

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2909

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
03/15/2023	1792	Introduction and first reading Referred to Judiciary and Public Safety
04/04/2023	3239a	Comm report: To pass as amended and re-refer to Finance
04/13/2023	4791a	Comm report: To pass as amended
	4954	Second reading
04/14/2023	5061a	Special Order: Amended
	5105	Third reading Passed
04/27/2023	6537	Returned from House with amendment Senate not concur, conference committee of 5 requested
	6578	Senate conferees Latz; Oumou Verbeten; Pappas; Seeberger; Westlin
04/28/2023	6613	House conferees Moller; Feist; Becker-Finn; Frazier; Curran
05/12/2023	7440c	Conference committee report, delete everything
	7870	Motion to reject CC report, did not prevail
	7871	Senate adopted CC report and repassed bill
	7872	Third reading

1.1 A bill for an act

1.2 relating to state government; providing law for judiciary, public safety, crime,

1.3 sentencing, evidence, courts, law enforcement, firearms, controlled substances,

1.4 corrections, clemency, expungement, rehabilitation and reinvestment, civil law,

1.5 community supervision, supervised release, and human rights; providing for

1.6 rulemaking; providing for reports; providing for criminal and civil penalties;

1.7 appropriating money for judiciary, Guardian ad Litem Board, Uniform Laws

1.8 Commission, Board on Judicial Standards, human rights, sentencing guidelines,

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

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

1.11 Ombudsperson for Corrections, Board of Public Defense, juvenile justice, and law

1.12 enforcement education and training; amending Minnesota Statutes 2022, sections

1.13 13.072, subdivision 1; 13.32, subdivisions 3, 5; 13.643, subdivision 6; 13.72,

1.14 subdivision 19, by adding a subdivision; 13.825, subdivisions 2, 3; 13.871,

1.15 subdivisions 8, 14; 13A.02, subdivisions 1, 2; 15.0597, subdivisions 1, 4, 5, 6;

1.16 51A.14; 82B.195, subdivision 3; 121A.28; 144.6586, subdivision 2; 145.4712;

1.17 145A.061, subdivision 3; 146A.08, subdivision 1; 151.01, by adding a subdivision;

1.18 151.40, subdivisions 1, 2; 152.01, subdivisions 12a, 18, by adding a subdivision;

1.19 152.02, subdivisions 2, 3, 5, 6; 152.021, subdivisions 1, 2; 152.022, subdivisions

1.20 1, 2; 152.023, subdivision 2; 152.025, subdivision 2; 152.093; 152.18, subdivision

1.21 1; 152.205; 168B.07, subdivision 3, by adding subdivisions; 169A.276, subdivision

1.22 1; 169A.40, subdivision 3; 169A.41, subdivisions 1, 2; 169A.44; 169A.60,

1.23 subdivision 2; 169A.63, subdivision 8; 171.306, by adding a subdivision; 181.981,

1.24 subdivision 1; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivisions

1.25 1d, 2a, 2b, by adding a subdivision; 241.025, subdivisions 1, 2, 3; 241.90; 242.18;

1.26 243.05, subdivision 1; 243.1606; 243.166, subdivision 1b; 243.58; 244.03; 244.05,

1.27 subdivisions 1b, 3, 4, 5, 6, 8, by adding subdivisions; 244.0513, subdivisions 2,

1.28 4; 244.09, subdivisions 2, 3, by adding a subdivision; 244.101, subdivision 1;

1.29 244.17, subdivision 3; 244.171, subdivision 4; 244.172, subdivision 1; 244.18;

1.30 244.19; 244.195; 244.197; 244.198; 244.199; 244.1995; 244.20; 244.21; 244.24;

1.31 245C.08, subdivisions 1, 2; 245C.15, subdivisions 1, 2, 4a; 245C.24, subdivision

1.32 3; 245I.12, subdivision 1; 253B.02, subdivision 4e; 253D.02, subdivision 8;

1.33 256I.04, subdivision 2g; 259.11; 259.13, subdivisions 1, 5; 260.515; 260B.171,

1.34 subdivision 3; 260B.176, by adding a subdivision; 297I.06, subdivision 1;

1.35 299A.296; 299A.38; 299A.41, subdivisions 3, 4, by adding a subdivision; 299A.48;

1.36 299A.49; 299A.50; 299A.51; 299A.52; 299A.642, subdivision 15; 299A.73, by

1.37 adding a subdivision; 299A.783, subdivision 1; 299A.85, subdivision 6; 299C.063;

1.38 299C.10, subdivision 1; 299C.105, subdivision 1; 299C.106, subdivision 3;

2.1 299C.11, subdivisions 1, 3; 299C.111; 299C.17; 299C.46, subdivision 1; 299C.53,
 2.2 subdivision 3; 299C.65, subdivisions 1a, 3a; 299C.67, subdivision 2; 299F.362;
 2.3 299F.46, subdivision 1; 299F.50, by adding subdivisions; 299F.51, subdivisions
 2.4 1, 2, 5, by adding a subdivision; 325F.70, by adding a subdivision; 325F.992,
 2.5 subdivision 3; 326.32, subdivision 10; 326.3311; 326.336, subdivision 2; 326.3361,
 2.6 subdivision 2; 326.3381, subdivision 3; 326.3387, subdivision 1; 336.9-601; 351.01,
 2.7 subdivision 2; 357.021, subdivision 2; 363A.02, subdivision 1; 363A.03,
 2.8 subdivisions 23, 44, by adding a subdivision; 363A.04; 363A.06, subdivision 1;
 2.9 363A.07, subdivision 2; 363A.08, subdivisions 1, 2, 3, 4, by adding a subdivision;
 2.10 363A.09, subdivisions 1, 2, 3, 4; 363A.11, subdivisions 1, 2; 363A.12, subdivision
 2.11 1; 363A.13, subdivisions 1, 2, 3, 4; 363A.15; 363A.16, subdivision 1; 363A.17;
 2.12 363A.21, subdivision 1; 364.021; 364.06, subdivision 1; 401.01; 401.02; 401.025;
 2.13 401.03; 401.04; 401.05, subdivision 1; 401.06; 401.08; 401.09; 401.10; 401.11;
 2.14 401.12; 401.14; 401.15; 401.16; 473.387, subdivision 4; 484.014, subdivisions 2,
 2.15 3; 484.85; 504B.135; 504B.161, subdivision 1; 504B.171, by adding a subdivision;
 2.16 504B.172; 504B.178, subdivision 4; 504B.211, subdivisions 2, 6; 504B.285,
 2.17 subdivision 5; 504B.291, subdivision 1; 504B.301; 504B.321; 504B.331; 504B.335;
 2.18 504B.345, subdivision 1, by adding a subdivision; 504B.361, subdivision 1;
 2.19 504B.371, subdivisions 3, 4, 5, 7; 504B.375, subdivision 1; 504B.381, subdivisions
 2.20 1, 5, by adding a subdivision; 507.07; 508.52; 517.04; 517.08, subdivisions 1a,
 2.21 1b; 518.191, subdivisions 1, 3; 541.023, subdivision 6; 550.365, subdivision 2;
 2.22 559.209, subdivision 2; 573.01; 573.02, subdivisions 1, 2; 582.039, subdivision
 2.23 2; 583.25; 583.26, subdivision 2; 600.23; 609.02, subdivisions 2, 16; 609.03;
 2.24 609.05, by adding a subdivision; 609.066, subdivision 2; 609.102; 609.105,
 2.25 subdivisions 1, 3; 609.1055; 609.106, subdivision 2, by adding a subdivision;
 2.26 609.1095, subdivision 1; 609.11, subdivision 9; 609.135, subdivisions 1a, 1c, 2;
 2.27 609.14, subdivision 1, by adding a subdivision; 609.185; 609.2231, subdivision
 2.28 4; 609.2233; 609.25, subdivision 2; 609.2661; 609.269; 609.341, subdivision 22;
 2.29 609.3455, subdivisions 2, 5; 609.35; 609.52, subdivision 3; 609.526, subdivision
 2.30 2; 609.527, subdivision 1, by adding a subdivision; 609.531, subdivision 1;
 2.31 609.5314, subdivision 3; 609.582, subdivisions 3, 4; 609.595, subdivisions 1a, 2;
 2.32 609.631, subdivision 4; 609.632, subdivision 4; 609.67, subdivisions 1, 2; 609.746,
 2.33 subdivision 1; 609.749, subdivision 3; 609.78, subdivision 2a; 609.821, subdivision
 2.34 3; 609.87, by adding a subdivision; 609.89; 609A.01; 609A.02, subdivision 3;
 2.35 609A.03, subdivisions 5, 7a, 9; 609B.161; 611.215, subdivision 1; 611.23; 611.58,
 2.36 as amended; 611A.03, subdivision 1; 611A.031; 611A.033; 611A.036, subdivision
 2.37 7; 611A.039, subdivision 1; 611A.08, subdivision 6; 611A.211, subdivision 1;
 2.38 611A.31, subdivisions 2, 3, by adding a subdivision; 611A.32; 611A.51; 611A.52,
 2.39 subdivisions 3, 4, 5; 611A.53; 611A.54; 611A.55; 611A.56; 611A.57, subdivisions
 2.40 5, 6; 611A.60; 611A.61; 611A.612; 611A.66; 611A.68, subdivisions 2a, 4, 4b, 4c;
 2.41 617.22; 617.26; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131;
 2.42 624.7132; 626.14, subdivisions 2, 3, by adding a subdivision; 626.15; 626.21;
 2.43 626.5531, subdivision 1; 626.843, by adding a subdivision; 626.8432, subdivision
 2.44 1; 626.8451, subdivision 1; 626.8452, by adding subdivisions; 626.8457, by adding
 2.45 subdivisions; 626.8469, subdivision 1; 626.8473, subdivision 3; 626.87,
 2.46 subdivisions 2, 3, 5, by adding a subdivision; 626.89, subdivision 17; 626.90,
 2.47 subdivision 2; 626.91, subdivisions 2, 4; 626.92, subdivisions 2, 3; 626.93,
 2.48 subdivisions 3, 4; 626A.05, subdivision 2; 626A.35, by adding a subdivision;
 2.49 628.26; 629.292, subdivision 2; 629.341, subdivisions 3, 4; 629.361; 629.72,
 2.50 subdivision 6; 638.01; 641.15, subdivision 2; 641.155; Laws 1961, chapter 108,
 2.51 section 1, as amended; Laws 2021, First Special Session chapter 11, article 1,
 2.52 section 15, subdivision 3; Laws 2022, chapter 99, article 1, section 50; article 3,
 2.53 section 1, as amended; proposing coding for new law in Minnesota Statutes,
 2.54 chapters 13; 145; 241; 243; 244; 259; 260C; 299A; 299C; 401; 484; 504B; 573;
 2.55 609; 609A; 624; 626; 638; 641; repealing Minnesota Statutes 2022, sections
 2.56 152.092; 241.272; 244.14; 244.15; 244.196; 244.22; 244.32; 299C.80, subdivision
 2.57 7; 346.02; 363A.20, subdivision 3; 363A.27; 401.07; 504B.305; 504B.341;
 2.58 518B.02, subdivision 3; 582.14; 609.293, subdivisions 1, 5; 609.34; 609.36; 617.20;

3.1 617.201; 617.202; 617.21; 617.28; 617.29; 626.93, subdivision 7; 638.02; 638.03;
 3.2 638.04; 638.05; 638.06; 638.07; 638.075; 638.08.

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

3.4 **ARTICLE 1**

3.5 **JUDICIARY APPROPRIATIONS**

3.6 Section 1. **APPROPRIATIONS.**

3.7 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 3.8 and for the purposes specified in this article. The appropriations are from the general fund,
 3.9 or another named fund, and are available for the fiscal years indicated for each purpose.
 3.10 The figures "2024" and "2025" used in this article mean that the appropriations listed under
 3.11 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
 3.12 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
 3.13 is fiscal years 2024 and 2025.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2024</u>	<u>2025</u>
3.14		
3.15		
3.16		
3.17		
3.18	Sec. 2. <u>SUPREME COURT</u>	
3.19	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 80,141,000</u>
3.20	<u>The amounts that may be spent for each</u>	<u>\$ 82,624,000</u>
3.21	<u>purpose are specified in the following</u>	
3.22	<u>subdivisions.</u>	
3.23	<u>Subd. 2. Supreme Court Operations</u>	<u>46,581,000</u>
3.24	<u>(a) Contingent Account</u>	<u>49,064,000</u>
3.25	<u>\$5,000 each year is for a contingent account</u>	
3.26	<u>for expenses necessary for the normal</u>	
3.27	<u>operation of the court for which no other</u>	
3.28	<u>reimbursement is provided.</u>	
3.29	<u>(b) Justices' Compensation</u>	
3.30	<u>Justices' compensation is increased by eight</u>	
3.31	<u>percent in the first year and four percent in the</u>	
3.32	<u>second year.</u>	
3.33	<u>Subd. 3. Civil Legal Services</u>	<u>33,560,000</u>
		<u>33,560,000</u>

5.1 \$422,000 each year is to fund four new
 5.2 treatment courts.

5.3 **(e) Courtroom Technology Enhancements**

5.4 \$7,400,000 the first year is for courtroom
 5.5 technology enhancements.

5.6 **(f) Law Clerk Salary**

5.7 \$2,033,000 each year is to increase district
 5.8 court law clerks' salaries. Notwithstanding
 5.9 Minnesota Statutes, section 16A.285, the court
 5.10 must not transfer this appropriation.

5.11 **(g) Interpreter Pay**

5.12 \$200,000 each year is to fund the increase in
 5.13 the hourly fee paid to contract interpreters.

5.14 **(h) Extreme Risk Protection Orders**

5.15 \$91,000 the first year and \$182,000 the second
 5.16 year are to implement the provisions of article
 5.17 14.

5.18 Sec. 5. **GUARDIAN AD LITEM BOARD** \$ **24,358,000** \$ **25,620,000**

5.19 Sec. 6. **TAX COURT** \$ **2,133,000** \$ **2,268,000**

5.20 Sec. 7. **UNIFORM LAWS COMMISSION** \$ **115,000** \$ **115,000**

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

5.22 **(a) Availability of Appropriation**

5.23 If the appropriation for either year is
 5.24 insufficient, the appropriation for the other
 5.25 fiscal year is available.

5.26 **(b) Major Disciplinary Actions**

5.27 \$125,000 each year is for special investigative
 5.28 and hearing costs for major disciplinary
 5.29 actions undertaken by the board. This
 5.30 appropriation does not cancel. Any
 5.31 unencumbered and unspent balances remain

6.1 available for these expenditures through June
 6.2 30, 2027.

6.3 Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ 154,884,000 \$ 164,360,000

6.4 Sec. 10. **HUMAN RIGHTS** \$ 8,048,000 \$ 8,429,000

6.5 The general fund base is \$8,909,000 beginning
 6.6 in fiscal year 2026.

6.7 **(a) Civil Rights Enforcement**

6.8 \$1,500,000 each year is for increased civil
 6.9 rights enforcement. The base for this
 6.10 appropriation is \$2,000,000 in fiscal year 2026
 6.11 and thereafter.

6.12 **(b) Mediator Payments**

6.13 \$20,000 each year is to fund payments to
 6.14 mediators. This appropriation is onetime and
 6.15 is available through June 30, 2027.

6.16 **(c) Report on Civil Rights Trends**

6.17 \$395,000 the first year and \$250,000 the
 6.18 second year are to analyze and report on civil
 6.19 rights trends in Minnesota.

6.20 Sec. 11. **OFFICE OF APPELLATE COUNSEL**
 6.21 **AND TRAINING** \$ 659,000 \$ 1,560,000

6.22 **Establishment and Operations**

6.23 \$659,000 the first year and \$1,560,000 the
 6.24 second year are for establishment and
 6.25 operation of the Statewide Office of Appellate
 6.26 Counsel and Training as described in
 6.27 Minnesota Statutes, section 260C.419, and to
 6.28 provide support for the State Board of
 6.29 Appellate Counsel and Training.

6.30 Sec. 12. **DEPARTMENT OF HUMAN**
 6.31 **SERVICES** \$ 1,500,000 \$ -0-

6.32 **Child Advocacy Center**

7.1 \$1,500,000 the first year is for a grant to First
 7.2 Witness Child Advocacy Center for the
 7.3 acquisition and improvement of properties
 7.4 located at 1402, 1406, and 1412 East 2nd
 7.5 Street in the city of Duluth. This appropriation
 7.6 includes money for demolition of the building
 7.7 located at 1412 East 2nd Street and
 7.8 construction of a parking lot, and for
 7.9 renovation, furnishing, and equipping of the
 7.10 buildings located at 1402 and 1406 East 2nd
 7.11 Street as a training center and a child advocacy
 7.12 center. These funds are available until June
 7.13 30, 2027.

7.14 Sec. 13. Minnesota Statutes 2022, section 611.58, as amended by Laws 2023, chapter 14,
 7.15 section 34, is amended to read:

7.16 **611.58 COMPETENCY ATTAINMENT CURRICULUM AND CERTIFICATION.**

7.17 Subdivision 1. **Curriculum.** (a) By ~~January~~ October 1, 2023, the board must recommend
 7.18 a competency attainment curriculum to educate and assist defendants found incompetent
 7.19 in attaining the ability to:

7.20 (1) rationally consult with counsel;

7.21 (2) understand the proceedings; and

7.22 (3) participate in the defense.

7.23 (b) The curriculum must be flexible enough to be delivered in community and correctional
 7.24 settings by individuals with various levels of education and qualifications, including but
 7.25 not limited to professionals in criminal justice, health care, mental health care, and social
 7.26 services. The board must review and update the curriculum as needed.

7.27 Subd. 2. **Certification and distribution.** By ~~January~~ October 1, 2023, the board must
 7.28 develop a process for certifying individuals to deliver the competency attainment curriculum
 7.29 and make the curriculum available to every competency attainment program and forensic
 7.30 navigator in the state. Each competency attainment program in the state must use the
 7.31 competency attainment curriculum under this section as the foundation for delivering
 7.32 competency attainment education and must not substantially alter the content.

8.1 Sec. 14. Laws 2022, chapter 99, article 1, section 50, is amended to read:

8.2 Sec. 50. **EFFECTIVE DATE.**

8.3 Sections 26 to 37 are effective ~~July~~ April 1, 2023 2024, and apply to competency
8.4 determinations initiated on or after that date.

8.5 Sec. 15. Laws 2022, chapter 99, article 3, section 1, as amended by Laws 2023, chapter
8.6 14, section 36, is amended to read:

8.7 Section 1. **APPROPRIATION BASE ESTABLISHED; COMPETENCY**
8.8 **ATTAINMENT.**

8.9 Subdivision 1. **Department of Corrections.** The general fund appropriation base for
8.10 the commissioner of corrections is \$202,000 in fiscal year 2024 and \$202,000 in fiscal year
8.11 2025 for correctional facilities inspectors.

8.12 Subd. 2. **District courts.** The general fund appropriation base for the district courts is
8.13 ~~\$5,042,000~~ \$1,500,000 in fiscal year 2024 and \$5,042,000 in fiscal year 2025 for costs
8.14 associated with additional competency examination costs.

8.15 Subd. 3. **State Competency Attainment Board.** The general fund appropriation base
8.16 for the State Competency Attainment Board is ~~\$11,350,000~~ \$3,515,000 in fiscal year 2024
8.17 and \$10,900,000 in fiscal year 2025 for staffing and other costs needed to establish and
8.18 perform the duties of the State Competency Attainment Board, including providing
8.19 educational services necessary to assist defendants in attaining competency, or contracting
8.20 or partnering with other organizations to provide those services.

8.21 **ARTICLE 2**

8.22 **PUBLIC SAFETY APPROPRIATIONS**

8.23 Section 1. **APPROPRIATIONS.**

8.24 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
8.25 and for the purposes specified in this article. The appropriations are from the general fund,
8.26 or another named fund, and are available for the fiscal years indicated for each purpose.
8.27 The figures "2024" and "2025" used in this article mean that the appropriations listed under
8.28 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
8.29 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
8.30 is fiscal years 2024 and 2025. Appropriations for the fiscal year ending June 30, 2023, are
8.31 effective the day following final enactment.

		<u>APPROPRIATIONS</u>		
		<u>Available for the Year</u>		
		<u>Ending June 30</u>		
		<u>2023</u>	<u>2024</u>	<u>2025</u>
9.5	Sec. 2. <u>SENTENCING GUIDELINES</u>	\$	<u>1,549,000</u>	\$ <u>1,488,000</u>
9.6	<u>(a) Analysis of Sentencing-Related Data</u>			
9.7	<u>\$125,000 the first year and \$124,000 the</u>			
9.8	<u>second year are to expand analysis of</u>			
9.9	<u>sentencing-related data.</u>			
9.10	<u>(b) Small Agency Resource Team (SmART)</u>			
9.11	<u>\$50,000 each year is for the commission's</u>			
9.12	<u>accounting, budgeting, and human resources</u>			
9.13	<u>to be provided by the Department of</u>			
9.14	<u>Administration's small agency resource team.</u>			
9.15	<u>(c) Court Information System Integration</u>			
9.16	<u>\$340,000 the first year and \$348,000 the</u>			
9.17	<u>second year are to fully integrate the</u>			
9.18	<u>Sentencing Guidelines information systems</u>			
9.19	<u>with the Minnesota Criminal Information</u>			
9.20	<u>System (MNCIS). The base for this</u>			
9.21	<u>appropriation is \$78,000 beginning in fiscal</u>			
9.22	<u>year 2026.</u>			
9.23	<u>(d) Comprehensive Review of the</u>			
9.24	<u>Guidelines</u>			
9.25	<u>\$243,000 the first year and \$147,000 the</u>			
9.26	<u>second year are to begin a comprehensive</u>			
9.27	<u>review of the Sentencing Guidelines. This is</u>			
9.28	<u>a onetime appropriation.</u>			
9.29	Sec. 3. <u>PUBLIC SAFETY</u>			
9.30	<u>Subdivision 1. Total</u>			
9.31	<u>Appropriation</u>	\$	<u>1,000,000</u>	\$ <u>333,079,000</u>
			<u>292,622,000</u>	
9.32	<u>Appropriations by Fund</u>			
9.33		<u>2023</u>	<u>2024</u>	<u>2025</u>
9.34	<u>General</u>	<u>1,000,000</u>	<u>235,025,000</u>	<u>201,039,000</u>

10.1	<u>Special Revenue</u>	<u>20,074,000</u>	<u>20,327,000</u>
10.2	<u>State Government</u>		
10.3	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
10.4	<u>Environmental</u>	<u>119,000</u>	<u>127,000</u>
10.5	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>
10.6	<u>911 Fund</u>	<u>75,329,000</u>	<u>68,597,000</u>

10.7 The amounts that may be spent for each
 10.8 purpose are specified in the following
 10.9 subdivisions.

10.10 **Subd. 2. Public Safety**

10.11	<u>Administration</u>	<u>1,000,000</u>	<u>2,250,000</u>	<u>2,000,000</u>
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10.12 **(a) Public Safety Officer Survivor Benefits**

10.13 \$1,000,000 in fiscal year 2023, \$1,000,000 in
 10.14 fiscal year 2024, and \$1,000,000 in fiscal year
 10.15 2025 are for payment of public safety officer
 10.16 survivor benefits under Minnesota Statutes,
 10.17 section 299A.44. If the appropriation for either
 10.18 year is insufficient, the appropriation for the
 10.19 other year is available.

10.20 **(b) Soft Body Armor Reimbursements**

10.21 \$1,000,000 each year is for increases in the
 10.22 base appropriation for soft body armor
 10.23 reimbursements under Minnesota Statutes,
 10.24 section 299A.38. This is a onetime
 10.25 appropriation.

10.26 **(c) Firearm Storage Grants**

10.27 \$250,000 the first year is for grants to local or
 10.28 state law enforcement agencies to support the
 10.29 safe and secure storage of firearms owned by
 10.30 persons subject to extreme risk protection
 10.31 orders. The commissioner must apply for a
 10.32 grant from the Byrne State Crisis Intervention
 10.33 Program to supplement the funds appropriated
 10.34 by the legislature for implementation of

11.1 Minnesota Statutes, sections 624.7171 to
 11.2 624.7178 and 626.8481. Of the federal funds
 11.3 received, the commissioner must dedicate at
 11.4 least an amount that is equal to this
 11.5 appropriation to fund safe and secure firearms
 11.6 storage grants provided for under this
 11.7 paragraph.

11.8 **Subd. 3. Emergency Management** 7,330,000 4,417,000

11.9 Appropriations by Fund

11.10 General 7,211,000 4,290,000

11.11 Environmental 119,000 127,000

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

11.13 \$250,000 each year is for supplemental
 11.14 nonprofit security grants under this paragraph.

11.15 This appropriation is onetime.

11.16 Nonprofit organizations whose applications
 11.17 for funding through the Federal Emergency
 11.18 Management Agency's nonprofit security grant
 11.19 program have been approved by the Division
 11.20 of Homeland Security and Emergency
 11.21 Management are eligible for grants under this
 11.22 paragraph. No additional application shall be
 11.23 required for grants under this paragraph, and
 11.24 an application for a grant from the federal
 11.25 program is also an application for funding
 11.26 from the state supplemental program.

11.27 Eligible organizations may receive grants of
 11.28 up to \$75,000, except that the total received
 11.29 by any individual from both the federal
 11.30 nonprofit security grant program and the state
 11.31 supplemental nonprofit security grant program
 11.32 shall not exceed \$75,000. Grants shall be
 11.33 awarded in an order consistent with the
 11.34 ranking given to applicants for the federal

12.1 nonprofit security grant program. No grants
 12.2 under the state supplemental nonprofit security
 12.3 grant program shall be awarded until the
 12.4 announcement of the recipients and the
 12.5 amount of the grants awarded under the federal
 12.6 nonprofit security grant program. This is a
 12.7 onetime appropriation.

12.8 **(b) Emergency Preparedness Staff**

12.9 \$550,000 each year is for additional
 12.10 emergency preparedness staff members.

12.11 **(c) Lake Superior Chippewa Tribal**

12.12 **Emergency Management Coordinator**

12.13 \$145,000 each year is for a grant to the Grand
 12.14 Portage Band of Lake Superior Chippewa to
 12.15 establish and maintain a Tribal emergency
 12.16 management coordinator under Minnesota
 12.17 Statutes, section 12.25.

12.18 **(d) Grand Portage Band of Lake Superior**

12.19 **Chippewa Tribe Coast Guard Services**

12.20 \$3,000,000 the first year is for a grant to the
 12.21 Grand Portage Band of Lake Superior
 12.22 Chippewa to purchase equipment and fund a
 12.23 position for coast guard services off the north
 12.24 shore of Lake Superior.

12.25 **Subd. 4. Criminal Apprehension** 123,122,000 106,870,000

12.26 Appropriations by Fund

12.27 General 120,686,000 104,434,000

12.28 State Government

12.29 Special Revenue 7,000 7,000

12.30 Trunk Highway 2,429,000 2,429,000

12.31 The annual base from the general fund is

12.32 \$104,303,000 beginning in fiscal year 2026.

- 13.1 **(a) DWI Lab Analysis; Trunk Highway**
- 13.2 **Fund**
- 13.3 Notwithstanding Minnesota Statutes, section
- 13.4 161.20, subdivision 3, \$2,429,000 the first
- 13.5 year and \$2,429,000 the second year are from
- 13.6 the trunk highway fund for staff and operating
- 13.7 costs for laboratory analysis related to
- 13.8 driving-while-impaired cases.
- 13.9 **(b) Use of Force Investigations**
- 13.10 \$4,419,000 each year is for operation of the
- 13.11 independent Use of Force Investigations Unit
- 13.12 pursuant to Minnesota Statutes, section
- 13.13 299C.80.
- 13.14 **(c) FBI Compliance, Critical IT**
- 13.15 **Infrastructure, and Cybersecurity**
- 13.16 **Upgrades**
- 13.17 \$10,550,000 the first year and \$2,737,000 the
- 13.18 second year are for cybersecurity investments,
- 13.19 critical infrastructure upgrades, and Federal
- 13.20 Bureau of Investigation audit compliance. This
- 13.21 appropriation is available through June 30,
- 13.22 2027.
- 13.23 **(d) Expungement-Related Costs**
- 13.24 \$3,737,000 the first year and \$190,000 the
- 13.25 second year are for costs associated with the
- 13.26 changes to expungement law made in this act.
- 13.27 **(e) Violent Crime Reduction Strategy**
- 13.28 \$9,325,000 each year is for violent crime
- 13.29 reduction, including forensics, and analytical
- 13.30 and operational support.
- 13.31 **(f) Investigative Partnerships**

- 14.1 \$6,000,000 the first year is to fund
14.2 partnerships among local, state, and federal
14.3 agencies. This appropriation is available until
14.4 June 30, 2027.
- 14.5 **(g) Firearm Eligibility Background Checks**
- 14.6 \$70,000 the first year is to purchase and
14.7 integrate information technology hardware
14.8 and software necessary to process additional
14.9 firearms eligibility background checks.
- 14.10 **(h) Human Trafficking Task Force**
- 14.11 \$1,800,000 each year is for staff and operating
14.12 costs to support the Bureau of Criminal
14.13 Apprehension-led Minnesota Human
14.14 Trafficking Investigator's Task Force.
- 14.15 **(i) Report on Fusion Center Activities**
- 14.16 \$115,000 each year is for the report required
14.17 under Minnesota Statutes, section 299C.055.
14.18 This is a onetime appropriation.
- 14.19 **(j) Decrease Forensic Evidence Turnaround**
- 14.20 \$4,500,000 the first year and \$3,500,000 the
14.21 second year are to decrease turnaround times
14.22 for forensic processing of evidence in criminal
14.23 investigations for state and local law
14.24 enforcement partners.
- 14.25 Additional staff and supplies funded under
14.26 this provision are intended, among other
14.27 purposes, to reduce the backlog in sexual
14.28 assault examination kit testing, to prevent the
14.29 development of any future backlogs in testing
14.30 sexual assault examination kits, and to provide
14.31 survivors access to the status of the testing of
14.32 their exam kits via the relevant exam testing
14.33 tracking systems. By January 1, 2025, and

15.1 each year thereafter, the commissioner must
 15.2 submit a report to the chairs and ranking
 15.3 minority members of the house of
 15.4 representatives and senate committees with
 15.5 jurisdiction over public safety finance and
 15.6 policy on the use of these funds in the previous
 15.7 fiscal year. The report must: (1) include the
 15.8 data necessary to understand sexual assault
 15.9 examination kit testing times; and (2) identify
 15.10 the barriers to testing all sexual assault
 15.11 examination kits within 90 days of receipt by
 15.12 the laboratory in the preceding year and in the
 15.13 upcoming year.

15.14 **Subd. 5. Fire Marshal** 17,013,000 17,272,000

15.15 Appropriations by Fund

15.16 General 4,184,000 4,190,000

15.17 Special Revenue 12,829,000 13,082,000

15.18 The special revenue fund appropriation is from
 15.19 the fire safety account in the special revenue
 15.20 fund and is for activities under Minnesota
 15.21 Statutes, section 299F.012. The base
 15.22 appropriation for this account is \$13,182,000
 15.23 in fiscal year 2026 and \$13,082,000 in fiscal
 15.24 year 2027.

15.25 **(a) Hazardous Materials and Emergency**

15.26 **Response Teams**

15.27 \$1,695,000 the first year and \$1,595,000 the
 15.28 second year are from the fire safety account
 15.29 for hazardous materials and emergency
 15.30 response teams. The base for these purposes
 15.31 is \$1,695,000 in the first year of future biennia
 15.32 and \$1,595,000 in the second year of future
 15.33 biennia.

15.34 **(b) Bomb Squad Reimbursements**

16.1 \$250,000 from the fire safety account and
 16.2 \$50,000 from the general fund each year are
 16.3 for reimbursements to local governments for
 16.4 bomb squad services.

16.5 **(c) Nonresponsible Party Reimbursements**

16.6 \$750,000 each year from the fire safety
 16.7 account is for nonresponsible party hazardous
 16.8 material and bomb squad incident
 16.9 reimbursements. Money appropriated for this
 16.10 purpose is available for one year.

16.11 **(d) Hometown Heroes Assistance Program**

16.12 \$4,000,000 each year from the general fund
 16.13 is for grants to the Minnesota Firefighter
 16.14 Initiative to fund the hometown heroes
 16.15 assistance program established in Minnesota
 16.16 Statutes, section 299A.477.

16.17 **Subd. 6. Firefighter Training and Education**
 16.18 **Board**

7,175,000

7,175,000

16.19 Appropriations by Fund

16.20 Special Revenue 7,175,000 7,175,000

16.21 The special revenue fund appropriation is from
 16.22 the fire safety account in the special revenue
 16.23 fund and is for activities under Minnesota
 16.24 Statutes, section 299F.012.

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

16.26 \$5,500,000 each year from the fire safety
 16.27 account is for firefighter training and
 16.28 education.

16.29 **(b) Task Force 1**

16.30 \$1,125,000 each year is for the Minnesota
 16.31 Task Force 1.

16.32 **(c) Task Force 2**

17.1 \$200,000 each year is for Minnesota Task

17.2 Force 2.

17.3 **(d) Air Rescue**

17.4 \$350,000 each year is for the Minnesota Air

17.5 Rescue Team.

17.6 **(e) Unappropriated Revenue**

17.7 Any additional unappropriated money

17.8 collected in fiscal year 2023 is appropriated

17.9 to the commissioner of public safety for the

17.10 purposes of Minnesota Statutes, section

17.11 299F.012. The commissioner may transfer

17.12 appropriations and base amounts between

17.13 activities in this subdivision.

17.14 **Subd. 7. Alcohol and Gambling**

17.15 **Enforcement**

4,102,000

3,857,000

17.16 Appropriations by Fund

17.17 General 4,032,000 3,787,000

17.18 Special Revenue 70,000 70,000

17.19 (a) \$70,000 each year is from the lawful

17.20 gambling regulation account in the special

17.21 revenue fund.

17.22 (b) \$600,000 the first year and \$100,000 the

17.23 second year are for enforcement information

17.24 technology improvements.

17.25 **Subd. 8. Office of Justice Programs**

94,758,000

80,434,000

17.26 Appropriations by Fund

17.27 General 94,662,000 80,338,000

17.28 State Government

17.29 Special Revenue 96,000 96,000

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

17.31 \$1,500,000 each year is to establish a

17.32 Domestic Violence Housing First grant

17.33 program to provide resources for survivors of

18.1 violence to access safe and stable housing and
18.2 for staff to provide mobile advocacy and
18.3 expertise in housing resources in their
18.4 community and a Minnesota Domestic and
18.5 Sexual Violence Transitional Housing
18.6 program to develop and support medium to
18.7 long term transitional housing for survivors
18.8 of domestic and sexual violence with
18.9 supportive services. The base for this
18.10 appropriation is \$1,000,000 beginning in fiscal
18.11 year 2026.

18.12 **(b) Federal Victims of Crime Funding Gap**
18.13 \$11,000,000 each year is to fund services for
18.14 victims of domestic violence, sexual assault,
18.15 child abuse, and other crimes. This is a
18.16 onetime appropriation.

18.17 **(c) Office for Missing and Murdered Black**
18.18 **Women and Girls**
18.19 \$1,248,000 each year is to establish and
18.20 maintain the Minnesota Office for Missing
18.21 and Murdered Black Women and Girls.

18.22 **(d) Increased Staffing**
18.23 \$667,000 the first year and \$1,334,000 the
18.24 second year are to increase staffing in the
18.25 Office of Justice Programs for grant
18.26 monitoring and compliance; provide training
18.27 and technical assistance to grantees and
18.28 potential grantees; conduct community
18.29 outreach and engagement to improve the
18.30 experiences and outcomes of applicants, grant
18.31 recipients, and crime victims throughout
18.32 Minnesota; expand the Minnesota Statistical
18.33 Analysis Center; and increase staffing for the

- 19.1 crime victim reimbursement program and the
19.2 Crime Victim Justice Unit.
- 19.3 **(e) Office of Restorative Practices**
- 19.4 \$500,000 each year is to establish and
19.5 maintain the Office of Restorative Practices.
- 19.6 **(f) Crossover and Dual-Status Youth Model**
19.7 **Grants**
- 19.8 \$1,000,000 each year is to provide grants to
19.9 local units of government to initiate or expand
19.10 crossover youth practices model and
19.11 dual-status youth programs that provide
19.12 services for youth who are involved with or
19.13 at risk of becoming involved with both the
19.14 child welfare and juvenile justice systems, in
19.15 accordance with the Robert F. Kennedy
19.16 National Resource Center for Juvenile Justice
19.17 model. This is a onetime appropriation.
- 19.18 **(g) Restorative Practices Initiatives Grants**
- 19.19 \$4,000,000 each year is for grants to establish
19.20 and support restorative practices initiatives
19.21 pursuant to Minnesota Statutes, section
19.22 299A.95, subdivision 6. The base for this
19.23 appropriation is \$2,500,000 beginning in fiscal
19.24 year 2026.
- 19.25 **(h) Ramsey County Youth Treatment**
19.26 **Homes Acquisition and Betterment**
- 19.27 \$5,000,000 the first year is for a grant to
19.28 Ramsey County to establish, with input from
19.29 community stakeholders, including impacted
19.30 youth and families, up to seven intensive
19.31 trauma-informed therapeutic treatment homes
19.32 in Ramsey County that are licensed by the
19.33 Department of Human Services, that are

20.1 culturally specific, that are community-based,
20.2 and that can be secured. These residential
20.3 spaces must provide intensive treatment and
20.4 intentional healing for youth as ordered by the
20.5 court as part of the disposition of a case in
20.6 juvenile court.

20.7 **(i) Ramsey County Violence Prevention**
20.8 \$5,000,000 the first year is for a grant to
20.9 Ramsey County to award grants to develop
20.10 new and further enhance existing
20.11 community-based organizational support
20.12 through violence prevention and community
20.13 wellness grants. Grantees must use the money
20.14 to create family support groups and resources
20.15 to support families during the time a young
20.16 person is placed out of home following a
20.17 juvenile delinquency adjudication and support
20.18 the family through the period of postplacement
20.19 reentry; create community-based respite
20.20 options for conflict or crisis de-escalation to
20.21 prevent incarceration or further systems
20.22 involvement for families; or establish
20.23 additional meaningful employment
20.24 opportunities for systems-involved youth. This
20.25 appropriation is available through June 30,
20.26 2027.

20.27 **(j) Office for Missing and Murdered**
20.28 **Indigenous Relatives**
20.29 \$274,000 each year is for increased staff and
20.30 operating costs of the Office for Missing and
20.31 Murdered Indigenous Relatives, the Missing
20.32 and Murdered Indigenous Relatives Advisory
20.33 Board, and the Gaagige-Mikwendaagoziwag
20.34 reward advisory group.

21.1 **(k) Youth Intervention Programs**

21.2 \$3,525,000 the first year and \$3,526,000 the
21.3 second year are for youth intervention
21.4 programs under Minnesota Statutes, section
21.5 299A.73. The base for this appropriation is
21.6 \$3,526,000 in fiscal year 2026 and \$3,525,000
21.7 in fiscal year 2027.

21.8 **(l) Community Crime Intervention and**
21.9 **Prevention Grants**

21.10 \$750,000 each year is for community crime
21.11 intervention and prevention program grants,
21.12 authorized under Minnesota Statutes, section
21.13 299A.296. This is a onetime appropriation.

21.14 **(m) Resources for Victims of Crime**

21.15 \$1,000,000 each year is for general crime
21.16 victim grants to meet the needs of victims of
21.17 crime not covered by domestic violence,
21.18 sexual assault, or child abuse services. This is
21.19 a onetime appropriation.

21.20 **(n) Prosecutor Training**

21.21 \$100,000 each year is for a grant to the
21.22 Minnesota County Attorneys Association to
21.23 be used for prosecutorial and law enforcement
21.24 training, including trial school training and
21.25 train-the-trainer courses. All training funded
21.26 with grant proceeds must contain blocks of
21.27 instruction on racial disparities in the criminal
21.28 justice system, collateral consequences to
21.29 criminal convictions, and trauma-informed
21.30 responses to victims. This is a onetime
21.31 appropriation.

21.32 The Minnesota County Attorneys Association
21.33 must report to the chairs and ranking minority

22.1 members of the legislative committees with
22.2 jurisdiction over public safety policy and
22.3 finance on the training provided with grant
22.4 proceeds, including a description of each
22.5 training and the number of prosecutors and
22.6 law enforcement officers who received
22.7 training. The report is due by February 15,
22.8 2025. The report may include trainings
22.9 scheduled to be completed after the date of
22.10 submission with an estimate of expected
22.11 participants.

22.12 **(o) Minnesota Heals**

22.13 \$500,000 each year is for the Minnesota Heals
22.14 grant program. This is a onetime
22.15 appropriation.

22.16 **(p) Sexual Assault Exam Costs**

22.17 \$3,967,000 the first year and \$3,767,000 the
22.18 second year are to reimburse qualified health
22.19 care providers for the expenses associated with
22.20 medical examinations administered to victims
22.21 of criminal sexual conduct as required under
22.22 Minnesota Statutes, section 609.35. The base
22.23 for this appropriation is \$3,771,000 in fiscal
22.24 year 2026 and \$3,776,000 in fiscal year 2027.

22.25 **(q) First Responder Mental Health**

22.26 **Curriculum**

22.27 \$75,000 each year is for a grant to the Adler
22.28 graduate school. The grantee must use the
22.29 grant to develop a curriculum for a 24-week
22.30 certificate to train licensed therapists to
22.31 understand the nuances, culture, and stressors
22.32 of the work environments of first responders
22.33 to allow those therapists to provide effective
22.34 treatment to first responders in distress. The

- 23.1 grantee must collaborate with first responders
23.2 who are familiar with the psychological,
23.3 cultural, and professional issues of their field
23.4 to develop the curriculum and promote it upon
23.5 completion.
- 23.6 The grantee may provide the program online.
- 23.7 The grantee must seek to recruit additional
23.8 participants from outside the 11-county
23.9 metropolitan area.
- 23.10 The grantee must create a resource directory
23.11 to provide law enforcement agencies with
23.12 names of counselors who complete the
23.13 program and other resources to support law
23.14 enforcement professionals with overall
23.15 wellness. The grantee shall collaborate with
23.16 the Department of Public Safety and law
23.17 enforcement organizations to promote the
23.18 directory. This is a onetime appropriation.
- 23.19 **(r) Pathways to Policing**
- 23.20 \$400,000 each year is for reimbursement
23.21 grants to state and local law enforcement
23.22 agencies that operate pathway to policing
23.23 programs. Applicants for reimbursement
23.24 grants may receive up to 50 percent of the cost
23.25 of compensating and training program
23.26 participants. Reimbursement grants shall be
23.27 proportionally allocated based on the number
23.28 of grant applications approved by the
23.29 commissioner. This is a onetime appropriation.
- 23.30 **(s) Direct Assistance to Crime Victim**
23.31 **Survivors**
- 23.32 \$5,000,000 each year is to provide grants for
23.33 direct services and advocacy for victims of
23.34 sexual assault, general crime, domestic

24.1 violence, and child abuse. Funding must
24.2 support the direct needs of organizations
24.3 servicing victims of crime by providing: direct
24.4 client assistance to crime victims; competitive
24.5 wages for direct service staff; hotel stays and
24.6 other housing-related supports and services;
24.7 culturally responsive programming; prevention
24.8 programming, including domestic abuse
24.9 transformation and restorative justice
24.10 programming; and for other needs of
24.11 organizations and crime victim survivors.
24.12 Services funded must include services for
24.13 victims of crime in underserved communities
24.14 most impacted by violence and reflect the
24.15 ethnic, racial, economic, cultural, and
24.16 geographic diversity of the state. The office
24.17 shall prioritize culturally specific programs,
24.18 or organizations led and staffed by persons of
24.19 color that primarily serve communities of
24.20 color, when allocating funds.

24.21 **(t) Racially Diverse Youth**

24.22 \$250,000 each year is for grants to
24.23 organizations to address racial disparity of
24.24 youth using shelter services in the Rochester
24.25 and St. Cloud regional areas. Of this amount,
24.26 \$125,000 each year is to address this issue in
24.27 the Rochester area and \$125,000 each year is
24.28 to address this issue in the St. Cloud area. A
24.29 grant recipient shall establish and operate a
24.30 pilot program connected to shelter services to
24.31 engage in community intervention outreach,
24.32 mobile case management, family reunification,
24.33 aftercare, and follow up when family members
24.34 are released from shelter services. A pilot
24.35 program must specifically address the high

25.1 number of racially diverse youth that enter
25.2 shelters in the regions. This is a onetime
25.3 appropriation.

25.4 **(u) Violence Prevention Project Research**
25.5 **Center**

25.6 \$500,000 each year is for a grant to the
25.7 Violence Prevention Project Research Center,
25.8 operating as a 501(c)(3) organization, for
25.9 research focused on reducing violence in
25.10 society that uses data and analysis to improve
25.11 criminal justice-related policy and practice in
25.12 Minnesota. Research must place an emphasis
25.13 on issues related to deaths and injuries
25.14 involving firearms. This is a onetime
25.15 appropriation.

25.16 Beginning January 15, 2025, the Violence
25.17 Prevention Project Research Center must
25.18 submit an annual report to the chairs and
25.19 ranking minority members of the legislative
25.20 committees with jurisdiction over public safety
25.21 policy and finance on its work and findings.
25.22 The report must include a description of the
25.23 data reviewed, an analysis of that data, and
25.24 recommendations to improve criminal
25.25 justice-related policy and practice in
25.26 Minnesota with specific recommendations to
25.27 address deaths and injuries involving firearms.

25.28 **(v) Report on Approaches to Address Illicit**
25.29 **Drug Use in Minnesota**

25.30 \$118,000 each year is to enter into an
25.31 agreement with Rise Research LLC for a study
25.32 and set of reports on illicit drug use in
25.33 Minnesota describing current responses to that
25.34 use, reviewing alternative approaches utilized

26.1 in other jurisdictions, and making policy and
26.2 funding recommendations for a holistic and
26.3 effective response to illicit drug use and the
26.4 illicit drug trade. The agreement must establish
26.5 a budget and schedule with clear deliverables.
26.6 This appropriation is onetime.

26.7 The study must include a review of current
26.8 policies, practices, and funding; identification
26.9 of alternative approaches utilized effectively
26.10 in other jurisdictions; and policy and funding
26.11 recommendations for a response to illicit drug
26.12 use and the illicit drug trade that reduces and,
26.13 where possible, prevents harm and expands
26.14 individual and community health, safety, and
26.15 autonomy. Recommendations must consider
26.16 impacts on public safety, racial equity,
26.17 accessibility of health and ancillary supportive
26.18 social services, and the intersections between
26.19 drug policy and mental health, housing and
26.20 homelessness, overdose and infectious disease,
26.21 child welfare, and employment.

26.22 Rise Research may subcontract and coordinate
26.23 with other organizations or individuals to
26.24 conduct research, provide analysis, and
26.25 prepare the reports required by this section.

