's age nor consent to the act by the~~
52.22 ~~complainant is a defense;~~

52.23 ~~(c)~~ (a) circumstances existing at the time of the act cause the complainant to have a
52.24 reasonable fear of imminent great bodily harm to the complainant or another;

52.25 ~~(d)~~ (b) the actor is armed with a dangerous weapon or any article used or fashioned in
52.26 a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
52.27 uses or threatens to use the dangerous weapon to cause the complainant to submit;

52.28 ~~(e)~~ (c) the actor causes personal injury to the complainant, and ~~either~~ any of the following
52.29 circumstances exist:

52.30 (i) the actor uses ~~force or~~ coercion to accomplish the sexual contact; ~~or~~

52.31 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or

53.1 ~~(ii)~~ (iii) the actor knows or has reason to know that the complainant is mentally impaired,
 53.2 mentally incapacitated, or physically helpless;

53.3 (d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or

53.4 ~~(f)~~ (e) the actor is aided or abetted by one or more accomplices within the meaning of
 53.5 section 609.05, and either of the following circumstances exists:

53.6 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
 53.7 or

53.8 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
 53.9 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
 53.10 weapon and uses or threatens to use the weapon or article to cause the complainant to
 53.11 submit;

53.12 ~~(g) the actor has a significant relationship to the complainant and the complainant was~~
 53.13 ~~under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's~~
 53.14 ~~age nor consent to the act by the complainant is a defense; or~~

53.15 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
 53.16 ~~16 years of age at the time of the sexual contact, and:~~

53.17 ~~(i) the actor or an accomplice used force or coercion to accomplish the contact;~~

53.18 ~~(ii) the complainant suffered personal injury; or~~

53.19 ~~(iii) the sexual abuse involved multiple acts committed over an extended period of time.~~

53.20 ~~Neither mistake as to the complainant's age nor consent to the act by the complainant is~~
 53.21 ~~a defense.~~

53.22 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
 53.23 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the second
 53.24 degree if any of the following circumstances exists:

53.25 (a) circumstances existing at the time of the act cause the complainant to have a
 53.26 reasonable fear of imminent great bodily harm to the complainant or another;

53.27 (b) the actor is armed with a dangerous weapon or any article used or fashioned in a
 53.28 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
 53.29 or threatens to use the dangerous weapon to cause the complainant to submit;

53.30 (c) the actor causes personal injury to the complainant, and any of the following
 53.31 circumstances exist:

- 54.1 (i) the actor uses coercion to accomplish the sexual contact;
- 54.2 (ii) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or
- 54.3 (iii) the actor knows or has reason to know that the complainant is mentally impaired,
- 54.4 mentally incapacitated, or physically helpless;
- 54.5 (d) the actor is aided or abetted by one or more accomplices within the meaning of
- 54.6 section 609.05, and either of the following circumstances exists:
- 54.7 (i) the actor or an accomplice uses force or coercion to cause the complainant to submit;
- 54.8 or
- 54.9 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
- 54.10 fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous
- 54.11 weapon and uses or threatens to use the weapon or article to cause the complainant to submit;
- 54.12 (e) the complainant is under 14 years of age and the actor is more than 36 months older
- 54.13 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
- 54.14 the complainant is a defense. In a prosecution under this clause, the state is not required to
- 54.15 prove that the sexual contact was coerced;
- 54.16 (f) the complainant is at least 14 but less than 16 years of age and the actor is more than
- 54.17 36 months older than the complainant and in a current or recent position of authority over
- 54.18 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
- 54.19 complainant is a defense;
- 54.20 (g) the complainant was under 16 years of age at the time of the sexual contact and the
- 54.21 actor has a significant relationship to the complainant. Neither mistake as to the complainant's
- 54.22 age nor consent to the act by the complainant is a defense;
- 54.23 (h) the actor has a significant relationship to the complainant, the complainant was under
- 54.24 16 years of age at the time of the sexual contact, and:
- 54.25 (i) the actor or an accomplice used force or coercion to accomplish the contact;
- 54.26 (ii) the complainant suffered personal injury; or
- 54.27 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- 54.28 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
- 54.29 defense; or
- 54.30 (i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1).

55.1 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
 55.2 Statutes 2004, section 609.109, a person convicted under subdivision 1 or subdivision 1a
 55.3 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of
 55.4 not more than \$35,000, or both.

55.5 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
 55.6 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
 55.7 presume that an executed sentence of 90 months must be imposed on an offender convicted
 55.8 of violating subdivision 1, clause (a), (b), (c), (d), or (e), ~~(f)~~, or subdivision 1a, clause (a),
 55.9 (b), (c), (d), ~~(h)~~, or (i). Sentencing a person in a manner other than that described in this
 55.10 paragraph is a departure from the Sentencing Guidelines.