26.26 Rise Research shall submit reports to the
26.27 chairs and ranking minority members of the
26.28 legislative committees with jurisdiction over
26.29 public safety finance and policy, human
26.30 services finance and policy, health finance and
26.31 policy, and judiciary finance and policy. Rise
26.32 Research shall submit an initial report by
26.33 February 15, 2024, and a final report by March
26.34 1, 2025.

26.35 **(w) Legal Representation for Children**

27.1 \$150,000 each year is for a grant to an
 27.2 organization that provides legal representation
 27.3 for children in need of protection or services
 27.4 and children in out-of-home placement. The
 27.5 grant is contingent upon a match in an equal
 27.6 amount from nonstate funds. The match may
 27.7 be in kind, including the value of volunteer
 27.8 attorney time, in cash, or a combination of the
 27.9 two. These appropriations are in addition to
 27.10 any other appropriations for the legal
 27.11 representation of children. This appropriation
 27.12 is onetime.

27.13 **(x) Pretrial Release Study and Report**

27.14 \$250,000 each year are for a grant to the
 27.15 Minnesota Justice Research Center to study
 27.16 and report on pretrial release practices in
 27.17 Minnesota and other jurisdictions, including
 27.18 but not limited to the use of bail as a condition
 27.19 of pretrial release. This appropriation is
 27.20 onetime.

27.21 **(y) Intensive Comprehensive Peace Officer**
 27.22 **Education and Training Program**

27.23 \$5,000,000 the first year is to implement the
 27.24 intensive comprehensive peace officer
 27.25 education and training program described in
 27.26 Minnesota Statutes, section 626.8516. This
 27.27 appropriation is available through June 30,
 27.28 2027.

27.29 **(z) Youth Services Office**

27.30 \$250,000 each year is to operate the Youth
 27.31 Services Office.

27.32 **Subd. 9. Emergency Communication Networks**

77,329,000

70,597,000

28.1	<u>Appropriations by Fund</u>		
28.2	<u>General</u>	<u>2,000,000</u>	<u>2,000,000</u>
28.3	<u>911 Fund</u>	<u>75,329,000</u>	<u>68,597,000</u>

28.4 This appropriation is from the state
 28.5 government special revenue fund for 911
 28.6 emergency telecommunications services unless
 28.7 otherwise indicated.

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

28.9 \$28,011,000 the first year and \$28,011,000
 28.10 the second year shall be distributed as
 28.11 provided under Minnesota Statutes, section
 28.12 403.113, subdivision 2.

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

28.14 \$7,000,000 the first year is to support Public
 28.15 Safety Answering Points' transition to Next
 28.16 Generation 911. Funds may be used for
 28.17 planning, cybersecurity, GIS data collection
 28.18 and maintenance, 911 call processing
 28.19 equipment, and new Public Safety Answering
 28.20 Point technology to improve service delivery.
 28.21 Funds shall be distributed by October 1, 2023,
 28.22 as provided in Minnesota Statutes, section
 28.23 403.113, subdivision 2. Funds are available
 28.24 until June 30, 2025, and any unspent funds
 28.25 must be returned to the 911 emergency
 28.26 telecommunications service account. This is
 28.27 a onetime appropriation.

28.28 Each eligible entity receiving these funds must
 28.29 provide a detailed report on how the funds
 28.30 were used to the commissioner of public safety
 28.31 by August 1, 2025.

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

28.33 **Costs**

29.1 \$10,116,000 the first year and \$10,384,000
 29.2 the second year are transferred to the
 29.3 commissioner of transportation for costs of
 29.4 maintaining and operating the statewide radio
 29.5 system backbone.

29.6 **(d) Statewide Emergency Communications**

29.7 **Board**

29.8 \$1,000,000 each year is to the Statewide
 29.9 Emergency Communications Board. Funds
 29.10 may be used for operating costs, to provide
 29.11 competitive grants to local units of
 29.12 government to fund enhancements to a
 29.13 communication system, technology, or support
 29.14 activity that directly provides the ability to
 29.15 deliver the 911 call between the entry point to
 29.16 the 911 system and the first responder, and to
 29.17 further the strategic goals set forth by the
 29.18 SECB Statewide Communication
 29.19 Interoperability Plan.

29.20 **(e) Statewide Public Safety Radio**

29.21 **Communication System Equipment Grants**

29.22 \$2,000,000 each year from the general fund
 29.23 is for grants to local units of government,
 29.24 federally recognized Tribal entities, and state
 29.25 agencies participating in the statewide Allied
 29.26 Radio Matrix for Emergency Response
 29.27 (ARMER) public safety radio communication
 29.28 system established under Minnesota Statutes,
 29.29 section 403.36, subdivision 1e. The grants
 29.30 must be used to purchase or upgrade portable
 29.31 radios, mobile radios, and related equipment
 29.32 that is interoperable with the ARMER system.
 29.33 Each local government unit may receive only
 29.34 one grant. The grant is contingent upon a
 29.35 match of at least five percent from nonstate

30.1 funds. The director of the Department of
 30.2 Public Safety Emergency Communication
 30.3 Networks division, in consultation with the
 30.4 Statewide Emergency Communications Board,
 30.5 must administer the grant program. This
 30.6 appropriation is available until June 30, 2026.
 30.7 This is a onetime appropriation.

30.8 **Sec. 4. PEACE OFFICER STANDARDS AND**
 30.9 **TRAINING (POST) BOARD**

\$ 12,863,000 \$ 12,717,000

30.10 **(a) Peace Officer Training Reimbursements**

30.11 \$2,949,000 each year is for reimbursements
 30.12 to local governments for peace officer training
 30.13 costs.

30.14 **(b) Additional Staff**

30.15 \$1,027,000 the first year and \$1,028,000 the
 30.16 second year are for additional staff and
 30.17 equipment. The base for this appropriation is
 30.18 \$1,011,000 beginning in fiscal year 2026.

30.19 **(c) Additional Office Space**

30.20 \$228,000 the first year and \$30,000 the second
 30.21 year are for additional office space.

30.22 **Sec. 5. PRIVATE DETECTIVE BOARD**

\$ 758,000 \$ 688,000

30.23 **Sec. 6. CORRECTIONS**

30.24 **Subdivision 1. Total**

30.25 **Appropriation** **\$ 12,643,000 \$ 797,937,000 \$ 826,661,000**

30.26 The amounts that may be spent for each
 30.27 purpose are specified in the following
 30.28 subdivisions.

30.29 **Subd. 2. Incarceration and**

30.30 **Prerelease Services** **\$ 12,643,000 \$ 534,412,000 \$ 561,421,000**

30.31 **(a) Operating Deficiency**

31.1 \$12,643,000 in fiscal year 2023 is to meet
31.2 financial obligations in fiscal year 2023. This
31.3 is a onetime appropriation.

31.4 **(b) Body-worn Camera Program**

31.5 \$1,000,000 each year is to create a body-worn
31.6 camera program for corrections officers and
31.7 intensive supervised release agents. This
31.8 appropriation is onetime.

31.9 **(c) ARMER Radio System**

31.10 \$1,500,000 each year is to upgrade and
31.11 maintain the ARMER radio system within
31.12 correctional facilities. This is a onetime
31.13 appropriation.

31.14 **(d) Prison Rape Elimination Act**

31.15 \$500,000 each year is for Prison Rape
31.16 Elimination Act (PREA) compliance.

31.17 **(e) State Corrections Safety and Security**

31.18 \$1,932,000 each year is for state corrections
31.19 safety and security investments. The base for
31.20 this appropriation is \$2,625,000 beginning in
31.21 fiscal year 2026.

31.22 **(f) Health Services**

31.23 \$2,750,000 each year is for increased health
31.24 care services. The base for this appropriation
31.25 is \$3,400,000 beginning in fiscal year 2026.

31.26 **(g) Educational Programming and Support**
31.27 **Services**

31.28 \$5,600,000 the first year and \$4,000,000 the
31.29 second year are for educational programming
31.30 and support services. The base for this purpose
31.31 is \$2,000,000 beginning in fiscal year 2026.

31.32 **(h) Family Support Unit**

32.1 \$480,000 each year is for a family support
32.2 unit.

32.3 **(i) Inmate Phone Calls**

32.4 \$3,100,000 each year is to provide voice
32.5 communication services for incarcerated
32.6 persons under Minnesota Statutes, section
32.7 241.252. Any unencumbered balance
32.8 remaining at the end of the first year may be
32.9 carried forward into the second year. If this
32.10 appropriation is greater than the cost of
32.11 providing voice communication services,
32.12 remaining funds must be used to offset the
32.13 cost of other communication services.

32.14 **(j) Virtual Court Coordination**

32.15 \$500,000 each year is for virtual court
32.16 coordination and modernization.

32.17 **(k) Supportive Arts for Incarcerated**

32.18 **Persons**

32.19 \$425,000 the first year is for supportive arts
32.20 for incarcerated persons grants as provided
32.21 for in section 17. Of this amount, up to ten
32.22 percent is for administration, including facility
32.23 space, access, liaison, and monitoring. Any
32.24 unencumbered balance remaining at the end
32.25 of the first year does not cancel but is available
32.26 for this purpose in the second year.

32.27 **(l) Successful Re-entry**

32.28 \$375,000 the first year and \$875,000 the
32.29 second year are for reentry initiatives,
32.30 including a culturally specific release program
32.31 for Native American incarcerated individuals.

32.32 **(m) Evidence-based Correctional Practices**

32.33 **Unit**

33.1 \$750,000 each year is to establish and
 33.2 maintain a unit to direct and oversee the use
 33.3 of evidence-based correctional practices across
 33.4 the department and supervision delivery
 33.5 systems.

33.6 **(n) Interstate Compact for Adult**
 33.7 **Supervision; Transfer Expense**
 33.8 **Reimbursement**

33.9 \$250,000 each year is for reimbursements
 33.10 under Minnesota Statutes, section 243.1609.
 33.11 This is a onetime appropriation.

33.12 **(o) Task Force on Aiding and Abetting**
 33.13 **Felony Murder**

33.14 \$25,000 the first year is for costs associated
 33.15 with the revival of the task force on aiding and
 33.16 abetting felony murder.

33.17 **(p) Incarceration and Prerelease Services**
 33.18 **Base Budget**

33.19 The base for incarceration and prerelease
 33.20 services is \$552,775,000 in fiscal year 2026
 33.21 and \$553,043,000 in fiscal year 2027.

33.22 **Subd. 3. Community**
 33.23 **Supervision and Postrelease**
 33.24 **Services**

189,939,000

190,953,000

33.25 **(a) Community Supervision Funding**

33.26 \$143,378,000 each year is for community
 33.27 supervision services. This appropriation shall
 33.28 be distributed according to the community
 33.29 supervision formula in Minnesota Statutes,
 33.30 section 401.10.

33.31 **(b) Tribal Nation Supervision**

33.32 \$2,750,000 each year is for Tribal Nations to
 33.33 provide supervision or supportive services

- 34.1 pursuant to Minnesota Statutes, section
34.2 401.10.
- 34.3 **(c) Postrelease Sex Offender Program**
- 34.4 \$1,915,000 each year is for postrelease sex
34.5 offender treatment services and initiatives.
- 34.6 **(d) Community Supervision Advisory**
34.7 **Committee**
- 34.8 \$75,000 the first year is to fund the community
34.9 supervision advisory committee under
34.10 Minnesota Statutes, section 401.17.
- 34.11 **(e) Regional and County Jails Study and**
34.12 **Report**
- 34.13 \$150,000 the first year is to fund the
34.14 commissioner's study and report on the
34.15 consolidation or merger of county jails and
34.16 alternatives to incarceration for persons
34.17 experiencing mental health disorders.
- 34.18 **(f) Work Release Programs**
- 34.19 \$500,000 each year is for work release
34.20 programs.
- 34.21 **(g) County Discharge Plans**
- 34.22 \$80,000 each year is to develop model
34.23 discharge plans pursuant to Minnesota
34.24 Statutes, section 641.155. This appropriation
34.25 is onetime.
- 34.26 **(h) Housing Initiatives**
- 34.27 \$2,130,000 each year is for housing initiatives
34.28 to support stable housing of incarcerated
34.29 individuals upon release. The base for this
34.30 purpose beginning in fiscal year 2026 is
34.31 \$1,685,000. Of this amount:

35.1 (1) \$1,000,000 each year is for housing
 35.2 stabilization prerelease services and program
 35.3 evaluation. The base for this purpose
 35.4 beginning in fiscal year 2026 is \$760,000;

35.5 (2) \$500,000 each year is for rental assistance
 35.6 for incarcerated individuals approaching
 35.7 release, on supervised release, or on probation
 35.8 who are at risk of homelessness;

35.9 (3) \$405,000 each year is for culturally
 35.10 responsive trauma-informed transitional
 35.11 housing. The base for this purpose beginning
 35.12 in fiscal year 2026 is \$200,000; and

35.13 (4) \$225,000 each year is for housing
 35.14 coordination activities.

35.15 **(i) Community Supervision and Postrelease**
 35.16 **Services Base Budget**

35.17 The base for community supervision and
 35.18 postrelease services is \$189,272,000 in fiscal
 35.19 year 2026 and \$189,172,000 in fiscal year
 35.20 2027.

35.21 **(j) Naloxone**
 35.22 \$2,000 each year is to purchase naloxone for
 35.23 supervised release agents to use to respond to
 35.24 overdoses.

35.25 **Subd. 4. Organizational, Regulatory, and**
 35.26 **Administrative Services**

73,586,000

74,287,000

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

35.28 \$22,914,000 the first year and \$22,915,000
 35.29 the second year are for technology
 35.30 modernization and the development of an
 35.31 information-sharing and data-technology
 35.32 infrastructure. The base for this purpose is
 35.33 \$4,097,000 beginning in fiscal year 2026. Any

36.1 unspent funds from the current biennium do
36.2 not cancel and are available in the next
36.3 biennium.

36.4 **(b) Supervised Release Board**

36.5 \$40,000 each year is to establish and operate
36.6 the supervised release board pursuant to
36.7 Minnesota Statutes, section 244.049.

36.8 **(c) Recruitment and Retention**

36.9 \$3,200,000 the first year and \$400,000 the
36.10 second year are for recruitment and retention
36.11 initiatives. Of this amount, \$2,800,000 the first
36.12 year is for staff recruitment, professional
36.13 development, conflict resolution, and staff
36.14 wellness, and to contract with community
36.15 collaborative partners who specialize in trauma
36.16 recovery.

36.17 **(d) Clemency Review Commission**

36.18 \$986,000 each year is for the clemency review
36.19 commission described in Minnesota Statutes,
36.20 section 638.09. Of this amount, \$200,000 each
36.21 year is for grants to support outreach and
36.22 clemency application assistance.

36.23 **(e) Accountability and Transparency**

36.24 \$1,000,000 each year is for accountability and
36.25 transparency initiatives. The base for this
36.26 appropriation is \$1,480,000 beginning in fiscal
36.27 year 2026.

36.28 **(f) Organizational, Regulatory, and**
36.29 **Administrative Services Base Budget**

36.30 The base for organizational, regulatory, and
36.31 administrative services is \$55,849,000 in fiscal
36.32 year 2026 and \$55,649,000 in fiscal year 2027.

37.1	<u>Sec. 7. OMBUDSPERSON FOR</u>			
37.2	<u>CORRECTIONS</u>	<u>\$</u>	<u>1,105,000</u>	<u>\$</u>
				<u>1,099,000</u>
37.3	<u>Sec. 8. BOARD OF TRUSTEES OF THE</u>			
37.4	<u>MINNESOTA STATE COLLEGES AND</u>			
37.5	<u>UNIVERSITIES</u>	<u>\$</u>	<u>500,000</u>	<u>\$</u>
				<u>500,000</u>
37.6	<u>\$500,000 each year is for transfer to</u>			
37.7	<u>Metropolitan State University. Of this amount,</u>			
37.8	<u>\$280,000 each year is to provide juvenile</u>			
37.9	<u>justice services and resources, including the</u>			
37.10	<u>Juvenile Detention Alternatives Initiative, to</u>			
37.11	<u>Minnesota counties and federally recognized</u>			
37.12	<u>Tribes and \$220,000 each year is for funding</u>			
37.13	<u>to local units of government, federally</u>			
37.14	<u>recognized Tribes, and agencies to support</u>			
37.15	<u>local Juvenile Detention Alternatives</u>			
37.16	<u>Initiatives, including but not limited to</u>			
37.17	<u>Alternatives to Detention. The unencumbered</u>			
37.18	<u>balance in the first year of the biennium does</u>			
37.19	<u>not cancel but is available throughout the</u>			
37.20	<u>biennium.</u>			
37.21	<u>Sec. 9. DEPARTMENT OF NATURAL</u>			
37.22	<u>RESOURCES</u>	<u>\$</u>	<u>73,000</u>	<u>\$</u>
				<u>9,000</u>
37.23	<u>\$73,000 the first year and \$9,000 the second</u>			
37.24	<u>year are to provide naloxone and training in</u>			
37.25	<u>the use of naloxone to conservation officers.</u>			
37.26	Sec. 10. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3,			
37.27	is amended to read:			
37.28	Subd. 3. Peace Officer Training Assistance			
37.29	Philando Castile Memorial Training Fund			
37.30	\$6,000,000 each year is to support and			
37.31	strengthen law enforcement training and			
37.32	implement best practices. This funding shall			
37.33	be named the "Philando Castile Memorial			
37.34	Training Fund." <u>These funds may only be used</u>			
37.35	<u>to reimburse costs related to training courses</u>			

38.1 that qualify for reimbursement under
38.2 Minnesota Statutes, sections 626.8452 (use of
38.3 force), 626.8469 (training in crisis response,
38.4 conflict management, and cultural diversity),
38.5 and 626.8474 (autism training).

38.6 Each sponsor of a training course is required
38.7 to include the following in the sponsor's
38.8 application for approval submitted to the
38.9 board: course goals and objectives; a course
38.10 outline including at a minimum a timeline and
38.11 teaching hours for all courses; instructor
38.12 qualifications, ~~including skills and concepts~~
38.13 ~~such as crisis intervention, de-escalation, and~~
38.14 ~~cultural competency that are relevant to the~~
38.15 ~~course provided~~; and a plan for learning
38.16 assessments of the course and documenting
38.17 the assessments to the board during review.

38.18 Upon completion of each course, instructors
38.19 must submit student evaluations of the
38.20 instructor's teaching to the sponsor.

38.21 The board shall keep records of the
38.22 applications of all approved and denied
38.23 courses. All continuing education courses shall
38.24 be reviewed after the first year. The board
38.25 must set a timetable for recurring review after
38.26 the first year. For each review, the sponsor
38.27 must submit its learning assessments to the
38.28 board to show that the course is teaching the
38.29 learning outcomes that were approved by the
38.30 board.

38.31 A list of licensees who successfully complete
38.32 the course shall be maintained by the sponsor
38.33 and transmitted to the board following the
38.34 presentation of the course and the completed
38.35 student evaluations of the instructors.

39.1 Evaluations are available to chief law
39.2 enforcement officers. The board shall establish
39.3 a data retention schedule for the information
39.4 collected in this section.

39.5 Each year, if funds are available after
39.6 reimbursing all eligible requests for courses
39.7 approved by the board under this subdivision,
39.8 the board may use the funds to reimburse law
39.9 enforcement agencies for other
39.10 board-approved law enforcement training
39.11 courses. The base for this activity is \$0 in
39.12 fiscal year 2026 and thereafter.

39.13 **Sec. 11. GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT; TRANSFER.**

39.14 \$250,000 in fiscal year 2024 is transferred from the general fund to the
39.15 Gaagige-Mikwendaagoziwag reward account in the special revenue fund.

39.16 **Sec. 12. COMMUNITY CRIME AND VIOLENCE PREVENTION ACCOUNT;**
39.17 **TRANSFER.**

39.18 \$70,000,000 in fiscal year 2024 is transferred from the general fund to the community
39.19 crime and violence prevention account in the special revenue fund.

39.20 **Sec. 13. COMMUNITY CRIME AND VIOLENCE PREVENTION GRANTS;**
39.21 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

39.22 The community crime and violence prevention account is created in the special revenue
39.23 fund consisting of money deposited, donated, allotted, transferred, or otherwise provided
39.24 to the account. Of the amount in the account, up to \$14,000,000 each year is appropriated
39.25 to the commissioner of public safety for purposes specified in Minnesota Statutes, section
39.26 299A.296.

39.27 **Sec. 14. CRISIS RESPONSE ACCOUNT; TRANSFER.**

39.28 \$10,000,000 in fiscal year 2024 is transferred from the general fund to the crisis response
39.29 account in the special revenue fund. Any balance in the account on June 30, 2028, cancels
39.30 to the general fund.

40.1 Sec. 15. **CRISIS RESPONSE GRANTS; SPECIAL REVENUE ACCOUNT;**
40.2 **APPROPRIATION.**

40.3 The crisis response account is created in the special revenue fund consisting of money
40.4 deposited, donated, allotted, transferred, or otherwise provided to the account. Of the amount
40.5 in the account, up to \$2,000,000 in each of fiscal years 2024, 2025, 2026, 2027, and 2028
40.6 are appropriated to the commissioner of public safety for grants administered by the Office
40.7 of Justice Programs to be awarded to local law enforcement agencies and local governments
40.8 to maintain or expand crisis response teams in which social workers or mental health
40.9 providers are sent as first responders when calls for service indicate that an individual is
40.10 having a mental health crisis.

40.11 Sec. 16. **PRETRIAL RELEASE STUDY AND REPORT.**

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

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

40.23 (c) By February 15, 2024, the Minnesota Justice Research Center must provide a
40.24 preliminary report to the legislative committees and divisions with jurisdiction over public
40.25 safety finance and policy including a summary of the preliminary findings, any legislative
40.26 proposals to improve the ability of the Minnesota Justice Research Center to complete its
40.27 work, and any proposals for legislation related to pretrial release. The Minnesota Justice
40.28 Research Center shall submit a final report to the legislative committees and divisions with
40.29 jurisdiction over public safety finance and policy by February 15, 2025. The final report
40.30 shall include a description of the Minnesota Justice Research Center's work, findings, and
40.31 any legislative proposals.

41.1 **Sec. 17. SUPPORTIVE ARTS GRANT PROGRAM.**

41.2 (a) The commissioner of corrections shall establish a supportive arts grant program to
41.3 award grants to nonprofit organizations to provide supportive arts programs to incarcerated
41.4 persons and persons on supervised release. The supportive arts programs must use the arts,
41.5 including but not limited to visual art, poetry, literature, theater, dance, and music, to address
41.6 the supportive, therapeutic, and rehabilitative needs of incarcerated persons and persons on
41.7 supervised release and promote a safer correctional facility environment and community
41.8 environment. The commissioner may not require incarcerated persons and persons on
41.9 supervised release to participate in a supportive arts program provided in a correctional
41.10 facility or community under a grant.

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

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

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

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

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

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

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

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

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

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

42.2 Sec. 18. **APPROPRIATIONS GIVEN EFFECT ONCE.**

42.3 If an appropriation or transfer in this act is enacted more than once during the 2023
42.4 regular session, the appropriation or transfer must be given effect only once.

42.5 **ARTICLE 3**

42.6 **JUDICIARY POLICY**

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

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

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

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

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

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

42.16 (3) review of voluntary foster care matters as defined in section 260C.141, subdivision
42.17 2;

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

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

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

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

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

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

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

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

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

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

43.11 Subd. 3. **State Board of Appellate Counsel and Training; structure; membership.** (a)
43.12 The State Board of Appellate Counsel and Training is established to direct the Statewide
43.13 Office of Appellate Counsel and Training. The board shall consist of seven members,
43.14 including:

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

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

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

43.21 (1) a person who is a judge;

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

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

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

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

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

43.28 (c) All members shall demonstrate an interest in maintaining a high quality, independent
43.29 appellate defense system for parents in juvenile protection proceedings who are unable to
43.30 obtain adequate representation, a robust program for parent attorneys in Minnesota, and an
43.31 efficient coordination effort, in collaboration with the Department of Human Services, to

44.1 secure and utilize Title IV-E funding. At least one member of the board appointed by the
44.2 governor must be a representative from a federally recognized Indian Tribe. No more than
44.3 five members of the board may belong to the same political party. At least three members
44.4 of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth
44.5 Judicial Districts. To the extent practicable, the membership of the board must include
44.6 persons with disabilities, reflect the ethnic diversity of the state, take into consideration race
44.7 and gender, and include persons from throughout the state. The members shall be well
44.8 acquainted with representing parents in district court and appellate proceedings related to
44.9 child protection matters as well as the law that affect a parent attorney's work, including
44.10 chapter 260C, the Rules of Juvenile Protection Procedure, the Rules of Civil Appellate
44.11 Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation
44.12 Act. The terms, compensation, and removal of members shall be as provided in section
44.13 15.0575. The members shall elect a chair from among the membership and the chair shall
44.14 serve a term of two years.

44.15 **Subd. 4. Head appellate counsel for parents; assistant and contracted attorneys;**
44.16 **other employees.** (a) Beginning January 1, 2024, and for every four years after that date,
44.17 the board shall appoint a head appellate counsel in charge of executing the responsibilities
44.18 of the office who shall provide for sufficient appellate counsel for parents and other personnel
44.19 necessary to discharge the functions of the office. The head appellate counsel shall serve a
44.20 four-year term and may be removed only for cause upon the order of the board. The head
44.21 appellate counsel shall be a full-time qualified attorney, licensed to practice law in this state,
44.22 and serve in the unclassified service of the state. Vacancies of the office shall be filled by
44.23 the appointing authority for the unexpired term. The head appellate counsel shall devote
44.24 full time to the performance of duties and shall not engage in the general practice of law.
44.25 The compensation of the head appellate counsel shall be set by the board and shall be
44.26 commensurate with county attorneys in the state.

44.27 (b) Consistent with the decisions of the board, the head appellate counsel shall employ
44.28 assistants or hire independent contractors to serve as appellate counsel for parents. Each
44.29 assistant appellate counsel and independent contractor serves at the pleasure of the head
44.30 appellate counsel. The compensation of assistant appellate counsel and independent
44.31 contractors shall be set by the board and shall be commensurate with county attorneys in
44.32 the state.

44.33 (c) A person serving as appellate counsel shall be a qualified attorney licensed to practice
44.34 law in this state. A person serving as appellate counsel practicing in Tribal court shall be a
44.35 licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate

45.1 counsel and contracted appellate counsel may engage in the general practice of law where
45.2 not employed or contracted to provide services on a full-time basis.

45.3 (d) The head appellate counsel shall, consistent with the responsibilities under subdivision
45.4 2, employ or hire the following:

45.5 (1) one managing appellate attorney;

45.6 (2) two staff attorneys;

45.7 (3) one director of training;

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

45.10 (5) one office administrator.

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

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

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

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

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

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

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

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

45.31 (2) standards for appellate counsel caseloads;

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

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

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

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

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

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

46.18 (g) The board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.10 (9) Filing and indexing trade name; or recording basic science certificate; or recording
48.11 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
48.12 \$5.

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

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

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

48.16 (13) Filing a motion or response to a motion for modification of child support, a fee of
48.17 \$50.

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

48.20 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
48.21 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
48.22 petition filed in district court to fund the fathers' adoption registry under section 259.52.

48.23 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
48.24 public authority represents. No fee may be charged to view or download a publicly available
48.25 instrument from a civil or criminal proceeding or for an uncertified copy of that instrument.

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

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

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

- 49.1 (2) establish and maintain a principal office in St. Paul, and any other necessary branch
49.2 offices at any location within the state;
- 49.3 (3) meet and function at any place within the state;
- 49.4 (4) employ attorneys, clerks, and other employees and agents as the commissioner may
49.5 deem necessary and prescribe their duties;
- 49.6 (5) to the extent permitted by federal law and regulation, utilize the records of the
49.7 Department of Employment and Economic Development of the state when necessary to
49.8 effectuate the purposes of this chapter;
- 49.9 (6) obtain upon request and utilize the services of all state governmental departments
49.10 and agencies;
- 49.11 (7) adopt suitable rules for effectuating the purposes of this chapter;
- 49.12 (8) issue complaints, receive and investigate charges alleging unfair discriminatory
49.13 practices, and determine whether or not probable cause exists for hearing;
- 49.14 (9) subpoena witnesses, administer oaths, take testimony, and require the production for
49.15 examination of any books or papers relative to any matter under investigation or in question
49.16 as the commissioner deems appropriate to carry out the purposes of this chapter;
- 49.17 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate
49.18 unfair discriminatory practices as being contrary to the public policy of the state;
- 49.19 (11) develop and conduct programs of formal and informal education designed to
49.20 eliminate discrimination and intergroup conflict by use of educational techniques and
49.21 programs the commissioner deems necessary;
- 49.22 (12) make a written report of the activities of the commissioner to the governor each
49.23 year;
- 49.24 (13) accept gifts, bequests, grants, or other payments public and private to help finance
49.25 the activities of the department;
- 49.26 (14) create such local and statewide advisory committees as will in the commissioner's
49.27 judgment aid in effectuating the purposes of the Department of Human Rights;
- 49.28 (15) develop such programs as will aid in determining the compliance throughout the
49.29 state with the provisions of this chapter, and in the furtherance of such duties, conduct
49.30 research and study discriminatory practices based upon race, color, creed, religion, national
49.31 origin, sex, age, disability, marital status, status with regard to public assistance, familial
49.32 status, sexual orientation, or other factors and develop accurate data on the nature and extent

50.1 of discrimination and other matters as they may affect housing, employment, public
50.2 accommodations, schools, and other areas of public life;

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

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

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

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

50.12 (20) analyze civil rights trends pursuant to this chapter, including information compiled
50.13 from community organizations that work directly with historically marginalized communities,
50.14 and prepare a report each biennium that recommends policy and system changes to reduce
50.15 and prevent further civil rights incidents across Minnesota. The report shall be provided to
50.16 the chairs and ranking minority members of the house of representatives and senate
50.17 committees with jurisdiction over the Department of Human Rights. This report must also
50.18 be posted on the Department of Human Rights' public website and shared with community
50.19 organizations that work with historically marginalized communities.

50.20 In performing these duties, the commissioner shall give priority to those duties in clauses
50.21 (8), (9), and (10) and to the duties in section 363A.36.

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

50.26 **EFFECTIVE DATE.** This section is effective July 1, 2023, and the commissioner must
50.27 provide the first report by February 1, 2025.

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

50.29 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
50.30 **RAMSEY COUNTY DISTRICT COURT.**

50.31 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
50.32 municipality or subdivision of government within Ramsey County for violation of a statute;

51.1 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
 51.2 forfeitures collected by the court administrator shall be deposited in the state treasury and
 51.3 distributed according to this paragraph. Except where a different disposition is provided by
 51.4 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the
 51.5 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
 51.6 during the previous month as follows:

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

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

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

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

51.17 (1) a city contracts with the county attorney for prosecutorial services under section
 51.18 484.87, subdivision 3; or

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

51.21 Sec. 5. Minnesota Statutes 2022, section 611.23, is amended to read:

51.22 **611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.**

51.23 The state public defender is responsible to the State Board of Public Defense. The state
 51.24 public defender shall supervise the operation, activities, policies, and procedures of the
 51.25 statewide public defender system. When requested by a district public defender or appointed
 51.26 counsel, the state public defender may assist the district public defender, appointed counsel,
 51.27 or an organization designated in section 611.216 in the performance of duties, including
 51.28 trial representation in matters involving legal conflicts of interest or other special
 51.29 circumstances, and assistance with legal research and brief preparation. The state public
 51.30 defender shall be appointed by the State Board of Public Defense for a term of four years,
 51.31 except as otherwise provided in this section, and until a successor is appointed and qualified.
 51.32 The state public defender shall be a full-time qualified attorney, licensed to practice law in
 51.33 this state, serve in the unclassified service of the state, and be removed only for cause by

52.1 the appointing authority. Vacancies in the office shall be filled by the appointing authority
 52.2 for the unexpired term. The salary of the state public defender shall be fixed by the State
 52.3 Board of Public Defense ~~but must not exceed the salary of a district court judge~~. Terms of
 52.4 the state public defender shall commence on July 1. The state public defender shall devote
 52.5 full time to the performance of duties and shall not engage in the general practice of law.

52.6 ARTICLE 4

52.7 GENERAL CRIMES

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

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

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

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

52.15 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

53.3 (3) the person was sentenced as a patterned sex offender under section 609.3455,

53.4 subdivision 3a; or

53.5 (4) the person was charged with or petitioned for, including pursuant to a court martial,

53.6 violating a law of the United States, including the Uniform Code of Military Justice, similar

53.7 to an offense or involving similar circumstances to an offense described in clause (1), (2),

53.8 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising

53.9 out of the same set of circumstances.

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

53.11 (1) the person was charged with or petitioned for an offense in another state similar to

53.12 an offense or involving similar circumstances to an offense described in paragraph (a),

53.13 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another

53.14 offense arising out of the same set of circumstances;

53.15 (2) the person enters this state to reside, work, or attend school, or enters this state and

53.16 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during

53.17 any calendar year; and

53.18 (3) ten years have not elapsed since the person was released from confinement or, if the

53.19 person was not confined, since the person was convicted of or adjudicated delinquent for

53.20 the offense that triggers registration, unless the person is subject to a longer registration

53.21 period under the laws of another state in which the person has been convicted or adjudicated,

53.22 or is subject to lifetime registration.

53.23 If a person described in this paragraph is subject to a longer registration period in another

53.24 state or is subject to lifetime registration, the person shall register for that time period

53.25 regardless of when the person was released from confinement, convicted, or adjudicated

53.26 delinquent.

53.27 (c) A person also shall register under this section if the person was committed pursuant

53.28 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter

53.29 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the

53.30 United States, regardless of whether the person was convicted of any offense.

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

54.1 (1) the person was charged with or petitioned for a felony violation or attempt to violate
 54.2 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
 54.3 the United States, or the person was charged with or petitioned for a violation of any of the
 54.4 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
 54.5 States;

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

54.9 (3) the person was committed pursuant to a court commitment order under section
 54.10 253B.18 or a similar law of another state or the United States.

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

54.12 Sec. 2. Minnesota Statutes 2022, section 609.02, subdivision 16, is amended to read:

54.13 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
 54.14 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,
 54.15 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree
 54.16 murder); 609.19 (second-degree murder); 609.195, paragraph (a) (third-degree murder);
 54.17 609.20, clauses (1), (2), and (5) (first-degree manslaughter); 609.205, clauses (1) and (5)
 54.18 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree
 54.19 assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224
 54.20 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation);
 54.21 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false
 54.22 imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree
 54.23 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345
 54.24 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious
 54.25 punishment of a child); 609.582, subdivision 1, clause (c) (burglary in the first degree);
 54.26 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining
 54.27 order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an
 54.28 emergency call); 617.261 (nonconsensual dissemination of private sexual images); and
 54.29 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the
 54.30 United States, the District of Columbia, tribal lands, and United States territories.

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

55.1 Sec. 3. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to
55.2 read:

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

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

55.10 (c) As used in this subdivision, "major participant" means a person who:

55.11 (1) used a deadly weapon during the commission of the underlying felony or provided
55.12 a deadly weapon to another participant where it was reasonably foreseeable that the weapon
55.13 would be used in the underlying felony;

55.14 (2) caused substantial bodily harm to another during the commission of the underlying
55.15 felony;

55.16 (3) coerced or hired a participant to undertake actions in furtherance of the underlying
55.17 felony that proximately caused the death, and where it was reasonably foreseeable that such
55.18 actions would cause death or great bodily harm; or

55.19 (4) impeded another person from preventing the death either by physical action or by
55.20 threat of physical action where it was reasonably foreseeable that death or great bodily harm
55.21 would result.

55.22 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes
55.23 committed on or after that date. The section does not apply to crimes committed before
55.24 August 1, 2023.

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

55.26 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in
55.27 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
55.28 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
55.29 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
55.30 victim's actual or perceived association with another person or group of a certain actual or
55.31 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
55.32 gender expression, age, national origin, or disability as defined in section 363A.03, may be

56.1 sentenced to imprisonment for not more than one year or to payment of a fine of not more
56.2 than \$3,000, or both.

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

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

56.9 Sec. 5. Minnesota Statutes 2022, section 609.2233, is amended to read:

56.10 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
56.11 **STATUTORY MAXIMUM SENTENCE.**

56.12 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
56.13 part because of the victim's or another person's actual or perceived race, color, ethnicity,
56.14 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
56.15 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
56.16 victim's actual or perceived association with another person or group of a certain actual or
56.17 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
56.18 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
56.19 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
56.20 applicable.

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

56.23 Sec. 6. **[609.247] CARJACKING.**

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

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

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

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

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

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

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

57.15 Sec. 7. Minnesota Statutes 2022, section 609.25, subdivision 2, is amended to read:

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

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

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

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

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

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

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

57.27 Sec. 8. Minnesota Statutes 2022, section 609.269, is amended to read:

57.28 **609.269 EXCEPTION.**

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

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

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

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

58.5 Sec. 9. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

58.7 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
58.8 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
58.9 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
58.10 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

58.11 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
58.12 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
58.13 property stolen was an article representing a trade secret, an explosive or incendiary device,
58.14 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
58.15 exception of marijuana; or

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

58.18 (a) the value of the property or services stolen is more than \$1,000 but not more than
58.19 \$5,000; or

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

58.22 (c) the value of the property or services stolen is more than \$500 but not more than
58.23 \$1,000 and the person has been convicted within the preceding five years for an offense
58.24 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,
58.25 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
58.26 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
58.27 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
58.28 that was stayed under section 609.135 if the offense to which a plea was entered would
58.29 allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

59.11 (4) to imprisonment for not more than one year or to payment of a fine of not more than
59.12 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
59.13 more than \$1,000; or

59.14 (5) in all other cases where the value of the property or services stolen is \$500 or less,
59.15 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
59.16 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
59.17 (4), (13), and (19), the value of the money or property or services received by the defendant
59.18 in violation of any one or more of the above provisions within any six-month period may
59.19 be aggregated and the defendant charged accordingly in applying the provisions of this
59.20 subdivision; provided that when two or more offenses are committed by the same person
59.21 in two or more counties, the accused may be prosecuted in any county in which one of the
59.22 offenses was committed for all of the offenses aggregated under this paragraph.

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

59.25 Sec. 10. **[609.522] ORGANIZED RETAIL THEFT.**

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

59.28 (b) "Pattern of retail theft" means acts committed or directed by the defendant on at least
59.29 two separate occasions in the preceding six months that would constitute a violation of:

59.30 (1) section 609.52, subdivision 2, paragraph (a), clauses (1), (3), and (4), involving retail
59.31 merchandise;

59.32 (2) section 609.521;

60.1 (3) section 609.53, subdivision 1, involving retail merchandise;

60.2 (4) section 609.582 when the building was a retail establishment; or

60.3 (5) section 609.59.

60.4 (c) "Retail establishment" means the building where a retailer sells retail merchandise.

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

60.7 (e) "Retail theft enterprise" means a group of two or more individuals with a shared goal
60.8 involving the unauthorized removal of retail merchandise from a retailer. Retail theft
60.9 enterprise does not require the membership of the enterprise to remain the same or that the
60.10 same individuals participate in each offense committed by the enterprise.

60.11 (f) "Retailer" means a person or entity that sells retail merchandise.

60.12 (g) "Value" means the retail market value at the time of the theft or, if the retail market
60.13 value cannot be ascertained, the cost of replacement of the property within a reasonable
60.14 time after the theft.

60.15 Subd. 2. **Organized retail theft.** A person is guilty of organized retail theft if:

60.16 (1) the person is employed by or associated with a retail theft enterprise;

60.17 (2) the person has previously engaged in a pattern of retail theft and intentionally commits
60.18 an act or directs another member of the retail theft enterprise to commit an act involving
60.19 retail merchandise that would constitute a violation of:

60.20 (i) section 609.52, subdivision 2, paragraph (a), clauses (1), (3), and (4); or

60.21 (ii) section 609.53, subdivision 1; and

60.22 (3) the person or another member of the retail theft enterprise:

60.23 (i) resells or intends to resell the stolen retail merchandise;

60.24 (ii) advertises or displays any item of the stolen retail merchandise for sale; or

60.25 (iii) returns any item of the stolen retail merchandise to a retailer for anything of value.

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

60.27 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
60.28 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

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

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

61.2 (ii) the value of the property is more than \$500 but not more than \$1,000 and the person
61.3 commits the offense within ten years of the first of two or more convictions under this
61.4 section, section 256.98; 268.182; 609.24; 609.245; 609.52; 609.53; 609.582, subdivision
61.5 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United
61.6 States, or a foreign jurisdiction, in conformity with any of those sections, and the person
61.7 received a felony or gross misdemeanor sentence for the offense, or a sentence that was
61.8 stayed under section 609.135 if the offense to which a plea was entered would allow
61.9 imposition of a felony or gross misdemeanor sentence;

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

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

61.13 (ii) the value of the property is \$500 or less and the person commits the offense within
61.14 ten years of a previous conviction under this section, section 256.98; 268.182; 609.24;
61.15 609.245; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or
61.16 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in
61.17 conformity with any of those sections, and the person received a felony or gross misdemeanor
61.18 sentence for the offense, or a sentence that was stayed under section 609.135 if the offense
61.19 to which a plea was entered would allow imposition of a felony or gross misdemeanor
61.20 sentence; or

61.21 (4) to imprisonment of not more than one year or to payment of a fine of not more than
61.22 \$3,000, or both, if the value of the property stolen is \$500 or less.

61.23 Subd. 4. **Aggregation.** The value of the retail merchandise received by the defendant
61.24 in violation of this section within any six-month period may be aggregated and the defendant
61.25 charged accordingly in applying the provisions of this subdivision; provided that when two
61.26 or more offenses are committed by the same person in two or more counties, the accused
61.27 may be prosecuted in any county in which one of the offenses was committed for all of the
61.28 offenses aggregated under this subdivision.

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

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

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

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

62.8 Sec. 11. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

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

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

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

62.23 (2) the person has been convicted within the preceding five years for an offense under
62.24 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
62.25 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
62.26 jurisdiction, in conformity with any of those sections, and the person received a felony
62.27 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
62.28 to which a plea was entered would allow imposition of a felony sentence.

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

63.1 Sec. 12. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

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

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

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

63.17 Sec. 13. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

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

63.24 (1) was committed in whole or in substantial part because of the property owner's or
63.25 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
63.26 gender identity, gender expression, age, national origin, or disability as defined in section
63.27 363A.03;

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

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

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

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

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

64.11 Sec. 14. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

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

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

64.25 (1) was committed in whole or in substantial part because of the property owner's or
 64.26 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
 64.27 gender identity, gender expression, age, national origin, or disability as defined in section
 64.28 363A.03;

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

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

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

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

65.13 Sec. 15. Minnesota Statutes 2022, section 609.67, subdivision 1, is amended to read:

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

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

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

65.23 (d) "Trigger activator" means:

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

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

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

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

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

66.5 Sec. 16. Minnesota Statutes 2022, section 609.67, subdivision 2, is amended to read:

66.6 Subd. 2. **Acts prohibited.** (a) Except as otherwise provided herein, whoever owns,
66.7 possesses, or operates a machine gun, or any trigger activator or machine gun conversion
66.8 kit, or a short-barreled shotgun may be sentenced to imprisonment for not more than ~~five~~
66.9 20 years or to payment of a fine of not more than ~~\$10,000~~ \$35,000, or both.

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

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

66.15 Sec. 17. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

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

66.18 (1) enters upon another's property;

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

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

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

66.24 (1) enters upon another's property;

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

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

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

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

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

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

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

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

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

67.16 (1) uses any device for photographing, recording, or broadcasting an image of an
67.17 individual in a house or place of dwelling; a sleeping room of a hotel as defined in section
67.18 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an
67.19 indoor shower facility; or any place where a reasonable person would have an expectation
67.20 of privacy; and

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

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

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

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

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

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

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

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

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

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

68.12 (1) violates paragraph (f) after a previous conviction under this subdivision or section
 68.13 609.749; or

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

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

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

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

68.26 Sec. 18. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

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

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

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

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

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

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

69.13 (5) commits any offense described in subdivision 2 against a victim under the age of
 69.14 18, if the actor is more than 36 months older than the victim.

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

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

69.22 Sec. 19. Minnesota Statutes 2022, section 609.78, subdivision 2a, is amended to read:

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

69.26 (1) to imprisonment for not more than ten years or to payment of a fine of not more than
 69.27 \$20,000, or both, if the call triggers an emergency response and, as a result of the response,
 69.28 someone suffers great bodily harm or death; or

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

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

70.3 Sec. 20. Minnesota Statutes 2022, section 617.22, is amended to read:

70.4 **617.22 CONCEALING BIRTH.**

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

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

70.13 Sec. 21. Minnesota Statutes 2022, section 617.26, is amended to read:

70.14 **617.26 MAILING AND CARRYING OBSCENE MATTER.**

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

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

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

70.27 **628.26 LIMITATIONS.**

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

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

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

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

71.8 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
71.9 609.3458 may be found or made at any time after the commission of the offense.

71.10 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
71.11 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
71.12 within six years after the commission of the offense.

71.13 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
71.14 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
71.15 the value of the property or services stolen is more than \$35,000, or for violation of section
71.16 609.527 where the offense involves eight or more direct victims or the total combined loss
71.17 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
71.18 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

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

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

72.9 **Sec. 23. TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

72.10 (a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3,
 72.11 4, and 5, are revived and reenacted on the effective date of this section to expand the focus
 72.12 of the task force's duties and work beyond the intersection of felony murder and aiding and
 72.13 abetting liability for felony murder to more generally apply to the broader issues regarding
 72.14 the state's felony murder doctrine and aiding and abetting liability schemes discussed in
 72.15 "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature,
 72.16 dated February 1, 2022, "The Task Force's recommendations," number 4.

72.17 (b) On or before January 15, 2024, the task force shall submit a report to the chairs and
 72.18 ranking minority members of the house of representatives and senate committees and
 72.19 divisions with jurisdiction over crime and sentencing on the findings and recommendations
 72.20 of the task force.

72.21 (c) The task force expires January 16, 2024, or the day after submitting its report under
 72.22 paragraph (b), whichever is earlier.

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

72.24 **Sec. 24. LIABILITY FOR MURDER COMMITTED BY ANOTHER;**
 72.25 **RETROACTIVE APPLICATION.**

72.26 Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes,
 72.27 section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), under the
 72.28 theory of liability for crimes of another and who is in the custody of the commissioner of
 72.29 corrections or under court supervision is entitled to petition to have the person's conviction
 72.30 vacated pursuant to this section.

72.31 Subd. 2. **Definition.** As used in this section, "major participant" has the meaning given
 72.32 in Minnesota Statutes, section 609.05, subdivision 2a, paragraph (c).