55.11 (c) A person convicted under this section is also subject to conditional release under
 55.12 section 609.3455.

55.13 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
 55.14 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 1a,
 55.15 clause (g), the court may stay imposition or execution of the sentence if it finds that:

55.16 (a) a stay is in the best interest of the complainant or the family unit; and

55.17 (b) a professional assessment indicates that the offender has been accepted by and can
 55.18 respond to a treatment program.

55.19 If the court stays imposition or execution of sentence, it shall include the following as
 55.20 conditions of probation:

55.21 (1) incarceration in a local jail or workhouse;

55.22 (2) a requirement that the offender complete a treatment program; and

55.23 (3) a requirement that the offender have no unsupervised contact with the complainant
 55.24 until the offender has successfully completed the treatment program unless approved by
 55.25 the treatment program and the supervising correctional agent.

55.26 Sec. 16. Minnesota Statutes 2020, section 609.344, is amended to read:

55.27 **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

55.28 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual penetration
 55.29 with another person is guilty of criminal sexual conduct in the third degree if any of the
 55.30 following circumstances exists:

56.1 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
 56.2 ~~older than the complainant. Neither mistake as to the complainant's age nor consent to the~~
 56.3 ~~act by the complainant shall be a defense;~~

56.4 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
 56.5 ~~24 months older than the complainant. In any such case if the actor is no more than 120~~
 56.6 ~~months older than the complainant, it shall be an affirmative defense, which must be proved~~
 56.7 ~~by a preponderance of the evidence, that the actor reasonably believes the complainant to~~
 56.8 ~~be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not~~
 56.9 ~~be a defense. Consent by the complainant is not a defense;~~

56.10 ~~(e) (a) the actor uses force or coercion to accomplish the penetration;~~

56.11 ~~(d) (b) the actor knows or has reason to know that the complainant is mentally impaired,~~
 56.12 ~~mentally incapacitated, or physically helpless;~~

56.13 ~~(c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or~~

56.14 ~~(d) at the time of the act, the actor is in a prohibited occupational relationship with the~~
 56.15 ~~complainant.~~

56.16 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual
 56.17 penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the
 56.18 third degree if any of the following circumstances exists:

56.19 (a) the complainant is under 14 years of age and the actor is no more than 36 months
 56.20 older than the complainant. Neither mistake as to the complainant's age nor consent to the
 56.21 act by the complainant shall be a defense;

56.22 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
 56.23 36 months older than the complainant. In any such case if the actor is no more than 60
 56.24 months older than the complainant, it shall be an affirmative defense, which must be proved
 56.25 by a preponderance of the evidence, that the actor reasonably believes the complainant to
 56.26 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
 56.27 be a defense. Consent by the complainant is not a defense;

56.28 (c) the actor uses coercion to accomplish the penetration;

56.29 (d) the actor knows or has reason to know that the complainant is mentally impaired,
 56.30 mentally incapacitated, or physically helpless;

56.31 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
 56.32 48 36 months older than the complainant and in a current or recent position of authority

57.1 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
57.2 the complainant is a defense;

57.3 (f) the actor has a significant relationship to the complainant and the complainant was
57.4 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
57.5 as to the complainant's age nor consent to the act by the complainant is a defense;

57.6 (g) the actor has a significant relationship to the complainant, the complainant was at
57.7 least 16 but under 18 years of age at the time of the sexual penetration, and:

57.8 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

57.9 (ii) the complainant suffered personal injury; or

57.10 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

57.11 Neither mistake as to the complainant's age nor consent to the act by the complainant is
57.12 a defense;

57.13 (h) ~~the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
57.14 ~~and the sexual penetration occurred:~~ the actor uses force, as defined in section 609.341,
57.15 subdivision 3, clause (2); or

57.16 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
57.17 complainant.

57.18 ~~(i) during the psychotherapy session; or~~

57.19 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
57.20 ~~exists.~~

57.21 ~~Consent by the complainant is not a defense;~~

57.22 ~~(i) the actor is a psychotherapist and the complainant is a former patient of the~~
57.23 ~~psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~

57.24 ~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and~~
57.25 ~~the sexual penetration occurred by means of therapeutic deception. Consent by the~~
57.26 ~~complainant is not a defense;~~

57.27 ~~(k) the actor accomplishes the sexual penetration by means of deception or false~~
57.28 ~~representation that the penetration is for a bona fide medical purpose. Consent by the~~
57.29 ~~complainant is not a defense;~~

57.30 ~~(l) the actor is or purports to be a member of the clergy, the complainant is not married~~
57.31 ~~to the actor, and:~~