73.1 Subd. 3. **Notification.** (a) By December 1, 2023, the commissioner of corrections shall
73.2 notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph
73.3 (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file a preliminary
73.4 application for relief if:

73.5 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
73.6 paragraph (a), clause (3), and the person:

73.7 (i) did not cause the death of a human being; and

73.8 (ii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
73.9 another with the intent to cause the death of a human being; or

73.10 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
73.11 subdivision 2, clause (1), and the person:

73.12 (i) did not cause the death of a human being; and

73.13 (ii) was not a major participant in the underlying felony and did not act with extreme
73.14 indifference to human life.

73.15 (b) The notice shall include the address of the Ramsey County District Court court
73.16 administration.

73.17 (c) The commissioner of corrections may coordinate with the judicial branch to establish
73.18 a standardized notification form.

73.19 Subd. 4. **Preliminary application.** (a) An applicant shall submit a preliminary application
73.20 to the Ramsey County District Court. The preliminary application must contain:

73.21 (1) the applicant's name and, if different, the name under which the person was convicted;

73.22 (2) the applicant's date of birth;

73.23 (3) the district court case number of the case for which the person is seeking relief;

73.24 (4) a statement as to whether the applicant was convicted following a trial or pursuant
73.25 to a plea;

73.26 (5) a statement as to whether the person filed a direct appeal from the conviction, a
73.27 petition for postconviction relief, or both;

73.28 (6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled
73.29 to relief under this section from a conviction for the death of a human being caused by
73.30 another; and

73.31 (7) the name and address of any attorney representing the applicant.

74.1 (b) The preliminary application may contain:

74.2 (1) the name, date of birth, and district court case number of any other person charged
74.3 with, or convicted of, a crime arising from the same set of circumstances for which the
74.4 applicant was convicted; and

74.5 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
74.6 investigation or life imprisonment report, describing the facts of the case for which the
74.7 applicant was convicted.

74.8 (c) The judicial branch may establish a standardized preliminary application form, but
74.9 shall not reject a preliminary application for failure to use a standardized form.

74.10 (d) Any person seeking relief under this section must submit a preliminary application
74.11 no later than October 1, 2025. Submission is complete upon mailing.

74.12 (e) Submission of a preliminary application shall be without costs or any fees charged
74.13 to the applicant.

74.14 **Subd. 5. Review of preliminary application.** (a) Upon receipt of a preliminary
74.15 application, the court administrator of the Ramsey County District Court shall immediately
74.16 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
74.17 behalf who shall promptly assign the matter to a judge in said district.

74.18 (b) The judicial branch may appoint a special master to review preliminary applications
74.19 and may assign additional staff as needed to assist in the review of preliminary applications.

74.20 (c) Within 90 days of the Ramsey County District Court receiving the preliminary
74.21 application, the reviewing judge shall determine whether, in the discretion of that judge,
74.22 there is a reasonable probability that the application is entitled to relief under this section.

74.23 (d) In making the determination under paragraph (c), the reviewing judge shall consider
74.24 the preliminary application and any materials submitted with the preliminary application
74.25 and may consider relevant records in the possession of the judicial branch.

74.26 (e) The court may summarily deny an application when:

74.27 (1) the application does not contain the information required under subdivision 4,
74.28 paragraph (a);

74.29 (2) the applicant is not in the custody of the commissioner of corrections or under court
74.30 supervision;

75.1 (3) the applicant was not convicted of a violation of Minnesota Statutes, section 609.185,
75.2 paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), for crimes committed before
75.3 August 1, 2023; or

75.4 (4) the issues raised in the application are not relevant to the relief available under this
75.5 section or have previously been decided by the court of appeals or the supreme court in the
75.6 same case.

75.7 (f) The court may also summarily deny an application if the applicant has filed a second
75.8 or successive preliminary application, any prior application was denied for a reason other
75.9 than that it did not contain the information required under subdivision 4, paragraph (a), and:

75.10 (1) the reviewing judge previously determined that there was a reasonable probability
75.11 that the applicant was entitled to relief, but a court determined that the petitioner did not
75.12 qualify for relief under subdivision 7;

75.13 (2) a previous application was submitted by an attorney representing the applicant; or

75.14 (3) the reviewing judge previously determined that there was not a reasonable probability
75.15 that the applicant is entitled to relief, the second or successive preliminary application does
75.16 not contain any additional information described in subdivision 4, paragraph (b), and the
75.17 second or successive preliminary application was submitted by someone other than an
75.18 attorney representing the applicant.

75.19 (g) If the reviewing judge determines that there is a reasonable probability that the
75.20 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
75.21 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
75.22 the event the applicant is without counsel, the reviewing judge shall send notice to the state
75.23 public defender and shall advise the applicant of the referral.

75.24 (h) If the reviewing judge determines that there is not a reasonable probability that the
75.25 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
75.26 attorney, if any. The notice must contain a brief statement explaining the reasons the
75.27 reviewing judge concluded that there is not a reasonable probability that the applicant is
75.28 entitled to relief.

75.29 **Subd. 6. Petition for relief; hearing.** (a) Unless extended for good cause, within 60
75.30 days of filing of the notice sent pursuant to subdivision 5, paragraph (g), the individual
75.31 seeking relief shall file and serve a petition to vacate the conviction. The petition must be
75.32 filed in the district court of the judicial district in the county where the conviction took place
75.33 and must contain the information identified in subdivision 4, paragraph (a), and a statement

76.1 of why the petitioner is entitled to relief. The petition may contain any other relevant
76.2 information, including police reports, trial transcripts, and plea transcripts involving the
76.3 petitioner or any other person investigated for, charged with, or convicted of a crime arising
76.4 out of the same set of circumstances for which the petitioner was convicted. The filing of
76.5 the petition and any document subsequent thereto and all proceedings thereon shall be
76.6 without costs or any fees charged to the petitioner.

76.7 (b) Upon filing of the petition, the prosecutor shall make a good faith and reasonable
76.8 effort to notify any person determined to be a victim of the underlying offense that a petition
76.9 has been filed.

76.10 (c) A county attorney representing the prosecutorial office shall respond to the petition
76.11 by answer or motion within 45 days after the filing of the petition pursuant to paragraph (a)
76.12 unless extended for good cause. The response shall be filed with the court administrator of
76.13 the district court and served on the petitioner if unrepresented or on the petitioner's attorney.
76.14 The response may serve notice of the intent to support the petition or include a statement
76.15 explaining why the petitioner is not entitled to relief along with any supporting documents.
76.16 The filing of the response and any document subsequent thereto and all proceedings thereon
76.17 shall be without costs or any fees charged to the county attorney.

76.18 (d) The petitioner may file a reply to the response filed by the county attorney within
76.19 15 days after the response is filed, unless extended for good cause.

76.20 (e) Within 30 days of the filing of the reply from the petition or, if no reply is filed,
76.21 within 30 days of the filing of the response from the county attorney, the court shall:

76.22 (1) issue an order and schedule the matter for sentencing or resentencing pursuant to
76.23 subdivision 7 if the county attorney indicates an intent to support the petition;

76.24 (2) issue an order denying the petition if additional information or submissions establish
76.25 that there is not a reasonable probability that the applicant is entitled to relief under this
76.26 section and include a memorandum identifying the additional information or submissions
76.27 and explaining the reasons why the court concluded that there is not a reasonable probability
76.28 that the applicant is entitled to relief; or

76.29 (3) schedule the matter for a hearing and issue any appropriate order regarding submission
76.30 of evidence or identification of witnesses.

76.31 (f) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
76.32 section 590.04, except that the petitioner must be present at the hearing, unless excused
76.33 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). The prosecutor

77.1 shall make a good faith and reasonable effort to notify any person determined to be a victim
77.2 of the hearing.

77.3 Subd. 7. **Determination; order; resentencing.** (a) A petitioner who was convicted of
77.4 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
77.5 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

77.6 (1) did not cause the death of a human being; and

77.7 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
77.8 another with the intent to cause the death of a human being.

77.9 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
77.10 subdivision 2, clause (1), is entitled to relief if the petitioner shows by a preponderance of
77.11 the evidence that the petitioner:

77.12 (1) did not cause the death of a human being; and

77.13 (2) was not a major participant in the underlying felony and did not act with extreme
77.14 indifference to human life.

77.15 (c) If the court determines that the petitioner does not qualify for relief, the court shall
77.16 issue an order denying the petition. If the court determines that the petitioner is entitled to
77.17 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
77.18 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
77.19 and either:

77.20 (1) resentence the petitioner for the most serious remaining offense for which the
77.21 petitioner was convicted; or

77.22 (2) enter a conviction and impose a sentence for any other predicate felony arising out
77.23 of the course of conduct that served as the factual basis for the conviction vacated by the
77.24 court.

77.25 (d) The new sentence announced by the court under this section must be for the most
77.26 serious predicate felony unless the most serious remaining offense for which the petitioner
77.27 was convicted is that offense or a more serious offense.

77.28 (e) If, pursuant to paragraph (c), the court either resents a petitioner or imposes a
77.29 sentence, the court shall also resentence the petitioner for any other offense if the sentence
77.30 was announced by a district court of the same county, the sentence was either ordered to
77.31 be served consecutively to the vacated conviction or the criminal history calculation for
77.32 that sentence included the vacated sentence, and the changes made pursuant to paragraph

78.1 (c) would have resulted in a different criminal history score being used at the time of
 78.2 sentencing.

78.3 (f) The court shall state in writing or on the record the reasons for its decision on the
 78.4 petition.

78.5 (g) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
 78.6 the court must hold the hearing at a time that allows any victim an opportunity to submit a
 78.7 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
 78.8 a good faith and reasonable effort to notify any person determined to be a victim of the
 78.9 hearing and the right to submit or make a statement. A sentence imposed under this
 78.10 subdivision shall not increase the petitioner's total period of confinement or, if the petitioner
 78.11 was serving a stayed sentence, increase the period of supervision. The court may increase
 78.12 the period of confinement for a sentence that was ordered to be served consecutively to the
 78.13 vacated conviction based on a change in the appropriate criminal history score provided the
 78.14 court does not increase the petitioner's total period of confinement. A person resentenced
 78.15 under this paragraph is entitled to credit for time served in connection with the vacated
 78.16 offense.

78.17 (h) Relief granted under this section shall not be treated as an exoneration for purposes
 78.18 of the Incarceration and Exoneration Remedies Act.

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

78.20 Sec. 25. **REPEALER.**

78.21 Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; 609.36; 617.20;
 78.22 617.201; 617.202; 617.21; 617.28; and 617.29, are repealed.

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

78.24 **ARTICLE 5**

78.25 **PUBLIC SAFETY AND CRIME VICTIMS**

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

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

78.30 (1) the obligation under section 609.35 of the ~~county where the criminal sexual conduct~~
 78.31 ~~occurred~~ state to pay for the examination performed for the purpose of gathering evidence,

79.1 that payment is not contingent on the victim reporting the criminal sexual conduct to law
79.2 enforcement, and that the victim may incur expenses for treatment of injuries;

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

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

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

79.11 **145.4712 EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

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

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

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

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

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

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

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

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

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

80.10 Sec. 3. Minnesota Statutes 2022, section 169A.40, subdivision 3, is amended to read:

80.11 Subd. 3. **Certain DWI offenders; custodial arrest.** (a) Notwithstanding rule 6.01 of
 80.12 the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided
 80.13 to proceed with the prosecution of a person for violating section 169A.20 (driving while
 80.14 impaired), shall arrest and take the person into custody, ~~and the person must be detained~~
 80.15 ~~until the person's first court appearance~~, if the officer has reason to believe that the violation
 80.16 occurred:

80.17 (1) under the circumstances described in section 169A.24 (first-degree driving while
 80.18 impaired) ~~or~~;

80.19 (2) under the circumstances described in section 169A.25 (second-degree driving while
 80.20 impaired);

80.21 ~~(2)~~ (3) under the circumstances described in section 169A.26 (third-degree driving while
 80.22 impaired) if the person is under the age of 19;

80.23 ~~(3)~~ (4) in the presence of an aggravating factor described in section 169A.03, subdivision
 80.24 3, clause (2) or (3); or

80.25 ~~(4)~~ (5) while the person's driver's license or driving privileges have been canceled under
 80.26 section 171.04, subdivision 1, clause (10) (persons not eligible for drivers' licenses, inimical
 80.27 to public safety).

80.28 (b) A person described in paragraph (a), clause (1) or (5), must be detained until the
 80.29 person's first court appearance.

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

81.1 Sec. 4. Minnesota Statutes 2022, section 169A.41, subdivision 1, is amended to read:

81.2 Subdivision 1. **When authorized.** When a peace officer has reason to believe from the
81.3 manner in which a person is driving, operating, controlling, or acting upon departure from
81.4 a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may
81.5 be violating or has violated section 169A.20 (driving while impaired), 169A.31
81.6 (alcohol-related school bus or Head Start bus driving), or 169A.33 (underage drinking and
81.7 driving), or an alcohol-related violation of section 221.0314 or 221.605 committed by a
81.8 driver of a commercial vehicle, the officer may require the driver to provide a sample of
81.9 the driver's breath for a preliminary screening test using a device approved by the
81.10 commissioner for this purpose.

81.11 Sec. 5. Minnesota Statutes 2022, section 169A.41, subdivision 2, is amended to read:

81.12 Subd. 2. **Use of test results.** The results of this preliminary screening test must be used
81.13 for the purpose of deciding whether an arrest should be made and whether to require the
81.14 tests authorized in section 169A.51 (chemical tests for intoxication), but must not be used
81.15 in any court action except the following:

81.16 (1) to prove that a test was properly required of a person pursuant to section 169A.51,
81.17 subdivision 1;

81.18 (2) in a civil action arising out of the operation or use of the motor vehicle;

81.19 (3) in an action for license reinstatement under section 171.19;

81.20 (4) in a prosecution for a violation of section 169A.20, subdivision 2 (driving while
81.21 impaired; test refusal);

81.22 (5) in a prosecution or juvenile court proceeding concerning a violation of section
81.23 169A.33 (underage drinking and driving), or 340A.503, subdivision 1, paragraph (a), clause
81.24 (2) (underage alcohol consumption);

81.25 (6) in a prosecution under section 169A.31 (alcohol-related school or Head Start bus
81.26 driving), or 171.30 (limited license); ~~or~~

81.27 (7) in a prosecution for a violation of a restriction on a driver's license under section
81.28 171.09, which provides that the license holder may not use or consume any amount of
81.29 alcohol or a controlled substance; or

81.30 (8) in a prosecution for a violation of Code of Federal Regulations, title 49, part 392, as
81.31 adopted in sections 221.0314, subdivision 6, and 221.605.

82.1 Sec. 6. Minnesota Statutes 2022, section 169A.44, is amended to read:

82.2 **169A.44 CONDITIONAL RELEASE.**

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

82.6 (b) Except as provided in subdivision 3, unless maximum bail is imposed under section
82.7 629.471, a person described in paragraph (a) may be released from detention only if the
82.8 person agrees to:

82.9 (1) abstain from alcohol; and

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

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

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

82.19 (1) the conditions described in subdivision 1, paragraph (b), if applicable;

82.20 (2) the impoundment of the registration plates of the vehicle used to commit the violation,
82.21 unless already impounded;

82.22 (3) if the vehicle used to commit the violation was an off-road recreational vehicle or a
82.23 motorboat, the impoundment of the off-road recreational vehicle or motorboat;

82.24 (4) a requirement that the person report weekly to a probation agent;

82.25 (5) a requirement that the person abstain from consumption of alcohol and controlled
82.26 substances and submit to random alcohol tests or urine analyses at least weekly;

82.27 (6) a requirement that, if convicted, the person reimburse the court or county for the
82.28 total cost of these services; and

82.29 (7) any other conditions of release ordered by the court.

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

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

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

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

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

83.18 Sec. 7. Minnesota Statutes 2022, section 169A.60, subdivision 2, is amended to read:

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

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

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

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

83.28 (b) The order must require the impoundment of the registration plates of the motor
 83.29 vehicle involved in the plate impoundment violation ~~and all motor vehicles owned by,~~
 83.30 ~~registered, or leased in the name of the violator, including motor vehicles registered jointly~~
 83.31 ~~or leased in the name of the violator and another.~~ The commissioner shall not issue an

84.1 impoundment order for the registration plates of a rental vehicle, as defined in section
84.2 168.041, subdivision 10, or a vehicle registered in another state.

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

84.5 Sec. 8. Minnesota Statutes 2022, section 171.306, is amended by adding a subdivision to
84.6 read:

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

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

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

84.15 Sec. 9. Minnesota Statutes 2022, section 256I.04, subdivision 2g, is amended to read:

84.16 Subd. 2g. **Crisis shelters.** Secure crisis shelters for ~~battered women~~ victims of domestic
84.17 abuse and their children designated by the Minnesota Department of ~~Corrections~~ Public
84.18 Safety are not eligible for housing support under this chapter.

84.19 Sec. 10. Minnesota Statutes 2022, section 297I.06, subdivision 1, is amended to read:

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

84.29 (b) The surcharge amount collected under paragraph (a) or subdivision 2, paragraph (b),
84.30 may not be considered premium for any other purpose. The surcharge amount under

85.1 paragraph (a) must be separately stated on either a billing or policy declaration or document
85.2 containing similar information sent to an insured.

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

85.5 Sec. 11. **[299A.012] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.**

85.6 (a) The commissioner may accept donations, nonfederal grants, bequests, and other gifts
85.7 of money to carry out the purposes of chapter 299A. The commissioner may not accept any
85.8 contributions under this section unless the contributions can be applied to divisions and
85.9 programs that are related to statutory duties of the department. Donations, nonfederal grants,
85.10 bequests, or other gifts of money accepted by the commissioner must be deposited in an
85.11 account in the special revenue fund and are appropriated to the commissioner for the purpose
85.12 for which the money was given if the department is authorized to conduct that activity under
85.13 this chapter.

85.14 (b) By January 15 of each year, the commissioner shall report to the chairs and ranking
85.15 minority members of the senate and house of representatives committees with jurisdiction
85.16 over public safety policy and finance on the money received under this section, the sources
85.17 of the money, and the specific purposes for which it was used.

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

85.19 **299A.296 COMMUNITY CRIME INTERVENTION AND PREVENTION**
85.20 **PROGRAMS; GRANTS.**

85.21 Subdivision 1. **Programs.** The commissioner shall, ~~in consultation with the chemical~~
85.22 ~~abuse and violence prevention council,~~ administer a grant program to fund community-based
85.23 programs that ~~are designed to enhance the community's sense of personal security and to~~
85.24 ~~assist the community in its crime control and prevention efforts~~ operate crime or violence
85.25 prevention and intervention programs that provide direct services to community members.
85.26 Programs must be culturally competent and identify specific outcomes that can be tracked
85.27 and measured to demonstrate the impact the program has on community crime and violence.
85.28 Examples of qualifying programs include, but are not limited to, the following:

85.29 (1) community-based programs designed to provide services for children ~~under 14 years~~
85.30 ~~of age and youth~~ who are juvenile offenders ~~or who are at risk of becoming juvenile~~
85.31 ~~offenders.~~ The programs must give priority to:

85.32 (i) juvenile restitution;

- 86.1 (ii) prearrest or pretrial diversion, including through mediation;
- 86.2 (iii) probation innovation;
- 86.3 (iv) teen courts, community service; or
- 86.4 (v) post-incarceration alternatives to assist youth in returning to their communities;
- 86.5 (2) community-based programs designed to provide at-risk children and youth ~~under 14~~
86.6 ~~years of age~~ with after-school and summer enrichment activities;
- 86.7 (3) community-based programs designed to discourage young people from involvement
86.8 in unlawful drug or street gang activities, such as neighborhood youth centers;
- 86.9 (4) neighborhood block clubs and innovative community-based crime prevention
86.10 programs;
- 86.11 (5) community- and school-based programs designed to enrich the educational, cultural,
86.12 or recreational opportunities of at-risk children and youth, including programs designed to
86.13 keep at-risk youth from dropping out of school and encourage school dropouts to return to
86.14 school;
- 86.15 (6) community-based programs designed to intervene with juvenile offenders who are
86.16 identified as likely to engage in repeated criminal activity in the future unless intervention
86.17 is undertaken;
- 86.18 (7) community-based collaboratives that coordinate multiple programs and funding
86.19 sources to address the needs of at-risk children and youth, including, but not limited to,
86.20 collaboratives that address the continuum of services for juvenile offenders and those who
86.21 are at risk of becoming juvenile offenders;
- 86.22 (8) programs that are proven successful at increasing the rate of school success or the
86.23 rate of postsecondary education attendance for high-risk students;
- 86.24 (9) ~~community-based programs that provide services to homeless youth~~ assistance
86.25 programs;
- 86.26 (10) programs designed to reduce truancy;
- 86.27 (11) other community- and school-based crime prevention programs that are innovative
86.28 and encourage substantial involvement by members of the community served by the program;
- 86.29 (12) community-based programs that attempt to prevent and educate on the risks of sex
86.30 trafficking, ameliorate the effects of ~~teenage prostitution~~ sex trafficking, or both;

- 87.1 (13) programs for mentoring at-risk youth, including youth at risk of gang involvement;
 87.2 **and**
- 87.3 (14) programs operated by community violence prevention councils;
- 87.4 (15) programs that intervene in volatile situations to mediate disputes before they become
 87.5 violent; and
- 87.6 (16) programs that provide services to individuals and families harmed by gun violence.

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

- 87.10 (1) a description of each program for which funding is sought;
- 87.11 (2) specific outcomes and performance indicators for the program;
- 87.12 (3) a description of the planning process that identifies local community needs, surveys
 87.13 existing programs, provides for coordination with existing programs, and involves all affected
 87.14 sectors of the community;
- 87.15 (4) the geographical area to be served by the program; and
- 87.16 (5) ~~statistical information as to the number of arrests in the geographical area for violent~~
 87.17 ~~crimes and for crimes involving Schedule I and II controlled substances. "Violent crime"~~
 87.18 ~~includes a violation of or an attempt or conspiracy to violate any of the following laws:~~
 87.19 ~~sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221;~~
 87.20 ~~609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;~~
 87.21 ~~609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344;~~
 87.22 ~~609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or~~
 87.23 ~~any provision of chapter 152 that is punishable by a maximum sentence greater than ten~~
 87.24 ~~years; or Minnesota Statutes 2012, section 609.21; and crime data or other statistical~~
 87.25 information to demonstrate the need for the proposed services.
- 87.26 ~~(6) the number of economically disadvantaged youth in the geographical areas to be~~
 87.27 ~~served by the program.~~

87.28 (b) The commissioner shall give priority to funding community-based collaboratives,
 87.29 programs that demonstrate ~~substantial~~ involvement by members of the community served
 87.30 by the program, programs that have local government or law enforcement support, community
 87.31 intervention and prevention programs that are reducing disparities in the communities they
 87.32 serve, and programs that ~~either serve the geographical areas that have the highest crime~~

88.1 ~~rates, as measured by the data supplied under paragraph (a), clause (5), or serve geographical~~
 88.2 ~~areas that have the largest concentrations of economically disadvantaged youth. Up to 2.5~~
 88.3 ~~percent of the appropriation may be used by the commissioner to administer the program~~
 88.4 ~~serve communities disproportionately impacted by violent crime.~~

88.5 Sec. 13. Minnesota Statutes 2022, section 299A.38, is amended to read:

88.6 **299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

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

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

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

88.11 ~~(b)~~ (3) "peace officer" means a person who is licensed under section 626.84, subdivision
 88.12 1, paragraph (c);

88.13 (4) "public safety officer" means a peace officer, firefighter, or qualified emergency
 88.14 medical service provider;

88.15 (5) "qualified emergency medical service provider" means a person certified under
 88.16 section 144E.28 who is actively employed by a Minnesota licensed ambulance service; and

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

88.19 Subd. 2. **State and local reimbursement.** ~~Peace~~ Public safety officers and heads of
 88.20 ~~local law enforcement~~ agencies and entities who buy vests for the use of ~~peace~~ public safety
 88.21 officer employees may apply to the commissioner for reimbursement of funds spent to buy
 88.22 vests. On approving an application for reimbursement, the commissioner shall pay the
 88.23 applicant an amount equal to the lesser of one-half of the vest's purchase price or \$600, as
 88.24 adjusted according to subdivision 2a. The ~~political subdivision~~ agency or entity that employs
 88.25 the ~~peace~~ public safety officer shall pay at least the lesser of one-half of the vest's purchase
 88.26 price or \$600, as adjusted according to subdivision 2a. The ~~political subdivision~~ employer
 88.27 may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar
 88.28 allowance otherwise provided to the ~~peace~~ public safety officer by the ~~law enforcement~~
 88.29 agency employer.

88.30 Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 2006, the
 88.31 commissioner of public safety shall adjust the \$600 reimbursement amounts specified in
 88.32 subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the

89.1 reimbursement amount applicable immediately preceding that October 1 date. The adjusted
 89.2 rate must reflect the annual percentage change in the Consumer Price Index for all urban
 89.3 consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year
 89.4 period ending on the preceding June 1.

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

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

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

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

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

89.23 Subd. 6. **Right to benefits unaffected.** A ~~peace~~ public safety officer who is reimbursed
 89.24 for the purchase of a vest under this section and who suffers injury or death because the
 89.25 officer failed to wear the vest, or because the officer wore a vest that was defective or
 89.26 deficient, may not lose or be denied a benefit or right, including a benefit under section
 89.27 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

89.28 Sec. 14. Minnesota Statutes 2022, section 299A.41, subdivision 3, is amended to read:

89.29 Subd. 3. **Killed in the line of duty.** (a) "Killed in the line of duty" does not include
 89.30 deaths from natural causes, except as provided in this subdivision. In the case of a public
 89.31 safety officer, killed in the line of duty includes the death of a public safety officer caused
 89.32 by accidental means while the public safety officer is acting in the course and scope of
 89.33 duties as a public safety officer. Killed in the line of duty also means if a public safety officer

90.1 dies as the direct and proximate result of a heart attack, stroke, or vascular rupture, that
 90.2 officer shall be presumed to have died as the direct and proximate result of a personal injury
 90.3 sustained in the line of duty if:

90.4 (1) that officer, while on duty:

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

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

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

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

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

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

90.14 (3) the presumption is not overcome by competent medical evidence to the contrary.

90.15 (b) "Killed in the line of duty" also means that the officer died due to suicide:

90.16 (1) secondary to a diagnosis of posttraumatic stress disorder as described in the most
 90.17 recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by
 90.18 the American Psychiatric Association; or

90.19 (2) within 45 days of the end of exposure, while on duty, to a traumatic event.

90.20 Sec. 15. Minnesota Statutes 2022, section 299A.41, is amended by adding a subdivision
 90.21 to read:

90.22 Subd. 6. **Traumatic event.** "Traumatic event" means:

90.23 (1) a homicide, suicide, or the violent or gruesome death of another individual, including
 90.24 but not limited to a death resulting from a mass casualty event, mass fatality event, or mass
 90.25 shooting;

90.26 (2) a harrowing circumstance posing an extraordinary and significant danger or threat
 90.27 to the life of or of serious bodily harm to any individual, including but not limited to a death
 90.28 resulting from a mass casualty event, mass fatality event, or mass shooting; or

90.29 (3) an act of criminal sexual violence committed against any individual.

91.1 Sec. 16. Minnesota Statutes 2022, section 299A.48, is amended to read:

91.2 **299A.48 CITATION.**

91.3 Sections 299A.48 to 299A.52 and 299K.095 may be cited as the "Minnesota ~~Hazardous~~
91.4 ~~Materials~~ Emergency Incident Response Act."

91.5 Sec. 17. Minnesota Statutes 2022, section 299A.49, is amended to read:

91.6 **299A.49 DEFINITIONS.**

91.7 Subdivision 1. **Scope.** For the purposes of sections 299A.48 to 299A.52 and 299K.095,
91.8 the following terms have the meanings given ~~them~~.

91.9 Subd. 1a. **Bomb squad.** "Bomb squad" means a team trained, equipped, and authorized
91.10 by the commissioner to evaluate and provide disposal operations for bombs or other similar
91.11 hazardous explosives. Bomb squad includes a bomb disposal unit as defined in section
91.12 299C.063.

91.13 ~~Subd. 2. **Chemical assessment team.** "Chemical assessment team" means a team (1)~~
91.14 ~~trained, equipped, and authorized to evaluate and, when possible, provide simple mitigation~~
91.15 ~~to a hazardous materials incident and (2) required to recommend to the local incident manager~~
91.16 ~~the best means of controlling the hazard after consideration of life safety concerns,~~
91.17 ~~environmental effects, exposure hazards, quantity and type of hazardous material, availability~~
91.18 ~~of resources, or other relevant factors.~~

91.19 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

91.20 Subd. 3a. **Emergency response incident.** "Emergency response incident" means any
91.21 incident to which the response of a state emergency response asset is required.

91.22 Subd. 4. **Hazardous materials.** "Hazardous materials" means substances or materials
91.23 that, because of their chemical, physical, or biological nature, pose a potential risk to life,
91.24 health, or property if they are released. "Hazardous materials" includes any substance or
91.25 material in a particular form or quantity that may pose an unreasonable risk to health, safety,
91.26 and property, or any substance or material in a quantity or form that may be harmful to
91.27 humans, animals, crops, water systems, or other elements of the environment if accidentally
91.28 or intentionally released. Hazardous substances so designated may include explosives,
91.29 radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or
91.30 solids, poisons, oxidizing or corrosive materials, chemical and biological substances, and
91.31 toxic or flammable gases.

92.1 Subd. 4a. **Hazardous materials emergency response team.** "Hazardous materials
 92.2 emergency response team" means a team (1) trained, equipped, and authorized to evaluate
 92.3 and, when possible, provide practical mitigation to a hazardous materials incident and (2)
 92.4 required to recommend to the local incident manager the best means of controlling the
 92.5 hazard after consideration of life safety concerns, environmental effects, exposure hazards,
 92.6 quantity and type of hazardous material, availability of resources, and other relevant factors.

92.7 **Subd. 5. Local unit of government.** "Local unit of government" means a county, home
 92.8 rule charter or statutory city, or town.

92.9 Subd. 5a. **Minnesota air rescue team.** "Minnesota air rescue team" means a team trained,
 92.10 equipped, and authorized by the commissioner to perform specialized air rescue operations.

92.11 **Subd. 6. Person.** "Person" means any individual, partnership, association, public or
 92.12 private corporation or other entity including the United States government, any interstate
 92.13 body, the state, and any agency, department, or political subdivision of the state.

92.14 ~~Subd. 7. **Regional Hazardous materials response team.** "Regional hazardous materials~~
 92.15 ~~response team" means a team trained and equipped to respond to and mitigate a hazardous~~
 92.16 ~~materials release. A regional hazardous materials response team may include strategically~~
 92.17 ~~located chemical assessment teams.~~

92.18 Subd. 8. **State emergency response asset.** "State emergency response asset" means any
 92.19 team or teams defined under this section.

92.20 Subd. 9. **Urban search and rescue team (USAR).** "Urban search and rescue team" or
 92.21 "USAR" means a team trained and equipped to respond to and carry out rescue and recovery
 92.22 operations at the scene of a collapsed structure. A USAR team may include strategically
 92.23 located fire department assets combined under one joint powers agreement.

92.24 Sec. 18. Minnesota Statutes 2022, section 299A.50, is amended to read:

92.25 **299A.50 RESPONSE PLAN.**

92.26 **Subdivision 1. Elements of plan; rules.** After consultation with the commissioners of
 92.27 natural resources, agriculture, transportation, and the Pollution Control Agency, the state
 92.28 fire marshal, the Emergency Response Commission, appropriate technical emergency
 92.29 response representatives, and representatives of affected parties, the commissioner shall
 92.30 adopt rules to implement a statewide hazardous materials incident response plan. The plan
 92.31 must include:

93.1 (1) the locations of ~~up to five regional~~ hazardous materials emergency response teams,
 93.2 based on the location of hazardous materials, response time, proximity to large population
 93.3 centers, and other factors;

93.4 (2) the number and qualifications of members on each team;

93.5 (3) the responsibilities of ~~regional~~ hazardous materials emergency response teams;

93.6 (4) equipment needed for ~~regional~~ hazardous materials emergency response teams;

93.7 (5) procedures for selecting and contracting with local governments or nonpublic persons
 93.8 to establish ~~regional~~ hazardous materials emergency response teams;

93.9 (6) procedures for dispatching teams at the request of local governments;

93.10 (7) a fee schedule for reimbursing local governments or nonpublic persons responding
 93.11 to an incident; and

93.12 (8) coordination with other state departments and agencies, local units of government,
 93.13 other states, Indian tribes, the federal government, and other nonpublic persons.

93.14 Subd. 2. **Contract and agreement.** The commissioner may cooperate with and enter
 93.15 into contracts with other state departments and agencies, local units of government, other
 93.16 states, Indian tribes, the federal government, or nonpublic persons to implement the
 93.17 emergency incident response plan.

93.18 Subd. 3. **Long-term oversight; transition.** When a ~~regional~~ hazardous materials
 93.19 emergency response team has completed its response to an incident, the commissioner shall
 93.20 notify the commissioner of the Pollution Control Agency, which is responsible for assessing
 93.21 environmental damage caused by the incident and providing oversight of monitoring and
 93.22 remediation of that damage from the time the response team has completed its activities.

93.23 Sec. 19. Minnesota Statutes 2022, section 299A.51, is amended to read:

93.24 **299A.51 LIABILITY AND WORKERS' COMPENSATION.**

93.25 Subdivision 1. **Liability.** During operations authorized under section 299A.50, members
 93.26 of a ~~regional hazardous materials team~~ state emergency response asset operating outside
 93.27 their geographic jurisdiction are "employees of the state" as defined in section 3.736.

93.28 Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50,
 93.29 members of a ~~regional hazardous materials team~~ state emergency response asset operating
 93.30 outside their geographic jurisdiction are considered employees of the Department of Public
 93.31 Safety for purposes of chapter 176.

94.1 Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the
 94.2 scene of ~~a hazardous materials~~ an emergency response incident outside the person's
 94.3 geographic jurisdiction or property, at the request of the state or a local unit of government,
 94.4 is not liable for any civil damages resulting from acts or omissions in providing the assistance,
 94.5 unless the person acts in a willful and wanton or reckless manner in providing the assistance.

94.6 Sec. 20. Minnesota Statutes 2022, section 299A.52, is amended to read:

94.7 **299A.52 RESPONSIBLE PERSON PARTY.**

94.8 Subdivision 1. **Response liability.** A responsible ~~person~~ party, as described in section
 94.9 115B.03, is liable for the reasonable and necessary costs, including legal and administrative
 94.10 costs, of response to ~~a hazardous materials~~ an emergency response incident or explosives
 94.11 disposal under section 299C.063 incurred by a ~~regional hazardous materials response team~~
 94.12 state emergency response asset or local unit of government. For the purposes of this section,
 94.13 "hazardous substance" as used in section 115B.03 means "hazardous material" as defined
 94.14 in section 299A.49.

94.15 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible ~~person~~ party
 94.16 ~~for the regional hazardous materials response team~~ an emergency response asset's costs of
 94.17 response. The commissioner may bring an action for recovery of unpaid costs, reasonable
 94.18 attorney fees, and any additional court costs. Any funds received by the commissioner under
 94.19 this subdivision are appropriated to the commissioner to pay for costs for which the funds
 94.20 were received. Any remaining funds at the end of the biennium shall be transferred to the
 94.21 Fire Safety Account.

94.22 Subd. 3. **Attempted avoidance of liability.** For purposes of sections 299A.48 to 299A.52
 94.23 and 299K.095, a responsible ~~person~~ party may not avoid liability by conveying any right,
 94.24 title, or interest in real property or by any indemnification, hold harmless agreement, or
 94.25 similar agreement.

94.26 Sec. 21. Minnesota Statutes 2022, section 299A.642, subdivision 15, is amended to read:

94.27 Subd. 15. **Required reports.** By February 1 of each year, the commissioner of public
 94.28 safety shall submit the following reports to the chairs and ranking minority members of the
 94.29 senate and house of representatives committees and divisions having jurisdiction over
 94.30 criminal justice policy and funding:

94.31 (1) a report containing a summary of all audits conducted on multijurisdictional entities
 94.32 under subdivision 4;

95.1 (2) a report on the results of audits conducted on data submitted to the criminal gang
 95.2 investigative data system under section 299C.091; ~~and~~

95.3 (3) a report on the activities and goals of the coordinating council; and

95.4 (4) a report on how funds appropriated for violent crime reduction strategies were used.

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

95.6 Sec. 22. Minnesota Statutes 2022, section 299A.73, is amended by adding a subdivision
 95.7 to read:

95.8 Subd. 3a. **Report.** On or before March 31 of each year, the Minnesota Youth Intervention
 95.9 Programs Association shall report to the chairs and ranking minority members of the
 95.10 committees and divisions with jurisdiction over public safety policy and finance on the
 95.11 implementation, use, and administration of the grant program created under this section.
 95.12 The report shall include information sent by agencies administering youth intervention
 95.13 programs to the Minnesota Youth Intervention Programs Association and the Office of
 95.14 Justice Programs. At a minimum, the report must identify:

95.15 (1) the grant recipients;

95.16 (2) the geographic location of the grant recipients;

95.17 (3) the total number of individuals served by all grant recipients, disaggregated by race,
 95.18 ethnicity, and gender;

95.19 (4) the total number of individuals served by all grant recipients who successfully
 95.20 completed programming, disaggregated by age, race, ethnicity, and gender;

95.21 (5) the total amount of money awarded in grants and the total amount remaining to be
 95.22 awarded from each appropriation;

95.23 (6) the amount of money granted to each recipient;

95.24 (7) grantee workplan objectives;

95.25 (8) how the grant was used based on grantee quarterly narrative reports and financial
 95.26 reports; and

95.27 (9) summarized relevant youth intervention program outcome survey data measuring
 95.28 the developmental assets of participants, based on Search Institute's Developmental Assets
 95.29 Framework.

96.1 Sec. 23. Minnesota Statutes 2022, section 299A.783, subdivision 1, is amended to read:

96.2 Subdivision 1. **Antitrafficking investigation coordinator.** The commissioner of public
 96.3 safety must appoint a statewide antitrafficking investigation coordinator ~~who shall work in~~
 96.4 ~~the Office of Justice Programs.~~ The coordinator must be a current or former law enforcement
 96.5 officer or prosecutor with experience investigating or prosecuting trafficking-related offenses.
 96.6 The coordinator must also have knowledge of services available to and Safe Harbor response
 96.7 for victims of sex trafficking and sexual exploitation and Minnesota's child welfare system
 96.8 response. The coordinator serves at the pleasure of the commissioner in the unclassified
 96.9 service.

96.10 Sec. 24. Minnesota Statutes 2022, section 299A.85, subdivision 6, is amended to read:

96.11 Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its
 96.12 statutory duties, along with specific objectives and outcome measures proposed for the
 96.13 following year. The report must include data and statistics on missing and murdered
 96.14 Indigenous women, children, and Two-Spirit relatives in Minnesota, including names, dates
 96.15 of disappearance, and dates of death, to the extent the data is publicly available. The report
 96.16 must also identify and describe the work of any reward advisory group and itemize the
 96.17 expenditures of the Gaagige-Mikwendaagoziwag reward account, if any. The office must
 96.18 submit the report by January 15 each year to the chairs and ranking minority members of
 96.19 the legislative committees with primary jurisdiction over public safety.

96.20 Sec. 25. **[299A.86] GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT**
 96.21 **FOR INFORMATION ON MISSING AND MURDERED INDIGENOUS RELATIVES.**

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

96.23 (1) "Gaagige-Mikwendaagoziwag" means "they will be remembered forever";

96.24 (2) "missing and murdered Indigenous relatives" means missing and murdered Indigenous
 96.25 people from or descended from a federally recognized Indian Tribe; and

96.26 (3) "Two-Spirit" means cultural, spiritual, sexual, and gender identity as reflected in
 96.27 complex Indigenous understandings of gender roles, spirituality, and the long history of
 96.28 gender diversity in Indigenous cultures.

96.29 Subd. 2. **Account created.** An account for rewards for information on missing and
 96.30 murdered Indigenous women, children, and Two-Spirit relatives is created in the special
 96.31 revenue fund. Money deposited into the account is appropriated to the commissioner of
 96.32 public safety to pay rewards and for the purposes provided under this section.

97.1 Subd. 3. **Reward.** The director of the Office for Missing and Murdered Indigenous
97.2 Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group:

97.3 (1) shall determine the eligibility criteria and procedures for granting rewards under this
97.4 section; and

97.5 (2) is authorized to pay a reward to any person who provides relevant information relating
97.6 to a missing and murdered Indigenous woman, child, and Two-Spirit relative investigation.

97.7 Subd. 4. **Reward advisory group.** (a) The director of the Office for Missing and
97.8 Murdered Indigenous Relatives, in consultation with the stakeholder groups described in
97.9 section 299A.85, subdivision 5, shall appoint an advisory group to make recommendations
97.10 on:

97.11 (1) paying rewards under this section;

97.12 (2) supporting community-based efforts through funding community-led searches and
97.13 search kits, including but not limited to global position system devices and vests;
97.14 community-led communications, including but not limited to flyers, staples, and duct tape;
97.15 and other justice-related expenses;

97.16 (3) funding for community-led communications and outreach, including but not limited
97.17 to billboards and other media-related expenses;

97.18 (4) funding activities and programs to gather information on missing and murdered
97.19 Indigenous women, children, and Two-Spirit relatives and to partner with and support
97.20 community-led efforts;

97.21 (5) developing, implementing, and coordinating prevention and awareness programming
97.22 based on best practices and data-driven research; and

97.23 (6) any other funding activities and needs.

97.24 (b) The advisory group shall consist of the following individuals:

97.25 (1) a representative from the Office for Missing and Murdered Indigenous Relatives;

97.26 (2) a representative from a Tribal, statewide, or local organization that provides legal
97.27 services to Indigenous women and girls;

97.28 (3) a representative from a Tribal, statewide, or local organization that provides advocacy
97.29 or counseling for Indigenous women and girls who have been victims of violence;

97.30 (4) a representative from a Tribal, statewide, or local organization that provides services
97.31 to Indigenous women and girls;

98.1 (5) a Tribal peace officer who works for or resides on a federally recognized American
 98.2 Indian reservation in Minnesota;

98.3 (6) a representative from the Minnesota Human Trafficking Task Force; and

98.4 (7) a survivor or family member of a missing and murdered Indigenous woman, child,
 98.5 or Two-Spirit relative.

98.6 (c) Members serve a term of four years. Vacancies shall be filled by the appointing
 98.7 authority and members may be reappointed.

98.8 (d) The advisory group shall meet as necessary but at a minimum twice per year to carry
 98.9 out its duties. The director shall provide necessary office space and administrative support
 98.10 to the group. Members of the group serve without compensation but shall receive expense
 98.11 reimbursement as provided in section 15.059.

98.12 (e) The representative from the Office for Missing and Murdered Indigenous Relatives
 98.13 may fully participate in the advisory group's activities but may not vote on issues before
 98.14 the group.

98.15 Subd. 5. **Advertising.** The director of the Office for Missing and Murdered Indigenous
 98.16 Relatives, in consultation with the reward advisory group, may spend up to four percent of
 98.17 available funds on an advertising or public relations campaign to increase public awareness
 98.18 on the availability of rewards under this section.

98.19 Subd. 6. **Grants; donations.** The director of the Office for Missing and Murdered
 98.20 Indigenous Relatives, in consultation with the reward advisory group, may apply for and
 98.21 accept grants and donations from the public and from public and private entities to implement
 98.22 this section. The commissioner of public safety shall deposit any grants or donations received
 98.23 under this subdivision into the account established under subdivision 1.

98.24 Subd. 7. **Expiration.** Notwithstanding section 15.059, subdivision 6, the advisory group
 98.25 does not expire.

98.26 Sec. 26. **[299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN**
 98.27 **AND GIRLS.**

98.28 Subdivision 1. **Establishment.** The commissioner shall establish and maintain an office
 98.29 dedicated to preventing and ending the targeting of Black women and girls within the
 98.30 Minnesota Office of Justice Programs.

98.31 Subd. 2. **Director; staff.** (a) The commissioner must appoint a director who is a person
 98.32 closely connected to the Black community and who is highly knowledgeable about criminal

99.1 investigations. The commissioner is encouraged to consider candidates for appointment
99.2 who are recommended by members of the Black community.

99.3 (b) The director may select, appoint, and compensate out of available funds assistants
99.4 and employees as necessary to discharge the office's responsibilities.

99.5 (c) The director and full-time staff shall be members of the Minnesota State Retirement
99.6 Association.

99.7 Subd. 3. Duties. (a) The office has the following duties:

99.8 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
99.9 mandates identified in the report of the Task Force on Missing and Murdered African
99.10 American Women;

99.11 (2) advocate for state agencies to take actions to facilitate the accomplishment of mandates
99.12 identified in the report of the Task Force on Missing and Murdered African American
99.13 Women;

99.14 (3) develop recommendations for legislative and agency actions to address injustice in
99.15 the criminal justice system's response to cases of missing and murdered Black women and
99.16 girls;

99.17 (4) facilitate research to refine the mandates in the report of the Task Force on Missing
99.18 and Murdered African American Women and to assess the potential efficacy, feasibility,
99.19 and impact of the recommendations;

99.20 (5) collect data on missing person and homicide cases involving Black women and girls,
99.21 including the total number of cases, the rate at which the cases are solved, the length of time
99.22 the cases remain open, and a comparison to similar cases involving different demographic
99.23 groups;

99.24 (6) collect data on Amber Alerts, including the total number of Amber Alerts issued,
99.25 the total number of Amber Alerts that involve Black girls, and the outcome of cases involving
99.26 Amber Alerts disaggregated by the child's race and sex;

99.27 (7) collect data on reports of missing Black girls, including the number classified as
99.28 voluntary runaways, and a comparison to similar cases involving different demographic
99.29 groups;

99.30 (8) analyze and assess the intersection between cases involving missing and murdered
99.31 Black women and girls and labor trafficking and sex trafficking;

100.1 (9) develop recommendations for legislative, agency, and community actions to address
100.2 the intersection between cases involving missing and murdered Black women and girls and
100.3 labor trafficking and sex trafficking;

100.4 (10) analyze and assess the intersection between cases involving murdered Black women
100.5 and girls and domestic violence, including prior instances of domestic violence within the
100.6 family or relationship, whether an offender had prior convictions for domestic assault or
100.7 related offenses, and whether the offender used a firearm in the murder or any prior instances
100.8 of domestic assault;

100.9 (11) develop recommendations for legislative, agency, and community actions to address
100.10 the intersection between cases involving murdered Black women and girls and domestic
100.11 violence;

100.12 (12) develop tools and processes to evaluate the implementation and impact of the efforts
100.13 of the office;

100.14 (13) track and collect Minnesota data on missing and murdered Black women and girls,
100.15 and provide statistics upon public or legislative inquiry;

100.16 (14) facilitate technical assistance for local and Tribal law enforcement agencies during
100.17 active cases involving missing and murdered Black women and girls;

100.18 (15) conduct case reviews and report on the results of case reviews for the following
100.19 types of cases involving missing and murdered Black women and girls: cold cases for
100.20 missing Black women and girls and death investigation review for cases of Black women
100.21 and girls ruled as suicide or overdose under suspicious circumstances;

100.22 (16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
100.23 committed a violent or exploitative crime against a Black woman or girl. These case reviews
100.24 must identify those cases where the perpetrator is a repeat offender;

100.25 (17) prepare draft legislation as necessary to allow the office access to the data necessary
100.26 for the office to conduct the reviews required in this section and advocate for passage of
100.27 that legislation;

100.28 (18) review sentencing guidelines for crimes related to missing and murdered Black
100.29 women and girls, recommend changes if needed, and advocate for consistent implementation
100.30 of the guidelines across Minnesota courts;

100.31 (19) develop and maintain communication with relevant divisions in the Department of
100.32 Public Safety, including but not limited to the Bureau of Criminal Apprehension, regarding

101.1 any cases involving missing and murdered Black women and girls and on procedures for
101.2 investigating cases involving missing and murdered Black women and girls;

101.3 (20) consult with the Council for Minnesotans of African Heritage established in section
101.4 15.0145; and

101.5 (21) coordinate, as relevant, with federal efforts, and efforts in neighboring states and
101.6 Canada.

101.7 (b) As used in this subdivision:

101.8 (1) "labor trafficking" has the meaning given in section 609.281, subdivision 5; and

101.9 (2) "sex trafficking" has the meaning given in section 609.321, subdivision 7a.

101.10 Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may
101.11 coordinate, as useful, with stakeholder groups that were represented on the Task Force on
101.12 Missing and Murdered African American Women and state agencies that are responsible
101.13 for the systems that play a role in investigating, prosecuting, and adjudicating cases involving
101.14 violence committed against Black women and girls; those who have a role in supporting or
101.15 advocating for missing or murdered Black women and girls and the people who seek justice
101.16 for them; and those who represent the interests of Black people. This includes the following
101.17 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
101.18 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
101.19 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
101.20 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
101.21 Coast Guard; state agencies, including the Departments of Health, Human Services,
101.22 Education, Corrections, and Public Safety; service providers who offer legal services,
101.23 advocacy, and other services to Black women and girls; Black women and girls who are
101.24 survivors; and organizations and leadership from urban and statewide Black communities.

101.25 Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its
101.26 statutory duties, along with specific objectives and outcome measures proposed for the
101.27 following year. The report must include data and statistics on missing and murdered Black
101.28 women and girls in Minnesota, including names, dates of disappearance, and dates of death,
101.29 to the extent the data is publicly available. The office must submit the report by January 15
101.30 each year to the chairs and ranking minority members of the legislative committees with
101.31 primary jurisdiction over public safety.

101.32 Subd. 6. **Acceptance of gifts and receipt of grants.** (a) A missing and murdered Black
101.33 women and girls account is established in the special revenue fund. Money in the account,

102.1 including interest earned, is appropriated to the office for the purposes of carrying out the
102.2 office's duties, including but not limited to issuing grants to community-based organizations.

102.3 (b) Notwithstanding sections 16A.013 to 16A.016, the office may accept funds
102.4 contributed by individuals and may apply for and receive grants from public and private
102.5 entities. The funds accepted or received under this subdivision must be deposited in the
102.6 missing and murdered Black women and girls account created under paragraph (a).

102.7 Subd. 7. **Grants to organizations.** (a) The office shall issue grants to community-based
102.8 organizations that provide services designed to prevent or end the targeting of Black women
102.9 or girls, or to provide assistance to victims of offenses that targeted Black women or girls.

102.10 (b) Grant recipients must use money to:

102.11 (1) provide services designed to reduce or prevent crimes or other negative behaviors
102.12 that target Black women or girls;

102.13 (2) provide training to the community about how to handle situations and crimes involving
102.14 the targeting of Black women and girls, including but not limited to training for law
102.15 enforcement officers, county attorneys, city attorneys, judges, and other criminal justice
102.16 partners; or

102.17 (3) provide services to Black women and girls who are victims of crimes or other offenses,
102.18 or to the family members of missing and murdered Black women and girls.

102.19 (c) Applicants must apply in a form and manner established by the office.

102.20 (d) Grant recipients must provide an annual report to the office that includes:

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

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

102.23 (3) any other information required by the office.

102.24 (e) On or before February 1 of each year, the office shall report to the legislative
102.25 committees and divisions with jurisdiction over public safety on the work of grant recipients,
102.26 including a description of the number of entities awarded grants, the amount of those grants,
102.27 and the number of individuals served by the grantees.

102.28 (f) The office may enter into agreements with the Office of Justice Programs for the
102.29 administration of grants issued under this subdivision.

102.30 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access
102.31 to corrections and detention data and medical data maintained by an agency and classified

103.1 as private data on individuals or confidential data on individuals to the extent the data is
 103.2 necessary for the office to perform its duties under this section.

103.3 **Sec. 27. [299A.95] OFFICE OF RESTORATIVE PRACTICES.**

103.4 **Subdivision 1. Definition.** As used in this section, "restorative practices" means a practice
 103.5 within a program or policy that incorporates core restorative principles, including but not
 103.6 limited to voluntariness, prioritization of agreement by the people closest to the harm on
 103.7 what is needed to repair the harm, reintegration into the community, honesty, and respect.
 103.8 Restorative practices include but are not limited to victim-offender conferences, family
 103.9 group conferences, circles, community conferences, and other similar victim-centered
 103.10 practices. Restorative practices funded under this statute may be used at any point including
 103.11 before court involvement, after court involvement, to prevent court involvement, or in
 103.12 conjunction with court involvement. Restorative practices are rooted in community values
 103.13 and create meaningful outcomes that may include but are not limited to:

103.14 (1) establishing and meeting goals related to increasing connection to community,
 103.15 restoring relationships, and increasing empathy; considering all perspectives involved; and
 103.16 taking responsibility for impact of actions by all parties involved;

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

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

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

103.21 (5) determining the appropriate responses to specific incidents through the use of a
 103.22 collaborative process;

103.23 (6) providing solutions and approaches that affirm and are tailored to specific cultures;
 103.24 and

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

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

103.30 **Subd. 3. Department of Children, Youth, and Family; automatic transfer.** In the
 103.31 event that a Department of Children, Youth, and Family is created as an independent agency,
 103.32 the Office of Restorative Practices shall be transferred to that department pursuant to section

104.1 15.039 effective six months following the effective date for legislation creating that
104.2 department.

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

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

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

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

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

104.14 (5) understanding of educational barriers.

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

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

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

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

104.22 (3) community violence prevention practices.

104.23 (b) The Office of Restorative Practices shall collaborate with Tribal communities,
104.24 counties, multicounty agencies, other state agencies, nonprofit agencies, and other
104.25 jurisdictions, and with existing restorative practices initiatives in those jurisdictions to
104.26 establish new restorative practices initiatives, support existing restorative practices initiatives,
104.27 and identify effective restorative practices initiatives.

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

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

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

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

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

105.15 (h) The Office of Restorative Practices shall provide information to local restorative
105.16 practices advisory committees, or restorative practices initiatives in Tribal communities and
105.17 governments, counties, multicounty agencies, other state agencies, and other jurisdictions
105.18 about best practices that are developmentally tailored to youth, trauma-informed, and
105.19 healing-centered, and provide technical support. Providing information includes but is not
105.20 limited to sharing data on successful practices in other jurisdictions, sending notification
105.21 about available training opportunities, and sharing known resources for financial support.
105.22 The Office of Restorative Practices shall also provide training and technical support to local
105.23 restorative practices advisory committees. Training includes but is not limited to the use
105.24 and scope of restorative practices, victim-centered restorative practices, and trauma-informed
105.25 care.

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

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

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

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

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

106.10 (d) Applications must include the following:

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

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

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

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

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

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

106.19 (i) a description of how the initiative meets the minimum eligibility requirements of the
106.20 grant;

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

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

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

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

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

106.30 Subd. 7. Restorative practices advisory committees; membership and duties. (a)

106.31 Restorative practices advisory committees must include:

- 107.1 (1) a judge of the judicial district that will be served by the restorative practices initiative;
- 107.2 (2) the county attorney of a county that will be served by the restorative practices initiative
- 107.3 or a designee;
- 107.4 (3) the chief district public defender in the district that will be served by the local
- 107.5 restorative justice program or a designee;
- 107.6 (4) a representative from the children's unit of a county social services agency assigned
- 107.7 to the area that will be served by the restorative practices initiative;
- 107.8 (5) a representative from the local probation department or community corrections
- 107.9 agency that works with youth in the area that will be served by the restorative practices
- 107.10 initiative;
- 107.11 (6) a representative from a local law enforcement agency that operates in the area that
- 107.12 will be served by the restorative practices initiative;
- 107.13 (7) a school administrator or designee from a school or schools that operate in the area
- 107.14 that will be served by the restorative practices initiative;
- 107.15 (8) multiple community members that reflect the racial, socioeconomic, and other
- 107.16 diversity of the population of a county that will be served by the local restorative justice
- 107.17 program and the individuals most frequently involved in the truancy, juvenile offender, and
- 107.18 juvenile safety and placement systems;
- 107.19 (9) restorative practitioners, including restorative practitioners from within the community
- 107.20 if available and, if not, from nearby communities;
- 107.21 (10) parents, youth, and justice-impacted participants; and
- 107.22 (11) at least one representative from a victims advocacy group.
- 107.23 (b) Community members described in paragraph (a), clause (8), must make up at least
- 107.24 one-third of the restorative practices advisory committee.
- 107.25 (c) Community members, parents, youth, and justice-impacted participants participating
- 107.26 in the advisory committee may receive a per diem from grant funds in the amount determined
- 107.27 by the General Services Administration.
- 107.28 (d) The restorative practices advisory committees must utilize restorative practices in
- 107.29 their decision-making process and come to consensus when developing, expanding, and
- 107.30 maintaining restorative practices criteria and referral processes for their communities.

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

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

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

108.9 (2) for a juvenile petty offense;

108.10 (3) for a juvenile traffic offense;

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

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

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

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

108.16 (8) for substance use issues;

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

108.18 (10) through self-referral.

108.19 **Subd. 8. Oversight of restorative practices advisory committees.** (a) Complaints by
108.20 restorative practices advisory committee members, community members, restorative practices
108.21 initiatives, or restorative practices practitioners regarding concerns about grant recipients
108.22 may be made to the Office of Restorative Practices.

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

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

108.29 **Subd. 9. Report.** By February 15 of each year, the director shall report to the chairs and
108.30 ranking minority members of the legislative committees and divisions with jurisdiction over
108.31 public safety, human services, and education, on the work of the Office of Restorative

109.1 Practices, any grants issued pursuant to this section, and the status of local restorative
109.2 practices initiatives in the state that were reviewed in the previous year.

109.3 Sec. 28. **[299C.055] LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.**

109.4 (a) The superintendent must prepare an annual report for the public and the legislature
109.5 on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC;
109.6 the types of activities it monitors; the scale of information it collects; the local, state, and
109.7 federal agencies with which it shares information; and the quantifiable benefits it produces.
109.8 None of the reporting requirements in this section supersede chapter 13 or any other state
109.9 or federal law. The superintendent must report on activities for the preceding calendar year
109.10 unless another time period is specified. The report must include the following information,
109.11 to the extent allowed by other law:

109.12 (1) the MNFC's operating budget for the current biennium, number of staff, and staff
109.13 duties;

109.14 (2) the number of publications generated and an overview of the type of information
109.15 provided in the publications, including products such as law enforcement briefs, partner
109.16 briefs, risk assessments, threat assessments, and operational reports;

109.17 (3) a summary of audit findings for the MNFC and what corrective actions were taken
109.18 pursuant to audits;

109.19 (4) the number of data requests received by the MNFC and a general description of those
109.20 requests;

109.21 (5) the types of surveillance and data analysis technologies utilized by the MNFC, such
109.22 as artificial intelligence or social media analysis tools;

109.23 (6) a description of the commercial and governmental databases utilized by the MNFC
109.24 to the extent permitted by law;

109.25 (7) the number of suspicious activity reports (SARs) received and processed by the
109.26 MNFC;

109.27 (8) the number of SARs received and processed by the MNFC that were converted into
109.28 Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of
109.29 Investigation, or that were referred to local law enforcement agencies;

109.30 (9) the number of SARs received and processed by the MNFC that involve an individual
109.31 on the Terrorist Screening Center watchlist;

110.1 (10) the number of requests for information (RFIs) that the MNFC received from law
 110.2 enforcement agencies and the number of responses to federal requests for RFIs;

110.3 (11) the names of the federal agencies the MNFC received data from or shared data
 110.4 with;

110.5 (12) the names of the agencies that submitted SARs;

110.6 (13) a summary description of the MNFC's activities with the Joint Terrorism Task
 110.7 Force; and

110.8 (14) the number of investigations aided by the MNFC's use of SARs and RFIs.

110.9 (b) The report shall be provided to the chairs and ranking minority members of the
 110.10 committees of the house of representatives and senate with jurisdiction over data practices
 110.11 and public safety issues, and shall be posted on the MNFC website by February 15 each
 110.12 year beginning on February 15, 2024.

110.13 Sec. 29. Minnesota Statutes 2022, section 299C.063, is amended to read:

110.14 **299C.063 BOMB DISPOSAL EXPENSE REIMBURSEMENT.**

110.15 Subdivision 1. **Definitions.** The terms used in this section have the meanings given them
 110.16 in this subdivision:

110.17 (a) "Bomb disposal unit" means a commissioner-approved unit consisting of persons
 110.18 who are trained and equipped to dispose of or neutralize bombs or other similar hazardous
 110.19 explosives and who are employed by a municipality.

110.20 (b) "Commissioner" means the commissioner of public safety.

110.21 ~~(c) "Municipality" has the meaning given it in section 466.01.~~

110.22 (c) "Explosives sweep" means a detailed scanning service used in corporate office
 110.23 buildings, shipping hangars, event stadiums, transportation hubs, large outdoor events, and
 110.24 other critical facilities using ground-penetrating radar, magnetometers, metal detectors, and
 110.25 specially trained K-9 units to detect improvised explosive devices and explosive remnants
 110.26 of war, such as unexploded ordnance and abandoned ordnance.

110.27 (d) "Hazardous explosives" means explosives as defined in section 299F.72, subdivision
 110.28 2, explosive devices and incendiary devices as defined in section 609.668, subdivision 1,
 110.29 and all materials subject to regulation under United States Code, title 18, chapter 40.

110.30 (e) "Municipality" has the meaning given in section 466.01.

111.1 Subd. 2. **Expense reimbursement.** (a) The commissioner may reimburse bomb disposal
111.2 units for reasonable expenses incurred;

111.3 (1) to dispose of or neutralize bombs or other similar hazardous explosives for their
111.4 employer-municipality or for another municipality outside the jurisdiction of the
111.5 employer-municipality but within the state. Reimbursement is limited to the extent of
111.6 appropriated funds;

111.7 (2) to use the services of police explosive detection K-9 assets;

111.8 (3) for dignitary explosive sweeps;

111.9 (4) for explosive sweeps at large state events;

111.10 (5) to provide for explosive security at large state events; and

111.11 (6) for large-scale scheduled public events.

111.12 (b) Reimbursement for expenses under this subdivision is limited to the extent of
111.13 appropriated funds.

111.14 Subd. 3. **Agreements.** The commissioner may enter into contracts or agreements with
111.15 bomb disposal units to implement and administer this section.

111.16 Subd. 4. **Public event agreements.** The commissioner may enter into contracts with
111.17 public event organizers, as defined in section 299A.52, for costs associated with explosive
111.18 sweeps conducted by state bomb disposal units.

111.19 Sec. 30. **[299C.092] QUESTIONED IDENTITY PROCESS.**

111.20 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
111.21 subdivision have the meanings given.

111.22 (b) "Bureau" means the Bureau of Criminal Apprehension.

111.23 (c) "Questioned identity" means an individual's identity that is associated with another
111.24 person's records when the individual's identity is used by an offender in interactions with
111.25 law enforcement or the offender has the same name which can lead to difficulties
111.26 differentiating the individual from the offender.

111.27 Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the
111.28 individual may request a review by the bureau through its questioned identity process.
111.29 Individuals must contact the bureau and provide the following:

111.30 (1) documentation of the individual's identity through a government-issued photo
111.31 identification;

112.1 (2) documents or information that lead the individual to believe that the individual is
112.2 the subject of questioned identity; and

112.3 (3) fingerprints for identification verification purposes.

112.4 (b) If the bureau is able to confirm that the individual is the subject of questioned identity,
112.5 the bureau shall provide documentation to the individual indicating that the individual has
112.6 been through the bureau's questioned identity process.

112.7 (c) The bureau shall denote any aliases determined to be questioned identities in the
112.8 criminal history system under section 299C.09 and shall work with other state and local
112.9 agencies to denote aliases in arrest warrants.

112.10 (d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's
112.11 warrant file if a photo is available.

112.12 (e) Notwithstanding section 13.87, subdivision 1, paragraph (b), the bureau, in
112.13 consultation with reporting criminal justice agencies, may remove an alias from a criminal
112.14 history record when it determines doing so will not negatively impact a criminal justice
112.15 agency's ability to identify the offender in the future. Some considerations in making the
112.16 determination include but are not limited to time elapsed since the alias name was last used,
112.17 frequency with which the alias was used, current incarceration status of the offender, whether
112.18 it is or was the offender's name, and whether the offender is living or deceased.

112.19 (f) Law enforcement must take into account the presence of documentation from the
112.20 bureau or another law enforcement agency confirming a questioned identity when considering
112.21 whether an individual has a warrant under section 299C.115 and may contact the bureau or
112.22 the issuing law enforcement agency to confirm authenticity of the documentation provided
112.23 by an individual.

112.24 Sec. 31. Minnesota Statutes 2022, section 299C.106, subdivision 3, is amended to read:

112.25 **Subd. 3. Submission and storage of sexual assault examination kits.** (a) Within 60
112.26 days of receiving an unrestricted sexual assault examination kit, a law enforcement agency
112.27 shall submit the kit for testing to a forensic laboratory. The testing laboratory shall return
112.28 unrestricted sexual assault examination kits to the submitting agency for storage after testing
112.29 is complete. The submitting agency must store unrestricted sexual assault examination kits
112.30 indefinitely.

112.31 (b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or
112.32 a law enforcement agency receiving a restricted sexual assault examination kit from a
112.33 hospital, the hospital or the agency shall submit the kit to the Bureau of Criminal

113.1 Apprehension. The bureau shall store all restricted sexual assault examination kits collected
113.2 by hospitals or law enforcement agencies in the state. The bureau shall retain a restricted
113.3 sexual assault examination kit for at least 30 months from the date the bureau receives the
113.4 kit.

113.5 (c) Beginning July 1, 2024, the receiving forensic laboratory must strive to test the sexual
113.6 assault examination kit within 90 days of receipt from a hospital or law enforcement agency.
113.7 Sexual assault examination kits shall be prioritized for testing along with other violent
113.8 crimes. Upon completion of testing, the forensic laboratory must update the kit-tracking
113.9 database to indicate that testing is complete. The forensic laboratory must notify the
113.10 submitting agency when any kit is not tested within 90 days and provide an estimated time
113.11 frame for testing completion.

113.12 (d) Paragraph (c) sunsets June 30, 2029.

113.13 Sec. 32. Minnesota Statutes 2022, section 299C.46, subdivision 1, is amended to read:

113.14 Subdivision 1. **Establishment.** The commissioner of public safety shall establish a
113.15 criminal justice data communications network that will provide secure access to systems
113.16 and services available from or through the Bureau of Criminal Apprehension. The Bureau
113.17 of Criminal Apprehension may approve additional criminal justice uses by authorized
113.18 agencies to access necessary systems or services not from or through the bureau. The
113.19 commissioner of public safety is authorized to lease or purchase facilities and equipment
113.20 as may be necessary to establish and maintain the data communications network.

113.21 Sec. 33. Minnesota Statutes 2022, section 299C.53, subdivision 3, is amended to read:

113.22 Subd. 3. **Missing and endangered persons.** The Bureau of Criminal Apprehension
113.23 must operate a missing person alert program. If the Bureau of Criminal Apprehension
113.24 receives a report from a law enforcement agency indicating that a person is missing and
113.25 endangered, the superintendent must originate an alert. The superintendent may assist the
113.26 law enforcement agency in conducting the preliminary investigation, offer resources, and
113.27 assist the agency in helping implement the investigation policy with particular attention to
113.28 the need for immediate action. The law enforcement agency shall promptly notify all
113.29 appropriate law enforcement agencies in the state and is required to issue a missing person
113.30 alert utilizing the Crime Alert Network as prescribed in section 299A.61 and, if deemed
113.31 appropriate, law enforcement agencies in adjacent states or jurisdictions of any information
113.32 that may aid in the prompt location and safe return of a missing and endangered person.
113.33 The superintendent shall provide guidance on issuing alerts using this system and provide

114.1 the system for law enforcement agencies to issue these alerts. The Bureau of Criminal
114.2 Apprehension may provide assistance to agencies in issuing missing person alerts as required
114.3 by this section.

114.4 Sec. 34. Minnesota Statutes 2022, section 299C.65, subdivision 1a, is amended to read:

114.5 Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and
114.6 Bureau of Criminal Apprehension Advisory Group consists of the following members:

114.7 (1) the commissioner of corrections or designee;

114.8 (2) the commissioner of public safety or designee;

114.9 (3) the state chief information officer or designee;

114.10 (4) three members of the judicial branch appointed by the chief justice of the supreme
114.11 court;

114.12 (5) the commissioner of administration or designee;

114.13 (6) the state court administrator or designee;

114.14 (7) two members appointed by the Minnesota Sheriffs Association, at least one of whom
114.15 must be a sheriff;

114.16 (8) two members appointed by the Minnesota Chiefs of Police Association, at least one
114.17 of whom must be a chief of police;

114.18 (9) two members appointed by the Minnesota County Attorneys Association, at least
114.19 one of whom must be a county attorney;

114.20 (10) two members appointed by the League of Minnesota Cities representing the interests
114.21 of city attorneys, at least one of whom must be a city attorney;

114.22 (11) two members appointed by the Board of Public Defense, at least one of whom must
114.23 be a public defender;

114.24 (12) two corrections administrators appointed by the Association of Minnesota Counties
114.25 representing the interests of local corrections, at least one of whom represents a Community
114.26 Corrections Act county;

114.27 (13) two probation officers appointed by the commissioner of corrections in consultation
114.28 with the president of the Minnesota Association of Community Corrections Act Counties
114.29 and the president of the Minnesota Association of County Probation Officers;

115.1 (14) four public members appointed by the governor representing both metropolitan and
115.2 greater Minnesota for a term of four years using the process described in section 15.059,
115.3 one of whom represents the interests of victims, and one of whom represents the private
115.4 business community who has expertise in integrated information systems and who, for the
115.5 purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;

115.6 (15) two members appointed by the Minnesota Association for Court Management, at
115.7 least one of whom must be a court administrator;

115.8 (16) one member of the house of representatives appointed by the speaker of the house,
115.9 or an alternate who is also a member of the house of representatives, appointed by the
115.10 speaker of the house;

115.11 (17) one member of the senate appointed by the majority leader, or an alternate who is
115.12 also a member of the senate, appointed by the majority leader of the senate;

115.13 (18) one member appointed by the attorney general;

115.14 (19) two members appointed by the League of Minnesota Cities, one of whom works
115.15 or resides in greater Minnesota and one of whom works or resides in the seven-county
115.16 metropolitan area, and at least one of whom is an elected official;

115.17 (20) two members appointed by the Association of Minnesota Counties, one of whom
115.18 works or resides in greater Minnesota and one of whom works or resides in the seven-county
115.19 metropolitan area, and at least one of whom is an elected official; and

115.20 (21) the director of the Sentencing Guidelines Commission or a designee.

115.21 (b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory
115.22 group.

115.23 (c) The advisory group shall serve as the state advisory group on statewide criminal
115.24 justice information policy and funding issues. The advisory group shall study and make
115.25 recommendations to the governor, the supreme court, and the legislature on criminal justice
115.26 information funding and policy issues such as related data practices, individual privacy
115.27 rights, and data on race and ethnicity; information-sharing at the local, state, and federal
115.28 levels; technology education and innovation; the impact of proposed legislation on the
115.29 criminal justice system related to information systems and business processes; and data and
115.30 identification standards.

115.31 (d) The advisory group shall have the additional duties of reviewing and advising the
115.32 bureau superintendent on:

- 116.1 (1) audits, accreditation reports, and internal reviews of bureau operations;
 116.2 (2) emerging technologies in the law enforcement and forensic science fields;
 116.3 (3) policies and practices that impact individual privacy interests; and
 116.4 (4) other programmatic and operational initiatives of the bureau at the request of the
 116.5 superintendent.

116.6 Sec. 35. Minnesota Statutes 2022, section 299C.65, subdivision 3a, is amended to read:

116.7 Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor,
 116.8 supreme court, and chairs and ranking minority members of the senate and house of
 116.9 representatives committees and divisions with jurisdiction over criminal justice funding
 116.10 and policy by January 15 in each odd-numbered year. The report must provide the following:

- 116.11 (1) status and review of current statewide criminal justice information systems;
 116.12 (2) recommendations concerning any legislative changes or appropriations that are
 116.13 needed to ensure that the criminal justice information systems operate accurately and
 116.14 efficiently; ~~and~~

- 116.15 (3) summary of the activities of the advisory group, including any funding and grant
 116.16 requests; and

- 116.17 (4) summary of any reviews conducted by the advisory group of bureau audits, reports,
 116.18 policies, programs, and procedures along with any recommendations provided to the bureau
 116.19 related to the reviews.

116.20 Sec. 36. Minnesota Statutes 2022, section 299F.362, is amended to read:

116.21 **299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.**

116.22 Subdivision 1. **Definitions.** For the purposes of this section, the following definitions
 116.23 shall apply:

116.24 (a) "Apartment house" is any building, or portion thereof, which is designed, built,
 116.25 rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence
 116.26 of three or more families living independently of each other and doing their own cooking
 116.27 in the building, and shall include buildings containing three or more flats or apartments.

116.28 (b) "Dwelling" is any building, or any portion thereof, which is not an apartment house,
 116.29 lodging house, or a hotel and which contains one or two "dwelling units" which are, or are
 116.30 intended or designed to be, occupied for living purposes.

117.1 (c) "Dwelling unit" is a single unit providing complete, independent living facilities for
117.2 one or more persons including permanent provisions for living, sleeping, eating, cooking,
117.3 and sanitation, or a single unit used by one or more persons for sleeping and sanitation
117.4 pursuant to a work practice or labor agreement.

117.5 (d) "Hotel" is any building, or portion thereof, containing six or more guest rooms
117.6 intended or designed to be used, or which are used, rented, or hired out to be occupied, or
117.7 which are occupied for sleeping purposes by guests.

117.8 (e) "Lodging house" is any building, or portion thereof, containing not more than five
117.9 guest rooms which are used or are intended to be used for sleeping purposes by guests and
117.10 where rent is paid in money, goods, labor, or otherwise.

117.11 Subd. 2. **Rules; smoke detector alarm location.** The commissioner of public safety
117.12 shall promulgate rules concerning the placement of smoke ~~detectors~~ alarms in dwellings,
117.13 apartment houses, hotels, and lodging houses. The rules shall take into account designs of
117.14 the guest rooms or dwelling units.

117.15 Subd. 3. **Smoke detector alarm for any dwelling.** Every dwelling unit within a dwelling
117.16 must be provided with a smoke ~~detector~~ alarm meeting the requirements of the State Fire
117.17 Code. The ~~detector~~ smoke alarm must be mounted in accordance with the rules regarding
117.18 smoke ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~
117.19 smoke alarm must provide an alarm in the dwelling unit.

117.20 Subd. 3a. **Smoke detector alarm for new dwelling.** In construction of a new dwelling,
117.21 each smoke ~~detector~~ alarm must be attached to a centralized power source.

117.22 Subd. 4. **Smoke detector alarm for apartment, lodging house, or hotel.** Every dwelling
117.23 unit within an apartment house and every guest room in a lodging house or hotel used for
117.24 sleeping purposes must be provided with a smoke ~~detector~~ alarm conforming to the
117.25 requirements of the State Fire Code. In dwelling units, ~~detectors~~ smoke alarms must be
117.26 mounted in accordance with the rules regarding smoke ~~detector~~ alarm location adopted
117.27 under subdivision 2. When actuated, the ~~detector~~ smoke alarm must provide an alarm in
117.28 the dwelling unit or guest room.

117.29 Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section
117.30 where the occupant is not the owner of the dwelling unit or the guest room, the owner is
117.31 responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection
117.32 and maintenance reports with the local fire marshal for establishing evidence of inspection
117.33 and maintenance of smoke ~~detectors~~ alarms.

118.1 Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must
118.2 inform the owner of the dwelling unit of a nonfunctioning smoke ~~detector~~ alarm within 24
118.3 hours of discovering that the smoke ~~detector~~ alarm in the dwelling unit is not functioning.
118.4 If the occupant fails to inform the owner under this subdivision, the occupant's liability for
118.5 damages is not greater than it otherwise would be.

118.6 Subd. 6. **Penalties.** (a) Any person who violates any provision of this section ~~shall be~~
118.7 is subject to the same penalty and ~~the~~ enforcement mechanism that is provided for violation
118.8 of the State Fire Code, as specified in section 299F.011, subdivision 6.

118.9 (b) An occupant who willfully disables a smoke ~~detector~~ alarm or causes it to be
118.10 nonfunctioning, resulting in damage or injury to persons or property, is guilty of a
118.11 misdemeanor.

118.12 Subd. 7. **Local government preempted.** This section prohibits a local unit of government
118.13 from adopting standards different from those provided in this section.

118.14 Subd. 9. **Local government ordinance; installation in single-family**
118.15 **residence.** Notwithstanding subdivision 7, or other law to the contrary, a local governing
118.16 body may adopt, by ordinance, rules for the installation of a smoke ~~detector~~ alarm in
118.17 single-family homes in the city that are more restrictive than the standards provided by this
118.18 section. Rules adopted pursuant to this subdivision may be enforced through a
118.19 truth-in-housing inspection.

118.20 Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety
118.21 educator is established in the Department of Public Safety.

118.22 Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for
118.23 failure of a person to comply with this section.

118.24 Sec. 37. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

118.25 Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public
118.26 safety to inspect, or cause to be inspected, at least once every three years, every hotel in
118.27 this state; and, for that purpose, the commissioner, or the commissioner's deputies or
118.28 designated alternates or agents, shall have the right to enter or have access thereto at any
118.29 reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected
118.30 does not conform to or is not being operated in accordance with the provisions of sections
118.31 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection
118.32 of hotels, or the rules promulgated thereunder, or is being maintained or operated in such
118.33 manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,

119.1 subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire
119.2 protection of hotels, the commissioner and the deputies or designated alternates or agents
119.3 shall report such a situation to the hotel inspector who shall proceed as provided for in
119.4 chapter 157.

119.5 (b) The word "hotel", as used in this subdivision, has the meaning given in section
119.6 299F.391.

119.7 **EFFECTIVE DATE.** This section is effective August 1, 2024.

119.8 Sec. 38. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
119.9 to read:

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

119.13 **EFFECTIVE DATE.** This section is effective August 1, 2024.

119.14 Sec. 39. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision
119.15 to read:

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

119.19 **EFFECTIVE DATE.** This section is effective August 1, 2024.

119.20 Sec. 40. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

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

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

119.26 **EFFECTIVE DATE.** This section is effective August 1, 2024.

119.27 Sec. 41. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

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

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

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

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

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

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

120.15 **EFFECTIVE DATE.** This section is effective August 1, 2024.

120.16 Sec. 42. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

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

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

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

120.28 **EFFECTIVE DATE.** This section is effective August 1, 2024.

121.1 Sec. 43. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision
121.2 to read:

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

121.6 **EFFECTIVE DATE.** This section is effective August 1, 2024.

121.7 Sec. 44. Minnesota Statutes 2022, section 326.32, subdivision 10, is amended to read:

121.8 Subd. 10. **License holder.** "License holder" means any individual, partnership as defined
121.9 in section 323A.0101, clause (8), or corporation licensed to perform the duties of a private
121.10 detective or a protective agent.

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

121.12 Sec. 45. Minnesota Statutes 2022, section 326.3381, subdivision 3, is amended to read:

121.13 Subd. 3. **Disqualification.** (a) No person is qualified to hold a license who has:

121.14 (1) been convicted of (i) a felony by the courts of this or any other state or of the United
121.15 States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault;
121.16 theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving
121.17 stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using,
121.18 possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or
121.19 distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in
121.20 Minnesota, would be a felony or would be any of the other offenses provided in this clause
121.21 and for which a full pardon or similar relief has not been granted;

121.22 (2) made any false statement in an application for a license or any document required
121.23 to be submitted to the board; or

121.24 (3) failed to demonstrate to the board good character, honesty, and integrity.

121.25 (b) Upon application for a license, the applicant shall submit, as part of the application,
121.26 a full set of fingerprints and the applicant's written consent that their fingerprints shall be
121.27 submitted to the Bureau of Criminal Apprehension (BCA) and the Federal Bureau of
121.28 Investigation (FBI) to determine whether that person has a criminal record. The BCA shall
121.29 promptly forward the fingerprints to the FBI and request that the FBI conduct a criminal
121.30 history check of each prospective licensee. The Minnesota Board of Private Detective and
121.31 Protective Agents Services shall determine if the FBI report indicates that the prospective

122.1 licensee or licensee was convicted of a disqualifying offense. The submission to the FBI
 122.2 shall be coordinated through the BCA. The results of the criminal record check shall be
 122.3 provided to the board who will determine if the applicant is disqualified from holding a
 122.4 license under this subdivision.

122.5 Sec. 46. Minnesota Statutes 2022, section 609.35, is amended to read:

122.6 **609.35 COSTS OF MEDICAL EXAMINATION.**

122.7 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
 122.8 facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other
 122.9 licensed health care provider for the examination of a victim of criminal sexual conduct
 122.10 when the examination is performed for the purpose of gathering evidence that occurred in
 122.11 the state shall be paid by the county in which the criminal sexual conduct occurred state.
 122.12 These costs include, but are not limited to, the full cost of the rape kit medical forensic
 122.13 examination, associated tests and treatments relating to the complainant's sexually transmitted
 122.14 disease status infection, and pregnancy status, including emergency contraception. A hospital,
 122.15 emergency medical facility, or health care provider shall submit the costs for examination
 122.16 and any associated tests and treatment to the Office of Justice Programs for payment. Upon
 122.17 receipt of the costs, the commissioner shall provide payment to the facility or health care
 122.18 provider. Reimbursement for an examination and any associated test and treatments shall
 122.19 not exceed \$1,400. Beginning on January 1, 2024, the maximum amount of an award shall
 122.20 be adjusted annually by the inflation rate.

122.21 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
 122.22 liabilities of any insurer, whether public or private. ~~However, a county~~ The hospital or other
 122.23 licensed health care provider performing the examination may seek insurance reimbursement
 122.24 from the victim's insurer only if authorized by the victim. This authorization may only be
 122.25 sought after the examination is performed. When seeking this authorization, the county
 122.26 hospital or other licensed health care provider shall inform the victim that if the victim does
 122.27 not authorize this, the county state is required by law to pay for the examination and that
 122.28 the victim is in no way liable for these costs or obligated to authorize the reimbursement.

122.29 (c) The applicability of this section does not depend upon whether the victim reports
 122.30 the offense to law enforcement or the existence or status of any investigation or prosecution.

122.31 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to any
 122.32 examination that occurs on or after that date.

123.1 Sec. 47. Minnesota Statutes 2022, section 609.87, is amended by adding a subdivision to
 123.2 read:

123.3 Subd. 17. **Electronic data.** "Electronic data" means records or information in digital
 123.4 form on a computer, computer network, computer system, or in computer software that can
 123.5 be stored, transmitted, or processed.

123.6 Sec. 48. Minnesota Statutes 2022, section 609.89, is amended to read:

123.7 **609.89 COMPUTER OR ELECTRONIC DATA THEFT.**

123.8 Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer or
 123.9 electronic data theft and may be sentenced as provided in subdivision 2:

123.10 ~~(a)~~ (1) intentionally and without authorization or claim of right accesses or causes to be
 123.11 accessed any computer, computer system, computer network or any part thereof for the
 123.12 purpose of obtaining services or property; ~~or~~

123.13 ~~(b)~~ (2) intentionally and without claim of right, and with intent to deprive the owner of
 123.14 use or possession, takes, transfers, conceals or retains possession of any computer, computer
 123.15 system, or any computer software or data contained in a computer, computer system, or
 123.16 computer network;

123.17 (3) intentionally and without authorization or claim of right accesses or copies any
 123.18 computer software or electronic data and uses, alters, transfers, retains, or publishes the
 123.19 computer software or electronic data; or

123.20 (4) intentionally retains copies of any computer software or electronic data beyond the
 123.21 individual's authority.

123.22 Subd. 2. **Penalty.** Anyone who commits computer or electronic data theft may be
 123.23 sentenced as follows:

123.24 ~~(a)~~ (1) to imprisonment for not more than ten years or to payment of a fine of not more
 123.25 than \$50,000, or both, if the loss to the owner, or the owner's agent, or lessee is in excess
 123.26 of \$2,500; ~~or~~

123.27 ~~(b)~~ (2) to imprisonment for not more than five years or to payment of a fine of not more
 123.28 than \$10,000, or both, if the loss to the owner, or the owner's agent, or lessee is more than
 123.29 \$500 but not more than \$2,500; or

123.30 ~~(c)~~ (3) in all other cases to imprisonment for not more than 90 days or to payment of a
 123.31 fine of not more than \$1,000, or both.

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

124.3 Sec. 49. Minnesota Statutes 2022, section 611A.033, is amended to read:

124.4 **611A.033 SPEEDY TRIAL; NOTICE OF HEARINGS AND SCHEDULE**
 124.5 **CHANGE.**

124.6 (a) A victim has the right to request that the prosecutor make a demand under rule 11.09
 124.7 of the Rules of Criminal Procedure that the trial be commenced within 60 days of the demand.
 124.8 The prosecutor shall make reasonable efforts to comply with the victim's request.

124.9 (b) A prosecutor shall make reasonable efforts to provide to a victim the date and time
 124.10 of the sentencing hearing and the hearing during which the plea is to be presented to the
 124.11 court.

124.12 ~~(b)~~ (c) A prosecutor shall make reasonable efforts to provide advance notice of any
 124.13 change in the schedule of the court proceedings to a victim who has been subpoenaed or
 124.14 requested to testify.

124.15 ~~(e)~~ (d) In a criminal proceeding in which a vulnerable adult, as defined in section 609.232,
 124.16 subdivision 11, is a victim, the state may move the court for a speedy trial. The court, after
 124.17 consideration of the age and health of the victim, may grant a speedy trial. The motion may
 124.18 be filed and served with the complaint or any time after the complaint is filed and served.

124.19 Sec. 50. Minnesota Statutes 2022, section 611A.039, subdivision 1, is amended to read:

124.20 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
 124.21 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
 124.22 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
 124.23 to provide to each affected crime victim oral or written notice of the final disposition of the
 124.24 case and of the victim rights under section 611A.06. When the court is considering modifying
 124.25 the sentence for a felony or a crime of violence or an attempted crime of violence, the ~~court~~
 124.26 ~~or its designee~~ prosecutor shall make a reasonable and good faith effort to notify the victim
 124.27 of the crime. If the victim is incapacitated or deceased, notice must be given to the victim's
 124.28 family. If the victim is a minor, notice must be given to the victim's parent or guardian. The
 124.29 notice must include:

124.30 (1) the date and approximate time of the review;

124.31 (2) the location where the review will occur;

125.1 (3) the name and telephone number of a person to contact for additional information;
 125.2 and

125.3 (4) a statement that the victim and victim's family may provide input to the court
 125.4 concerning the sentence modification.

125.5 (b) The Office of Justice Programs in the Department of Public Safety shall develop and
 125.6 update a model notice of postconviction rights under this subdivision and section 611A.06.

125.7 (c) As used in this section, "crime of violence" has the meaning given in section 624.712,
 125.8 subdivision 5, and also includes violations of section 609.3458, gross misdemeanor violations
 125.9 of section 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451,
 125.10 609.748, and 609.749.

125.11 Sec. 51. Minnesota Statutes 2022, section 611A.211, subdivision 1, is amended to read:

125.12 Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs
 125.13 which provide support services or emergency shelter and housing supports as defined by
 125.14 section 611A.31 to victims of sexual assault. The commissioner shall also award grants for
 125.15 training, technical assistance, and the development and implementation of education programs
 125.16 to increase public awareness of the causes of sexual assault, the solutions to preventing and
 125.17 ending sexual assault, and the problems faced by sexual assault victims.

125.18 Sec. 52. Minnesota Statutes 2022, section 611A.31, subdivision 2, is amended to read:

125.19 Subd. 2. ~~**Battered woman Domestic abuse victim.**~~ "Battered woman" "Domestic abuse
 125.20 victim" means a ~~woman~~ person who is being or has been victimized by domestic abuse as
 125.21 defined in section 518B.01, subdivision 2.

125.22 Sec. 53. Minnesota Statutes 2022, section 611A.31, subdivision 3, is amended to read:

125.23 Subd. 3. **Emergency shelter services.** "Emergency shelter services" include, but are
 125.24 not limited to, secure crisis shelters for ~~battered women~~ domestic abuse victims and housing
 125.25 networks for ~~battered women~~ domestic abuse victims.

125.26 Sec. 54. Minnesota Statutes 2022, section 611A.31, is amended by adding a subdivision
 125.27 to read:

125.28 Subd. 3a. **Housing supports.** "Housing supports" means services and supports used to
 125.29 enable victims to secure and maintain transitional and permanent housing placement. Housing
 125.30 supports include but are not limited to rental assistance and financial assistance to maintain

126.1 housing stability. Transitional housing placements may take place in communal living,
 126.2 clustered site or scattered site programs, or other transitional housing models.

126.3 Sec. 55. Minnesota Statutes 2022, section 611A.32, is amended to read:

126.4 **611A.32 BATTERED WOMEN DOMESTIC ABUSE PROGRAMS.**

126.5 Subdivision 1. **Grants awarded.** The commissioner shall award grants to programs
 126.6 which provide emergency shelter services ~~to battered women,~~ housing supports, and support
 126.7 services to ~~battered women and~~ domestic abuse victims and their children. The commissioner
 126.8 shall also award grants for training, technical assistance, and for the development and
 126.9 implementation of education programs to increase public awareness of the causes of ~~battering~~
 126.10 domestic abuse, the solutions to preventing and ending domestic violence, and the problems
 126.11 faced by ~~battered women and~~ domestic abuse victims. Grants shall be awarded in a manner
 126.12 that ensures that they are equitably distributed to programs serving metropolitan and
 126.13 nonmetropolitan populations. ~~By July 1, 1995, community-based domestic abuse advocacy~~
 126.14 ~~and support services programs must be established in every judicial assignment district.~~

126.15 Subd. 1a. **Program for American Indian ~~women~~ domestic abuse victims.** The
 126.16 commissioner shall establish at least one program under this section to provide emergency
 126.17 shelter services and support services to ~~battered American Indian women~~ domestic abuse
 126.18 victims and their children. The commissioner shall grant continuing operating expenses to
 126.19 the program established under this subdivision in the same manner as operating expenses
 126.20 are granted to programs established under subdivision 1.

126.21 Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the
 126.22 commissioner for a grant to provide emergency shelter services ~~to battered women,~~ housing
 126.23 supports, support services, and one or more of these services and supports to domestic abuse
 126.24 victims, ~~or both, to battered women~~ and their children. The application shall be submitted
 126.25 in a form approved by the commissioner by rule adopted under chapter 14 and shall include:

126.26 (1) a proposal for the provision of emergency shelter services ~~for battered women,~~
 126.27 housing supports, support services, and one or more of these services and supports for
 126.28 domestic abuse victims, ~~or both, for battered women~~ and their children;

126.29 (2) a proposed budget;

126.30 (3) the agency's overall operating budget, including documentation on the retention of
 126.31 financial reserves and availability of additional funding sources;

126.32 (4) evidence of an ability to integrate into the proposed program the uniform method of
 126.33 data collection and program evaluation established under section 611A.33;

127.1 (5) evidence of an ability to represent the interests of ~~battered women and~~ domestic
 127.2 abuse victims and their children to local law enforcement agencies and courts, county welfare
 127.3 agencies, and local boards or departments of health;

127.4 (6) evidence of an ability to do outreach to unserved and underserved populations and
 127.5 to provide culturally and linguistically appropriate services; and

127.6 (7) any other content the commissioner may require by rule adopted under chapter 14,
 127.7 ~~after considering the recommendations of the advisory council.~~

127.8 Programs which have been approved for grants in prior years may submit materials
 127.9 which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal
 127.10 funding. Nothing in this subdivision may be construed to require programs to submit
 127.11 complete applications for each year of renewal funding.

127.12 Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives
 127.13 a grant to provide emergency shelter services to ~~battered women and~~, housing supports, or
 127.14 support services to ~~battered women and~~ domestic abuse victims shall comply with all rules
 127.15 of the commissioner related to the administration of the ~~pilot~~ programs.

127.16 Subd. 5. **Classification of data collected by grantees.** Personal history information and
 127.17 other information collected, used or maintained by a grantee from which the identity or
 127.18 location of any victim of domestic abuse may be determined is private data on individuals,
 127.19 as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in
 127.20 accordance with the provisions of chapter 13.

127.21 Sec. 56. Minnesota Statutes 2022, section 611A.51, is amended to read:

127.22 **611A.51 TITLE.**

127.23 Sections 611A.51 to 611A.68 shall be known as the "Minnesota Crime Victims
 127.24 ~~Reparations~~ Reimbursement Act."

127.25 Sec. 57. Minnesota Statutes 2022, section 611A.52, subdivision 3, is amended to read:

127.26 Subd. 3. **Board.** "Board" means the Crime Victims ~~reparations~~ Reimbursement Board
 127.27 established by section 611A.55.

127.28 Sec. 58. Minnesota Statutes 2022, section 611A.52, subdivision 4, is amended to read:

127.29 Subd. 4. **Claimant.** "Claimant" means a person entitled to apply for ~~reparations~~
 127.30 reimbursement pursuant to sections 611A.51 to 611A.68.

128.1 Sec. 59. Minnesota Statutes 2022, section 611A.52, subdivision 5, is amended to read:

128.2 Subd. 5. **Collateral source.** "Collateral source" means a source of benefits or advantages
 128.3 for economic loss otherwise ~~reparable~~ reimbursable under sections 611A.51 to 611A.68
 128.4 which the victim or claimant has received, or which is readily available to the victim, from:

128.5 (1) the offender;

128.6 (2) the government of the United States or any agency thereof, a state or any of its
 128.7 political subdivisions, or an instrumentality of two or more states, unless the law providing
 128.8 for the benefits or advantages makes them excess or secondary to benefits under sections
 128.9 611A.51 to 611A.68;

128.10 (3) Social Security, Medicare, and Medicaid;

128.11 (4) state required temporary nonoccupational disability insurance;

128.12 (5) workers' compensation;

128.13 (6) wage continuation programs of any employer;

128.14 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained
 128.15 because of the crime;

128.16 (8) a contract providing prepaid hospital and other health care services, or benefits for
 128.17 disability;

128.18 (9) any private source as a voluntary donation or gift; or

128.19 (10) proceeds of a lawsuit brought as a result of the crime.