58.1 ~~(i) the sexual penetration occurred during the course of a meeting in which the~~
 58.2 ~~complainant sought or received religious or spiritual advice, aid, or comfort from the actor~~
 58.3 ~~in private; or~~

58.4 ~~(ii) the sexual penetration occurred during a period of time in which the complainant~~
 58.5 ~~was meeting on an ongoing basis with the actor to seek or receive religious or spiritual~~
 58.6 ~~advice, aid, or comfort in private. Consent by the complainant is not a defense;~~

58.7 ~~(m) the actor is an employee, independent contractor, or volunteer of a state, county,~~
 58.8 ~~city, or privately operated adult or juvenile correctional system, or secure treatment facility,~~
 58.9 ~~or treatment facility providing services to clients civilly committed as mentally ill and~~
 58.10 ~~dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but~~
 58.11 ~~not limited to, jails, prisons, detention centers, or work release facilities, and the complainant~~
 58.12 ~~is a resident of a facility or under supervision of the correctional system. Consent by the~~
 58.13 ~~complainant is not a defense;~~

58.14 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
 58.15 ~~service, the complainant used the special transportation service, and the sexual penetration~~
 58.16 ~~occurred during or immediately before or after the actor transported the complainant. Consent~~
 58.17 ~~by the complainant is not a defense;~~

58.18 ~~(o) the actor performs massage or other bodywork for hire, the complainant was a user~~
 58.19 ~~of one of those services, and nonconsensual sexual penetration occurred during or~~
 58.20 ~~immediately before or after the actor performed or was hired to perform one of those services~~
 58.21 ~~for the complainant; or~~

58.22 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
 58.23 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
 58.24 ~~to leave the officer's presence. Consent by the complainant is not a defense. This paragraph~~
 58.25 ~~does not apply to any penetration of the mouth, genitals, or anus during a lawful search.~~

58.26 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
 58.27 under subdivision 1 or subdivision 1a may be sentenced:

58.28 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
 58.29 than \$30,000, or both; or

58.30 (2) if the person was convicted under subdivision ~~1~~ 1a, paragraph (b), and if the actor
 58.31 was no more than 48 months but more than 24 months older than the complainant, to
 58.32 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

59.1 A person convicted under this section is also subject to conditional release under section
59.2 609.3455.

59.3 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
59.4 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision ~~1~~ 1a,
59.5 clause (f), the court may stay imposition or execution of the sentence if it finds that:

59.6 (a) a stay is in the best interest of the complainant or the family unit; and

59.7 (b) a professional assessment indicates that the offender has been accepted by and can
59.8 respond to a treatment program.

59.9 If the court stays imposition or execution of sentence, it shall include the following as
59.10 conditions of probation:

59.11 (1) incarceration in a local jail or workhouse;

59.12 (2) a requirement that the offender complete a treatment program; and

59.13 (3) a requirement that the offender have no unsupervised contact with the complainant
59.14 until the offender has successfully completed the treatment program unless approved by
59.15 the treatment program and the supervising correctional agent.

59.16 Sec. 17. Minnesota Statutes 2020, section 609.345, is amended to read:

59.17 **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

59.18 Subdivision 1. **Adult victim; crime defined.** A person who engages in sexual contact
59.19 with another person is guilty of criminal sexual conduct in the fourth degree if any of the
59.20 following circumstances exists:

59.21 ~~(a) the complainant is under 13 years of age and the actor is no more than 36 months~~
59.22 ~~older than the complainant. Neither mistake as to the complainant's age or consent to the~~
59.23 ~~act by the complainant is a defense. In a prosecution under this clause, the state is not~~
59.24 ~~required to prove that the sexual contact was coerced;~~

59.25 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
59.26 ~~48 months older than the complainant or in a current or recent position of authority over~~
59.27 ~~the complainant. Consent by the complainant to the act is not a defense. In any such case,~~
59.28 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~
59.29 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~
59.30 ~~believes the complainant to be 16 years of age or older. In all other cases, mistake as to the~~
59.31 ~~complainant's age shall not be a defense;~~