128.20 The term does not include a life insurance contract.

128.21 Sec. 60. Minnesota Statutes 2022, section 611A.53, is amended to read:

128.22 **611A.53 REPARATIONS REIMBURSEMENT AWARDS PROHIBITED.**

128.23 Subdivision 1. **Generally.** Except as provided in subdivisions 1a and 2, the following
 128.24 persons shall be entitled to ~~reparations~~ reimbursement upon a showing by a preponderance
 128.25 of the evidence that the requirements for ~~reparations~~ reimbursement have been met:

128.26 (1) a victim who has incurred economic loss;

128.27 (2) a dependent who has incurred economic loss;

128.28 (3) the estate of a deceased victim if the estate has incurred economic loss;

129.1 (4) any other person who has incurred economic loss by purchasing any of the products,
129.2 services, and accommodations described in section 611A.52, subdivision 8, for a victim;

129.3 (5) the guardian, guardian ad litem, conservator or authorized agent of any of these
129.4 persons.

129.5 Subd. 1a. **Providers; limitations.** No hospital, medical organization, health care provider,
129.6 or other entity that is not an individual may qualify for reparations under subdivision 1,
129.7 clause (4). If a hospital, medical organization, health care provider, or other entity that is
129.8 not an individual qualifies for ~~reparations~~ reimbursement under subdivision 1, clause (5),
129.9 because it is a guardian, guardian ad litem, conservator, or authorized agent, any ~~reparations~~
129.10 reimbursement to which it is entitled must be made payable solely or jointly to the victim,
129.11 if alive, or to the victim's estate or successors, if the victim is deceased.

129.12 Subd. 1b. **Minnesota residents injured elsewhere.** (a) A Minnesota resident who is
129.13 the victim of a crime committed outside the geographical boundaries of this state but who
129.14 otherwise meets the requirements of this section shall have the same rights under this chapter
129.15 as if the crime had occurred within this state upon a showing that the state, territory, United
129.16 States possession, country, or political subdivision of a country in which the crime occurred
129.17 does not have a crime ~~victim reparations~~ victims reimbursement law covering the resident's
129.18 injury or death.

129.19 (b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime
129.20 involving international terrorism who otherwise meets the requirements of this section has
129.21 the same rights under this chapter as if the crime had occurred within this state regardless
129.22 of where the crime occurred or whether the jurisdiction has a crime victims ~~reparations~~
129.23 reimbursement law.

129.24 Subd. 2. **Limitations on awards.** No ~~reparations~~ reimbursement shall be awarded to a
129.25 claimant otherwise eligible if:

129.26 (1) the crime was not reported to the police within 30 days of its occurrence or, if it
129.27 could not reasonably have been reported within that period, within 30 days of the time when
129.28 a report could reasonably have been made. A victim of criminal sexual conduct in the first,
129.29 second, third, or fourth degree who does not report the crime within 30 days of its occurrence
129.30 is deemed to have been unable to have reported it within that period;

129.31 (2) the victim or claimant failed or refused to cooperate fully with the police and other
129.32 law enforcement officials. Cooperation is determined through law enforcement reports,
129.33 prosecutor records, or corroboration memorialized in a signed document submitted by a
129.34 victim service, counseling, or medical professional involved in the case;

130.1 (3) the victim or claimant was the offender or an accomplice of the offender or an award
 130.2 to the claimant would unjustly benefit the offender or an accomplice;

130.3 (4) the victim or claimant was in the act of committing a crime at the time the injury
 130.4 occurred;

130.5 (5) no claim was filed with the board within three years of victim's injury or death; except
 130.6 that (i) if the claimant was unable to file a claim within that period, then the claim can be
 130.7 made within three years of the time when a claim could have been filed; and (ii) if the
 130.8 victim's injury or death was not reasonably discoverable within three years of the injury or
 130.9 death, then the claim can be made within three years of the time when the injury or death
 130.10 is reasonably discoverable. The following circumstances do not render a claimant unable
 130.11 to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the
 130.12 Minnesota Crime Victims ~~Reparations~~ Reimbursement Act, (B) the failure of a law
 130.13 enforcement agency to provide information or assistance to a potential claimant under
 130.14 section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being
 130.15 managed during that period by a guardian, guardian ad litem, conservator, authorized agent,
 130.16 or parent, or (D) the fact that the claimant is not of the age of majority; or

130.17 (6) the claim is less than \$50.

130.18 The limitations contained in clauses (1) and (6) do not apply to victims of child abuse.
 130.19 In those cases the three-year limitation period commences running with the report of the
 130.20 crime to the police.

130.21 Sec. 61. Minnesota Statutes 2022, section 611A.54, is amended to read:

130.22 **611A.54 AMOUNT OF ~~REPARATIONS~~ REIMBURSEMENT.**

130.23 ~~Reparations~~ Reimbursement shall equal economic loss except that:

130.24 (1) ~~reparations~~ reimbursement shall be reduced to the extent that economic loss is
 130.25 recouped from a collateral source or collateral sources. Where compensation is readily
 130.26 available to a claimant from a collateral source, the claimant must take reasonable steps to
 130.27 recoup from the collateral source before claiming ~~reparations~~ reimbursement;

130.28 (2) ~~reparations~~ reimbursement shall be denied or reduced to the extent, if any, that the
 130.29 board deems reasonable because of the contributory misconduct of the claimant or of a
 130.30 victim through whom the claimant claims. Contributory misconduct does not include current
 130.31 or past affiliation with any particular group; and

131.1 (3) ~~reparations~~ reimbursement paid to all claimants suffering economic loss as the result
 131.2 of the injury or death of any one victim shall not exceed \$50,000.

131.3 No employer may deny an employee an award of benefits based on the employee's
 131.4 eligibility or potential eligibility for ~~reparations~~ reimbursement.

131.5 Sec. 62. Minnesota Statutes 2022, section 611A.55, is amended to read:

131.6 **611A.55 CRIME VICTIMS ~~REPARATIONS~~ REIMBURSEMENT BOARD.**

131.7 Subdivision 1. **Creation of board.** There is created in the Department of Public Safety,
 131.8 for budgetary and administrative purposes, the Crime Victims ~~Reparations~~ Reimbursement
 131.9 Board, which shall consist of five members appointed by the commissioner of public safety.
 131.10 One of the members shall be designated as chair by the commissioner of public safety and
 131.11 serve as such at the commissioner's pleasure. At least one member shall be a medical or
 131.12 osteopathic physician licensed to practice in this state, and at least one member shall be a
 131.13 victim, as defined in section 611A.01.

131.14 Subd. 2. **Membership, terms and compensation.** The membership terms, compensation,
 131.15 removal of members, and filling of vacancies on the board shall be as provided in section
 131.16 15.0575.

131.17 Subd. 3. **Part-time service.** Members of the board shall serve part time.

131.18 Sec. 63. Minnesota Statutes 2022, section 611A.56, is amended to read:

131.19 **611A.56 POWERS AND DUTIES OF BOARD.**

131.20 Subdivision 1. **Duties.** In addition to carrying out any duties specified elsewhere in
 131.21 sections 611A.51 to 611A.68 or in other law, the board shall:

131.22 (1) provide all claimants with an opportunity for hearing pursuant to chapter 14;

131.23 (2) adopt rules to implement and administer sections 611A.51 to 611A.68, including
 131.24 rules governing the method of practice and procedure before the board, prescribing the
 131.25 manner in which applications for ~~reparations~~ reimbursement shall be made, and providing
 131.26 for discovery proceedings;

131.27 (3) publicize widely the availability of ~~reparations~~ reimbursement and the method of
 131.28 making claims; and

131.29 (4) prepare and transmit annually to the governor and the commissioner of public safety
 131.30 a report of its activities including the number of claims awarded, a brief description of the

132.1 facts in each case, the amount of ~~reparation~~ reimbursement awarded, and a statistical
132.2 summary of claims and awards made and denied.

132.3 Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections
132.4 611A.51 to 611A.68 or other law, the board upon its own motion or the motion of a claimant
132.5 or the attorney general may:

132.6 (1) issue subpoenas for the appearance of witnesses and the production of books, records,
132.7 and other documents;

132.8 (2) administer oaths and affirmations and cause to be taken affidavits and depositions
132.9 within and without this state;

132.10 (3) take notice of judicially cognizable facts and general, technical, and scientific facts
132.11 within their specialized knowledge;

132.12 (4) order a mental or physical examination of a victim or an autopsy of a deceased victim
132.13 provided that notice is given to the person to be examined and that the claimant and the
132.14 attorney general receive copies of any resulting report;

132.15 (5) suspend or postpone the proceedings on a claim if a criminal prosecution arising out
132.16 of the incident which is the basis of the claim has been commenced or is imminent;

132.17 (6) request from prosecuting attorneys and law enforcement officers investigations and
132.18 data to enable the board to perform its duties under sections 611A.51 to 611A.68;

132.19 (7) grant emergency ~~reparations~~ reimbursement pending the final determination of a
132.20 claim if it is one with respect to which an award will probably be made and undue hardship
132.21 will result to the claimant if immediate payment is not made; and

132.22 (8) reconsider any decision granting or denying ~~reparations~~ reimbursement or determining
132.23 their amount.

132.24 Sec. 64. Minnesota Statutes 2022, section 611A.57, subdivision 5, is amended to read:

132.25 Subd. 5. **Reconsideration.** The claimant may, within 30 days after receiving the decision
132.26 of the board, apply for reconsideration before the entire board. Upon request for
132.27 reconsideration, the board shall reexamine all information filed by the claimant, including
132.28 any new information the claimant provides, and all information obtained by investigation.
132.29 The board may also conduct additional examination into the validity of the claim. Upon
132.30 reconsideration, the board may affirm, modify, or reverse the prior ruling. A claimant denied
132.31 ~~reparations~~ reimbursement upon reconsideration is entitled to a contested case hearing within
132.32 the meaning of chapter 14.

133.1 Sec. 65. Minnesota Statutes 2022, section 611A.57, subdivision 6, is amended to read:

133.2 Subd. 6. **Data.** Claims for ~~reparations~~ reimbursement and supporting documents and
 133.3 reports are investigative data and subject to the provisions of section 13.39 until the claim
 133.4 is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or
 133.5 abandonment of a claim, the claim and supporting documents and reports are private data
 133.6 on individuals as defined in section 13.02, subdivision 12; provided that the board may
 133.7 forward any ~~reparations~~ reimbursement claim forms, supporting documents, and reports to
 133.8 local law enforcement authorities for purposes of implementing section 611A.67.

133.9 Sec. 66. Minnesota Statutes 2022, section 611A.60, is amended to read:

133.10 **611A.60 ~~REPARATIONS~~ REIMBURSEMENT; HOW PAID.**

133.11 ~~Reparations~~ Reimbursement may be awarded in a lump sum or in installments in the
 133.12 discretion of the board. The amount of any emergency award shall be deducted from the
 133.13 final award, if a lump sum, or prorated over a period of time if the final award is made in
 133.14 installments. ~~Reparations are~~ Reimbursement is exempt from execution or attachment except
 133.15 by persons who have supplied services, products or accommodations to the victim as a result
 133.16 of the injury or death which is the basis of the claim. The board, in its discretion may order
 133.17 that all or part of the ~~reparations~~ reimbursement awarded be paid directly to these suppliers.

133.18 Sec. 67. Minnesota Statutes 2022, section 611A.61, is amended to read:

133.19 **611A.61 SUBROGATION.**

133.20 Subdivision 1. **Subrogation rights of state.** The state shall be subrogated, to the extent
 133.21 of ~~reparations~~ reimbursement awarded, to all the claimant's rights to recover benefits or
 133.22 advantages for economic loss from a source which is or, if readily available to the victim
 133.23 or claimant would be, a collateral source. Nothing in this section shall limit the claimant's
 133.24 right to bring a cause of action to recover for other damages.

133.25 Subd. 2. **Duty of claimant to assist.** A claimant who receives ~~reparations~~ reimbursement
 133.26 must agree to assist the state in pursuing any subrogation rights arising out of the claim.
 133.27 The board may require a claimant to agree to represent the state's subrogation interests if
 133.28 the claimant brings a cause of action for damages arising out of the crime or occurrence for
 133.29 which the board has awarded ~~reparations~~ reimbursement. An attorney who represents the
 133.30 state's subrogation interests pursuant to the client's agreement with the board is entitled to
 133.31 reasonable attorney's fees not to exceed one-third of the amount recovered on behalf of the
 133.32 state.

134.1 Sec. 68. Minnesota Statutes 2022, section 611A.612, is amended to read:

134.2 **611A.612 CRIME VICTIMS ACCOUNT.**

134.3 A crime victim account is established as a special account in the state treasury. Amounts
 134.4 collected by the state under section 611A.61, paid to the Crime Victims ~~Reparations~~
 134.5 Reimbursement Board under section 611A.04, subdivision 1a, or amounts deposited by the
 134.6 court under section 611A.04, subdivision 5, shall be credited to this account. Money credited
 134.7 to this account is annually appropriated to the Department of Public Safety for use for crime
 134.8 victim ~~reparations~~ reimbursement under sections 611A.51 to 611A.67.

134.9 Sec. 69. Minnesota Statutes 2022, section 611A.66, is amended to read:

134.10 **611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS**
 134.11 **OF RIGHT TO FILE CLAIM.**

134.12 All law enforcement agencies investigating crimes shall provide victims with notice of
 134.13 their right to apply for ~~reparations~~ reimbursement with the telephone number ~~to call to~~
 134.14 ~~request~~ and website information to obtain an application form.

134.15 Law enforcement agencies shall assist the board in performing its duties under sections
 134.16 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request
 134.17 from the board shall supply the board with requested reports, notwithstanding any provisions
 134.18 to the contrary in chapter 13, and including reports otherwise maintained as confidential or
 134.19 not open to inspection under section 260B.171 or 260C.171. All data released to the board
 134.20 retains the data classification that it had in the possession of the law enforcement agency.

134.21 Sec. 70. Minnesota Statutes 2022, section 611A.68, subdivision 2a, is amended to read:

134.22 Subd. 2a. **Notice and payment of proceeds to board required.** A person that enters
 134.23 into a contract with an offender convicted in this state, and a person that enters into a contract
 134.24 in this state with an offender convicted in this state or elsewhere within the United States,
 134.25 must comply with this section if the person enters into the contract during the ten years after
 134.26 the offender is convicted of a crime or found not guilty by reason of insanity. If an offender
 134.27 is imprisoned or committed to an institution following the conviction or finding of not guilty
 134.28 by reason of insanity, the ten-year period begins on the date of the offender's release. A
 134.29 person subject to this section must notify the Crime Victims ~~Reparations~~ Reimbursement
 134.30 Board of the existence of the contract immediately upon its formation, and pay over to the
 134.31 board money owed to the offender or the offender's representatives by virtue of the contract
 134.32 according to the following proportions:

135.1 (1) if the crime occurred in this state, the person shall pay to the board 100 percent of
135.2 the money owed under the contract;

135.3 (2) if the crime occurred in another jurisdiction having a law applicable to the contract
135.4 which is substantially similar to this section, this section does not apply, and the person
135.5 must not pay to the board any of the money owed under the contract; and

135.6 (3) in all other cases, the person shall pay to the board that percentage of money owed
135.7 under the contract which can fairly be attributed to commerce in this state with respect to
135.8 the subject matter of the contract.

135.9 Sec. 71. Minnesota Statutes 2022, section 611A.68, subdivision 4, is amended to read:

135.10 Subd. 4. **Deductions.** When the board has made ~~reparations~~ reimbursement payments
135.11 to or on behalf of a victim of the offender's crime pursuant to sections 611A.51 to 611A.68,
135.12 it shall deduct the amount of the ~~reparations~~ reimbursement award from any payment
135.13 received under this section by virtue of the offender's contract unless the board has already
135.14 been reimbursed for the ~~reparations~~ award from another collateral source.

135.15 Sec. 72. Minnesota Statutes 2022, section 611A.68, subdivision 4b, is amended to read:

135.16 Subd. 4b. **Claims by victims of offender's crime.** A victim of a crime committed by
135.17 the offender and the estate of a deceased victim of a crime committed by the offender may
135.18 submit the following claims for ~~reparations~~ reimbursement and damages to the board to be
135.19 paid from money received by virtue of the offender's contract:

135.20 (1) claims for ~~reparations~~ reimbursement to which the victim is entitled under sections
135.21 611A.51 to 611A.68 and for which the victim has not yet received an award from the board;

135.22 (2) claims for ~~reparations~~ reimbursement to which the victim would have been entitled
135.23 under sections 611A.51 to 611A.68, but for the \$50,000 maximum limit contained in section
135.24 611A.54, clause (3); and

135.25 (3) claims for other uncompensated damages suffered by the victim as a result of the
135.26 offender's crime including, but not limited to, damages for pain and suffering.

135.27 The victim must file the claim within five years of the date on which the board received
135.28 payment under this section. The board shall determine the victim's claim in accordance with
135.29 the procedures contained in sections 611A.57 to 611A.63. An award made by the board
135.30 under this subdivision must be paid from the money received by virtue of the offender's
135.31 contract that remains after a deduction or allocation, if any, has been made under subdivision
135.32 4 or 4a.

136.1 Sec. 73. Minnesota Statutes 2022, section 611A.68, subdivision 4c, is amended to read:

136.2 Subd. 4c. **Claims by other crime victims.** The board may use money received by virtue
136.3 of an offender's contract for the purpose of paying ~~reparations~~ reimbursement awarded to
136.4 victims of other crimes pursuant to sections 611A.51 to 611A.68 under the following
136.5 circumstances:

136.6 (1) money remain after deductions and allocations have been made under subdivisions
136.7 4 and 4a, and claims have been paid under subdivision 4b; or

136.8 (2) no claim is filed under subdivision 4b within five years of the date on which the
136.9 board received payment under this section.

136.10 None of this money may be used for purposes other than ~~the payment of reparations~~
136.11 reimbursement.

136.12 Sec. 74. Minnesota Statutes 2022, section 629.341, subdivision 3, is amended to read:

136.13 Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or
136.14 other services are available in the community and give the victim immediate notice of the
136.15 legal rights and remedies available. The notice must include furnishing the victim a copy
136.16 of the following statement:

136.17 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or
136.18 county attorney to file a criminal complaint. You also have the right to go to court and file
136.19 a petition requesting an order for protection from domestic abuse. The order could include
136.20 the following:

136.21 (1) an order restraining the abuser from further acts of abuse;

136.22 (2) an order directing the abuser to leave your household;

136.23 (3) an order preventing the abuser from entering your residence, school, business, or
136.24 place of employment;

136.25 (4) an order awarding you or the other parent custody of or parenting time with your
136.26 minor child or children; or

136.27 (5) an order directing the abuser to pay support to you and the minor children if the
136.28 abuser has a legal obligation to do so."

136.29 The notice must include the resource listing, including telephone number, for the area
136.30 ~~battered women's~~ program that provides services to victims of domestic abuse as shelter,

137.1 ~~to be~~ designated by the Office of Justice Programs in the Department of Corrections Public
 137.2 Safety.

137.3 Sec. 75. Minnesota Statutes 2022, section 629.341, subdivision 4, is amended to read:

137.4 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an
 137.5 incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer
 137.6 shall make a written police report of the alleged incident. The report must contain at least
 137.7 the following information: the name, address and telephone number of the victim, if provided
 137.8 by the victim, a statement as to whether an arrest occurred, the name of the arrested person,
 137.9 and a brief summary of the incident. Data that identify a victim who has made a request
 137.10 under section 13.82, subdivision 17, paragraph (d), and that are private data under that
 137.11 subdivision, shall be private in the report required by this section. A copy of this report must
 137.12 be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney,
 137.13 or organizations designated by the Office of Justice Programs in the Department of Public
 137.14 Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic
 137.15 abuse. The officer shall submit the report to the officer's supervisor or other person to whom
 137.16 the employer's rules or policies require reports of similar allegations of criminal activity to
 137.17 be made.

137.18 Sec. 76. Minnesota Statutes 2022, section 629.72, subdivision 6, is amended to read:

137.19 Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation
 137.20 in lieu of continued detention under subdivision 1, or the entry of an order for release under
 137.21 subdivision 2, but before the arrested person is released, the agency having custody of the
 137.22 arrested person or its designee must make a reasonable and good faith effort to inform orally
 137.23 the alleged victim, local law enforcement agencies known to be involved in the case, if
 137.24 different from the agency having custody, and, at the victim's request any local battered
 137.25 women's and domestic abuse programs established under section 611A.32 or sexual assault
 137.26 programs of:

137.27 (1) the conditions of release, if any;

137.28 (2) the time of release;

137.29 (3) the time, date, and place of the next scheduled court appearance of the arrested person
 137.30 and the victim's right to be present at the court appearance; and

137.31 (4) if the arrested person is charged with domestic abuse, the location and telephone
 137.32 number of the area ~~battered women's shelter~~ program that provides services to victims of

138.1 domestic abuse as designated by the Office of Justice Programs in the Department of Public
138.2 Safety.

138.3 (b) As soon as practicable after an order for conditional release is entered, the agency
138.4 having custody of the arrested person or its designee must personally deliver or mail to the
138.5 alleged victim a copy of the written order and written notice of the information in paragraph
138.6 (a), clauses (2) and (3).

138.7 (c) Data on the victim and the notice provided by the custodial authority are private data
138.8 on individuals as defined in section 13.02, subdivision 12, and are accessible only to the
138.9 victim.

138.10 **Sec. 77. RULES; SOFT BODY ARMOR REIMBURSEMENT.**

138.11 The commissioner of public safety shall amend rules adopted under Minnesota Statutes,
138.12 section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public
138.13 safety officers under that section.

138.14 **Sec. 78. INITIAL APPOINTMENT AND FIRST MEETING FOR THE**
138.15 **GAAGIGE-MIKWENDAAGOZIWAG REWARD ADVISORY GROUP.**

138.16 The director of the Office for Missing and Murdered Indigenous Relatives must appoint
138.17 the first members to the Gaagige-Mikwendaagoziwag reward advisory group under Minnesota
138.18 Statutes, section 299A.86, subdivision 4, by August 15, 2023, and must convene the first
138.19 meeting of the group by October 1, 2023. The group must elect a chair at its first meeting.

138.20 **Sec. 79. REVISOR INSTRUCTION.**

138.21 (a) In Minnesota Statutes, the revisor of statutes shall change "reparations," "reparable,"
138.22 or the same or similar terms to "reimbursement," "reimbursable," or the same or similar
138.23 terms consistent with this act. The revisor shall also make other technical changes resulting
138.24 from the change of term to the statutory language, sentence structure, or both, if necessary
138.25 to preserve the meaning of the text.

138.26 (b) The revisor of statutes shall make necessary changes to statutory cross-references
138.27 to reflect the changes made to Minnesota Statutes, section 299A.38, in this act.

138.28 (c) The revisor of statutes shall make necessary changes to language, grammar, and
138.29 sentence structure in Minnesota Statutes sections 629.06, 629.13, and 629.14 to give effect
138.30 to Laws 2023, chapters 29, sections 8, 9, and 10; and 31, sections 12, 13, and 14.

139.1 Sec. 80. **REPEALER.**

139.2 Minnesota Statutes 2022, sections 299C.80, subdivision 7; and 518B.02, subdivision 3,
 139.3 are repealed.

139.4 **ARTICLE 6**
 139.5 **SENTENCING**

139.6 Section 1. Minnesota Statutes 2022, section 244.09, subdivision 2, is amended to read:

139.7 Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the
 139.8 following:

139.9 (1) the chief justice of the supreme court or a designee;

139.10 (2) one judge of the court of appeals, appointed by the chief ~~justice of the supreme court~~
 139.11 judge of the appellate court;

139.12 (3) one district court judge appointed by the ~~chief justice of the supreme court~~ Judicial
 139.13 Council upon recommendation of the Minnesota District Judges Association;

139.14 (4) one public defender appointed by the governor upon recommendation of the state
 139.15 public defender;

139.16 (5) one county attorney appointed by the governor upon recommendation of the board
 139.17 of directors of the Minnesota County Attorneys Association;

139.18 (6) the commissioner of corrections or a designee;

139.19 (7) one peace officer as defined in section 626.84 appointed by the governor;

139.20 (8) one probation officer or ~~parole~~ supervised release officer appointed by the governor;
 139.21 ~~and~~

139.22 (9) one person who works for an organization that provides treatment or rehabilitative
 139.23 services for individuals convicted of felony offenses appointed by the governor;

139.24 (10) one person who is an academic with a background in criminal justice or corrections
 139.25 appointed by the governor; and

139.26 (11) three public members appointed by the governor, one of whom shall be a person
 139.27 who has been the victim of a crime defined as a felony or a victims' advocate, and one of
 139.28 whom shall be a person who has been formerly convicted of and discharged from a
 139.29 felony-level sentence.

140.1 When an appointing authority selects individuals for membership on the commission,
140.2 the authority shall make reasonable efforts to appoint qualified members of protected groups,
140.3 as defined in section 43A.02, subdivision 33.

140.4 One of the members shall be designated by the governor as chair of the commission.

140.5 Sec. 2. Minnesota Statutes 2022, section 244.09, subdivision 3, is amended to read:

140.6 Subd. 3. **Appointment terms.** (a) Except as provided in paragraph (b), each appointed
140.7 member shall be appointed for four years and shall continue to serve during that time as
140.8 long as the member occupies the position which made the member eligible for the
140.9 appointment. Each member shall continue in office until a successor is duly appointed.
140.10 Members shall be eligible for reappointment, and appointment may be made to fill an
140.11 unexpired term.

140.12 (b) The term of any member appointed or reappointed by the governor before the first
140.13 Monday in January 1991 2027 expires on that date. The term of any member appointed or
140.14 reappointed by the governor after the first Monday in January 1991 is coterminous with the
140.15 governor. The terms of members appointed or reappointed by the governor to fill the
140.16 vacancies that occur on the first Monday in January 2027 shall be staggered so that five
140.17 members shall be appointed for initial terms of four years and four members shall be
140.18 appointed for initial terms of two years.

140.19 (c) The members of the commission shall elect any additional officers necessary for the
140.20 efficient discharge of their duties.

140.21 Sec. 3. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to
140.22 read:

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

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

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

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

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

141.2 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

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

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

141.7 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
141.8 364 days or to payment of a fine of not more than \$3,000, or both; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

142.12 **609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS;**
142.13 **ALTERNATIVE PLACEMENT.**

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

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

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

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

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

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

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

143.6 Subd. 3. Review by prosecutor. (a) A prosecutor may review individual cases at the
143.7 prosecutor's discretion.

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

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

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

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

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

143.23 (3) the individual's address;

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

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

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

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

143.29 (iii) whether there is a current order for protection, restraining order, or other no contact
143.30 order prohibiting the individual from contacting the victims or whether there has ever been
143.31 a prior order for protection or restraining order prohibiting the individual from contacting
143.32 the victims;

144.1 (iv) the court file number; and

144.2 (v) the date of conviction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

146.17 EFFECTIVE DATE. This section is effective August 1, 2023.

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

146.19 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
146.20 condition of probation and if the defendant fails to pay the restitution in accordance with
146.21 the payment schedule or structure established by the court or the probation officer, the
146.22 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
146.23 motion or at the request of the victim, ask the court to hold a hearing to determine whether
146.24 or not the conditions of probation should be changed or probation should be revoked. The
146.25 defendant's probation officer shall ask for the hearing if the restitution ordered has not been
146.26 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
146.27 this hearing and take appropriate action, including action under subdivision 2, paragraph
146.28 ~~(g)~~ (h), before the defendant's term of probation expires.

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

146.31 EFFECTIVE DATE. This section is effective August 1, 2023.

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

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

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

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

147.11 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),
 147.12 if the conviction is for a felony ~~other than section 609.2113, subdivision 1 or 2, 609.2114,~~
 147.13 ~~subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section~~
 147.14 ~~609.21, subdivision 1a, paragraph (b) or (c),~~ the stay shall be for not more than ~~four~~ five
 147.15 years or the maximum period for which the sentence of imprisonment might have been
 147.16 imposed, whichever is ~~longer~~ less.

147.17 (b) If the conviction is for a felony described in section 609.19; 609.195; 609.20;
 147.18 609.2112; 609.2113, subdivision 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342;
 147.19 609.343; 609.344; 609.345; 609.3451; 609.3458; or 609.749, the stay shall be for not more
 147.20 than four years or the maximum period for which the sentence of imprisonment might have
 147.21 been imposed, whichever is longer.

147.22 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20,
 147.23 609.2113, subdivision 3, or 609.3451, ~~or for a felony described in section 609.2113,~~
 147.24 ~~subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a,~~ the stay shall
 147.25 be for not more than ~~six~~ four years. The court shall provide for unsupervised probation for
 147.26 the last year of the stay unless the court finds that the defendant needs supervised probation
 147.27 for all or part of the last year.

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

147.30 ~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746,
 147.31 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224,
 147.32 subdivision 1, in which the victim of the crime was a family or household member as defined
 147.33 in section 518B.01, the stay shall be for not more than two years. The court shall provide

148.1 for unsupervised probation for the second year of the stay unless the court finds that the
148.2 defendant needs supervised probation for all or part of the second year.

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

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

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

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

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

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

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

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

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

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

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

148.29 Sec. 14. **PROBATION LIMITS; RETROACTIVE APPLICATION.**

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

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

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

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

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

149.8 (b) Eligibility for resentencing within the maximum length of probation the court could
149.9 have ordered the person to serve on or after August 1, 2023, applies to each period of
149.10 probation ordered by the court. Upon resentencing, periods of probation must be served
149.11 consecutively if a court previously imposed consecutive periods of probation on the person.
149.12 The court may not increase a previously ordered period of probation under this section or
149.13 order that periods of probation be served consecutively unless the court previously imposed
149.14 consecutive periods of probation.

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

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

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

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

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

149.26 Sec. 15. **SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

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

150.1 Sec. 16. **REVISOR INSTRUCTION.**

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

150.6 **ARTICLE 7**
150.7 **EXPUNGEMENT**

150.8 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

150.9 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
150.10 of data contained in a petition for expungement of a criminal record are included in section
150.11 609A.03.

150.12 (b) Provisions regarding the classification and sharing of data related to automatic
150.13 expungements are included in sections 299C.097 and 609A.015.

150.14 **EFFECTIVE DATE.** This section is effective January 1, 2025.

150.15 Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

150.16 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
150.17 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
150.18 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
150.19 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
150.20 for possession of a controlled substance, who:

150.21 (1) has not previously participated in or completed a diversion program authorized under
150.22 section 401.065;

150.23 (2) has not previously been placed on probation without a judgment of guilty and
150.24 thereafter been discharged from probation under this section; and

150.25 (3) has not been convicted of a felony violation of this chapter, including a felony-level
150.26 attempt or conspiracy, or been convicted by the United States or another state of a similar
150.27 offense that would have been a felony under this chapter if committed in Minnesota, unless
150.28 ten years have elapsed since discharge from sentence.

150.29 (b) The court must defer prosecution as provided in paragraph (c) for any person found
150.30 guilty of a violation of section 152.025, subdivision 2, who:

150.31 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

151.1 (2) has not previously been convicted of a felony offense under any state or federal law
151.2 or of a gross misdemeanor under section 152.025.

151.3 (c) In granting relief under this section, the court shall, without entering a judgment of
151.4 guilty and with the consent of the person, defer further proceedings and place the person
151.5 on probation upon such reasonable conditions as it may require and for a period, not to
151.6 exceed the maximum sentence provided for the violation. The court may give the person
151.7 the opportunity to attend and participate in an appropriate program of education regarding
151.8 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
151.9 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
151.10 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
151.11 person and discharge the person from probation before the expiration of the maximum
151.12 period prescribed for the person's probation. If during the period of probation the person
151.13 does not violate any of the conditions of the probation, then upon expiration of the period
151.14 the court shall discharge the person and dismiss the proceedings against that person.
151.15 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
151.16 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
151.17 the purpose of use by the courts in determining the merits of subsequent proceedings against
151.18 the person. The not public record may also be opened only upon court order for purposes
151.19 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
151.20 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
151.21 or citing law enforcement agency and direct that agency to seal its records related to the
151.22 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
151.23 shall notify the requesting party of the existence of the not public record and the right to
151.24 seek a court order to open it pursuant to this section. The court shall forward a record of
151.25 any discharge and dismissal under this subdivision to the bureau which shall make and
151.26 maintain the not public record of it as provided under this subdivision. The discharge or
151.27 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
151.28 imposed by law upon conviction of a crime or for any other purpose.

151.29 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
151.30 subdivision 8a.

151.31 **EFFECTIVE DATE.** This section is effective January 1, 2025.

151.32 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

151.33 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding
151.34 a criminal history record of an employee or former employee may not be introduced as

152.1 evidence in a civil action against a private employer or its employees or agents that is based
152.2 on the conduct of the employee or former employee, if:

152.3 (1) the duties of the position of employment did not expose others to a greater degree
152.4 of risk than that created by the employee or former employee interacting with the public
152.5 outside of the duties of the position or that might be created by being employed in general;

152.6 (2) before the occurrence of the act giving rise to the civil action;

152.7 (i) a court order sealed any record of the criminal case;

152.8 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
152.9 including but not limited to a grant of expungement made pursuant to section 609A.015;

152.10 or

152.11 (iii) the employee or former employee received a pardon;

152.12 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

152.13 (4) the action is based solely upon the employer's compliance with section 364.021.

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

152.15 Sec. 4. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

152.16 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
152.17 For a background study conducted by the Department of Human Services, the commissioner
152.18 shall review:

152.19 (1) information related to names of substantiated perpetrators of maltreatment of
152.20 vulnerable adults that has been received by the commissioner as required under section
152.21 626.557, subdivision 9c, paragraph (j);

152.22 (2) the commissioner's records relating to the maltreatment of minors in licensed
152.23 programs, and from findings of maltreatment of minors as indicated through the social
152.24 service information system;

152.25 (3) information from juvenile courts as required in subdivision 4 for individuals listed
152.26 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

152.27 (4) information from the Bureau of Criminal Apprehension, including information
152.28 regarding a background study subject's registration in Minnesota as a predatory offender
152.29 under section 243.166;

152.30 (5) except as provided in clause (6), information received as a result of submission of
152.31 fingerprints for a national criminal history record check, as defined in section 245C.02,

153.1 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
153.2 record check as defined under section 245C.02, subdivision 15a, or as required under section
153.3 144.057, subdivision 1, clause (2);

153.4 (6) for a background study related to a child foster family setting application for licensure,
153.5 foster residence settings, children's residential facilities, a transfer of permanent legal and
153.6 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
153.7 background study required for family child care, certified license-exempt child care, child
153.8 care centers, and legal nonlicensed child care authorized under chapter 119B, the
153.9 commissioner shall also review:

153.10 (i) information from the child abuse and neglect registry for any state in which the
153.11 background study subject has resided for the past five years;

153.12 (ii) when the background study subject is 18 years of age or older, or a minor under
153.13 section 245C.05, subdivision 5a, paragraph (c), information received following submission
153.14 of fingerprints for a national criminal history record check; and

153.15 (iii) when the background study subject is 18 years of age or older or a minor under
153.16 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
153.17 license-exempt child care, licensed child care centers, and legal nonlicensed child care
153.18 authorized under chapter 119B, information obtained using non-fingerprint-based data
153.19 including information from the criminal and sex offender registries for any state in which
153.20 the background study subject resided for the past five years and information from the national
153.21 crime information database and the national sex offender registry; and

153.22 (7) for a background study required for family child care, certified license-exempt child
153.23 care centers, licensed child care centers, and legal nonlicensed child care authorized under
153.24 chapter 119B, the background study shall also include, to the extent practicable, a name
153.25 and date-of-birth search of the National Sex Offender Public website.

153.26 (b) Notwithstanding expungement by a court, the commissioner may consider information
153.27 obtained under paragraph (a), clauses (3) and (4), unless:

153.28 (1) the commissioner received notice of the petition for expungement and the court order
153.29 for expungement is directed specifically to the commissioner; or

153.30 (2) the commissioner received notice of the expungement order issued pursuant to section
153.31 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
153.32 to the commissioner.

154.1 (c) The commissioner shall also review criminal case information received according
154.2 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
154.3 to individuals who have already been studied under this chapter and who remain affiliated
154.4 with the agency that initiated the background study.

154.5 (d) When the commissioner has reasonable cause to believe that the identity of a
154.6 background study subject is uncertain, the commissioner may require the subject to provide
154.7 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
154.8 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
154.9 shall not be saved by the commissioner after they have been used to verify the identity of
154.10 the background study subject against the particular criminal record in question.

154.11 (e) The commissioner may inform the entity that initiated a background study under
154.12 NETStudy 2.0 of the status of processing of the subject's fingerprints.

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

154.14 Sec. 5. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

154.15 Subd. 2. **Background studies conducted by a county agency for family child care.** (a)
154.16 Before the implementation of NETStudy 2.0, for a background study conducted by a county
154.17 agency for family child care services, the commissioner shall review:

154.18 (1) information from the county agency's record of substantiated maltreatment of adults
154.19 and the maltreatment of minors;

154.20 (2) information from juvenile courts as required in subdivision 4 for:

154.21 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13
154.22 through 23 living in the household where the licensed services will be provided; and

154.23 (ii) any other individual listed under section 245C.03, subdivision 1, when there is
154.24 reasonable cause; and

154.25 (3) information from the Bureau of Criminal Apprehension.

154.26 (b) If the individual has resided in the county for less than five years, the study shall
154.27 include the records specified under paragraph (a) for the previous county or counties of
154.28 residence for the past five years.

154.29 (c) Notwithstanding expungement by a court, the county agency may consider information
154.30 obtained under paragraph (a), clause (3), unless:

155.1 (1) the commissioner received notice of the petition for expungement and the court order
 155.2 for expungement is directed specifically to the commissioner; or

155.3 (2) the commissioner received notice of the expungement order issued pursuant to section
 155.4 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
 155.5 to the commissioner.

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

155.7 **Sec. 6. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**
 155.8 **FOR EXPUNGEMENT.**

155.9 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
 155.10 computerized data system relating to petty misdemeanor and misdemeanor offenses that
 155.11 may become eligible for expungement pursuant to section 609A.015 and which do not
 155.12 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
 155.13 the criminal history system.

155.14 (b) These data are private data on individuals under section 13.02, subdivision 12.

155.15 **EFFECTIVE DATE.** This section is effective January 1, 2025.

155.16 **Sec. 7.** Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

155.17 **Subdivision 1. Required fingerprinting.** (a) Sheriffs, peace officers, and community
 155.18 corrections agencies operating secure juvenile detention facilities shall take or cause to be
 155.19 taken immediately ~~finger fingerprints~~ and ~~thumb prints~~ thumbprints, photographs, distinctive
 155.20 physical mark identification data, information on any known aliases or street names, and
 155.21 other identification data requested or required by the superintendent of the bureau, of the
 155.22 following:

155.23 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
 155.24 misdemeanor, or targeted misdemeanor;

155.25 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
 155.26 or alleged to have committed felonies or gross misdemeanors as distinguished from those
 155.27 committed by adult offenders;

155.28 (3) adults and juveniles admitted to jails or detention facilities;

155.29 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

155.30 (5) persons in whose possession, when arrested, are found concealed firearms or other
 155.31 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,

156.1 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
156.2 to be intended for such purposes;

156.3 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
156.4 or gross misdemeanor offense; and

156.5 (7) persons currently involved in the criminal justice process, on probation, on parole,
156.6 or in custody for any offense whom the superintendent of the bureau identifies as being the
156.7 subject of a court disposition record which cannot be linked to an arrest record, and whose
156.8 fingerprints are necessary to reduce the number of suspense files, or to comply with the
156.9 mandates of section 299C.111, relating to the reduction of the number of suspense files.
156.10 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
156.11 shall include the requirement that fingerprints be taken in post-arrest interviews, while
156.12 making court appearances, while in custody, or while on any form of probation, diversion,
156.13 or supervised release.

156.14 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
156.15 of taking the fingerprints and data, the fingerprint records and other identification data
156.16 specified under paragraph (a) must be electronically entered into a bureau-managed
156.17 searchable database in a manner as may be prescribed by the superintendent.

156.18 (c) Prosecutors, courts, and probation officers and their agents, employees, and
156.19 subordinates shall attempt to ensure that the required identification data is taken on a person
156.20 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
156.21 presently on probation.

156.22 (d) ~~Finger~~ Fingerprints and ~~thumb prints~~ thumbprints must be obtained no later than:

156.23 (1) release from booking; or

156.24 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

156.25 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
156.26 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
156.27 and thumb prints have not been successfully received by the bureau, an individual may,
156.28 upon order of the court, be taken into custody for no more than eight hours so that the taking
156.29 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
156.30 period may be extended upon a showing that additional time in custody is essential for the
156.31 successful taking of prints.

156.32 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
156.33 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224

157.1 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
157.2 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
157.3 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

157.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
157.5 that occur on or after that date.

157.6 Sec. 8. Minnesota Statutes 2022, section 299C.11, subdivision 1, is amended to read:

157.7 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police
157.8 shall furnish the bureau, upon such form as the superintendent shall prescribe, with such
157.9 ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical
157.10 mark identification data, information on known aliases and street names, and other
157.11 identification data as may be requested or required by the superintendent of the bureau,
157.12 which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs
157.13 of police shall furnish this identification data to the bureau for individuals found to have
157.14 been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten
157.15 years immediately preceding their arrest. When the bureau learns that an individual who is
157.16 the subject of a background check has used, or is using, identifying information, including,
157.17 but not limited to, name and date of birth, other than those listed on the criminal history,
157.18 the bureau shall convert into an electronic format, if necessary, and enter into a
157.19 bureau-managed searchable database the new identifying information when supported by
157.20 fingerprints within three business days of learning the information if the information is not
157.21 entered by a law enforcement agency.

157.22 (b) No petition under chapter 609A is required if the person has not been convicted of
157.23 any felony or gross misdemeanor, either within or without the state, within the period of
157.24 ten years immediately preceding the determination of all pending criminal actions or
157.25 proceedings in favor of the arrested person, and either of the following occurred:

157.26 (1) all charges were dismissed prior to a determination of probable cause; or

157.27 (2) the prosecuting authority declined to file any charges and a grand jury did not return
157.28 an indictment.

157.29 Where these conditions are met, the bureau or agency shall, upon demand, destroy the
157.30 arrested person's ~~finger and thumb prints~~ fingerprints and thumbprints, photographs,
157.31 distinctive physical mark identification data, information on known aliases and street names,
157.32 and other identification data, and all copies and duplicates of them.

158.1 (c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints,
158.2 photographs, distinctive physical mark identification data, information on known aliases
158.3 and street names, and other identification data and all copies and duplicates of them without
158.4 the demand of any person or the granting of a petition under chapter 609A if:

158.5 (1) the sheriff, chief of police, bureau, or other arresting agency determines that the
158.6 person was arrested or identified as the result of mistaken identity before presenting
158.7 information to the prosecuting authority for a charging decision; or

158.8 (2) the prosecuting authority declines to file any charges or a grand jury does not return
158.9 an indictment based on a determination that the person was identified or arrested as the
158.10 result of mistaken identity.

158.11 (d) A prosecuting authority that determines a person was arrested or identified as the
158.12 result of mistaken identity and either declines to file any charges or receives notice that a
158.13 grand jury did not return an indictment shall notify the bureau and the applicable sheriff,
158.14 chief of police, or other arresting agency of the determination.

158.15 ~~(e)~~ (e) Except as otherwise provided in paragraph (b) or (c), upon the determination of
158.16 all pending criminal actions or proceedings in favor of the arrested person, and the granting
158.17 of the petition of the arrested person under chapter 609A, the bureau shall seal ~~finger and~~
158.18 ~~thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark
158.19 identification data, information on known aliases and street names, and other identification
158.20 data, and all copies and duplicates of them if the arrested person has not been convicted of
158.21 any felony or gross misdemeanor, either within or without the state, within the period of
158.22 ten years immediately preceding such determination.

158.23 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
158.24 determinations that a person was identified as the result of mistaken identity made on or
158.25 after that date.

158.26 Sec. 9. Minnesota Statutes 2022, section 299C.111, is amended to read:

158.27 **299C.111 SUSPENSE FILE REPORTING.**

158.28 The superintendent shall immediately notify the appropriate entity or individual when
158.29 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
158.30 that cannot be linked to an arrest record.

158.31 **EFFECTIVE DATE.** This section is effective January 1, 2025.

159.1 Sec. 10. Minnesota Statutes 2022, section 299C.17, is amended to read:

159.2 **299C.17 REPORT BY COURT ADMINISTRATOR.**

159.3 The superintendent shall require the court administrator of every court which sentences
159.4 a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor,~~ or petty misdemeanor
159.5 to electronically transmit within 24 hours of the disposition of the case a report, in a form
159.6 prescribed by the superintendent providing information required by the superintendent with
159.7 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
159.8 kept on file in the office of the court administrator.

159.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.

159.10 Sec. 11. Minnesota Statutes 2022, section 609A.01, is amended to read:

159.11 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

159.12 This chapter provides the grounds and procedures for expungement of criminal records
159.13 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
159.14 sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02,
159.15 subdivision 3; or other applicable law. The remedy available is limited to a court order or
159.16 grant of expungement under section 609A.015 sealing the records and prohibiting the
159.17 disclosure of their existence or their opening except under court order or statutory authority.
159.18 Nothing in this chapter authorizes the destruction of records or their return to the subject
159.19 of the records.

159.20 **EFFECTIVE DATE.** This section is effective January 1, 2025.

159.21 Sec. 12. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

159.22 **Subdivision 1. Eligibility; dismissal; exoneration.** (a) A person who is the subject of
159.23 a criminal record or delinquency record is eligible for a grant of expungement relief without
159.24 the filing of a petition:

159.25 (1) if the person was arrested and all charges were dismissed after a case was filed unless
159.26 dismissal was based on a finding that the defendant was incompetent to proceed;

159.27 (2) upon the dismissal and discharge of proceedings against a person under section
159.28 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
159.29 of a controlled substance; or

159.30 (3) if all pending actions or proceedings were resolved in favor of the person.

160.1 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not
160.2 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is
160.3 resolved in favor of the person if the petitioner received an order under section 590.11
160.4 determining that the person is eligible for compensation based on exoneration.

160.5 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
160.6 of expungement relief if the person has successfully completed the terms of a diversion
160.7 program or stay of adjudication for a qualifying offense that is not a felony and has not been
160.8 petitioned or charged with a new offense, other than an offense that would be a petty
160.9 misdemeanor, in Minnesota:

160.10 (1) for one year immediately following completion of the diversion program or stay of
160.11 adjudication; or

160.12 (2) for one year immediately preceding a subsequent review performed pursuant to
160.13 subdivision 5, paragraph (a).

160.14 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant
160.15 of expungement relief if the person:

160.16 (1) was convicted of a qualifying offense;

160.17 (2) has not been convicted of a new offense, other than an offense that would be a petty
160.18 misdemeanor, in Minnesota:

160.19 (i) during the applicable waiting period immediately following discharge of the disposition
160.20 or sentence for the crime; or

160.21 (ii) during the applicable waiting period immediately preceding a subsequent review
160.22 performed pursuant to subdivision 5, paragraph (a); and

160.23 (3) is not charged with an offense, other than an offense that would be a petty
160.24 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
160.25 period or at the time of a subsequent review.

160.26 (b) As used in this subdivision, "qualifying offense" means a conviction for:

160.27 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
160.28 to the operation or parking of motor vehicles;

160.29 (2) any misdemeanor offense other than:

160.30 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
160.31 while impaired);

- 161.1 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 161.2 (iii) section 609.224 (assault in the fifth degree);
- 161.3 (iv) section 609.2242 (domestic assault);
- 161.4 (v) section 609.748 (violation of a harassment restraining order);
- 161.5 (vi) section 609.78 (interference with emergency call);
- 161.6 (vii) section 609.79 (obscene or harassing phone calls);
- 161.7 (viii) section 617.23 (indecent exposure);
- 161.8 (ix) section 609.746 (interference with privacy); or
- 161.9 (x) section 629.75 (violation of domestic abuse no contact order);
- 161.10 (3) any gross misdemeanor offense other than:
- 161.11 (i) section 169A.25 (second-degree driving while impaired);
- 161.12 (ii) section 169A.26 (third-degree driving while impaired);
- 161.13 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 161.14 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);
- 161.15 (v) section 609.2231 (assault in the fourth degree);
- 161.16 (vi) section 609.224 (assault in the fifth degree);
- 161.17 (vii) section 609.2242 (domestic assault);
- 161.18 (viii) section 609.233 (criminal neglect);
- 161.19 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 161.20 (x) section 609.377 (malicious punishment of child);
- 161.21 (xi) section 609.485 (escape from custody);
- 161.22 (xii) section 609.498 (tampering with witness);
- 161.23 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 161.24 (xiv) section 609.746 (interference with privacy);
- 161.25 (xv) section 609.748 (violation of a harassment restraining order);
- 161.26 (xvi) section 609.749 (harassment; stalking);
- 161.27 (xvii) section 609.78 (interference with emergency call);

- 162.1 (xviii) section 617.23 (indecent exposure);
- 162.2 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 162.3 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 162.4 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 162.5 than:
- 162.6 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 162.7 degree);
- 162.8 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 162.9 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 162.10 commitment for mental illness); or
- 162.11 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
- 162.12 violation or minor victim).
- 162.13 (c) As used in this subdivision, "applicable waiting period" means:
- 162.14 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;
- 162.15 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
- 162.16 crime;
- 162.17 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
- 162.18 for the crime;
- 162.19 (4) if the offense was a felony violation of section 152.025, four years since the discharge
- 162.20 of the sentence for the crime; and
- 162.21 (5) if the offense was any other felony, five years since discharge of the sentence for the
- 162.22 crime.
- 162.23 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 162.24 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 162.25 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 162.26 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 162.27 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
- 162.28 automatic expungement under this section of that eligibility at any hearing where the court
- 162.29 dismisses and discharges proceedings against a person under section 152.18, subdivision
- 162.30 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
- 162.31 substance; concludes that all pending actions or proceedings were resolved in favor of the

163.1 person; grants a person's placement into a diversion program; or sentences a person or
163.2 otherwise imposes a consequence for a qualifying offense.

163.3 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
163.4 coordinators or supervisors of a diversion program shall notify a person who may become
163.5 eligible for an automatic expungement under this section of that eligibility.

163.6 (c) If any party gives notification under this subdivision, the notification shall inform
163.7 the person that:

163.8 (1) a record expunged under this section may be opened for purposes of a background
163.9 study by the Department of Human Services under section 245C.08 and for purposes of a
163.10 background check by the Professional Educator Licensing and Standards Board as required
163.11 under section 122A.18, subdivision 8; and

163.12 (2) the person can file a petition to expunge the record and request that the petition be
163.13 directed to the commissioner of human services and the Professional Educator Licensing
163.14 and Standards Board.

163.15 **Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant**
163.16 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records
163.17 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,
163.18 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of
163.19 eligibility within 30 days of the end of the applicable waiting period. If a record is not
163.20 eligible for a grant of expungement at the time of the initial determination, the Bureau of
163.21 Criminal Apprehension shall make subsequent eligibility determinations annually until the
163.22 record is eligible for a grant of expungement.

163.23 (b) In making the determination under paragraph (a), the Bureau of Criminal
163.24 Apprehension shall identify individuals who are the subject of relevant records through the
163.25 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where
163.26 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall
163.27 identify individuals through the use of the person's name and date of birth. Records containing
163.28 the same name and date of birth shall be presumed to refer to the same individual unless
163.29 other evidence establishes, by a preponderance of the evidence, that they do not refer to the
163.30 same individual. The Bureau of Criminal Apprehension is not required to review any other
163.31 evidence in making a determination.

163.32 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
163.33 persons and seal its own records without requiring an application, petition, or motion.
163.34 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to

164.1 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
164.2 information establishes that the records are not eligible for expungement.

164.3 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
164.4 and subject to a grant of expungement relief shall display a notation stating "expungement
164.5 relief granted pursuant to section 609A.015."

164.6 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
164.7 for which expungement relief was granted pursuant to this section. Notification may be
164.8 through electronic means and may be made in real time or in the form of a monthly report.
164.9 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
164.10 indictment or information, trial, verdict, or dismissal and discharge for any case in which
164.11 expungement relief was granted and shall issue any order deemed necessary to achieve this
164.12 purpose.

164.13 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency
164.14 that its records may be affected by a grant of expungement relief. Notification may be
164.15 through electronic means. Each notified law enforcement agency that receives a request to
164.16 produce records shall first determine if the records were subject to a grant of expungement
164.17 under this section. The law enforcement agency must not disclose records relating to an
164.18 arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in
164.19 which expungement relief was granted and must maintain the data consistent with the
164.20 classification in paragraph (g). This paragraph does not apply to requests from a criminal
164.21 justice agency as defined in section 609A.03, subdivision 7a, paragraph (f).

164.22 (g) Data on the person whose offense has been expunged under this subdivision, including
164.23 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
164.24 13.02, subdivision 12.

164.25 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
164.26 expungement under this section in the manner provided in section 611A.03, subdivisions
164.27 1 and 2.

164.28 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
164.29 criminal record may be pleaded and has the same effect as if the relief had not been granted.

164.30 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
164.31 system to provide criminal justice agencies with uniform statewide access to criminal records
164.32 sealed by expungement.

165.1 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
165.2 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
165.3 the decision to exercise or the decision to decline to exercise, the powers granted by this
165.4 section or for any act or omission occurring within the scope of the performance of their
165.5 duties under this section.

165.6 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses
165.7 that meet the eligibility criteria on or after that date and retroactively to offenses that met
165.8 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal
165.9 Apprehension's criminal history system as of January 1, 2025.

165.10 Sec. 13. **[609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

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

165.13 (b) "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of
165.14 guilty by a court.

165.15 (c) "Mistaken identity" means a person was incorrectly identified as being a different
165.16 person:

165.17 (1) because the person's identity had been transferred, used, or possessed in violation of
165.18 section 609.527; or

165.19 (2) as a result of misidentification by a witness or law enforcement, confusion on the
165.20 part of a witness or law enforcement as to the identity of the person who committed the
165.21 crime, misinformation provided to law enforcement as to the identity of the person who
165.22 committed the crime, or some other mistake on the part of a witness or law enforcement as
165.23 to the identity of the person who committed the crime.

165.24 Subd. 2. **Determination by prosecutor; notification.** If, before a conviction, a prosecutor
165.25 determines that a defendant was issued a citation, charged, indicted, or otherwise prosecuted
165.26 as the result of mistaken identity, the prosecutor must dismiss or move to dismiss the action
165.27 or proceeding and must state in writing or on the record that mistaken identity is the reason
165.28 for the dismissal.

165.29 Subd. 3. **Order of expungement.** (a) The court shall issue an order of expungement
165.30 without the filing of a petition when an action or proceeding is dismissed based on a
165.31 determination that a defendant was issued a citation, charged, indicted, or otherwise
165.32 prosecuted as the result of mistaken identity. The order shall cite this section as the basis
165.33 for the order.

166.1 (b) An order issued under this section is not subject to the considerations or standards
166.2 identified in section 609A.025 or 609A.03, subdivision 5, paragraph (a), (b), or (c).

166.3 Subd. 4. **Effect of order.** (a) An order issued under this section is not subject to the
166.4 limitations in section 609A.03, subdivision 7a or 9. The effect of the court order to seal the
166.5 record of the proceedings shall be to restore the person, in the contemplation of the law, to
166.6 the status the person occupied before the arrest, indictment, or information. The person shall
166.7 not be guilty of perjury or otherwise of giving a false statement if the person fails to
166.8 acknowledge the arrest, indictment, information, or trial in response to any inquiry made
166.9 for any purpose.

166.10 (b) A criminal justice agency may seek access to a record that was sealed under this
166.11 section for purposes of determining whether the subject of the order was identified in any
166.12 other action or proceeding as the result of mistaken identity or for a criminal investigation,
166.13 prosecution, or sentencing involving any other person. The requesting agency must obtain
166.14 an ex parte court order after stating a good-faith basis to believe that opening the record
166.15 may lead to relevant information.

166.16 (c) The court administrator must distribute and confirm receipt of an order issued under
166.17 this section pursuant to section 609A.03, subdivision 8.

166.18 (d) Data on the person whose offense has been expunged contained in a letter or other
166.19 notification sent under this subdivision are private data on individuals as defined in section
166.20 13.02.

166.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
166.22 determinations that a person was identified as the result of mistaken identity on or after that
166.23 date.

166.24 Sec. 14. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

166.25 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
166.26 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
166.27 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

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

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

167.4 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor
 167.5 or misdemeanor or the sentence imposed was within the limits provided by law for a
 167.6 misdemeanor and the petitioner has not been convicted of a new crime for at least two years
 167.7 since discharge of the sentence for the crime;

167.8 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor
 167.9 or the sentence imposed was within the limits provided by law for a gross misdemeanor
 167.10 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since
 167.11 discharge of the sentence for the crime; ~~or~~

167.12 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
 167.13 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
 167.14 of a new crime for at least three years since discharge of the sentence for the crime;

167.15 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
 167.16 been convicted of a new crime for at least four years since discharge of the sentence for the
 167.17 crime;

167.18 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
 167.19 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
 167.20 convicted of a new crime for at least five years since discharge of the sentence for the crime;
 167.21 or

167.22 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation
 167.23 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
 167.24 ~~five~~ four years since discharge of the sentence for the crime.

167.25 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:

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

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

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

167.29 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
 167.30 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
 167.31 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
 167.32 substance);

- 168.1 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
168.2 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 168.3 (6) chapter 201; 203B; or 204C (voting violations);
- 168.4 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 168.5 (8) section 256.984 (false declaration in assistance application);
- 168.6 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 168.7 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 168.8 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 168.9 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
168.10 and solicitations);
- 168.11 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 168.12 (14) section 349.2127; or 349.22 (gambling regulations);
- 168.13 (15) section 588.20 (contempt);
- 168.14 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 168.15 (17) section 609.31 (leaving state to evade establishment of paternity);
- 168.16 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
168.17 commitment for mental illness);
- 168.18 (19) section 609.49 (failure to appear in court);
- 168.19 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
168.20 subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced
168.21 under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk
168.22 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,
168.23 clause (3)(a);
- 168.24 (21) section 609.521 (possession of shoplifting gear);
- 168.25 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 168.26 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 168.27 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
168.28 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
168.29 check); or 609.529 (mail theft);

- 169.1 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 169.2 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
169.3 over \$500);
- 169.4 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 169.5 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 169.6 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 169.7 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 169.8 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 169.9 (32) section 609.59 (possession of burglary or theft tools);
- 169.10 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
169.11 (a) (criminal damage to property);
- 169.12 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 169.13 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
169.14 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
169.15 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 169.16 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
169.17 4, paragraph (a) (lottery fraud);
- 169.18 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);
- 169.19 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
169.20 or 609.66, subdivision 1b (furnishing firearm to minor);
- 169.21 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 169.22 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 169.23 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
169.24 subsequent violation or minor victim);
- 169.25 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);
- 169.26 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 169.27 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
- 169.28 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);

170.1 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
170.2 transit operator);

170.3 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);

170.4 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
170.5 fraud);

170.6 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

170.7 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
170.8 property);

170.9 ~~(48)~~ (51) section 609.896 (movie pirating);

170.10 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
170.11 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
170.12 subdivision 2 (transfer of pistol to ineligible person); or

170.13 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).

170.14 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses
170.15 that meet the eligibility criteria on or after that date, except the amendment to clause (41)
170.16 relating to interference with privacy is effective August 1, 2023.

170.17 Sec. 15. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

170.18 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
170.19 (b), expungement of a criminal record under this section is an extraordinary remedy to be
170.20 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
170.21 commensurate with the disadvantages to the public and public safety of:

170.22 (1) sealing the record; and

170.23 (2) burdening the court and public authorities to issue, enforce, and monitor an
170.24 expungement order.

170.25 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
170.26 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
170.27 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
170.28 whose records would be affected establishes by clear and convincing evidence that the
170.29 interests of the public and public safety outweigh the disadvantages to the petitioner of not
170.30 sealing the record.

170.31 (c) In making a determination under this subdivision, the court shall consider:

- 171.1 (1) the nature and severity of the underlying crime, the record of which would be sealed;
- 171.2 (2) the risk, if any, the petitioner poses to individuals or society;
- 171.3 (3) the length of time since the crime occurred;
- 171.4 (4) the steps taken by the petitioner toward rehabilitation following the crime;
- 171.5 (5) aggravating or mitigating factors relating to the underlying crime, including the
- 171.6 petitioner's level of participation and context and circumstances of the underlying crime;
- 171.7 (6) the reasons for the expungement, including the petitioner's attempts to obtain
- 171.8 employment, housing, or other necessities;
- 171.9 (7) the petitioner's criminal record;
- 171.10 (8) the petitioner's record of employment and community involvement;
- 171.11 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
- 171.12 officials;
- 171.13 (10) the recommendations of victims or whether victims of the underlying crime were
- 171.14 minors;
- 171.15 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
- 171.16 toward payment, and the measures in place to help ensure completion of restitution payment
- 171.17 after expungement of the record if granted; and
- 171.18 (12) other factors deemed relevant by the court.
- 171.19 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
- 171.20 issues an expungement order it may require that the criminal record be sealed, the existence
- 171.21 of the record not be revealed, and the record not be opened except as required under
- 171.22 subdivision 7. Records must not be destroyed or returned to the subject of the record.
- 171.23 (e) Information relating to a criminal history record of an employee, former employee,
- 171.24 or tenant that has been expunged before the occurrence of the act giving rise to the civil
- 171.25 action may not be introduced as evidence in a civil action against a private employer or
- 171.26 landlord or its employees or agents that is based on the conduct of the employee, former
- 171.27 employee, or tenant.
- 171.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

172.1 Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

172.2 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
172.3 of an expungement order related to a charge supported by probable cause, the DNA samples
172.4 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
172.5 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
172.6 destroyed.

172.7 (b) Notwithstanding the issuance of an expungement order:

172.8 (1) except as provided in clause (2), an expunged record may be opened, used, or
172.9 exchanged between criminal justice agencies without a court order for the purposes of
172.10 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
172.11 purposes or providing probation or other correctional services;

172.12 (2) when a criminal justice agency seeks access to a record that was sealed under section
172.13 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
172.14 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
172.15 sentencing, the requesting agency must obtain an ex parte court order after stating a
172.16 good-faith basis to believe that opening the record may lead to relevant information;

172.17 (3) an expunged record of a conviction may be opened for purposes of evaluating a
172.18 prospective employee in a criminal justice agency without a court order;

172.19 (4) an expunged record of a conviction may be opened for purposes of a background
172.20 study under section 245C.08 unless the commissioner had been properly served with notice
172.21 of the petition for expungement and the court order for expungement is directed specifically
172.22 to the commissioner of human services following proper service of a petition, or following
172.23 proceedings under section 609A.025 or 609A.035 upon service of an order to the
172.24 commissioner of human services;

172.25 (5) an expunged record of a conviction may be opened for purposes of a background
172.26 check required under section 122A.18, subdivision 8, unless the court order for expungement
172.27 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

172.28 (6) the court may order an expunged record opened upon request by the victim of the
172.29 underlying offense if the court determines that the record is substantially related to a matter
172.30 for which the victim is before the court.;

172.31 (7) a prosecutor may request, and the district court shall provide, certified records of
172.32 conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02,
172.33 609A.025, and 609A.035, and the certified records of conviction may be disclosed and

173.1 introduced in criminal court proceedings as provided by the rules of court and applicable
173.2 law; and

173.3 (8) the subject of an expunged record may request, and the court shall provide, certified
173.4 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
173.5 609A.017, 609A.02, 609A.025, and 609A.035.

173.6 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
173.7 in a manner that provides access to the record by a criminal justice agency under paragraph
173.8 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
173.9 of Criminal Apprehension shall notify the commissioner of human services or the
173.10 Professional Educator Licensing and Standards Board of the existence of a sealed record
173.11 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
173.12 agency or jurisdiction subject to the expungement order shall provide access to the record
173.13 to the commissioner of human services or the Professional Educator Licensing and Standards
173.14 Board under paragraph (b), clause (4) or (5).

173.15 (d) An expunged record that is opened or exchanged under this subdivision remains
173.16 subject to the expungement order in the hands of the person receiving the record.

173.17 (e) A criminal justice agency that receives an expunged record under paragraph (b),
173.18 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
173.19 record to the investigation, prosecution, or sentencing for which it was obtained.

173.20 (f) For purposes of this section, a "criminal justice agency" means a court or government
173.21 agency that performs the administration of criminal justice under statutory authority.

173.22 (g) This subdivision applies to expungement orders subject to its limitations and effective
173.23 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
173.24 2025.

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

173.26 Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

173.27 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
173.28 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
173.29 during the appeal period. A person or an agency or jurisdiction whose records would be
173.30 affected by the order may appeal the order within 60 days of service of notice of filing of
173.31 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
173.32 or supersedeas bond in order to further stay the proceedings or file an appeal.

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

174.2 Sec. 18. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

174.3 (a) Notwithstanding section 609A.02, if the Board of Pardons grants a pardon pursuant
174.4 to section 638.17, it shall file a copy of the pardon extraordinary with the district court of
174.5 the county in which the conviction occurred.

174.6 (b) The district court shall issue an expungement order sealing all records wherever held
174.7 relating to the arrest, indictment or information, trial, verdict, and pardon for the pardoned
174.8 offense without the filing of a petition and send an expungement order to each government
174.9 entity whose records are affected.

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

174.11 Sec. 19. **[609A.05] NO DUTY TO DISCOVER; EMPLOYERS AND LANDLORDS.**

174.12 A landlord or employer does not have a duty to discover or use a record that has been
174.13 expunged under this chapter or other law for purposes of making a housing or employment
174.14 decision.

174.15 Sec. 20. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

174.16 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
174.17 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
174.18 make a reasonable and good faith effort to inform the victim of:

174.19 (1) the contents of the plea agreement recommendation, including the amount of time
174.20 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
174.21 ~~and~~

174.22 (2) the right to be present at the sentencing hearing and at the hearing during which the
174.23 plea is presented to the court and to express orally or in writing, at the victim's option, any
174.24 objection to the agreement or to the proposed disposition. If the victim is not present when
174.25 the court considers the recommendation, but has communicated objections to the prosecuting
174.26 attorney, the prosecuting attorney shall make these objections known to the court; and

174.27 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

174.28 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to plea
174.29 agreements entered into on or after that date.

ARTICLE 8

CLEMENCY REFORM

175.1

175.2

175.3 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 8, is amended to read:

175.4 Subd. 8. ~~Board of Pardons~~ Clemency Review Commission records. Access to ~~Board~~
175.5 ~~of Pardons~~ records of the Clemency Review Commission is governed by section ~~638.07~~
175.6 638.20.

175.7 Sec. 2. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

175.8 Subd. 3. **Definitions.** For purposes of this section:

175.9 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
175.10 person" does not include:

175.11 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
175.12 chapter 609A;

175.13 (ii) the arrested person's successful completion of a diversion program;

175.14 (iii) an order of discharge under section 609.165; or

175.15 (iv) a pardon granted under ~~section 638.02~~ chapter 638; ~~and~~

175.16 (2) "mistaken identity" means the person was incorrectly identified as being a different
175.17 person:

175.18 (i) because the person's identity had been transferred, used, or possessed in violation of
175.19 section 609.527; or

175.20 (ii) as a result of misidentification by a witness or law enforcement, confusion on the
175.21 part of a witness or law enforcement as to the identity of the person who committed the
175.22 crime, misinformation provided to law enforcement as to the identity of the person who
175.23 committed the crime, or some other mistake on the part of a witness or law enforcement as
175.24 to the identity of the person who committed the crime; and

175.25 ~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision
175.26 1.

175.27 Sec. 3. Minnesota Statutes 2022, section 638.01, is amended to read:

175.28 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

175.29 The Board of Pardons ~~shall consist~~ consists of the governor, the chief justice of the
175.30 supreme court, and the attorney general. The ~~board~~ governor in conjunction with the board

176.1 may grant pardons and reprieves and commute the sentence of any person convicted of any
 176.2 offense against the laws of the state, in the manner and under the conditions and rules
 176.3 hereinafter prescribed, but not otherwise clemency according to this chapter.

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

176.5 Sec. 4. **[638.011] DEFINITIONS.**

176.6 Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section have
 176.7 the meanings given.

176.8 Subd. 2. **Board.** "Board" means the Board of Pardons under section 638.01.

176.9 Subd. 3. **Clemency.** Unless otherwise provided, "clemency" includes a pardon,
 176.10 commutation, and reprieve after conviction for a crime against the state except in cases of
 176.11 impeachment.

176.12 Subd. 4. **Commission.** "Commission" means the Clemency Review Commission under
 176.13 section 638.09.

176.14 Subd. 5. **Department.** "Department" means the Department of Corrections.

176.15 Subd. 6. **Waiver request.** "Waiver request" means a request to waive a time restriction
 176.16 under sections 638.12, subdivisions 2 and 3, and 638.19, subdivision 1.

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

176.18 Sec. 5. **[638.09] CLEMENCY REVIEW COMMISSION.**

176.19 Subdivision 1. **Establishment; duties.** (a) The Clemency Review Commission is
 176.20 established to:

176.21 (1) review each eligible clemency application and waiver request that it receives;

176.22 (2) recommend to the board, in writing, whether to grant or deny the application or
 176.23 waiver request, with each member's vote reported;

176.24 (3) recommend to the board, in writing, whether the board should conduct a hearing on
 176.25 a clemency application, with each member's vote reported; and

176.26 (4) provide victim support services, assistance to applicants, and other assistance as the
 176.27 board requires.

176.28 (b) Unless otherwise provided:

177.1 (1) the commission's recommendations under this chapter are nonbinding on the governor
177.2 or the board; and

177.3 (2) chapter 15 applies unless otherwise inconsistent with this chapter.

177.4 Subd. 2. **Composition.** (a) The commission consists of nine members, each serving a
177.5 term coterminous with the governor.

177.6 (b) The governor, the attorney general, and the chief justice of the supreme court must
177.7 each appoint three members to serve on the commission and replace members when the
177.8 members' terms expire. Members serve at the pleasure of their appointing authority.

177.9 Subd. 3. **Appointments to commission.** (a) An appointing authority is encouraged to
177.10 consider the following criteria when appointing a member:

177.11 (1) expertise in law, corrections, victims' services, correctional supervision, mental
177.12 health, and substance abuse treatment; and

177.13 (2) experience addressing systemic disparities, including but not limited to disparities
177.14 based on race, gender, and ability.

177.15 (b) An appointing authority must seek out and encourage qualified individuals to apply
177.16 to serve on the commission, including:

177.17 (1) members of Indigenous communities, Black communities, and other communities
177.18 of color;

177.19 (2) members diverse as to gender identity; and

177.20 (3) members diverse as to age and ability.

177.21 (c) If there is a vacancy, the appointing authority who selected the vacating member
177.22 must make an interim appointment to expire at the end of the vacating member's term.

177.23 (d) A member may continue to serve until the member's successor is appointed, but a
177.24 member may not serve more than eight years in total.

177.25 Subd. 4. **Commission; generally.** (a) The commission must biennially elect one of its
177.26 members as chair and one as vice-chair. The chair serves as the board's secretary.

177.27 (b) Each commission member must be:

177.28 (1) compensated at a rate of \$150 for each day or part of the day spent on commission
177.29 activities; and

177.30 (2) reimbursed for all reasonable expenses actually paid or incurred by the member while
177.31 performing official duties.

178.1 (c) Beginning January 1, 2025, and annually thereafter, the board may set a new per
178.2 diem rate for commission members, not to exceed an amount ten percent higher than the
178.3 previous year's rate.

178.4 Subd. 5. **Executive director.** (a) The board must appoint a commission executive director
178.5 knowledgeable about clemency and criminal justice. The executive director serves at the
178.6 pleasure of the board in the unclassified service as an executive branch employee.

178.7 (b) The executive director's salary is set in accordance with section 15A.0815, subdivision
178.8 3.

178.9 (c) The executive director may obtain office space and supplies and hire administrative
178.10 staff necessary to carry out the commission's official functions, including providing
178.11 administrative support to the board and attending board meetings. Any additional staff serve
178.12 in the unclassified service at the pleasure of the executive director.

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

178.14 Sec. 6. **[638.10] CLEMENCY APPLICATION.**

178.15 Subdivision 1. **Required contents.** A clemency application must:

178.16 (1) be in writing;

178.17 (2) be signed under oath by the applicant; and

178.18 (3) state the clemency sought, state why the clemency should be granted, and contain
178.19 the following information and any additional information that the commission or board
178.20 requires:

178.21 (i) the applicant's name, address, and date and place of birth, and every alias by which
178.22 the applicant is or has been known;

178.23 (ii) the applicant's demographic information, including race, ethnicity, gender, disability
178.24 status, and age, only if voluntarily reported;

178.25 (iii) the applicant's convicted crime for which clemency is requested, the date and county
178.26 of conviction, the sentence imposed, and the sentence's expiration or discharge date;

178.27 (iv) the names of the sentencing judge, the prosecuting attorney, and any victims of the
178.28 crime;

178.29 (v) a brief description of the crime and the applicant's age at the time of the crime;

178.30 (vi) the date and outcome of any prior clemency application, including any application
178.31 submitted before July 1, 2024;

179.1 (vii) to the best of the applicant's knowledge, a statement of any past criminal conviction
179.2 and any pending criminal charge or investigation;

179.3 (viii) for an applicant under the department's custody, a statement describing the
179.4 applicant's reentry plan should clemency be granted; and

179.5 (ix) an applicant statement acknowledging and consenting to the disclosure to the
179.6 commission, board, and public of any private data on the applicant in the application or in
179.7 any other record relating to the clemency being sought, including conviction and arrest
179.8 records.

179.9 Subd. 2. **Required form.** (a) An application must be made on a commission-approved
179.10 form or forms and filed with the commission by commission-prescribed deadlines. The
179.11 commission must consult with the board on the forms and deadlines.

179.12 (b) The application must include language informing the applicant that the board and
179.13 the commission will consider any and all past convictions and that the applicant may provide
179.14 information about the convictions.

179.15 Subd. 3. **Reviewing application for completeness.** The commission must review an
179.16 application for completeness. An incomplete application must be returned to the applicant,
179.17 who may then provide the missing information and resubmit the application within a
179.18 commission-prescribed period.

179.19 Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency
179.20 application, the commission must notify the applicant of the scheduled date, time, and
179.21 location that the applicant must appear before the commission for a meeting under section
179.22 638.14.

179.23 Subd. 5. **Equal access to information.** Each board and commission member must have
179.24 equal access to information under this chapter that is used when making a clemency decision.

179.25 Sec. 7. **[638.11] THIRD-PARTY NOTIFICATIONS.**

179.26 Subdivision 1. **Notice to victim; victim rights.** (a) After receiving a clemency
179.27 application, the commission must make all reasonable efforts to locate any victim of the
179.28 applicant's crime.

179.29 (b) At least 30 calendar days before the commission meeting at which the application
179.30 will be heard, the commission must notify any located victim of:

179.31 (1) the application;

179.32 (2) the meeting's scheduled date, time, and location; and

180.1 (3) the victim's right to attend the meeting and submit an oral or written statement to the
180.2 commission.

180.3 (c) The commission must make all reasonable efforts to ensure that a victim can:

180.4 (1) submit an oral or written statement; and

180.5 (2) receive victim support services as necessary to help the victim submit a statement
180.6 and participate in the clemency process.

180.7 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** (a) At least 60 calendar
180.8 days before the commission meeting at which the application will be heard, the commission
180.9 must:

180.10 (1) notify the sentencing judge and prosecuting attorney, or their successors, of the
180.11 application;

180.12 (2) provide a copy of the application to the judge and attorney; and

180.13 (3) solicit the judge's and attorney's written statements on whether to grant clemency.

180.14 (b) Unless otherwise provided in this chapter, "law enforcement agency" includes the
180.15 sentencing judge and prosecuting attorney or their successors.

180.16 Subd. 3. **Notice to public.** At least 30 calendar days before the commission meeting at
180.17 which the application will be heard, the commission must publish notice of an application
180.18 in a qualified newspaper of general circulation in the county in which the applicant's crime
180.19 occurred.

180.20 **Sec. 8. [638.12] TYPES OF CLEMENCY; ELIGIBILITY AND WAIVER.**

180.21 Subdivision 1. **Types of clemency; requirements.** (a) The board may:

180.22 (1) pardon a criminal conviction imposed under the laws of this state;

180.23 (2) commute a criminal sentence imposed by a court of this state to time served or a
180.24 lesser sentence; or

180.25 (3) grant a reprieve of a sentence imposed by a court of this state.

180.26 (b) A pardon, after being granted and filed with the district court of the county in which
180.27 the conviction and sentence were imposed, will also seal all records wherever held related
180.28 to the arrest, indictment or information, trial, verdict, and pardon.

180.29 (c) A grant of clemency must be in writing and has no force or effect if the governor or
180.30 a board majority duly convened opposes the clemency. Every conditional grant of clemency

181.1 must state the terms and conditions upon which it was granted, and every commutation
181.2 must specify the terms of the commuted sentence.

181.3 (d) A granted pardon sets aside the conviction and purges the conviction from an
181.4 individual's criminal record. The individual is not required to disclose the conviction at any
181.5 time or place other than:

181.6 (1) in a judicial proceeding; or

181.7 (2) during the licensing process for peace officers.

181.8 Subd. 2. Pardon eligibility; waiver. (a) Except as provided in paragraphs (b) and (c),
181.9 an individual convicted of a crime in a court of this state may apply for a pardon of the
181.10 individual's conviction on or after five years from the sentence's expiration or discharge
181.11 date.

181.12 (b) An individual convicted before August 1, 2023, of a violation of section 609.19,
181.13 subdivision 1, clause (1), under the theory of liability for crimes of another may apply for
181.14 a pardon upon the sentence's expiration or discharge date if the individual:

181.15 (1) was charged with a violation of section 609.185, paragraph (a), clause (3), and:

181.16 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

181.17 (ii) did not cause the death of a human being; and

181.18 (iii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
181.19 another with the intent to cause the death of a human being; or

181.20 (2) was charged with a violation of section 609.19, subdivision 2, and:

181.21 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

181.22 (ii) did not cause the death of a human being; and

181.23 (iii) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph
181.24 (c), in the underlying felony and did not act with extreme indifference to human life.

181.25 (c) An individual may request the board to waive the waiting period if there is a showing
181.26 of unusual circumstances and special need.

181.27 (d) The commission must review a waiver request and recommend to the board whether
181.28 to grant the request. When considering a waiver request, the commission is exempt from
181.29 the meeting requirements under section 638.14 and chapter 13D.

181.30 (e) The board must grant a waiver request unless the governor or a board majority opposes
181.31 the waiver.

182.1 Subd. 3. **Commutation eligibility.** (a) An individual may apply for a commutation of
182.2 an unexpired criminal sentence imposed by a court of this state, including an individual
182.3 confined in a correctional facility or on probation, parole, supervised release, or conditional
182.4 release. An application for commutation may not be filed until the date that the individual
182.5 has served at least one-half of the sentence imposed or on or after five years from the
182.6 conviction date, whichever is earlier.

182.7 (b) An individual may request the board to waive the waiting period if there is a showing
182.8 of unusual circumstances and special need.

182.9 (c) The commission must review a waiver request and recommend to the board whether
182.10 to grant the request. When considering a waiver request, the commission is exempt from
182.11 the meeting requirements under section 638.14 and chapter 13D.

182.12 (d) The board must grant a waiver request unless the governor or a board majority
182.13 opposes the waiver.

182.14 **Sec. 9. [638.13] ACCESS TO RECORDS; ISSUING SUBPOENA.**

182.15 Subdivision 1. **Access to records.** (a) Notwithstanding chapter 13 or any other law to
182.16 the contrary, upon receiving a clemency application, the board or commission may request
182.17 and obtain any relevant reports, data, and other information from state courts, law
182.18 enforcement agencies, or state agencies. The board and the commission must have access
182.19 to all relevant sealed or otherwise inaccessible court records, presentence investigation
182.20 reports, police reports, criminal history reports, prison records, and any other relevant
182.21 information.

182.22 (b) State courts, law enforcement agencies, and state agencies must promptly respond
182.23 to record requests from the board or the commission.

182.24 Subd. 2. **Issuing subpoena.** The board or the commission may issue a subpoena requiring
182.25 the presence of any person before the commission or board and the production of papers,
182.26 records, and exhibits in any pending matter. When a person is summoned before the
182.27 commission or the board, the person may be allowed compensation for travel and attendance
182.28 as the commission or the board considers reasonable.

182.29 **Sec. 10. [638.14] COMMISSION MEETINGS.**

182.30 Subdivision 1. **Frequency.** The commission must meet at least four times each year for
182.31 one or more days at each meeting to hear eligible clemency applications and recommend

183.1 appropriate action to the board on each application. One or more of the meetings may be
183.2 held at a department-operated correctional facility.

183.3 Subd. 2. **When open to the public.** All commission meetings are open to the public as
183.4 provided under chapter 13D, but the commission may hold closed meetings:

183.5 (1) as provided under chapter 13D; or

183.6 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
183.7 identity, and (ii) sensitive or confidential victim testimony.

183.8 Subd. 3. **Recording.** When possible, the commission must record its meetings by audio
183.9 or audiovisual means.

183.10 Subd. 4. **Board attendance.** The governor, attorney general, and chief justice, or their
183.11 designees, may attend commission meetings as ex-officio nonvoting members, but their
183.12 attendance does not affect whether the commission has a quorum.

183.13 Subd. 5. **Applicant appearance; third-party statements.** (a) An applicant for clemency
183.14 must appear before the commission either in person or through available forms of
183.15 telecommunication.

183.16 (b) The victim of an applicant's crime may appear and speak at the meeting or submit a
183.17 written statement to the commission. The commission may treat a victim's written statement
183.18 as confidential and not disclose the statement to the applicant or the public if there is or has
183.19 been an order for protection, harassment restraining order, or other no-contact order
183.20 prohibiting the applicant from contacting the victim.

183.21 (c) A law enforcement agency's representative may provide the agency's position on
183.22 whether the commission should recommend clemency by:

183.23 (1) appearing and speaking at the meeting; or

183.24 (2) submitting a written statement to the commission.

183.25 (d) The sentencing judge and the prosecuting attorney, or their successors, may provide
183.26 their positions on whether the commission should recommend clemency by:

183.27 (1) appearing and speaking at the meeting; or

183.28 (2) submitting their statements under section 638.11, subdivision 2.

184.1 Sec. 11. **[638.15] COMMISSION RECOMMENDATION.**

184.2 Subdivision 1. **Grounds for recommending clemency.** (a) When recommending whether
184.3 to grant clemency, the commission must consider any factors that the commission deems
184.4 appropriate, including but not limited to:

184.5 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's
184.6 age at the time of the crime; and the time that has elapsed between the crime and the
184.7 application;

184.8 (2) the successful completion or revocation of previous probation, parole, supervised
184.9 release, or conditional release;

184.10 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

184.11 (4) the extent to which the applicant has demonstrated rehabilitation through
184.12 postconviction conduct, character, and reputation;

184.13 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
184.14 and made restitution to victims;

184.15 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
184.16 history and any sentence received by an accomplice and with due regard given to:

184.17 (i) any plea agreement;

184.18 (ii) the sentencing judge's views; and

184.19 (iii) the sentencing ranges established by law;

184.20 (7) whether the applicant was convicted before August 1, 2023, of a violation of section
184.21 609.19, subdivision 1, clause (1), under the theory of liability for crimes of another and, if
184.22 so, whether the applicant:

184.23 (i) was charged with a violation of section 609.185, paragraph (a), clause (3), and:

184.24 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

184.25 (B) did not cause the death of a human being; and

184.26 (C) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
184.27 another with the intent to cause the death of a human being; or

184.28 (ii) was charged with a violation of section 609.19, subdivision 2, and:

184.29 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

184.30 (B) did not cause the death of a human being; and

185.1 (C) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph
185.2 (c), in the underlying felony and did not act with extreme indifference to human life;

185.3 (8) whether the applicant's age or medical status indicates that it is in the best interest
185.4 of society that the applicant receive clemency;

185.5 (9) the applicant's asserted need for clemency, including family needs and barriers to
185.6 housing or employment created by the conviction;

185.7 (10) for an applicant under the department's custody, the adequacy of the applicant's
185.8 reentry plan;

185.9 (11) the amount of time already served by the applicant and the availability of other
185.10 forms of judicial or administrative relief;

185.11 (12) the extent to which there is credible evidence indicating that the applicant is or may
185.12 be innocent of the crime for which they were convicted; and

185.13 (13) if provided by the applicant, the applicant's demographic information, including
185.14 race, ethnicity, gender, disability status, and age.

185.15 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
185.16 the commission or the board must not prejudice an applicant for failing to identify past
185.17 criminal convictions.

185.18 **Subd. 2. Recommending denial of commutation without hearing.** (a) At a meeting
185.19 under section 638.14, the commission may recommend without a commission hearing that
185.20 the board deny a commutation application without a board hearing if:

185.21 (1) the applicant is challenging the conviction or sentence through court proceedings;

185.22 (2) the applicant has failed to exhaust all available state court remedies for challenging
185.23 the conviction or sentence; or

185.24 (3) the commission determines that the matter should first be considered by the parole
185.25 authority.

185.26 (b) A commission recommendation to deny an application under paragraph (a) must be
185.27 sent to the board along with the application.

185.28 **Subd. 3. Considering public statements.** When making its recommendation on an
185.29 application, the commission must consider any statement provided by a victim or law
185.30 enforcement agency.

186.1 Subd. 4. **Commission recommendation; notifying applicant.** (a) Before the board's
186.2 next meeting at which the clemency application may be considered, the commission must
186.3 send to the board:

186.4 (1) the application;

186.5 (2) the commission's recommendation on whether the board should grant or deny
186.6 clemency;

186.7 (3) the commission's recommendation on whether the board should or should not hold
186.8 a hearing on the application;

186.9 (4) any recording of the commission's meeting related to the application; and

186.10 (5) all statements from victims and law enforcement agencies.

186.11 (b) No later than 14 calendar days after its dated recommendation, the commission must
186.12 notify the applicant in writing of its recommendations under this subdivision.

186.13 **Sec. 12. [638.16] BOARD MEETINGS.**

186.14 Subdivision 1. **Frequency.** (a) The board must meet at least two times each year to
186.15 consider and vote on clemency applications.

186.16 (b) If the commission recommends that an application receive a hearing, the board must
186.17 hold a hearing on the application unless all the board members decline a hearing.

186.18 (c) If the commission recommends that an application not receive a hearing, the board
186.19 must not hold a hearing on the application unless at least one board member requests a
186.20 hearing.

186.21 Subd. 2. **When open to the public.** All board meetings are open to the public as provided
186.22 under chapter 13D, but the board may hold closed meetings:

186.23 (1) as provided under chapter 13D; or

186.24 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
186.25 identity, and (ii) sensitive or confidential victim testimony.

186.26 Subd. 3. **Executive director; attendance required.** Unless excused by the board, the
186.27 executive director and the commission's chair or vice-chair must attend all board meetings.

186.28 Subd. 4. **Considering statements.** (a) Applicants, victims, law enforcement agencies,
186.29 and the public may submit oral or written statements at a board meeting only if the application
186.30 is subject to a hearing under subdivision 1.

187.1 (b) The board must take into account any statements provided to the commission when
187.2 considering a clemency application.

187.3 **Sec. 13. [638.17] BOARD DECISION; NOTIFYING APPLICANT.**

187.4 Subdivision 1. **Board decision.** (a) At each meeting, the board must render a decision
187.5 on each clemency application considered at the meeting or continue the matter to a future
187.6 board meeting. If the board continues consideration of an application, the commission must
187.7 notify the applicant in writing and explain why the matter was continued.

187.8 (b) If the commission recommends no hearing and denial of an application and no board
187.9 member requests a hearing on the application, it is presumed that the board concurs with
187.10 the commission's recommendation and that the application has been considered and denied
187.11 on the merits.

187.12 Subd. 2. **Notifying applicant.** The commission must notify the applicant in writing of
187.13 the board's decision to grant or deny clemency no later than 14 calendar days from the date
187.14 of the board's decision.

187.15 **Sec. 14. [638.18] FILING COPY OF CLEMENCY; COURT ACTION.**

187.16 Subdivision 1. **Filing with district court.** After clemency has been granted, the
187.17 commission must file a copy of the pardon, commutation, or reprieve with the district court
187.18 of the county in which the conviction and sentence were imposed.

187.19 Subd. 2. **Court action; pardon.** (a) For a pardon, the court must:

187.20 (1) order the conviction set aside;

187.21 (2) include a copy of the pardon in the court file;

187.22 (3) order all records wherever held relating to the arrest, indictment or information, trial,
187.23 verdict, and pardon sealed and prohibit the disclosure of the existence of the records or the
187.24 opening of the records except under court order or pursuant to section 609A.03, subdivision
187.25 7a, paragraph (b), clause (1), (7), or (8); and

187.26 (4) send a copy of the order and the pardon to the Bureau of Criminal Apprehension and
187.27 all other government entities that hold affected records.

187.28 (b) Consistent with section 609A.03, subdivision 8, the court administrator shall send a
187.29 copy of the expungement order to each government entity whose records are affected by
187.30 the order, including but not limited to the Department of Corrections, the Department of
187.31 Public Safety, and law enforcement agencies.

188.1 Subd. 3. **Court action; commutation.** For a commutation, the court must:
188.2 (1) amend the sentence to reflect the specific relief granted by the board;
188.3 (2) include a copy of the commutation in the court file; and
188.4 (3) send a copy of the amended sentencing order and commutation to the commissioner
188.5 of corrections and the Bureau of Criminal Apprehension.

188.6 Sec. 15. [638.19] REAPPLYING FOR CLEMENCY.

188.7 Subdivision 1. **Time-barred from reapplying; exception.** (a) After the board has
188.8 considered and denied a clemency application on the merits, an applicant may not file a
188.9 subsequent application for five years after the date of the most recent denial. This paragraph
188.10 applies if an application is denied according to section 638.17, subdivision 1, paragraph
188.11 (b).

188.12 (b) An individual may request permission to reapply before the five-year period expires
188.13 based only on new and substantial information that was not and could not have been
188.14 previously considered by the board or commission.

188.15 (c) If a waiver request contains new and substantial information, the commission must
188.16 review the request and recommend to the board whether to waive the time restriction. When
188.17 considering a waiver request, the commission is exempt from the meeting requirements
188.18 under section 638.14 and chapter 13D.

188.19 (d) The board must grant a waiver request unless the governor or a board majority
188.20 opposes the waiver.

188.21 Subd. 2. **Applying for pardon not precluded.** An applicant who is denied or granted
188.22 a commutation is not precluded from later seeking a pardon of the criminal conviction once
188.23 the eligibility requirements of this chapter have been met.

188.24 Sec. 16. [638.20] COMMISSION RECORD KEEPING.

188.25 Subdivision 1. **Record keeping.** The commission must keep a record of every application
188.26 received, its recommendation on each application, and the final disposition of each
188.27 application.

188.28 Subd. 2. **When open to public.** The commission's records and files are open to public
188.29 inspection at all reasonable times, except for:

188.30 (1) sealed court records;

189.1 (2) presentence investigation reports;

189.2 (3) Social Security numbers;

189.3 (4) financial account numbers;

189.4 (5) driver's license information;

189.5 (6) medical records;

189.6 (7) confidential Bureau of Criminal Apprehension records;

189.7 (8) the identities of victims who wish to remain anonymous and confidential victim

189.8 statements; and

189.9 (9) any other confidential data on individuals, private data on individuals, not public

189.10 data, or nonpublic data under chapter 13.

189.11 **Sec. 17. [638.21] LANGUAGE ACCESS AND VICTIM SUPPORT.**

189.12 Subdivision 1. **Language access.** The commission and the board must take reasonable

189.13 steps to provide meaningful language access to applicants and victims. Applicants and

189.14 victims must have language access to information, documents, and services under this

189.15 chapter, with each communicated in a language or manner that the applicant or victim can

189.16 understand.

189.17 Subd. 2. **Interpreters.** (a) Applicants and victims are entitled to interpreters as necessary

189.18 to fulfill the purposes of this chapter, including oral or written communication. Sections

189.19 546.42 to 546.44 apply, to the extent consistent with this section.

189.20 (b) The commission or the board may not discriminate against an applicant or victim

189.21 who requests or receives interpretation services.

189.22 Subd. 3. **Victim services.** The commission and the board must provide or contract for

189.23 victim support services as necessary to support victims under this chapter.

189.24 **Sec. 18. [638.22] LEGISLATIVE REPORT.**

189.25 Beginning February 15, 2025, and every February 15 thereafter, the commission must

189.26 submit a written report to the chairs and ranking minority members of the house of

189.27 representatives and senate committees with jurisdiction over public safety, corrections, and

189.28 judiciary that contains at least the following information:

189.29 (1) the number of clemency applications received by the commission during the preceding

189.30 calendar year;

190.1 (2) the number of favorable and adverse recommendations made by the commission for
190.2 each type of clemency;

190.3 (3) the number of applications granted and denied by the board for each type of clemency;

190.4 (4) the crimes for which the applications were granted by the board, the year of each
190.5 conviction, and the individual's age at the time of the crime; and

190.6 (5) summary data voluntarily reported by applicants, including but not limited to
190.7 demographic information on race, ethnicity, gender, disability status, and age, of applicants
190.8 recommended or not recommended for clemency by the commission.