- 60.1 ~~(e)~~ (a) the actor uses ~~force or~~ coercion to accomplish the sexual contact;
- 60.2 ~~(d)~~ (b) the actor knows or has reason to know that the complainant is mentally impaired,
- 60.3 mentally incapacitated, or physically helpless;
- 60.4 (c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or
- 60.5 (d) at the time of the act, the actor is in a prohibited occupational relationship with the
- 60.6 complainant.
- 60.7 Subd. 1a. Victim under the age of 18; crime defined. A person who engages in sexual
- 60.8 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth
- 60.9 degree if any of the following circumstances exists:
- 60.10 (a) the complainant is under 14 years of age and the actor is no more than 36 months
- 60.11 older than the complainant. Neither mistake as to the complainant's age or consent to the
- 60.12 act by the complainant is a defense. In a prosecution under this clause, the state is not
- 60.13 required to prove that the sexual contact was coerced;
- 60.14 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
- 60.15 36 months older than the complainant or in a current or recent position of authority over
- 60.16 the complainant. Consent by the complainant to the act is not a defense.
- 60.17 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,
- 60.18 if the actor is no more than 60 months older than the complainant, it shall be an affirmative
- 60.19 defense which must be proved by a preponderance of the evidence that the actor reasonably
- 60.20 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
- 60.21 complainant's age shall not be a defense;
- 60.22 (c) the actor uses coercion to accomplish the sexual contact;
- 60.23 (d) The actor knows or has reason to know that the complainant is mentally impaired,
- 60.24 mentally incapacitated, or physically helpless;
- 60.25 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
- 60.26 48 ~~36~~ months older than the complainant and in a current or recent position of authority
- 60.27 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
- 60.28 the complainant is a defense;
- 60.29 (f) the actor has a significant relationship to the complainant and the complainant was
- 60.30 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
- 60.31 the complainant's age nor consent to the act by the complainant is a defense;

61.1 (g) the actor has a significant relationship to the complainant, the complainant was at
61.2 least 16 but under 18 years of age at the time of the sexual contact, and:

61.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;

61.4 (ii) the complainant suffered personal injury; or

61.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

61.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is
61.7 a defense;

61.8 ~~(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist~~
61.9 ~~and the sexual contact occurred:~~ the actor uses force, as defined in section 609.341,
61.10 subdivision 3, clause (2); or

61.11 (i) at the time of the act, the actor is in a prohibited occupational relationship with the
61.12 complainant.

61.13 ~~(i) during the psychotherapy session; or~~

61.14 ~~(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship~~
61.15 ~~exists. Consent by the complainant is not a defense;~~

61.16 ~~(i) the actor is a psychotherapist and the complainant is a former patient of the~~
61.17 ~~psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~

61.18 ~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and~~
61.19 ~~the sexual contact occurred by means of therapeutic deception. Consent by the complainant~~
61.20 ~~is not a defense;~~

61.21 ~~(k) the actor accomplishes the sexual contact by means of deception or false representation~~
61.22 ~~that the contact is for a bona fide medical purpose. Consent by the complainant is not a~~
61.23 ~~defense;~~

61.24 ~~(l) the actor is or purports to be a member of the clergy, the complainant is not married~~
61.25 ~~to the actor, and:~~

61.26 ~~(i) the sexual contact occurred during the course of a meeting in which the complainant~~
61.27 ~~sought or received religious or spiritual advice, aid, or comfort from the actor in private; or~~

61.28 ~~(ii) the sexual contact occurred during a period of time in which the complainant was~~
61.29 ~~meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,~~
61.30 ~~aid, or comfort in private. Consent by the complainant is not a defense;~~

62.1 ~~(m) the actor is an employee, independent contractor, or volunteer of a state, county,~~
 62.2 ~~city, or privately operated adult or juvenile correctional system, or secure treatment facility,~~
 62.3 ~~or treatment facility providing services to clients civilly committed as mentally ill and~~
 62.4 ~~dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but~~
 62.5 ~~not limited to, jails, prisons, detention centers, or work release facilities, and the complainant~~
 62.6 ~~is a resident of a facility or under supervision of the correctional system. Consent by the~~
 62.7 ~~complainant is not a defense;~~

62.8 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
 62.9 ~~service, the complainant used the special transportation service, the complainant is not~~
 62.10 ~~married to the actor, and the sexual contact occurred during or immediately before or after~~
 62.11 ~~the actor transported the complainant. Consent by the complainant is not a defense;~~

62.12 ~~(o) the actor performs massage or other bodywork for hire, the complainant was a user~~
 62.13 ~~of one of those services, and nonconsensual sexual contact occurred during or immediately~~
 62.14 ~~before or after the actor performed or was hired to perform one of those services for the~~
 62.15 ~~complainant; or~~

62.16 ~~(p) the actor is a peace officer, as defined in section 626.84, and the officer physically~~
 62.17 ~~or constructively restrains the complainant or the complainant does not reasonably feel free~~
 62.18 ~~to leave the officer's presence. Consent by the complainant is not a defense.~~

62.19 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
 62.20 under subdivision 1 or subdivision 1a may be sentenced to imprisonment for not more than
 62.21 ten years or to a payment of a fine of not more than \$20,000, or both. A person convicted
 62.22 under this section is also subject to conditional release under section 609.3455.

62.23 Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or
 62.24 Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1 or 1a,
 62.25 clause (f), the court may stay imposition or execution of the sentence if it finds that:

62.26 (a) a stay is in the best interest of the complainant or the family unit; and

62.27 (b) a professional assessment indicates that the offender has been accepted by and can
 62.28 respond to a treatment program.

62.29 If the court stays imposition or execution of sentence, it shall include the following as
 62.30 conditions of probation:

62.31 (1) incarceration in a local jail or workhouse;

62.32 (2) a requirement that the offender complete a treatment program; and

63.1 (3) a requirement that the offender have no unsupervised contact with the complainant
 63.2 until the offender has successfully completed the treatment program unless approved by
 63.3 the treatment program and the supervising correctional agent.

63.4 Sec. 18. Minnesota Statutes 2020, section 609.3451, is amended to read:

63.5 **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

63.6 Subdivision 1. **Sexual penetration; crime defined.** A person is guilty of criminal sexual
 63.7 conduct in the fifth degree: if the person engages in nonconsensual sexual penetration.

63.8 Subd. 1a. **Sexual contact; child present; crime defined.** A person is guilty of criminal
 63.9 sexual conduct in the fifth degree if:

63.10 (1) ~~if~~ the person engages in nonconsensual sexual contact; or

63.11 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
 63.12 of a minor under the age of 16, knowing or having reason to know the minor is present.

63.13 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
 63.14 subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the
 63.15 intentional removal or attempted removal of clothing covering the complainant's intimate
 63.16 parts or undergarments, and the nonconsensual touching by the complainant of the actor's
 63.17 intimate parts, effected by the actor, if the action is performed with sexual or aggressive
 63.18 intent.

63.19 Subd. 2. **Gross misdemeanor.** A person convicted under subdivision ~~1~~ 1a may be
 63.20 sentenced to imprisonment for not more than one year or to a payment of a fine of not more
 63.21 than \$3,000, or both.

63.22 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
 63.23 for not more than two years or to payment of a fine of not more than \$10,000, or both, if
 63.24 the person violates subdivision 1.

63.25 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
 63.26 than seven years or to payment of a fine of not more than \$14,000, or both, if the person
 63.27 violates ~~this section~~ subdivision 1 or 1a within ~~seven~~ ten years of:

63.28 (1) conviction or adjudication under subdivision 1; or

63.29 (2) a previous conviction or adjudication for violating subdivision ~~1~~ 1a, clause (2), a
 63.30 ~~crime described in paragraph (b)~~, or a statute from another state in conformity with any of
 63.31 these offenses; or

64.1 ~~(2)~~(3) the first of two or more previous convictions for violating subdivision ~~1~~ 1a, clause
64.2 (1), or a statute from another state in conformity with this offense.

64.3 ~~(b)~~(c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
64.4 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
64.5 enhance a criminal penalty as provided in paragraph (a).

64.6 Sec. 19. Minnesota Statutes 2020, section 609.3455, is amended to read:

64.7 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL**
64.8 **RELEASE.**

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

64.11 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
64.12 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~
64.13 609.3453, or 609.3458, if the adult sentence has been executed.

64.14 (c) "Extreme inhumane conditions" mean situations where, either before or after the
64.15 sexual penetration or sexual contact, the offender knowingly causes or permits the
64.16 complainant to be placed in a situation likely to cause the complainant severe ongoing
64.17 mental, emotional, or psychological harm, or causes the complainant's death.

64.18 (d) A "heinous element" includes:

64.19 (1) the offender tortured the complainant;

64.20 (2) the offender intentionally inflicted great bodily harm upon the complainant;

64.21 (3) the offender intentionally mutilated the complainant;

64.22 (4) the offender exposed the complainant to extreme inhumane conditions;

64.23 (5) the offender was armed with a dangerous weapon or any article used or fashioned
64.24 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
64.25 used or threatened to use the weapon or article to cause the complainant to submit;

64.26 (6) the offense involved sexual penetration or sexual contact with more than one victim;

64.27 (7) the offense involved more than one perpetrator engaging in sexual penetration or
64.28 sexual contact with the complainant; or

64.29 (8) the offender, without the complainant's consent, removed the complainant from one
64.30 place to another and did not release the complainant in a safe place.

65.1 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
 65.2 serious permanent disfigurement or permanent or protracted loss or impairment of the
 65.3 functions of any bodily member or organ, where the offender relishes the infliction of the
 65.4 abuse, evidencing debasement or perversion.

65.5 (f) A conviction is considered a "previous sex offense conviction" if the offender was
 65.6 convicted and sentenced for a sex offense before the commission of the present offense.