190.9 Sec. 19. **[638.23] RULEMAKING.**

190.10 (a) The board and commission may jointly adopt rules, including amending Minnesota
190.11 Rules, chapter 6600, to:

190.12 (1) enforce their powers and duties under this chapter and ensure the efficient processing
190.13 of applications; and

190.14 (2) establish a process for expedited review of applications requesting clemency for a
190.15 nonviolent crime.

190.16 (b) A rule adopted under paragraph (a), clause (2), must specify the types of nonviolent
190.17 crimes eligible for expedited review and the level of support needed from the sentencing
190.18 judge or successor, the prosecuting attorney or successor, and any victims of the crime for
190.19 the board to consider the application under the expedited review process.

190.20 (c) The time limit to adopt rules under section 14.125 does not apply.

190.21 Sec. 20. **TRANSITION PERIOD.**

190.22 Subdivision 1. **Definition.** For purposes of this section, "transition period" means the
190.23 period after the effective date of this section through June 30, 2024.

190.24 Subd. 2. **Governing provisions.** A pardon, commutation, or reprieve granted during the
190.25 transition period is governed according to Minnesota Statutes 2022, sections 638.02,
190.26 subdivisions 2 to 5, and 638.03 to 638.08.

190.27 Subd. 3. **Department administrative assistance.** Beginning August 1, 2023, through
190.28 February 29, 2024, the Department of Corrections must provide the Clemency Review
190.29 Commission with administrative assistance, technical assistance, office space, and other
190.30 assistance necessary for the commission to carry out its duties under sections 4 to 20.

191.1 Subd. 4. **Granting clemency applications.** (a) The Board of Pardons may grant pardons,
191.2 commutations, and reprieves on applications received during the transition period.

191.3 (b) A pardon, commutation, or reprieve that is granted during the transition period has
191.4 no force or effect if the governor or a board majority duly convened opposes the clemency.

191.5 Subd. 5. **Clemency applications; commission review.** Beginning July 1, 2024, the
191.6 Clemency Review Commission must begin reviewing applications for pardons,
191.7 commutations, and reprieves in accordance with Minnesota Statutes, chapter 638.

191.8 Subd. 6. **Application forms.** By July 1, 2024, the commission must develop application
191.9 forms in consultation with the board.

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

191.11 Sec. 21. **REPEALER.**

191.12 Minnesota Statutes 2022, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
191.13 638.075; and 638.08, are repealed.

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

191.15 Sec. 22. **EFFECTIVE DATE.**

191.16 Sections 1, 2, and 6 to 19 are effective July 1, 2024.

191.17 **ARTICLE 9**

191.18 **EVIDENCE GATHERING AND REPORTING**

191.19 Section 1. Minnesota Statutes 2022, section 13A.02, subdivision 1, is amended to read:

191.20 Subdivision 1. **Access by government.** Except as authorized by this chapter, no
191.21 government authority may have access to, or obtain copies of, or the information contained
191.22 in, the financial records of any customer from a financial institution unless the financial
191.23 records are reasonably described and:

191.24 (1) the customer has authorized the disclosure;

191.25 (2) the financial records are disclosed in response to a search warrant;

191.26 (3) the financial records are disclosed in response to a judicial or administrative subpoena;

191.27 (4) the financial records are disclosed to law enforcement, a lead investigative agency
191.28 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating

192.1 financial exploitation of a vulnerable adult in response to a judicial subpoena or
192.2 administrative subpoena under section 388.23; or

192.3 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
192.4 statute or rule.

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

192.6 Sec. 2. Minnesota Statutes 2022, section 13A.02, subdivision 2, is amended to read:

192.7 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of
192.8 a financial institution, may provide to any government authority access to, or copies of, or
192.9 the information contained in, the financial records of any customer except in accordance
192.10 with the provisions of this chapter.

192.11 Nothing in this chapter shall require a financial institution to inquire or determine that
192.12 those seeking disclosure have duly complied with the requirements of this chapter, provided
192.13 only that the customer authorization, search warrant, subpoena, or written certification
192.14 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
192.15 or rule, served on or delivered to a financial institution shows compliance on its face.

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

192.17 Sec. 3. Minnesota Statutes 2022, section 609.527, subdivision 1, is amended to read:

192.18 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
192.19 meanings given them in this subdivision.

192.20 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
192.21 (b), whose identity has been transferred, used, or possessed in violation of this section.

192.22 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
192.23 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
192.24 address, email address, postal address, telephone number, or any other identifying information
192.25 of a for-profit or not-for-profit business or organization or of a government agency, to which
192.26 the user has no legitimate claim of right.

192.27 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

192.28 (e) "Identity" means any name, number, or data transmission that may be used, alone or
192.29 in conjunction with any other information, to identify a specific individual or entity, including
192.30 any of the following:

193.1 (1) a name, Social Security number, date of birth, official government-issued driver's
 193.2 license or identification number, government passport number, or employer or taxpayer
 193.3 identification number;

193.4 (2) unique electronic identification number, address, account number, or routing code;
 193.5 or

193.6 (3) telecommunication identification information or access device.

193.7 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
 193.8 paragraph (b), other than a direct victim.

193.9 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
 193.10 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
 193.11 section.

193.12 ~~(g)~~ (h) "Unlawful activity" means:

193.13 (1) any felony violation of the laws of this state or any felony violation of a similar law
 193.14 of another state or the United States; and

193.15 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
 193.16 forgery, fraud, or giving false information to a public official, or any nonfelony violation
 193.17 of a similar law of another state or the United States.

193.18 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
 193.19 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
 193.20 information encoded on a computer chip or magnetic strip or stripe of a payment card,
 193.21 driver's license, or state-issued identification card.

193.22 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
 193.23 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
 193.24 identification card, onto the computer chip or magnetic strip or stripe of a different payment
 193.25 card, driver's license, or state-issued identification card, or any electronic medium that
 193.26 allows an authorized transaction to occur.

193.27 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
 193.28 that:

193.29 (1) is issued to an authorized card user; and

193.30 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
 193.31 anything of value.

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

194.1 Sec. 4. Minnesota Statutes 2022, section 609.527, is amended by adding a subdivision to
194.2 read:

194.3 Subd. 8. Release of limited account information to law enforcement authorities. (a)
194.4 A financial institution may release the information described in paragraph (b) to a law
194.5 enforcement or prosecuting authority that certifies in writing that it is investigating or
194.6 prosecuting a crime of identity theft under this section. The certification must describe with
194.7 reasonable specificity the nature of the suspected identity theft that is being investigated or
194.8 prosecuted, including the dates of the suspected criminal activity.

194.9 (b) This subdivision applies to requests for the following information relating to a
194.10 potential victim's account:

194.11 (1) the name of the account holder or holders; and

194.12 (2) the last known home address and telephone numbers of the account holder or holders.

194.13 (c) A financial institution may release the information requested under this subdivision
194.14 that it possesses within a reasonable time after the request. The financial institution may
194.15 not impose a fee for furnishing the information.

194.16 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
194.17 information in accordance with this subdivision.

194.18 (e) Release of limited account information to a law enforcement agency under this
194.19 subdivision is criminal investigative data under section 13.82, subdivision 7, except that
194.20 when the investigation becomes inactive the account information remains confidential data
194.21 on individuals or protected nonpublic data.

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

194.23 Sec. 5. Minnesota Statutes 2022, section 626.14, subdivision 2, is amended to read:

194.24 Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means
194.25 a search warrant authorizing peace officers to enter certain premises without first ~~knocking~~
194.26 ~~and~~ loudly and understandably announcing the officer's presence or purpose and waiting
194.27 an objectively reasonable amount of time thereafter for the occupant to comply, based on
194.28 a totality of the circumstances, prior to entering the premises. ~~No-knock search warrants~~
194.29 ~~may also be referred to as dynamic entry warrants.~~

195.1 Sec. 6. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to
195.2 read:

195.3 Subd. 2a. No-knock search warrants. A court may not issue or approve a no-knock
195.4 search warrant unless the judge determines that the applicant has articulated specific,
195.5 objective facts that establish probable cause for belief that:

195.6 (1) the search cannot be executed while the premises is unoccupied; and

195.7 (2) the occupant or occupants in the premises present an imminent threat of death or
195.8 great bodily harm to the officers executing the warrant or other persons.

195.9 Sec. 7. Minnesota Statutes 2022, section 626.14, subdivision 3, is amended to read:

195.10 Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall
195.11 seek a no-knock search warrant unless the warrant application includes at a minimum:

195.12 (1) all documentation and materials the issuing court requires;

195.13 (2) the information specified in paragraph (b); and

195.14 (3) a sworn affidavit as provided in section 626.08.

195.15 (b) Each warrant application seeking a no-knock entry must include, in detailed terms,
195.16 the following:

195.17 (1) why peace officers are seeking the use of a no-knock entry and are unable to detain
195.18 the suspect or search the ~~residence~~ premises safely through the use of a knock and announce
195.19 warrant;

195.20 (2) what investigative activities have taken place to support issuance of the no-knock
195.21 search warrant, or why no investigative activity is needed or able to be performed; ~~and~~

195.22 (3) the known or suspected occupant or occupants of the premises, including the number
195.23 of occupants under age 18; and

195.24 ~~(3)~~ (4) whether the warrant can be effectively executed during daylight hours according
195.25 to subdivision 1.

195.26 (c) The chief law enforcement officer or designee and another superior officer must
195.27 review and approve each warrant application. The agency must document the approval of
195.28 both reviewing parties.

195.29 (d) A no-knock search warrant shall not be issued when the only crime alleged is
195.30 possession of a controlled substance unless there is probable cause to believe that the
195.31 controlled substance is for other than personal use.

196.1 Sec. 8. Minnesota Statutes 2022, section 626.15, is amended to read:

196.2 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**

196.3 (a) Except as provided in ~~paragraph~~ paragraphs (b) and (c), a search warrant must be
 196.4 executed and returned to the court which issued it within ten days after its date. After the
 196.5 expiration of this time, the warrant is void unless previously executed.

196.6 (b) A search warrant on a financial institution for financial records is valid for 30 days.

196.7 (c) A district court judge may grant an extension of a warrant on a financial institution
 196.8 for financial records upon an application under oath stating that the financial institution has
 196.9 not produced the requested financial records within ~~ten days~~ the 30-day period and that an
 196.10 extension is necessary to achieve the purposes for which the search warrant was granted.
 196.11 Each extension may not exceed 30 days.

196.12 (d) For the purposes of this ~~paragraph~~ section, "financial institution" has the meaning
 196.13 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
 196.14 section 13A.01, subdivision 3.

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

196.16 Sec. 9. Minnesota Statutes 2022, section 626.21, is amended to read:

196.17 **626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.**

196.18 (a) A person aggrieved by an unlawful search and seizure may move the district court
 196.19 for the district in which the property was seized or the district court having jurisdiction of
 196.20 the substantive offense for the return of the property and to suppress the use, as evidence,
 196.21 of anything so obtained on the ground that:

196.22 (1) the property was illegally seized,~~or;~~

196.23 (2) the property was illegally seized without warrant,~~or;~~

196.24 (3) the warrant is insufficient on its face,~~or;~~

196.25 (4) the property seized is not that described in the warrant,~~or;~~

196.26 (5) there was not probable cause for believing the existence of the grounds on which the
 196.27 warrant was issued,~~or;~~

196.28 (6) the warrant was illegally executed,~~or;~~

196.29 (7) the warrant was improvidently issued; or

196.30 (8) the warrant was executed or served in violation of section 626.14.

197.1 (b) The judge shall receive evidence on any issue of fact necessary to the decision of
197.2 the motion. If the motion is granted the property shall be restored unless otherwise subject
197.3 to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The
197.4 motion to suppress evidence may also be made in the district where the trial is to be had.
197.5 The motion shall be made before trial or hearing unless opportunity therefor did not exist
197.6 or the defendant was not aware of the grounds for the motion, but the court in its discretion
197.7 may entertain the motion at the trial or hearing.

197.8 Sec. 10. [626.5535] CARJACKING; REPORTING REQUIRED.

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

197.11 Subd. 2. Use of information collected. (a) The head of a local law enforcement agency
197.12 or state law enforcement department that employs peace officers, as defined in section
197.13 626.84, subdivision 1, paragraph (c), must forward the following carjacking information
197.14 from the agency's or department's jurisdiction for the previous year to the commissioner of
197.15 public safety by January 15 each year:

197.16 (1) the number of carjacking attempts;

197.17 (2) the number of carjackings;

197.18 (3) the ages of the offenders;

197.19 (4) the number of persons injured in each offense;

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

197.21 (6) weapons used in each offense, if any.

197.22 (b) The commissioner of public safety must include the data received under paragraph

197.23 (a) in a separate carjacking category in the department's annual uniform crime report.

197.24 Sec. 11. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision
197.25 to read:

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

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

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

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

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

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

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

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

198.17 **ARTICLE 10**

198.18 **POLICING AND PRIVATE SECURITY**

198.19 Section 1. Minnesota Statutes 2022, section 13.825, subdivision 2, is amended to read:

198.20 Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a
198.21 portable recording system are private data on individuals or nonpublic data, subject to the
198.22 following:

198.23 (1) data that record, describe, or otherwise document actions and circumstances
198.24 surrounding either the discharge of a firearm by a peace officer in the course of duty, if a
198.25 notice is required under section 626.553, subdivision 2, or the use of force by a peace officer
198.26 that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are
198.27 public;

198.28 (2) data are public if a subject of the data requests it be made accessible to the public,
198.29 except that, if practicable, (i) data on a subject who is not a peace officer and who does not
198.30 consent to the release must be redacted, and (ii) data on a peace officer whose identity is
198.31 protected under section 13.82, subdivision 17, clause (a), must be redacted;

199.1 (3) subject to paragraphs (b) to (d), portable recording system data that are active criminal
199.2 investigative data are governed by section 13.82, subdivision 7, and portable recording
199.3 system data that are inactive criminal investigative data are governed by this section;

199.4 (4) portable recording system data that are public personnel data under section 13.43,
199.5 subdivision 2, clause (5), are public; and

199.6 (5) data that are not public data under other provisions of this chapter retain that
199.7 classification.

199.8 (b) Notwithstanding section 13.82, subdivision 7, when an individual dies as a result of
199.9 a use of force by a peace officer, an involved officer's law enforcement agency must allow
199.10 the following individuals, upon their request, to inspect all portable recording system data,
199.11 redacted no more than what is required by law, documenting the incident within five days
199.12 of the request, subject to paragraphs (c) and (d):

199.13 (1) the deceased individual's next of kin;

199.14 (2) the legal representative of the deceased individual's next of kin; and

199.15 (3) the other parent of the deceased individual's child.

199.16 (c) A law enforcement agency may deny a request to inspect portable recording system
199.17 data under paragraph (b) if the agency determines that there is a compelling reason that
199.18 inspection would interfere with an active investigation. If the agency denies access under
199.19 this paragraph, the chief law enforcement officer must provide a prompt, written denial to
199.20 the individual in paragraph (b) who requested the data with a short description of the
199.21 compelling reason access was denied and must provide notice that relief may be sought
199.22 from the district court pursuant to section 13.82, subdivision 7.

199.23 (d) When an individual dies as a result of a use of force by a peace officer, an involved
199.24 officer's law enforcement agency shall release all portable recording system data, redacted
199.25 no more than what is required by law, documenting the incident no later than 14 days after
199.26 the incident, unless the chief law enforcement officer asserts in writing that the public
199.27 classification would interfere with an ongoing investigation, in which case the data remain
199.28 classified by section 13.82, subdivision 7.

199.29 ~~(b)~~ (e) A law enforcement agency may redact or withhold access to portions of data that
199.30 are public under this subdivision if those portions of data are clearly offensive to common
199.31 sensibilities.

199.32 ~~(e)~~ (f) Section 13.04, subdivision 2, does not apply to collection of data classified by
199.33 this subdivision.

200.1 ~~(d)~~ (g) Any person may bring an action in the district court located in the county where
200.2 portable recording system data are being maintained to authorize disclosure of data that are
200.3 private or nonpublic under this section or to challenge a determination under paragraph (b)
200.4 to redact or withhold access to portions of data because the data are clearly offensive to
200.5 common sensibilities. The person bringing the action must give notice of the action to the
200.6 law enforcement agency and subjects of the data, if known. The law enforcement agency
200.7 must give notice to other subjects of the data, if known, who did not receive the notice from
200.8 the person bringing the action. The court may order that all or part of the data be released
200.9 to the public or to the person bringing the action. In making this determination, the court
200.10 shall consider whether the benefit to the person bringing the action or to the public outweighs
200.11 any harm to the public, to the law enforcement agency, or to a subject of the data and, if
200.12 the action is challenging a determination under paragraph (b), whether the data are clearly
200.13 offensive to common sensibilities. The data in dispute must be examined by the court in
200.14 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to
200.15 obtain access to portable recording system data under the Rules of Criminal Procedure.

200.16 Sec. 2. Minnesota Statutes 2022, section 13.825, subdivision 3, is amended to read:

200.17 Subd. 3. **Retention of data.** (a) Portable recording system data that are not active or
200.18 inactive criminal investigative data and are not described in paragraph (b) or (c) must be
200.19 maintained for at least 90 days and destroyed according to the agency's records retention
200.20 schedule approved pursuant to section 138.17.

200.21 (b) Portable recording system data must be maintained for at least one year and destroyed
200.22 according to the agency's records retention schedule approved pursuant to section 138.17
200.23 if:

200.24 (1) the data document (i) the discharge of a firearm by a peace officer in the course of
200.25 duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by
200.26 a peace officer that results in substantial bodily harm; or

200.27 (2) a formal complaint is made against a peace officer related to the incident.

200.28 (c) Portable recording system data that document a peace officer's use of deadly force
200.29 must be maintained indefinitely.

200.30 (d) If a subject of the data submits a written request to the law enforcement agency to
200.31 retain the recording beyond the applicable retention period for possible evidentiary or
200.32 exculpatory use related to the circumstances under which the data were collected, the law
200.33 enforcement agency shall retain the recording for an additional time period requested by

201.1 the subject of up to 180 days and notify the requester that the recording will then be destroyed
 201.2 unless a new request is made under this paragraph.

201.3 ~~(d)~~ (e) Notwithstanding paragraph (b) ~~or~~, (c), or (d), a government entity may retain a
 201.4 recording for as long as reasonably necessary for possible evidentiary or exculpatory use
 201.5 related to the incident with respect to which the data were collected.

201.6 Sec. 3. Minnesota Statutes 2022, section 214.10, subdivision 10, is amended to read:

201.7 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**
 201.8 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the
 201.9 executive director or any member of the Board of Peace Officer Standards and Training
 201.10 produces or receives a written statement or complaint that alleges a violation of a statute or
 201.11 rule that the board is empowered to enforce, the executive director shall designate the
 201.12 appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to
 201.13 conduct an inquiry into the complaint's allegations. The investigating agency must complete
 201.14 the inquiry and submit a written summary of it to the executive director within 30 days of
 201.15 the order for inquiry.

201.16 Sec. 4. Minnesota Statutes 2022, section 326.3311, is amended to read:

201.17 **326.3311 POWERS AND DUTIES.**

201.18 The board has the following powers and duties:

201.19 (1) to receive and review all applications for private detective and protective agent
 201.20 licenses;

201.21 (2) to approve applications for private detective and protective agent licenses and issue,
 201.22 or reissue licenses as provided in sections 326.32 to 326.339;

201.23 (3) to deny applications for private detective and protective agent licenses if the applicants
 201.24 do not meet the requirements of sections 326.32 to 326.339; upon denial of a license
 201.25 application, the board shall notify the applicant of the denial and the facts and circumstances
 201.26 that constitute the denial; the board shall advise the applicant of the right to a contested case
 201.27 hearing under chapter 14;

201.28 (4) to enforce all laws and rules governing private detectives and protective agents; ~~and~~

201.29 (5) to suspend or revoke the license of a license holder or impose a civil penalty on a
 201.30 license holder for violations of any provision of sections 326.32 to 326.339 or the rules of
 201.31 the board.;

202.1 (6) to investigate and refer for prosecution all criminal violations by individuals and
202.2 entities; and

202.3 (7) to investigate and refer for prosecution any individuals and entities operating as
202.4 private detectives or protective agents without a license.

202.5 Sec. 5. Minnesota Statutes 2022, section 326.336, subdivision 2, is amended to read:

202.6 Subd. 2. **Identification card.** An identification card must be issued by the license holder
202.7 to each employee. The card must be in the possession of the employee to whom it is issued
202.8 at all times. The identification card must contain the license holder's name, logo (if any),
202.9 address or Minnesota office address, and the employee's photograph and physical description.
202.10 The card must be signed by the employee and by the license holder, qualified representative,
202.11 or Minnesota office manager. The card must be presented upon request.

202.12 Sec. 6. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

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

202.14 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of
202.15 employment, or evidence that the employee has successfully completed equivalent training
202.16 before the start of employment. Notwithstanding any statute or rule to the contrary, this
202.17 clause is satisfied if the employee provides a prospective employer with a certificate or a
202.18 copy of a certificate demonstrating that the employee successfully completed this training
202.19 prior to employment with a different Minnesota licensee and completed this training within
202.20 three previous calendar years, or successfully completed this training with a Minnesota
202.21 licensee while previously employed with a Minnesota licensee. The certificate or a copy of
202.22 the certificate is the property of the employee who completed the training, regardless of
202.23 who paid for the training or how training was provided. Upon a current or former employee's
202.24 request, a current or former licensed employer must provide a copy of a certificate
202.25 demonstrating the employee's successful completion of training to the current or former
202.26 employee. The current or former licensed employer must not charge the employee a fee for
202.27 a copy of the certificate. The employee who completed the training is entitled to access a
202.28 copy of the certificate at no charge according to sections 181.960 to 181.966. A current or
202.29 former employer must comply with sections 181.960 to 181.966;

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

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

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

203.7 Sec. 7. Minnesota Statutes 2022, section 326.3387, subdivision 1, is amended to read:

203.8 Subdivision 1. **Basis for action.** The board may revoke or suspend or refuse to issue or
 203.9 reissue a private detective or protective agent license if:

203.10 (1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted
 203.11 under those sections;

203.12 (2) the license holder has engaged in fraud, deceit, or misrepresentation while in the
 203.13 business of private detective or protective agent;

203.14 (3) the license holder has made a false statement in an application submitted to the board
 203.15 or in a document required to be submitted to the board; ~~or~~

203.16 (4) the license holder violates an order of the board; or

203.17 (5) the individual or entity previously operated without a license.

203.18 Sec. 8. Minnesota Statutes 2022, section 609.066, subdivision 2, is amended to read:

203.19 Subd. 2. **Use of deadly force.** (a) Notwithstanding the provisions of section 609.06 or
 203.20 609.065, the use of deadly force by a peace officer in the line of duty is justified only if an
 203.21 objectively reasonable officer would believe, based on the totality of the circumstances
 203.22 known to the officer at the time and without the benefit of hindsight, that such force is
 203.23 necessary:

203.24 (1) to protect the peace officer or another from death or great bodily harm, provided that
 203.25 the threat:

203.26 (i) can be articulated with specificity ~~by the law enforcement officer;~~

203.27 (ii) is reasonably likely to occur absent action by the law enforcement officer; and

203.28 (iii) must be addressed through the use of deadly force without unreasonable delay; or

203.29 (2) to effect the arrest or capture, or prevent the escape, of a person whom the peace
 203.30 officer knows or has reasonable grounds to believe has committed or attempted to commit

204.1 a felony and the officer reasonably believes that the person will cause death or great bodily
 204.2 harm to another person under the threat criteria in clause (1), items (i) to (iii), unless
 204.3 immediately apprehended.

204.4 (b) A peace officer shall not use deadly force against a person based on the danger the
 204.5 person poses to self if an objectively reasonable officer would believe, based on the totality
 204.6 of the circumstances known to the officer at the time and without the benefit of hindsight,
 204.7 that the person does not pose a threat of death or great bodily harm to the peace officer or
 204.8 to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii).

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

204.10 Sec. 9. Minnesota Statutes 2022, section 626.5531, subdivision 1, is amended to read:

204.11 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
 204.12 department every violation of chapter 609 or a local criminal ordinance if the officer has
 204.13 reason to believe, or if the victim alleges, that the ~~offender was motivated to commit the~~
 204.14 act by was committed in whole or in substantial part because of the victim's actual or
 204.15 perceived race, color, ethnicity, religion, ~~national origin~~, sex, gender, sexual orientation,
 204.16 gender identity, gender expression, age, national origin, or disability as defined in section
 204.17 363A.03, or ~~characteristics identified as sexual orientation~~ because of the victim's actual or
 204.18 perceived association with another person or group of a certain actual or perceived race,
 204.19 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 204.20 age, national origin, or disability as defined in section 363A.03. The superintendent of the
 204.21 Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement
 204.22 agencies in making the reports required under this section. The reports must include for
 204.23 each incident all of the following:

204.24 (1) the date of the offense;

204.25 (2) the location of the offense;

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

204.27 (4) the crime committed;

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

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

204.31 (7) the disposition of the case;

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

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

205.5 Sec. 10. Minnesota Statutes 2022, section 626.843, is amended by adding a subdivision
205.6 to read:

205.7 Subd. 1c. **Rules governing certain misconduct.** No later than January 1, 2024, the
205.8 board must adopt rules under chapter 14 that permit the board to take disciplinary action
205.9 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,
205.10 whether or not criminal charges have been filed and in accordance with the evidentiary
205.11 standards and civil processes for boards under chapter 214.

205.12 Sec. 11. Minnesota Statutes 2022, section 626.8432, subdivision 1, is amended to read:

205.13 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may
205.14 refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure,
205.15 or revoke a peace officer or part-time peace officer license for any of the following causes:

205.16 (1) fraud or misrepresentation in obtaining a license;

205.17 (2) failure to meet licensure requirements; ~~or~~

205.18 (3) a violation of section 626.8436, subdivision 1; or

205.19 (4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

205.20 (b) Unless otherwise provided by the board, a revocation or suspension applies to each
205.21 license, renewal, or reinstatement privilege held by the individual at the time final action
205.22 is taken by the board. A person whose license or renewal privilege has been suspended or
205.23 revoked shall be ineligible to be issued any other license by the board during the pendency
205.24 of the suspension or revocation.

205.25 Sec. 12. [626.8436] HATE OR EXTREMIST GROUPS.

205.26 Subdivision 1. **Prohibition.** (a) A peace officer may not join, support, advocate for,
205.27 maintain membership, or participate in the activities of:

205.28 (1) a hate or extremist group; or

205.29 (2) a criminal gang as defined in section 609.229, subdivision 1.

206.1 (b) This section does not apply when the conduct is sanctioned by the law enforcement
206.2 agency as part of the officer's official duties.

206.3 Subd. 2. Definitions. (a) "Hate or extremist group" means a group that, as demonstrated
206.4 by its official statements or principles, the statements of its leaders or members, or its
206.5 activities:

206.6 (1) promotes the use of threats, force, violence, or criminal activity:

206.7 (i) against a local, state, or federal entity, or the officials of such an entity;

206.8 (ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota
206.9 or United States Constitution; or

206.10 (iii) to achieve goals that are political, religious, discriminatory, or ideological in nature;

206.11 (2) promotes seditious activities; or

206.12 (3) advocates for differences in the right to vote, speak, assemble, travel, or maintain
206.13 citizenship based on a person's perceived race, color, creed, religion, national origin,
206.14 disability, sex, sexual orientation, gender identity, public assistance status, or any protected
206.15 class as defined in Minnesota Statutes or federal law.

206.16 (b) For the purposes of this section, advocacy, membership, or participation in a hate or
206.17 extremist group or criminal gang is demonstrated by:

206.18 (1) dissemination of material that promotes:

206.19 (i) the use of threats, force, violence, or criminal activity;

206.20 (ii) seditious activities; or

206.21 (iii) the objectives described in paragraph (a), clause (3);

206.22 (2) engagement in cyber or social media posts, chats, forums, and other forms of
206.23 promotion of the group's activities;

206.24 (3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated
206.25 with the group;

206.26 (4) direct financial or in-kind contributions to the group;

206.27 (5) a physical or cyber presence in the group's events; or

206.28 (6) other conduct that could reasonably be considered support, advocacy, or participation
206.29 in the group's activities.

207.1 Sec. 13. Minnesota Statutes 2022, section 626.8451, subdivision 1, is amended to read:

207.2 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must ~~prepare~~
 207.3 a ~~approve~~ a list of training ~~course~~ courses to assist peace officers in identifying and,
 207.4 responding to, and ~~reporting~~ crimes ~~motivated by~~ committed in whole or in substantial part
 207.5 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
 207.6 national origin, sex, gender, sexual orientation, gender identity, gender expression, age,
 207.7 national origin, or disability as defined in section 363A.03, or ~~characteristics identified as~~
 207.8 sexual orientation because of the victim's actual or perceived association with another person
 207.9 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
 207.10 orientation, gender identity, gender expression, age, national origin, or disability as defined
 207.11 in section 363A.03. The course must include material to help officers distinguish bias crimes
 207.12 from other crimes, to help officers in understanding and assisting victims of these crimes,
 207.13 and to ensure that bias crimes will be accurately reported as required under section 626.5531.
 207.14 The ~~course must be updated periodically~~ board must review the approved courses every
 207.15 three years and update the list of approved courses as the board, in consultation with
 207.16 communities most targeted by hate crimes because of their characteristics as described
 207.17 above, organizations with expertise in providing training on hate crimes, and the statewide
 207.18 coalition of organizations representing communities impacted by hate crimes , considers
 207.19 appropriate.

207.20 (b) In updating the list of approved training courses described in paragraph (a), the board
 207.21 must consult and significantly incorporate input from communities most targeted by hate
 207.22 crimes because of their characteristics as described in paragraph (a), organizations with
 207.23 expertise in providing training on hate crimes, and the statewide coalition of organizations
 207.24 representing communities impacted by hate crimes.

207.25 Sec. 14. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision
 207.26 to read:

207.27 Subd. 1b. **Prohibition against retaliation; employers.** (a) A law enforcement agency
 207.28 shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize
 207.29 a peace officer regarding the officer's compensation, terms, conditions, location, or privileges
 207.30 of employment because the officer interceded or made a report in compliance with section
 207.31 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace
 207.32 officer who used excessive force.

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

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

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

208.7 Sec. 15. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision
208.8 to read:

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

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

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

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

208.22 Sec. 16. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
208.23 to read:

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

208.28 (b) Upon written request from the board that a matter alleging misconduct within its
208.29 regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement
208.30 officer, city, county, or public official shall provide the board with all requested public and
208.31 private data about the alleged misconduct involving the licensed peace officer, including
208.32 any pending or final disciplinary or arbitration proceeding, any settlement or compromise,

209.1 and any investigative files including but not limited to body worn camera or other audio or
209.2 video files. Confidential data must only be disclosed when the board specifies that the
209.3 particular identified data is necessary to fulfill its investigatory obligation concerning an
209.4 allegation of misconduct within its regulatory authority.

209.5 (c) If a licensed peace officer is discharged or resigns from employment after engaging
209.6 in any conduct that initiates and results in an investigation of alleged misconduct within the
209.7 board's regulatory authority, regardless of whether the licensee was criminally charged or
209.8 an administrative or internal affairs investigation was commenced or completed, a chief
209.9 law enforcement officer must report the conduct to the board and provide the board with
209.10 all public and not public data requested under paragraph (b). If the conduct involves the
209.11 chief law enforcement officer, the overseeing city, county, or public official must report
209.12 the conduct to the board and provide the board with all public and not public data requested
209.13 under paragraph (b).

209.14 (d) Data obtained by the board shall be classified and governed as articulated in sections
209.15 13.03, subdivision 4, and 13.09, as applicable.

209.16 (e) A chief law enforcement officer, or city, county, or public official is not required to
209.17 comply with this subdivision when:

209.18 (1) there is an active criminal investigation or active criminal proceeding regarding the
209.19 same incident or misconduct that is being investigated by the board; or

209.20 (2) an active internal investigation exists regarding the same incident or misconduct that
209.21 is being investigated by the board during 45 days from the time the request was made by
209.22 the board. The chief law enforcement officer, or city, county, or public official must comply
209.23 with this subdivision upon completion of the internal investigation or once 45 days has
209.24 passed, whichever occurs first.

209.25 Sec. 17. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision
209.26 to read:

209.27 Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or
209.28 public official and employees of the law enforcement agency are immune from civil or
209.29 criminal liability, including any liability under chapter 13, for reporting or releasing public
209.30 or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement
209.31 officer, city, county, or public official or employees of the law enforcement agency presented
209.32 false information to the board with the intention of causing reputational harm to the peace
209.33 officer.

210.1 Sec. 18. Minnesota Statutes 2022, section 626.8469, subdivision 1, is amended to read:

210.2 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
210.3 enforcement officer of every state and local law enforcement agency shall provide in-service
210.4 training in crisis intervention and mental illness crises; conflict management and mediation;
210.5 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
210.6 bias training; and training to assist peace officers in identifying, responding to, and reporting
210.7 incidents committed in whole or in substantial part because of the victim's actual or perceived
210.8 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
210.9 expression, age, national origin, or disability as defined in section 363A.03, or because of
210.10 the victim's actual or perceived association with another person or group of a certain actual
210.11 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
210.12 gender expression, age, national origin, or disability as defined in section 363A.03, to every
210.13 peace officer and part-time peace officer employed by the agency. The training shall comply
210.14 with learning objectives developed and approved by the board and shall meet board
210.15 requirements for board-approved continuing education credit. Every three years the board
210.16 shall review the learning objectives and must consult and collaborate with communities
210.17 most targeted by hate crimes because of their characteristics as described above, organizations
210.18 with expertise in providing training on hate crimes, and the statewide coalition of
210.19 organizations representing communities impacted by hate crimes in identifying appropriate
210.20 objectives and training courses related to identifying, responding to, and reporting incidents
210.21 committed in whole or in substantial part because of the victim's or another's actual or
210.22 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
210.23 gender expression, age, national origin, or disability as defined in section 363A.03, or
210.24 because of the victim's actual or perceived association with another person or group of a
210.25 certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
210.26 gender identity, gender expression, age, national origin, or disability as defined in section
210.27 363A.03. The training shall consist of at least 16 continuing education credits within an
210.28 officer's three-year licensing cycle. Each peace officer with a license renewal date after June
210.29 30, 2018, is not required to complete this training until the officer's next full three-year
210.30 licensing cycle.

210.31 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
210.32 by an approved entity. The board shall create a list of approved entities and training courses
210.33 and make the list available to the chief law enforcement officer of every state and local law
210.34 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
210.35 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,

211.1 is not required to receive this training by an approved entity until the officer's next full
211.2 three-year licensing cycle.

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

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

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

211.9 Sec. 19. Minnesota Statutes 2022, section 626.8473, subdivision 3, is amended to read:

211.10 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
211.11 and local law enforcement agency that uses or proposes to use a portable recording system
211.12 must establish and enforce a written policy governing its use. In developing and adopting
211.13 the policy, the law enforcement agency must provide for public comment and input as
211.14 provided in subdivision 2. Use of a portable recording system without adoption of a written
211.15 policy meeting the requirements of this section is prohibited. The written policy must be
211.16 posted on the agency's website, if the agency has a website.

211.17 (b) At a minimum, the written policy must incorporate and require compliance with the
211.18 following:

211.19 (1) the requirements of section 13.825 and other data classifications, access procedures,
211.20 retention policies, and data security safeguards that, at a minimum, meet the requirements
211.21 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
211.22 destroying any recording made with a peace officer's portable recording system or data and
211.23 metadata related to the recording prior to the expiration of the applicable retention period
211.24 under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording
211.25 of a peace officer using deadly force must be maintained indefinitely;

211.26 (2) mandate that a portable recording system be worn at or above the mid-line of the
211.27 waist in a position that maximizes the recording system's capacity to record video footage
211.28 of the officer's activities;

211.29 (3) mandate that officers assigned a portable recording system wear and operate the
211.30 system in compliance with the agency's policy adopted under this section while performing
211.31 law enforcement activities under the command and control of another chief law enforcement
211.32 officer or federal law enforcement official;

212.1 (4) mandate that, notwithstanding any law to the contrary, when an individual dies as a
 212.2 result of a use of force by a peace officer, an involved officer's law enforcement agency
 212.3 must allow the following individuals, upon their request, to inspect all portable recording
 212.4 system data, redacted no more than what is required by law, documenting the incident within
 212.5 five days of the request, except as otherwise provided in this clause and clause (5):

212.6 (i) the deceased individual's next of kin;

212.7 (ii) the legal representative of the deceased individual's next of kin; and

212.8 (iii) the other parent of the deceased individual's child.

212.9 A law enforcement agency may deny a request if the agency determines that there is a
 212.10 compelling reason that inspection would interfere with an active investigation. If the agency
 212.11 denies access, the chief law enforcement officer must provide a prompt, written denial to
 212.12 the individual who requested the data with a short description of the compelling reason
 212.13 access was denied and must provide notice that relief may be sought from the district court
 212.14 pursuant to section 13.82, subdivision 7;

212.15 (5) mandate that, when an individual dies as a result of a use of force by a peace officer,
 212.16 an involved officer's law enforcement agency shall release all portable recording system
 212.17 data, redacted no more than what is required by law, documenting the incident no later than
 212.18 14 days after the incident, unless the chief law enforcement officer asserts in writing that
 212.19 the public classification would interfere with an ongoing investigation, in which case the
 212.20 data remain classified by section 13.82, subdivision 7;

212.21 (6) procedures for testing the portable recording system to ensure adequate functioning;

212.22 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements
 212.23 for documentation by the officer using the system at the time of a malfunction or failure;

212.24 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion
 212.25 of the officer using the system;

212.26 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

212.27 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,
 212.28 response, or incident is ongoing;

212.29 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the
 212.30 creation of backup copies of the data; and

213.1 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which
 213.2 must include, at a minimum, supervisory or internal audits and reviews, and the employee
 213.3 discipline standards for unauthorized access to data contained in section 13.09.

213.4 (c) The board has authority to inspect state and local law enforcement agency policies
 213.5 to ensure compliance with this section. The board may conduct this inspection based upon
 213.6 a complaint it receives about a particular agency or through a random selection process.
 213.7 The board may impose licensing sanctions and seek injunctive relief under section 214.11
 213.8 for an agency's or licensee's failure to comply with this section.

213.9 Sec. 20. **[626.8516] INTENSIVE COMPREHENSIVE PEACE OFFICER**
 213.10 **EDUCATION TRAINING PROGRAM.**

213.11 Subdivision 1. Establishment; title. A program is established within the Department
 213.12 of Public Safety to fund the intensive comprehensive law enforcement education and training
 213.13 of two- and four-year college graduates. The program shall be known as the intensive
 213.14 comprehensive peace officer education and training program.

213.15 Subd. 2. Purpose. The program is intended to address the critical shortage of peace
 213.16 officers in the state. The program shall provide a grant to law enforcement agencies that
 213.17 have developed a plan to recruit, educate, and train highly qualified two- and four-year
 213.18 college graduates to become license-eligible peace officers in the state.

213.19 Subd. 3. Eligibility for grant; grant cap. (a) The chief law enforcement officer of a
 213.20 law enforcement agency may apply to the commissioner for a grant for the cost of educating,
 213.21 training, and paying an eligible peace officer candidate until the candidate is licensed by
 213.22 the board as a peace officer.

213.23 (b) The commissioner must consider all eligible expenses proposed by the chief law
 213.24 enforcement officer in order to issue a grant to the agency for the actual cost of educating,
 213.25 training, and paying an eligible candidate up to \$50,000.

213.26 (c) The commissioner shall consider geographic diversity in grant distribution based on
 213.27 grant applications received.

213.28 Subd. 4. Forms. The commissioner must prepare the necessary grant application forms
 213.29 and make the forms available on the agency's public website no later than December 31,
 213.30 2023.

213.31 Subd. 5. Intensive education and skills training program. No later than December
 213.32 31, 2023, the commissioner, in consultation with the executive director of the board and
 213.33 the institutions designated as education providers under subdivision 6, shall develop an

214.1 intensive comprehensive law enforcement education and skills training curriculum that will
214.2 provide eligible peace officer candidates with the law enforcement education and skills
214.3 training needed to be licensed as a peace officer. The curriculum must be designed to be
214.4 completed in eight months or less and shall be offered at the institutions designated under
214.5 subdivision 6. The curriculum may overlap, coincide with, or draw upon existing law
214.6 enforcement education and training programs at institutions designated as education providers
214.7 under subdivision 6. The executive director of the board may designate existing law
214.8 enforcement education and training programs that are designed to be completed in eight
214.9 months or less as intensive comprehensive law enforcement education and skills training
214.10 programs for the purposes of this section.

214.11 Subd. 6. **Education providers; sites.** (a) No later than October 1, 2023, the Board of
214.12 Trustees of the Minnesota State Colleges and Universities shall designate at least two
214.13 regionally diverse system campuses to provide the required intensive comprehensive law
214.14 enforcement education and skills training to eligible peace officer candidates.

214.15 (b) In addition to the campuses designated under paragraph (a), the commissioner may
214.16 designate private, nonprofit postsecondary institutions to provide the required intensive
214.17 comprehensive law enforcement education and skills training to eligible peace officer
214.18 candidates.

214.19 Subd. 7. **Definitions.** (a) For purposes of this section, the following terms have the
214.20 meanings given.

214.21 (b) "Commissioner" means the commissioner of public safety.

214.22 (c) "Eligible peace officer candidate" means a person who:

214.23 (1) has met all of the hiring requirements to become a peace officer in the state, except
214.24 for (i) completing a professional peace officer education program, and (ii) passing the
214.25 licensing exam; and

214.26 (2) a chief law enforcement officer has agreed to hire upon completing the training
214.27 required under this chapter and passing the licensing exam.

214.28 (d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
214.29 paragraph (f), clause (1).

214.30 (e) "Program" means the intensive comprehensive peace officer education and training
214.31 program.

215.1 Sec. 21. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to
215.2 read:

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

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

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

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

215.23 Sec. 22. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

215.24 **Subd. 2. Disclosure of employment information.** Upon request of a law enforcement
215.25 agency, an employer shall disclose or otherwise make available for inspection employment
215.26 information of an employee or former employee who is the subject of an investigation under
215.27 subdivision 1 or who is a candidate for employment with a law enforcement agency in any
215.28 other capacity. The request for disclosure of employment information must be in writing,
215.29 must be accompanied by an ~~original~~ authorization and release signed by the employee or
215.30 former employee, and must be signed by ~~a sworn peace officer or other~~ an authorized
215.31 representative of the law enforcement agency conducting the background investigation.

216.1 Sec. 23. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

216.2 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose
216.3 employment information in accordance with this section, upon request the district court
216.4 may issue an ex parte order directing the disclosure of the employment information. The
216.5 request must be made by ~~a sworn peace officer~~ an authorized representative from the law
216.6 enforcement agency conducting the background investigation and must include a copy of
216.7 the ~~original~~ request for disclosure made upon the employer or former employer and the
216.8 authorization and release signed by the employee or former employee. The request must be
216.9 signed by the ~~peace officer~~ person requesting the order and an attorney representing the
216.10 state or the political subdivision on whose behalf the background investigation is being
216.11 conducted. It is not necessary for the request or the order to be filed with the court
216.12 administrator. Failure to comply with the court order subjects the person or entity who fails
216.13 to comply to civil or criminal contempt of court.

216.14 Sec. 24. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

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

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

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

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

216.24 Sec. 25. Minnesota Statutes 2022, section 626.89, subdivision 17, is amended to read:

216.25 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the
216.26 meanings given:

216.27 (1) "civilian oversight council" means a civilian review board, commission, or other
216.28 oversight body established by a local unit of government to provide civilian oversight of a
216.29 law enforcement agency and officers employed by the agency; and

216.30 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer
216.31 Standards and Training Board, or agency policy.

217.1 (b) A local unit of government may establish a civilian review board, commission, or
 217.2 other oversight body shall not have council and grant the council the authority to make a
 217.3 finding of fact or determination regarding a complaint against an officer or impose and
 217.4 recommend discipline on for an officer. A civilian review board, commission, or other
 217.5 oversight body may make a recommendation regarding the merits of a complaint, however,
 217.6 the recommendation shall be advisory only and shall not be binding on nor limit the authority
 217.7 of the chief law enforcement officer of any unit of government.

217.8 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
 217.9 oversight council may conduct an investigation into allegations of peace officer misconduct
 217.10 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
 217.11 council may subpoena or compel testimony and documents in an investigation. Upon
 217.12 completion of an investigation, a council may make a finding of misconduct and recommend
 217.13 appropriate discipline against peace officers employed by the agency. A council must submit
 217.14 investigation reports that contain findings of peace officer misconduct to the chief law
 217.15 enforcement officer and the Peace Officer Standards and Training Board's complaint
 217.16 committee. A council may also make policy recommendations to the chief law enforcement
 217.17 officer and the Peace Officer Standards and Training Board.

217.18 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
 217.19 of a civilian oversight council shall cooperate with the council and facilitate the council's
 217.20 achievement of its goals. However, the officer is under no obligation to agree with individual
 217.21 recommendations of the council and may oppose a recommendation. If the officer elects to
 217.22 not implement a recommendation that is within the officer's authority, the officer shall
 217.23 inform the council of the decision along with the officer's underlying reasons.

217.24 (e) Data collected, created, received, maintained, or disseminated by a civilian oversight
 217.25 council related to an investigation of a peace officer are personnel data as defined by section
 217.26 13.43, subdivision 1, and are governed by that section.

217.27 Sec. 26. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

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

217.31 (1) the band agrees to be subject to liability for its torts and those of its officers,
 217.32 employees, and agents acting within the scope of their employment or duties arising out of
 217.33 a law enforcement agency function conferred by this section, to the same extent as a

218.1 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,
 218.2 subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;

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

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

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

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

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

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

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

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

218.26 Sec. 27. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

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

218.30 (1) the community agrees to be subject to liability for its torts and those of its officers,
 218.31 employees, and agents acting within the scope of their employment or duties arising out of
 218.32 the law enforcement agency powers conferred by this section to the same extent as a

219.1 municipality under chapter 466, and the community further agrees, notwithstanding section
219.2 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from
219.3 this liability;

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

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

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

219.13 (b) The community ~~shall~~ may enter into an agreement under section 471.59 with the
219.14 Redwood County sheriff to define and regulate the provision of law enforcement services
219.15 under this section and to provide for mutual aid and cooperation. If entered, the agreement
219.16 must identify and describe the trust property involved in the agreement. For purposes of
219.17 entering into this agreement, the community shall be considered a "governmental unit" as
219.18 that term is defined in section 471.59, subdivision 1.