65.7 (g) A conviction is considered a "prior sex offense conviction" if the offender was
 65.8 convicted of committing a sex offense before the offender has been convicted of the present
 65.9 offense, regardless of whether the offender was convicted for the first offense before the
 65.10 commission of the present offense, and the convictions involved separate behavioral
 65.11 incidents.

65.12 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
 65.13 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States,
 65.14 this state, or any other state.

65.15 (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme
 65.16 psychological or physical abuse, when committed in an especially depraved manner.

65.17 (j) An offender has "two previous sex offense convictions" only if the offender was
 65.18 convicted and sentenced for a sex offense committed after the offender was earlier convicted
 65.19 and sentenced for a sex offense and both convictions preceded the commission of the present
 65.20 offense of conviction.

65.21 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
 65.22 **offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the
 65.23 offense, the court shall sentence a person convicted under section 609.342, subdivision 1,
 65.24 paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~; ~~or~~ 609.342, subdivision 1a, clause (a), (b), (c),
 65.25 (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f)~~; ~~or (h)~~ 609.343,
 65.26 subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release
 65.27 if:

65.28 (1) the fact finder determines that two or more heinous elements exist; or

65.29 (2) the person has a previous sex offense conviction for a violation of section 609.342,
 65.30 609.343, ~~or~~ 609.3458, and the fact finder determines that a heinous element
 65.31 exists for the present offense.

65.32 (b) A fact finder may not consider a heinous element if it is an element of the underlying
 65.33 specified violation of section 609.342 or 609.343. In addition, when determining whether

66.1 two or more heinous elements exist, the fact finder may not use the same underlying facts
 66.2 to support a determination that more than one element exists.

66.3 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)

66.4 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
 66.5 court shall sentence a person to imprisonment for life if the person is convicted under section
 66.6 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~, or; 609.342, subdivision
 66.7 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
 66.8 (e), ~~(f), or (h)~~; or 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact
 66.9 finder determines that a heinous element exists.

66.10 (b) The fact finder may not consider a heinous element if it is an element of the underlying
 66.11 specified violation of section 609.342 or 609.343.

66.12 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
 66.13 commit a person to the commissioner of corrections for a period of time that is not less than
 66.14 double the presumptive sentence under the sentencing guidelines and not more than the
 66.15 statutory maximum, or if the statutory maximum is less than double the presumptive sentence,
 66.16 for a period of time that is equal to the statutory maximum, if:

66.17 (1) the court is imposing an executed sentence on a person convicted of committing or
 66.18 attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, ~~or 609.3453,~~
 66.19 or 609.3458;

66.20 (2) the fact finder determines that the offender is a danger to public safety; and

66.21 (3) the fact finder determines that the offender's criminal sexual behavior is so engrained
 66.22 that the risk of reoffending is great without intensive psychotherapeutic intervention or other
 66.23 long-term treatment or supervision extending beyond the presumptive term of imprisonment
 66.24 and supervised release.

66.25 (b) The fact finder shall base its determination that the offender is a danger to public
 66.26 safety on any of the following factors:

66.27 (1) the crime involved an aggravating factor that would justify a durational departure
 66.28 from the presumptive sentence under the sentencing guidelines;

66.29 (2) the offender previously committed or attempted to commit a predatory crime or a
 66.30 violation of section 609.224 or 609.2242, including:

66.31 (i) an offense committed as a juvenile that would have been a predatory crime or a
 66.32 violation of section 609.224 or 609.2242 if committed by an adult; or

67.1 (ii) a violation or attempted violation of a similar law of any other state or the United
67.2 States; or

67.3 (3) the offender planned or prepared for the crime prior to its commission.

67.4 (c) As used in this section, "predatory crime" has the meaning given in section 609.341,
67.5 subdivision 22.

67.6 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
67.7 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
67.8 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
67.9 609.344, 609.345, ~~or~~ 609.3453, or 609.3458 and:

67.10 (1) the person has two previous sex offense convictions;

67.11 (2) the person has a previous sex offense conviction and:

67.12 (i) the fact finder determines that the present offense involved an aggravating factor that
67.13 would provide grounds for an upward durational departure under the sentencing guidelines
67.14 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

67.15 (ii) the person received an upward durational departure from the sentencing guidelines
67.16 for the previous sex offense conviction; or

67.17 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
67.18 609.108, for the previous sex offense conviction; or

67.19 (3) the person has two prior sex offense convictions, and the fact finder determines that
67.20 the prior convictions and present offense involved at least three separate victims, and:

67.21 (i) the fact finder determines that the present offense involved an aggravating factor that
67.22 would provide grounds for an upward durational departure under the sentencing guidelines
67.23 other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

67.24 (ii) the person received an upward durational departure from the sentencing guidelines
67.25 for one of the prior sex offense convictions; or

67.26 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
67.27 609.108, for one of the prior sex offense convictions.

67.28 (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment
67.29 for life for a violation of section 609.345, unless the person's previous or prior sex offense
67.30 convictions that are being used as the basis for the sentence are for violations of section
67.31 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, or any similar statute of the United
67.32 States, this state, or any other state.

68.1 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
68.2 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
68.3 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
68.4 served before the offender may be considered for supervised release.

68.5 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory
68.6 maximum sentence otherwise applicable to the offense and unless a longer conditional
68.7 release term is required in subdivision 7, when a court commits an offender to the custody
68.8 of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344,
68.9 609.345, ~~or 609.3453~~, or 609.3458, the court shall provide that, after the offender has been
68.10 released from prison, the commissioner shall place the offender on conditional release for
68.11 ten years.

68.12 Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences an
68.13 offender under subdivision 3 or 4, the court shall provide that, if the offender is released
68.14 from prison, the commissioner of corrections shall place the offender on conditional release
68.15 for the remainder of the offender's life.

68.16 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
68.17 when the court commits an offender to the custody of the commissioner of corrections for
68.18 a violation of section 609.342, 609.343, 609.344, 609.345, ~~or 609.3453~~, or 609.3458, and
68.19 the offender has a previous or prior sex offense conviction, the court shall provide that, after
68.20 the offender has been released from prison, the commissioner shall place the offender on
68.21 conditional release for the remainder of the offender's life.

68.22 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional
68.23 release for a violation of section 609.345, unless the offender's previous or prior sex offense
68.24 conviction is for a violation of section 609.342, 609.343, 609.344, ~~or 609.3453~~, or 609.3458,
68.25 or any similar statute of the United States, this state, or any other state.

68.26 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
68.27 provisions of this subdivision relating to conditional release apply to all sex offenders
68.28 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~
68.29 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex
68.30 offenders is governed by provisions relating to supervised release. The commissioner of
68.31 corrections may not dismiss an offender on conditional release from supervision until the
68.32 offender's conditional release term expires.

68.33 (b) The conditions of release may include successful completion of treatment and aftercare
68.34 in a program approved by the commissioner, satisfaction of the release conditions specified

69.1 in section 244.05, subdivision 6, and any other conditions the commissioner considers
69.2 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
69.3 released under this subdivision. The plan may include co-payments from offenders,
69.4 third-party payers, local agencies, or other funding sources as they are identified. This
69.5 section does not require the commissioner to accept or retain an offender in a treatment
69.6 program. Before the offender is placed on conditional release, the commissioner shall notify
69.7 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
69.8 of the terms of the offender's conditional release. The commissioner also shall make
69.9 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
69.10 conditional release.

69.11 (c) If the offender fails to meet any condition of release, the commissioner may revoke
69.12 the offender's conditional release and order that the offender serve all or a part of the
69.13 remaining portion of the conditional release term in prison. An offender, while on supervised
69.14 release, is not entitled to credit against the offender's conditional release term for time served
69.15 in confinement for a violation of release.

69.16 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability of
69.17 Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or
69.18 the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

69.19 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided
69.20 in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or
69.21 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the
69.22 defendant to the commissioner of corrections for not less than three years, nor more than
69.23 the maximum sentence provided by law for the offense for which convicted, notwithstanding
69.24 sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of
69.25 the sentence imposed under this subdivision only if it finds that a professional assessment
69.26 indicates the offender is accepted by and can respond to treatment at a long-term inpatient
69.27 program exclusively treating sex offenders and approved by the commissioner of corrections.
69.28 If the court stays the execution of a sentence, it shall include the following as conditions of
69.29 probation:

69.30 (1) incarceration in a local jail or workhouse; and

69.31 (2) a requirement that the offender successfully complete the treatment program and
69.32 aftercare as directed by the court.

70.1 Sec. 20. **[609.3458] SEXUAL EXTORTION.**

70.2 Subdivision 1. Crime defined. (a) A person who engages in sexual contact with another
70.3 person and compels the other person to submit to the contact by making any of the following
70.4 threats, directly or indirectly, is guilty of sexual extortion:

70.5 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
70.6 employment, or calling;

70.7 (2) a threat to make or cause to be made a criminal charge against the complainant,
70.8 whether true or false;

70.9 (3) a threat to report the complainant's immigration status to immigration or law
70.10 enforcement authorities;

70.11 (4) a threat to disseminate private sexual images of the complainant as specified in
70.12 section 617.261, nonconsensual dissemination of private sexual images;

70.13 (5) a threat to expose information that the actor knows the complainant wishes to keep
70.14 confidential; or

70.15 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
70.16 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

70.17 (b) A person who engages in sexual penetration with another person and compels the
70.18 other person to submit to such penetration by making any of the following threats, directly
70.19 or indirectly, is guilty of sexual extortion:

70.20 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
70.21 employment, or calling;

70.22 (2) a threat to make or cause to be made a criminal charge against the complainant,
70.23 whether true or false;

70.24 (3) a threat to report the complainant's immigration status to immigration or law
70.25 enforcement authorities;

70.26 (4) a threat to disseminate private sexual images of the complainant as specified in
70.27 section 617.261, nonconsensual dissemination of private sexual images;

70.28 (5) a threat to expose information that the actor knows the complainant wishes to keep
70.29 confidential; or

70.30 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
70.31 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

71.1 Subd. 2. **Penalty.** (a) A person is guilty of a felony and may be sentenced to imprisonment
 71.2 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
 71.3 person violates subdivision 1, paragraph (a).

71.4 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
 71.5 than 15 years or to payment of a fine of not more than \$30,000, or both, if the person violates
 71.6 subdivision 1, paragraph (b).

71.7 (c) A person convicted under this section is also subject to conditional release under
 71.8 section 609.3455.

71.9 Subd. 3. **No attempt charge.** Notwithstanding section 609.17, no person may be charged
 71.10 with or convicted of an attempt to commit a violation of this section.

71.11 Sec. 21. Minnesota Statutes 2020, section 609.347, is amended by adding a subdivision
 71.12 to read:

71.13 Subd. 8. **Voluntary intoxication defense for certain mentally incapacitated cases;**
 71.14 **clarification of applicability.** (a) The "knows or has reason to know" mental state
 71.15 requirement for violations of sections 609.342 to 609.345 involving a complainant who is
 71.16 mentally incapacitated, as defined in section 609.341, subdivision 7, clause (2), is a specific
 71.17 intent crime for purposes of determining the applicability of the voluntary intoxication
 71.18 defense described in section 609.075. This defense may be raised by a defendant if the
 71.19 defense is otherwise applicable under section 609.075 and related case law.

71.20 (b) Nothing in paragraph (a) may be interpreted to change the application of the defense
 71.21 to other crimes.

71.22 (c) Nothing in paragraph (a) is intended to change the scope or limitations of the defense
 71.23 or case law interpreting it beyond clarifying that the defense is available to a defendant
 71.24 described in paragraph (a).

71.25 **EFFECTIVE DATE.** The section is effective August 1, 2021, and applies to crimes
 71.26 committed on or after that date.

71.27 Sec. 22. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
 71.28 **GROUP; REPORT.**

71.29 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of public safety
 71.30 shall convene a working group to comprehensively assess the predatory offender statutory
 71.31 framework. The commissioner shall invite representatives from the Department of
 71.32 Corrections with specific expertise on juvenile justice reform, city and county prosecuting

72.1 agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota
72.2 Board of Public Defense, private criminal defense attorneys, the Department of Public
72.3 Safety, the Department of Human Services, the Sentencing Guidelines Commission, state
72.4 and local law enforcement agencies, and other interested parties to participate in the working
72.5 group. The commissioner shall ensure that the membership of the working group is balanced
72.6 among the various representatives and reflects a broad spectrum of viewpoints, and is
72.7 inclusive of marginalized communities as well as victim and survivor voices.

72.8 Subd. 2. **Duties.** The working group must examine and assess the predatory offender
72.9 registration (POR) laws, including, but not limited to, the requirements placed on offenders,
72.10 the crimes for which POR is required, the method by which POR requirements are applied
72.11 to offenders, and the effectiveness of the POR system in achieving its stated purpose.
72.12 Governmental agencies that hold POR data shall provide the working group with public
72.13 POR data upon request. The working group is encouraged to request the assistance of the
72.14 state court administrator's office to obtain relevant POR data maintained by the court system.

72.15 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
72.16 group's findings and recommendations with the chairs and ranking minority members of
72.17 the house of representatives and senate committees and divisions having jurisdiction over
72.18 public safety and judiciary policy and finance by January 15, 2022.

72.19 Sec. 23. **REVISOR INSTRUCTION.**

72.20 (a) The revisor of statutes shall make necessary cross-reference changes and remove
72.21 statutory cross-references in Minnesota Statutes to conform with this act. The revisor may
72.22 make technical and other necessary changes to language and sentence structure to preserve
72.23 the meaning of the text.

72.24 (b) In Minnesota Statutes, the revisor of statutes shall modify the headnote to Minnesota
72.25 Statutes, section 609.347, to reflect the amendment to that section contained in this act.

609.324 PATRONS; PROSTITUTES; HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES.

Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.