219.19 Sec. 28. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

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

219.25 Sec. 29. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

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

219.29 (1) the band agrees to be subject to liability for its torts and those of its officers,
219.30 employees, and agents acting within the scope of their employment or duties arising out of
219.31 the law enforcement agency powers conferred by this section to the same extent as a
219.32 municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,

220.1 subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this
220.2 liability;

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

220.10 (3) the band files with the Board of Peace Officer Standards and Training a certificate
220.11 of insurance for liability of its law enforcement officers, employees, and agents for lawsuits
220.12 under the United States Constitution or establishes that liability coverage exists under the
220.13 Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended
220.14 to the band pursuant to the Indian Self-Determination and Education Assistance Act of
220.15 1975, United States Code, title 25, section 450F(c); and

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

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

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

220.23 (2) the responsibilities of the county sheriffs;

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

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

220.26 Sec. 30. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

220.27 Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority
220.28 under this section with the Carlton County and St. Louis County Sheriffs' Departments over
220.29 crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by~~
220.30 ~~the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b),~~
220.31 ~~and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2,

221.1 paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision
 221.2 2, paragraph (b), is entered into.

221.3 Sec. 31. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

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

221.8 Sec. 32. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

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

221.14 Sec. 33. Laws 1961, chapter 108, section 1, as amended by Laws 1969, chapter 604,
 221.15 section 1, and Laws 1978, chapter 580, section 1, is amended to read:

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

221.17 Notwithstanding any provisions of the Minneapolis city charter, veterans' preference,
 221.18 or civil service law, rule, or regulation to the contrary, the superintendent of police of the
 221.19 city of Minneapolis shall after the effective date of this act have the title and be designated
 221.20 as chief of police of the city of Minneapolis and may appoint ~~three~~ deputy chiefs of police,
 221.21 ~~five~~ inspectors of police, the supervisor of the morals and narcotics section, the supervisor
 221.22 of the internal affairs unit, and the supervisor of license inspection, such personnel to be
 221.23 appointed from among the members of the Minneapolis police department holding at least
 221.24 the rank of ~~patrolman~~ patrol officer.

221.25 **EFFECTIVE DATE.** This section is effective the day after the governing body of the
 221.26 city of Minneapolis and its chief clerical officer comply with Minnesota Statutes, section
 221.27 645.021, subdivisions 2 and 3.

221.28 Sec. 34. **REPEALER.**

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

222.1

ARTICLE 11

222.2

CORRECTIONS POLICY

222.3 Section 1. Minnesota Statutes 2022, section 169A.276, subdivision 1, is amended to read:

222.4 Subdivision 1. **Mandatory prison sentence.** (a) The court shall sentence a person who
222.5 is convicted of a violation of section 169A.20 (driving while impaired) under the
222.6 circumstances described in section 169A.24 (first-degree driving while impaired) to
222.7 imprisonment for not less than three years. In addition, the court may order the person to
222.8 pay a fine of not more than \$14,000.

222.9 (b) The court may stay execution of this mandatory sentence as provided in subdivision
222.10 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence
222.11 or impose a sentence that has a duration of less than three years.

222.12 (c) An offender committed to the custody of the commissioner of corrections under this
222.13 subdivision is not eligible for release as provided in section 241.26, 244.065, 244.12, or
222.14 244.17, unless the offender has successfully completed ~~a chemical dependency treatment~~
222.15 ~~program while in prison~~ treatment recommendations as determined by a comprehensive
222.16 substance use disorder assessment while incarcerated.

222.17 (d) Notwithstanding the statutory maximum sentence provided in section 169A.24
222.18 (first-degree driving while impaired), when the court commits a person to the custody of
222.19 the commissioner of corrections under this subdivision, it shall provide that after the person
222.20 has been released from prison the commissioner shall place the person on conditional release
222.21 for five years. The commissioner shall impose any conditions of release that the commissioner
222.22 deems appropriate including, but not limited to, successful completion of an intensive
222.23 probation program as described in section 169A.74 (pilot programs of intensive probation
222.24 for repeat DWI offenders). If the person fails to comply with any condition of release, the
222.25 commissioner may revoke the person's conditional release and order the person to serve all
222.26 or part of the remaining portion of the conditional release term in prison. The commissioner
222.27 may not dismiss the person from supervision before the conditional release term expires.
222.28 Except as otherwise provided in this section, conditional release is governed by provisions
222.29 relating to supervised release. The failure of a court to direct the commissioner of corrections
222.30 to place the person on conditional release, as required in this paragraph, does not affect the
222.31 applicability of the conditional release provisions to the person.

222.32 (e) The commissioner shall require persons placed on supervised or conditional release
222.33 under this subdivision to pay as much of the costs of the supervision as possible. The
222.34 commissioner shall develop appropriate standards for this.

223.1 Sec. 2. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

223.2 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
223.3 following powers and duties:

223.4 (a) To accept persons committed to the commissioner by the courts of this state for care,
223.5 custody, and rehabilitation.

223.6 (b) To determine the place of confinement of committed persons in a correctional facility
223.7 or other facility of the Department of Corrections and to prescribe reasonable conditions
223.8 and rules for their employment, conduct, instruction, and discipline within or outside the
223.9 facility. After July 1, 2023, the commissioner shall not allow inmates who have not been
223.10 conditionally released from prison, whether on parole, supervised release, work release, or
223.11 an early release program, to be housed in correctional facilities that are not owned and
223.12 operated by the state, a local unit of government, or a group of local units of government.
223.13 Inmates shall not exercise custodial functions or have authority over other inmates.

223.14 (c) To administer the money and property of the department.

223.15 (d) To administer, maintain, and inspect all state correctional facilities.

223.16 (e) To transfer authorized positions and personnel between state correctional facilities
223.17 as necessary to properly staff facilities and programs.

223.18 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
223.19 beneficial to accomplish the purposes of this section, but not to close the Minnesota
223.20 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
223.21 legislative approval. The commissioner may place juveniles and adults at the same state
223.22 minimum security correctional facilities, if there is total separation of and no regular contact
223.23 between juveniles and adults, except contact incidental to admission, classification, and
223.24 mental and physical health care.

223.25 (g) To organize the department and employ personnel the commissioner deems necessary
223.26 to discharge the functions of the department, including a chief executive officer for each
223.27 facility under the commissioner's control who shall serve in the unclassified civil service
223.28 and may, under the provisions of section 43A.33, be removed only for cause.

223.29 (h) To define the duties of these employees and to delegate to them any of the
223.30 commissioner's powers, duties and responsibilities, subject to the commissioner's control
223.31 and the conditions the commissioner prescribes.

223.32 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
223.33 establish the priorities of the Department of Corrections. This report shall be submitted to

224.1 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
224.2 committees.

224.3 (j) To publish, administer, and award grant contracts with state agencies, local units of
224.4 government, and other entities for correctional programs embodying rehabilitative concepts,
224.5 for restorative programs for crime victims and the overall community, and for implementing
224.6 legislative directives.

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

224.8 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 1d, is amended to read:

224.9 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
224.10 facility under this section is revoked or suspended, or use of the facility is restricted for any
224.11 reason under a conditional license order, or a correction order is issued to a facility, the
224.12 commissioner shall post the facility, the status of the facility's license, and the reason for
224.13 the correction order, restriction, revocation, or suspension publicly and on the department's
224.14 website.

224.15 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

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

224.25 Sec. 5. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

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

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

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

225.5 Sec. 6. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to
225.6 read:

225.7 Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps
225.8 to provide meaningful access to limited English proficient (LEP) individuals incarcerated,
225.9 detained, or supervised by the Department of Corrections. The commissioner shall develop
225.10 written policy and annual training to implement language access for LEP individuals.

225.11 Sec. 7. [241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON
225.12 STRIP SEARCHES AND DISCIPLINE.

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

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

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

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

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

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

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

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

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

225.30 (1) a health care professional; or

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

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

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

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

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

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

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

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

226.22 (1) how often strip searches were performed;

226.23 (2) how often juveniles were isolated;

226.24 (3) the length of each period of isolation used and, for juveniles isolated in the previous
226.25 year, the total cumulative amount of time that the juvenile was isolated that year; and

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

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

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

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

227.5 Sec. 8. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

227.6 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
227.7 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
227.8 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
227.9 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
227.10 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
227.11 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
227.12 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
227.13 discretionary and statutory released violators and Department of Corrections' escapees and
227.14 this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit
227.15 may respond to a law enforcement agency's request to exercise general law enforcement
227.16 duties during the course of official duties by carrying out law enforcement activities at the
227.17 direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate
227.18 criminal offenses in agency-operated correctional facilities and surrounding property.

227.19 Sec. 9. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

227.20 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
227.21 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
227.22 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
227.23 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
227.24 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
227.25 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
227.26 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
227.27 subsequent investigations or law enforcement efforts being carried out by the primary
227.28 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
227.29 are not within the agency's jurisdiction must be referred to the appropriate local law
227.30 enforcement agency for further investigation or disposition.

228.1 Sec. 10. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

228.2 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
228.3 required under state law for law enforcement agencies. The fugitive apprehension unit also
228.4 must develop a policy for contacting law enforcement agencies in a city or county before
228.5 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
228.6 ~~These policies must be filed with the board of peace officers standards and training by~~
228.7 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
228.8 ten days of the effective date of the revision. The Department of Corrections shall train all
228.9 of its peace officers regarding the application of these policies.

228.10 Sec. 11. **[241.252] FREE COMMUNICATION SERVICES FOR INCARCERATED**
228.11 **PERSONS.**

228.12 Subdivision 1. **Free communication services.** (a) A state adult or juvenile facility under
228.13 the control of the commissioner of corrections must provide incarcerated persons with voice
228.14 communication services. A facility may supplement voice communication services with
228.15 other communication services, including but not limited to video communication and email
228.16 or electronic messaging services. A facility must at least continue to offer the services the
228.17 facility offered as of January 1, 2023.

228.18 (b) To the extent that voice communication services are provided, which must not be
228.19 limited beyond program participation and routine facility policies and procedures, neither
228.20 the individual initiating the communication nor the individual receiving the communication
228.21 must be charged for the service.

228.22 Subd. 2. **Voice communication services restrictions.** Nothing in this section allows an
228.23 incarcerated person to violate an active protection order, harassment restraining order, or
228.24 other no-contact order or directive.

228.25 Subd. 3. **State revenue prohibited.** A state agency must not receive revenue from the
228.26 provision of voice communication services or any other communication services under this
228.27 section, but an agency may collect commissions on communication services provided under
228.28 any contract entered into before January 1, 2023.

228.29 Subd. 4. **Visitation programs.** (a) Facilities shall maintain in-person visits for
228.30 incarcerated persons, and communication services must not be used to replace a facility's
228.31 in-person visitation program.

228.32 (b) Notwithstanding paragraph (a), the commissioner may waive the in-person visitation
228.33 program requirement under this subdivision if there is:

229.1 (1) a declared emergency under section 12.31; or

229.2 (2) a local-, state-, or federal-declared natural disaster.

229.3 Subd. 5. **Reporting.** The Department of Corrections must include the following
 229.4 information covering the previous calendar year in its annual performance report required
 229.5 under section 241.016:

229.6 (1) its efforts to renegotiate the agency's communication contracts, including the rates
 229.7 the agency is paying or charging incarcerated people or community members for any and
 229.8 all services in the contracts;

229.9 (2) a complete and detailed accounting of how legislatively appropriated funds for
 229.10 communication services are spent, including spending on expenses previously covered by
 229.11 commissions; and

229.12 (3) data on usage of all communication services, including monthly call and message
 229.13 volume.

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

229.16 (1) "voice communications" means real-time, audio-only communication services,
 229.17 namely phone calls made over wireline telephony, voice over Internet protocol, or any other
 229.18 technology infrastructure; and

229.19 (2) "other communication services" means communication services other than voice
 229.20 communications, including but not limited to video calls and electronic messages.

229.21 Sec. 12. Minnesota Statutes 2022, section 241.90, is amended to read:

229.22 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
 229.23 **FUNCTION.**

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

230.1 Sec. 13. Minnesota Statutes 2022, section 242.18, is amended to read:

230.2 **242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION.**

230.3 (a) When a person has been committed to the commissioner of corrections, the
 230.4 commissioner under rules shall forthwith cause the person to be examined and studied, and
 230.5 investigate all of the pertinent circumstances of the person's life and the antecedents of the
 230.6 crime or other delinquent conduct because of which the person has been committed to the
 230.7 commissioner, and thereupon order the treatment the commissioner determines to be most
 230.8 conducive to rehabilitation. Except as authorized in paragraph (b), persons convicted of
 230.9 crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent
 230.10 children be detained in institutions for persons convicted of crimes. The court and the
 230.11 prosecuting and police authorities and other public officials shall make available to the
 230.12 commissioner of corrections all pertinent data in their possession in respect to the case.

230.13 (b) Upon review of safety considerations and the treatment and programming needs of
 230.14 a juvenile convicted of a crime, the commissioner may commit the juvenile to the facility
 230.15 that best meets rehabilitative needs.

230.16 Sec. 14. Minnesota Statutes 2022, section 243.1606, is amended to read:

230.17 **243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**
 230.18 **SUPERVISION.**

230.19 Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender
 230.20 Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate
 230.21 Compact for Juveniles established by section 260.515 and consist of the following individuals
 230.22 or their designees:

230.23 (1) the governor;

230.24 (2) the chief justice of the supreme court;

230.25 (3) two senators, one from the majority and the other from the minority party, selected
 230.26 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

230.27 (4) two representatives, one from the majority and the other from the minority party,
 230.28 selected by the house speaker;

230.29 (5) the compact administrator, selected as provided in section 243.1607;

230.30 (6) a representative from the Department of Human Services regarding the Interstate
 230.31 Compact for the Placement of Children;

- 231.1 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of
 231.2 Public Safety; ~~and~~
- 231.3 (8) the deputy compact administrator as defined in section 260.515;
- 231.4 (9) a representative from the State Public Defender's Office;
- 231.5 (10) a representative from the Minnesota County Attorney's Association;
- 231.6 (11) a representative from the Minnesota Sheriff's Association;
- 231.7 (12) a representative from the Minnesota Association of County Probation Officers;
- 231.8 (13) a representative from the Minnesota Association of Community Corrections Act
 231.9 Counties;
- 231.10 (14) a representative from the community at large;
- 231.11 (15) a representative from a community organization working with victims of crimes;
 231.12 and
- 231.13 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

231.14 The council may elect a chair from among its members.

231.15 Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the~~
 231.16 ~~compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council
 231.17 shall appoint the compact administrator as the state's commissioner. In addition to these
 231.18 duties, the council shall develop a model policy concerning the operations and procedures
 231.19 of the compact within the state.

231.20 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor
 231.21 and the chairs and ranking minority members of the senate and house of representatives
 231.22 committees having jurisdiction over criminal justice policy on its activities along with
 231.23 providing a copy of the annual report published by the national commission that includes
 231.24 the activities of the interstate commission and executive committee as described in section
 231.25 243.1605 for the preceding year. The council's annual report must also include information
 231.26 required of the State Advisory Council for the Interstate Compact for Juveniles as described
 231.27 in Article IV in section 260.515.

231.28 Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

232.1 Sec. 15. **[243.1609] INTERSTATE ADULT OFFENDER TRANSFER**
232.2 **TRANSPORTATION EXPENSES.**

232.3 Subject to the amount of money appropriated for this purpose, the commissioner of
232.4 corrections may reimburse sheriffs for transportation expenses related to the return of
232.5 probationers to the state who are being held in custody under section 243.1605.
232.6 Reimbursement shall be based on a fee schedule agreed to by the Department of Corrections
232.7 and the Minnesota Sheriffs' Association. The required return to the state of a probationer
232.8 in custody as a result of a nationwide warrant issued pursuant to the Interstate Compact for
232.9 Adult Supervision shall be arranged and supervised by the sheriff of the county in which
232.10 the court proceedings are to be held and at the expense of the state as provided for in this
232.11 section. This expense offset is not applicable to the transport of individuals from pickup
232.12 locations within 250 miles of the office of the sheriff arranging and supervising the offender's
232.13 return to the state.

232.14 Sec. 16. Minnesota Statutes 2022, section 243.58, is amended to read:

232.15 **243.58 ESCAPED INMATES; WARRANT; REWARD ISSUING WARRANT**
232.16 **FOR ESCAPED INMATE OR CONVICTED DEFENDANT.**

232.17 If an inmate escapes from any state correctional facility under the control of the
232.18 commissioner of corrections, the commissioner shall issue a warrant directed to any peace
232.19 officer requiring that the fugitive be taken into immediate custody and returned to any state
232.20 correctional facility designated by the commissioner. The commissioner may also issue
232.21 such a warrant when a convicted defendant fails to report postsentencing to their county
232.22 authority or to a state correctional facility. The chief executive officer of the facility from
232.23 which the escape occurred shall use all proper means to apprehend and return the escapee,
232.24 which may include the offer of a reward of not more than \$100 to be paid from the state
232.25 treasury, for information leading to the arrest and return to custody of the escapee.

232.26 Sec. 17. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

232.27 (a) The commissioner may not contract with privately owned and operated prisons for
232.28 the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

232.29 (b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner
232.30 from contracting with privately owned residential facilities, such as halfway houses, group
232.31 homes, work release centers, or treatment facilities, to provide for the care, custody, and
232.32 rehabilitation of inmates who have been released from prison under section 241.26, 244.05,
232.33 244.0513, 244.065, or 244.172, or any other form of supervised or conditional release.

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

233.2 Sec. 18. Minnesota Statutes 2022, section 244.05, subdivision 6, is amended to read:

233.3 Subd. 6. **Intensive supervised release.** (a) The commissioner may order that an inmate
233.4 be placed on intensive supervised release for:

233.5 (1) all or part of the inmate's supervised release or parole term if the commissioner
233.6 determines that the action will further the goals described in section 244.14, subdivision 1,
233.7 clauses (2), (3), and (4). In addition, the commissioner may order that an inmate be placed
233.8 on intensive supervised release for; or

233.9 (2) all of the inmate's conditional or supervised release term if the inmate was:

233.10 (i) convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or
233.11 609.3453; or

233.12 was (ii) sentenced under the provisions of section 609.3455, subdivision 3a.

233.13 (b) The commissioner shall ~~shall~~ must order that all level III predatory offenders be placed
233.14 on intensive supervised release for the entire supervised release, conditional release, or
233.15 parole term.

233.16 ~~(b)~~ (c) The commissioner may impose appropriate conditions of release on ~~the~~ an inmate,
233.17 including but not limited to:

233.18 (1) unannounced searches by an intensive supervision agent of the inmate's person,
233.19 vehicle, premises, computer, or other electronic devices capable of accessing the Internet
233.20 by an intensive supervision agent;

233.21 (2) compliance with court-ordered restitution, if any;

233.22 (3) random drug testing;

233.23 (4) house arrest;

233.24 (5) daily curfews;

233.25 (6) frequent face-to-face contacts with an assigned intensive supervision agent;

233.26 (7) work, education, or treatment requirements; and

233.27 (8) electronic surveillance.

233.28 ~~In addition, any~~ (d) A sex offender placed on intensive supervised release may be ordered
233.29 to participate in an appropriate sex offender program as a condition of release.

234.1 (e) If electronic surveillance is directed for an inmate on intensive supervised release,
 234.2 the commissioner must require that until electronic surveillance is activated:

234.3 (1) the inmate be kept in custody; or

234.4 (2) the inmate's intensive supervision agent, or the agent's designee, directly supervise
 234.5 the inmate.

234.6 (f) Before being released from custody or the direct supervision of an intensive
 234.7 supervision agent, an inmate placed on electronic surveillance must ensure that:

234.8 (1) the inmate's residence is properly equipped to support electronic surveillance; and

234.9 (2) the inmate's telecommunications system is properly configured to support electronic
 234.10 surveillance.

234.11 (g) An inmate who fails to comply with paragraph (f) may be found in violation of the
 234.12 inmate's conditions of release after a revocation hearing.

234.13 ~~(e)~~ (h) As a condition of release for an inmate required to register under section 243.166
 234.14 who is placed on intensive supervised release under this subdivision, the commissioner shall
 234.15 prohibit the inmate from accessing, creating, or maintaining a personal web page, profile,
 234.16 account, password, or ~~user name~~ username for: (1) a social networking website, or (2) an
 234.17 instant messaging or chat room program, any of which permits persons under the age of 18
 234.18 to become a member or to create or maintain a personal web page.

234.19 (i) An intensive ~~supervised release~~ supervision agent may modify the prohibition
 234.20 described in this under paragraph (h) if ~~doing so does~~:

234.21 (1) the modification would not jeopardize public safety; and

234.22 (2) the modification is specifically described and agreed to in advance by the agent.

234.23 ~~(d)~~ (j) If ~~the~~ an inmate violates the conditions of ~~the~~ intensive supervised release, the
 234.24 commissioner ~~shall~~ may impose sanctions as provided in subdivision 3 and section 609.3455.

234.25 Sec. 19. Minnesota Statutes 2022, section 244.05, subdivision 8, is amended to read:

234.26 Subd. 8. **Conditional medical and epidemic release.** (a) Notwithstanding subdivisions
 234.27 4 and 5, the commissioner may order that ~~any offender~~ an inmate be placed on conditional
 234.28 medical release before ~~the offender's~~ their scheduled supervised release date or target release
 234.29 date if:

234.30 (1) the ~~offender~~ inmate suffers from a grave illness or medical condition; and

234.31 (2) the release poses no threat to the public.

235.1 (b) If there is an epidemic of any potentially fatal infectious or contagious disease in the
 235.2 community or in a state correctional facility, the commissioner may also release an inmate
 235.3 to home confinement before the inmate's scheduled supervised release date or target release
 235.4 date if:

235.5 (1) the inmate has a medical condition or state of health that would make the inmate
 235.6 particularly vulnerable to the disease; and

235.7 (2) release to home confinement poses no threat to the public.

235.8 ~~In making the decision to~~ (c) When deciding whether to release an offender on this status
 235.9 inmate according to this subdivision, the commissioner must consider:

235.10 (1) the offender's inmate's age and medical condition, the health care needs of the
 235.11 offender, the offender's and custody classification and level of risk of violence;

235.12 (2) the appropriate level of community supervision; and

235.13 (3) alternative placements that may be available for the offender inmate.

235.14 (d) An inmate may not be released under this provision subdivision unless the
 235.15 commissioner has determined that the inmate's health costs are likely to be borne by:

235.16 (1) the inmate; or

235.17 (2) medical assistance, Medicaid, veteran's benefits, or by any other federal or state
 235.18 medical assistance programs or by the inmate.

235.19 ~~Conditional medical release is governed by provisions relating to supervised release~~
 235.20 ~~except that it may be rescinded~~ (e) The commissioner may rescind conditional medical

235.21 release without a hearing by the commissioner if the offender's commissioner considers that
 235.22 the inmate's medical condition improves has improved to the extent that the continuation
 235.23 of the conditional medical release presents a more serious risk to the public.:

235.24 (1) the illness or condition is no longer grave or can be managed by correctional health
 235.25 care options; or

235.26 (2) the epidemic that precipitated release has subsided or effective vaccines or other
 235.27 treatments have become available.

235.28 (f) Release under this subdivision may also be revoked in accordance with subdivisions
 235.29 2 and 3 if the inmate violates any conditions of release imposed by the commissioner.

236.1 Sec. 20. Minnesota Statutes 2022, section 244.0513, subdivision 2, is amended to read:

236.2 Subd. 2. **Conditional release of certain nonviolent controlled substance offenders.** An
236.3 offender who has been committed to the commissioner's custody may petition the
236.4 commissioner for conditional release from prison before the offender's scheduled supervised
236.5 release date or target release date if:

236.6 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a;
236.7 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

236.8 (2) the offender committed the crime as a result of a controlled substance ~~addiction~~ use
236.9 disorder;

236.10 (3) the offender has served at least:

236.11 (i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if
236.12 the offense for which the offender is seeking conditional release is a violation of section
236.13 152.024 or 152.025; or

236.14 (ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if
236.15 the offense for which the offender is seeking conditional release is a violation of section
236.16 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

236.17 (4) the offender successfully completed ~~a substance use disorder treatment program of~~
236.18 ~~the type described in this section while in prison~~ treatment recommendations as determined
236.19 by a comprehensive substance use disorder assessment while incarcerated;

236.20 (5) the offender has not previously been conditionally released under this section; and

236.21 (6) the offender has not within the past ten years been convicted or adjudicated delinquent
236.22 for a violent crime as defined in section 609.1095 other than the current conviction for the
236.23 controlled substance offense.

236.24 Sec. 21. Minnesota Statutes 2022, section 244.0513, subdivision 4, is amended to read:

236.25 Subd. 4. **Substance use disorder treatment program components.** (a) The substance
236.26 use disorder treatment program described in subdivisions 2 and 3 must:

236.27 (1) contain a ~~highly~~ structured ~~daily~~ schedule for the offender;

236.28 (2) contain ~~individualized educational programs designed to improve the basic educational~~
236.29 ~~skills of the offender and to provide vocational training, if appropriate~~ individual or group
236.30 counseling or both to help the offender identify and address needs related to substance use
236.31 and develop strategies to avoid harmful substance use after discharge and to help the offender

237.1 obtain the services necessary to establish a lifestyle free of the harmful effects of substance
 237.2 use disorder;

237.3 (3) contain programs designed to promote the offender's self-worth and the offender's
 237.4 acceptance of responsibility for the consequences of the offender's own decisions;

237.5 (4) ~~be licensed by the Department of Human Services and~~ designed to serve the inmate
 237.6 population; and

237.7 (5) require that each offender submit to a ~~chemical use assessment~~ substance use disorder
 237.8 assessment and that the offender receive the appropriate level of treatment as indicated by
 237.9 the assessment.

237.10 (b) The commissioner ~~shall~~ may expel from the substance use disorder treatment program
 237.11 any offender who:

237.12 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

237.13 (2) commits any criminal offense while in the program; or

237.14 (3) presents any risk to other inmates based on the offender's behavior or attitude.

237.15 Sec. 22. Minnesota Statutes 2022, section 244.171, subdivision 4, is amended to read:

237.16 Subd. 4. **Sanctions.** (a) The commissioner shall impose severe and meaningful sanctions
 237.17 for violating the conditions of the challenge incarceration program. The commissioner shall
 237.18 remove an offender from the challenge incarceration program if the offender:

237.19 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

237.20 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

237.21 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
 237.22 alcohol or controlled substances. The removal of an offender from the challenge incarceration
 237.23 program is governed by the procedures in the commissioner's rules adopted under section
 237.24 244.05, subdivision 2.

237.25 (b) An offender who is removed from the challenge incarceration program shall be
 237.26 imprisoned for a time period equal to the offender's term of imprisonment, minus earned
 237.27 good time if any, but in no case for longer than the time remaining in the offender's sentence.
 237.28 "Term of imprisonment" means a time period equal to two-thirds of the sentence originally
 237.29 executed by the sentencing court, minus jail credit, if any.

237.30 (c) Notwithstanding paragraph (b), an offender who has been removed from the challenge
 237.31 incarceration program but who remains otherwise eligible for acceptance into the program

238.1 may be readmitted at the commissioner's discretion. An offender readmitted to the program
 238.2 under this paragraph must participate from the beginning and complete all of the program's
 238.3 phases.

238.4 Sec. 23. Minnesota Statutes 2022, section 244.172, subdivision 1, is amended to read:

238.5 Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The offender
 238.6 must be confined at the Minnesota Correctional Facility - Willow River/Moose Lake or,
 238.7 the Minnesota Correctional Facility - Togo, or the Minnesota Correctional Facility - Shakopee
 238.8 and must successfully participate in all intensive treatment, education, and work programs
 238.9 required by the commissioner. The offender must also submit on demand to random drug
 238.10 and alcohol testing at time intervals set by the commissioner. Throughout phase I, the
 238.11 commissioner must severely restrict the offender's telephone and visitor privileges.

238.12 Sec. 24. Minnesota Statutes 2022, section 260.515, is amended to read:

238.13 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

238.14 The Interstate Compact for Juveniles is enacted into law and entered into with all other
 238.15 states legally joining in it in substantially the following form:

238.16 ARTICLE I

238.17 PURPOSE

238.18 The compacting states to this Interstate Compact recognize that each state is responsible
 238.19 for the proper supervision or return of juveniles, delinquents, and status offenders who are
 238.20 on probation or parole and who have absconded, escaped, or run away from supervision
 238.21 and control and in so doing have endangered their own safety and the safety of others. The
 238.22 compacting states also recognize that each state is responsible for the safe return of juveniles
 238.23 who have run away from home and in doing so have left their state of residence. The
 238.24 compacting states also recognize that Congress, by enacting the Crime Control Act, United
 238.25 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for
 238.26 cooperative efforts and mutual assistance in the prevention of crime.

238.27 It is the purpose of this compact, through means of joint and cooperative action among
 238.28 the compacting states to:

238.29 (A) ensure that the adjudicated juveniles and status offenders subject to this compact
 238.30 are provided adequate supervision and services in the receiving state as ordered by the
 238.31 adjudicating judge or parole authority in the sending state;

239.1 (B) ensure that the public safety interests of the citizens, including the victims of juvenile
239.2 offenders, in both the sending and receiving states are adequately protected;

239.3 (C) return juveniles who have run away, absconded, or escaped from supervision or
239.4 control or have been accused of an offense to the state requesting their return;

239.5 (D) make contracts for the cooperative institutionalization in public facilities in member
239.6 states for delinquent youth needing special services;

239.7 (E) provide for the effective tracking and supervision of juveniles;

239.8 (F) equitably allocate the costs, benefits, and obligations of the compact states;

239.9 (G) establish procedures to manage the movement between states of juvenile offenders
239.10 released to the community under the jurisdiction of courts, juvenile departments, or any
239.11 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

239.12 (H) insure immediate notice to jurisdictions where defined juvenile offenders are
239.13 authorized to travel or to relocate across state lines;

239.14 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders
239.15 prior to transfer or release to the community under the terms of this compact;

239.16 (J) establish a system of uniform data collection on information pertaining to juveniles
239.17 subject to this compact that allows access by authorized juvenile justice and criminal justice
239.18 officials, and regular reporting of compact activities to heads of state; executive, judicial,
239.19 and legislative branches; and juvenile criminal justice administrators;

239.20 (K) monitor compliance with rules governing interstate movement of juveniles and
239.21 initiate interventions to address and correct noncompliance;

239.22 (L) coordinate training and education regarding the regulation of interstate movement
239.23 of juveniles for officials involved in such activity; and

239.24 (M) coordinate the implementation and operation of the compact with the Interstate
239.25 Compact for the Placement of Children, the Interstate Compact for Adult Offender
239.26 Supervision, and other compacts affecting juveniles particularly in those cases where
239.27 concurrent or overlapping supervision issues arise.

239.28 It is the policy of the compacting states that the activities conducted by the Interstate
239.29 Commission created herein are the information of public policies and therefore are public
239.30 business. Furthermore, the compacting states shall cooperate and observe their individual
239.31 and collective duties and responsibilities for the prompt return and acceptance of juveniles

240.1 subject to the provisions of this compact. The provisions of this compact shall be reasonably
240.2 and liberally construed to accomplish the purpose and policies of the compact.

240.3 ARTICLE II

240.4 DEFINITIONS

240.5 As used in this compact, unless the context clearly requires a different construction:

240.6 A. "Bylaws" means those bylaws established by the commission for its governance, or
240.7 for directing or controlling its actions or conduct.

240.8 B. "Compact administrator" means the individual in each compacting state appointed
240.9 pursuant to the terms of this compact responsible for the administration and management
240.10 of the state's supervision and transfer of juveniles subject to the terms of this compact, the
240.11 rules adopted by the Interstate Commission, and policies adopted by the state council under
240.12 this compact.

240.13 C. "Compacting state" means any state which has enacted the enabling legislation for
240.14 this compact.

240.15 D. "Commissioner" means the voting representative of each compacting state appointed
240.16 pursuant to Article III of this compact.

240.17 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent
240.18 children.

240.19 F. "Deputy compact administrator" means the individual, if any, in each compacting
240.20 state appointed to act on behalf of a compact administrator pursuant to the terms of this
240.21 compact responsible for the administration and management of the state's supervision and
240.22 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate
240.23 Commission, and policies adopted by the state council under this compact.

240.24 G. "Interstate Commission" means the Interstate Commission for Juveniles created by
240.25 Article III of this compact.

240.26 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules
240.27 of the Interstate Commission, including:

240.28 (1) accused delinquent - a person charged with an offense that, if committed by an adult,
240.29 would be a criminal offense;

240.30 (2) adjudicated delinquent - a person found to have committed an offense that, if
240.31 committed by an adult, would be a criminal offense;

241.1 (3) accused status offender - a person charged with an offense that would not be a criminal
241.2 offense if committed by an adult;

241.3 (4) adjudicated status offender - a person found to have committed an offense that would
241.4 not be a criminal offense if committed by an adult; and

241.5 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated
241.6 a status offender or delinquent.

241.7 I. "Noncompacting state" means any state which has not enacted the enabling legislation
241.8 for this compact.

241.9 J. "Probation" or "parole" means any kind of supervision or conditional release of
241.10 juveniles authorized under the laws of the compacting states.

241.11 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant
241.12 to Article VI of this compact that is of general applicability, implements, interprets, or
241.13 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
241.14 requirement of the commission, and has the force and effect of statutory law in a compacting
241.15 state, and includes the amendment, repeal, or suspension of an existing rule.

241.16 L. "State" means a state of the United States, the District of Columbia (or its designee),
241.17 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American
241.18 Samoa, and the Northern Marianas.

241.19 ARTICLE III

241.20 INTERSTATE COMMISSION FOR JUVENILES

241.21 A. The compacting states hereby create the "Interstate Commission for Juveniles." The
241.22 commission shall be a body corporate and joint agency of the compacting states. The
241.23 commission shall have all the responsibilities, powers, and duties set forth herein, and such
241.24 additional powers as may be conferred upon it by subsequent action of the respective
241.25 legislatures of the compacting states in accordance with the terms of this compact.

241.26 B. The Interstate Commission shall consist of commissioners appointed by the appropriate
241.27 appointing authority in each state pursuant to the rules and requirements of each compacting
241.28 state and in consultation with the State Advisory Council for Interstate Supervision of
241.29 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact
241.30 administrator. The commissioner of corrections or the commissioner's designee shall serve
241.31 as the compact administrator, who shall serve on the Interstate Commission in such capacity
241.32 under or pursuant to the applicable law of the compacting state.

242.1 C. In addition to the commissioners who are the voting representatives of each state, the
242.2 Interstate Commission shall include individuals who are not commissioners but who are
242.3 members of interested organizations. Such noncommissioner members must include a
242.4 member of the national organizations of governors, legislators, state chief justices, attorneys
242.5 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the
242.6 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.
242.7 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)
242.8 members. The Interstate Commission may provide in its bylaws for such additional ex-officio
242.9 (nonvoting) members, including members of other national organizations, in such numbers
242.10 as shall be determined by the commission.

242.11 D. Each compacting state represented at any meeting of the commission is entitled to
242.12 one vote. A majority of the compacting states shall constitute a quorum for the transaction
242.13 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

242.14 E. The commission shall meet at least once each calendar year. The chair may call
242.15 additional meetings and, upon the request of a simple majority of the compacting states,
242.16 shall call additional meetings. Public notice shall be given of all meetings and meetings
242.17 shall be open to the public.

242.18 F. The Interstate Commission shall establish an executive committee, which shall include
242.19 commission officers, members, and others as determined by the bylaws. The executive
242.20 committee shall have the power to act on behalf of the Interstate Commission during periods
242.21 when the Interstate Commission is not in session, with the exception of rulemaking and/or
242.22 amendment to the compact. The executive committee shall oversee the day-to-day activities
242.23 of the administration of the compact managed by an executive director and Interstate
242.24 Commission staff; administer enforcement and compliance with the provisions of the
242.25 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate
242.26 Commission or set forth in the bylaws.

242.27 G. Each member of the Interstate Commission shall have the right and power to cast a
242.28 vote to which that compacting state is entitled and to participate in the business and affairs
242.29 of the Interstate Commission. A member shall vote in person and shall not delegate a vote
242.30 to another compacting state. However, a commissioner, in consultation with the state council,
242.31 shall appoint another authorized representative, in the absence of the commissioner from
242.32 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws
242.33 may provide for members' participation in meetings by telephone or other means of
242.34 telecommunication or electronic communication.

243.1 H. The Interstate Commission's bylaws shall establish conditions and procedures under
243.2 which the Interstate Commission shall make its information and official records available
243.3 to the public for inspection or copying. The Interstate Commission may exempt from
243.4 disclosure any information or official records to the extent they would adversely affect
243.5 personal privacy rights or proprietary interests.

243.6 I. Public notice shall be given of all meetings and all meetings shall be open to the public,
243.7 except as set forth in the rules or as otherwise provided in the compact. The Interstate
243.8 Commission and any of its committees may close a meeting to the public where it determines
243.9 by two-thirds vote that an open meeting would be likely to:

- 243.10 1. relate solely to the Interstate Commission's internal personnel practices and procedures;
- 243.11 2. disclose matters specifically exempted from disclosure by statute;
- 243.12 3. disclose trade secrets or commercial or financial information which is privileged or
243.13 confidential;
- 243.14 4. involve accusing any person of a crime or formally censuring any person;
- 243.15 5. disclose information of a personal nature where disclosure would constitute a clearly
243.16 unwarranted invasion of personal privacy;
- 243.17 6. disclose investigative records compiled for law enforcement purposes;
- 243.18 7. disclose information contained in or related to examination, operating or condition
243.19 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect
243.20 to a regulated person or entity for the purpose of regulation or supervision of such person
243.21 or entity;
- 243.22 8. disclose information, the premature disclosure of which would significantly endanger
243.23 the stability of a regulated person or entity;
- 243.24 9. specifically relate to the Interstate Commission's issuance of a subpoena or its
243.25 participation in a civil action or other legal proceeding.

243.26 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal
243.27 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed
243.28 to the public, and shall reference each relevant exemptive provision. The Interstate
243.29 Commission shall keep minutes which shall fully and clearly describe all matters discussed
243.30 in any meeting and shall provide a full and accurate summary of any actions taken, and the
243.31 reasons therefore, including a description of each of the views expressed on any item and

244.1 the record of any roll call vote (reflected in the vote of each member on the question). All
244.2 documents considered in connection with any action shall be identified in such minutes.

244.3 K. The Interstate Commission shall collect standardized data concerning the interstate
244.4 movement of juveniles as directed through its rules which shall specify the data to be
244.5 collected, the means of collection, and data exchange and reporting requirements. Such
244.6 methods of data collection, exchange, and reporting shall insofar as is reasonably possible
244.7 conform to up-to-date technology and coordinate its information functions with the
244.8 appropriate repository of records.

244.9 ARTICLE IV

244.10 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

244.11 The commission shall have the following powers and duties:

244.12 1. To provide for dispute resolution among compacting states.

244.13 2. To promulgate rules to affect the purposes and obligations as enumerated in this
244.14 compact, which shall have the force and effect of statutory law and shall be binding in the
244.15 compact states to the extent and in the manner provided in this compact.

244.16 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to
244.17 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate
244.18 Commission.

244.19 4. To enforce compliance with the compact provisions, the rules promulgated by the
244.20 Interstate Commission, and the bylaws, using all necessary and proper means, including
244.21 but not limited to the use of judicial process.

244.22 5. To establish and maintain offices which shall be located within one or more of the
244.23 compacting states.

244.24 6. To purchase and maintain insurance and bonds.

244.25 7. To borrow, accept, hire, or contract for services of personnel.

244.26 8. To establish and appoint committees and hire staff which it deems necessary for the
244.27 carrying out of its functions including, but not limited to, an executive committee as required
244.28 by Article III, which shall have the power to act on behalf of the Interstate Commission in
244.29 carrying out its powers and duties hereunder.

244.30 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
244.31 fix their compensation, define their duties, and determine their qualifications; and to establish

245.1 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts
245.2 of interest, rates of compensation, and qualifications of personnel.

245.3 10. To accept any and all donations and grants of money, equipment, supplies, materials,
245.4 and services, and to receive, utilize, and dispose of it.

245.5 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
245.6 improve, or use any property, real, personal, or mixed.

245.7 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
245.8 of any property, real, personal, or mixed.

245.9 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII
245.10 of this compact.

245.11 14. To sue and be sued.

245.12 15. To adopt a seal and bylaws governing the management and operation of the Interstate
245.13 Commission.

245.14 16. To perform such functions as may be necessary or appropriate to achieve the purposes
245.15 of this compact.

245.16 17. To report annually to the legislatures, governors, judiciary, and state councils of the
245.17 compacting states concerning the activities of the Interstate Commission during the preceding
245.18 year. Such reports shall also include any recommendations that may have been adopted by
245.19 the Interstate Commission.

245.20 18. To coordinate education, training, and public awareness regarding the interstate
245.21 movement of juveniles for officials involved in such activity.

245.22 19. To establish uniform standards of the reporting, collecting, and exchanging of data.

245.23 20. The Interstate Commission shall maintain its corporate books and records in
245.24 accordance with the bylaws.

245.25 ARTICLE V

245.26 ORGANIZATION AND OPERATION
245.27 OF THE INTERSTATE COMMISSION

245.28 Section A. Bylaws.

245.29 1. The Interstate Commission shall, by a majority of the members present and voting,
245.30 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
245.31 conduct as may be necessary or appropriate to carry out the purposes of the compact,
245.32 including, but not limited to:

- 246.1 a. establishing the fiscal year of the Interstate Commission;
- 246.2 b. establishing an executive committee and such other committees as may be necessary;
- 246.3 c. provide: (i) for the establishment of committees, and (ii) governing any general or
- 246.4 specific delegation of any authority or function of the Interstate Commission;
- 246.5 d. providing reasonable procedures for calling and conducting meetings of the Interstate
- 246.6 Commission and ensuring reasonable notice of each such meeting;
- 246.7 e. establishing the titles and responsibilities of the officers of the Interstate Commission;
- 246.8 f. providing a mechanism for concluding the operations of the Interstate Commission
- 246.9 and the return of any surplus funds that may exist upon the termination of the compact after
- 246.10 the payment and/or reserving of all of its debts and obligations;
- 246.11 g. providing "start-up" rules for initial administration of the compact;
- 246.12 h. establishing standards and procedures for compliance and technical assistance in
- 246.13 carrying out the compact.

246.14 Section B. Officers and staff.

246.15 1. The Interstate Commission shall, by a majority of the members, elect annually from

246.16 among its members a chair and a vice-chair, each of whom shall have such authority and

246.17 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,

246.18 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so

246.19 elected shall serve without compensation or remuneration from the Interstate Commission;

246.20 provided that, subject to the availability of budget funds, the officers shall be reimbursed

246.21 for any ordinary and necessary costs and expenses incurred by them in the performance of

246.22 their responsibilities as officers of the Interstate Commission.

246.23 2. The Interstate Commission shall, through its executive committee, appoint or retain

246.24 an executive director for such period, upon such terms and conditions, and for such

246.25 compensation as the Interstate Commission may deem appropriate. The executive director

246.26 shall serve as secretary to the Interstate Commission, but shall not be a member and shall

246.27 hire and supervise such other staff as may be authorized by the Interstate Commission.

246.28 Section C. Qualified immunity, defense, and indemnification.

246.29 1. The commission's executive director and employees shall be immune from suit and

246.30 liability, either personally or in their official capacity, for any claim for damage to or loss

246.31 of property or personal injury or other civil liability caused or arising out of or relating to

246.32 any actual or alleged act, error, or omission that occurred, or that such person had a

247.1 reasonable basis for believing occurred within the scope of commission employment, duties,
247.2 or responsibilities; provided, that any such person shall not be protected from suit or liability
247.3 for any damage, loss, injury, or liability caused by the intentional or willful and wanton
247.4 misconduct of any such person.

247.5 2. The liability of any commissioner, or the employee or agent of a commissioner, acting
247.6 within the scope of such person's employment or duties for acts, errors, or omissions
247.7 occurring within such person's state may not exceed the limits of liability set forth under
247.8 the Constitution and laws of that state for state officials, employees, and agents. Nothing
247.9 in this subsection shall be construed to protect any such person from suit or liability for any
247.10 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct
247.11 of any such person.

247.12 3. The Interstate Commission shall defend the executive director or the employees or
247.13 representatives of the Interstate Commission and, subject to the approval of the attorney
247.14 general of the state represented by any commissioner of a compacting state, shall defend
247.15 such commissioner or the commissioner's representatives or employees in any civil action
247.16 seeking to impose liability arising out of any actual or alleged act, error, or omission that
247.17 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
247.18 or that the defendant has a reasonable basis for believing occurred within the scope of
247.19 Interstate Commission employment, duties, or responsibilities, provided that the actual or
247.20 alleged act, error, or omission did not result from intentional or willful and wanton
247.21 misconduct on the part of such person.

247.22 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting
247.23 state, or the commissioner's representatives or employees, or the Interstate Commission's
247.24 representatives or employees, harmless in the amount of any settlement or judgment obtained
247.25 against such persons arising out of any actual or alleged act, error, or omission that occurred
247.26 within the scope of Interstate Commission employment, duties, or responsibilities, or that
247.27 such persons had a reasonable basis for believing occurred within the scope of Interstate
247.28 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
247.29 error, or omission did not result from intentional or willful and wanton misconduct on the
247.30 part of such persons.

247.31

ARTICLE VI

247.32

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

247.33

247.34

1. The Interstate Commission shall promulgate and publish rules in order to effectively
and efficiently achieve the purposes of the compact.

248.1 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws
248.2 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
248.3 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws
248.4 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the
248.5 Interstate Commission deems appropriate consistent with due process requirements under
248.6 the United States Constitution as now or hereafter interpreted by the United States Supreme
248.7 Court. All rules and amendments shall become binding as of the date specified, as published
248.8 with the final version of the rule as approved by the commission.

248.9 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

248.10 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

248.11 b. allow and invite any and all persons to submit written data, facts, opinions, and
248.12 arguments, which information shall be added to the record, and be made publicly available;

248.13 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;

248.14 and

248.15 d. promulgate a final rule and its effective date, if appropriate, based on input from state
248.16 or local officials, or interested parties.

248.17 4. The Interstate Commission shall allow, not later than 60 days after a rule is
248.18 promulgated, any interested person to file a petition in the United States District Court for
248.19 the District of Columbia or in the federal District Court where the Interstate Commission's
248.20 principal office is located for judicial review of such rule. If the court finds that the Interstate
248.21 Commission's action is not supported by substantial evidence in the rulemaking record, the
248.22 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence
248.23 is substantial if it would be considered substantial evidence under the Model (State)
248.24 Administrative Procedures Act.

248.25 5. If a majority of the legislatures of the compacting states rejects a rule, those states
248.26 may, by enactment of a statute or resolution in the same manner used to adopt the compact,
248.27 cause that such rule shall have no further force and effect in any compacting state.

248.28 6. The existing rules governing the operation of the Interstate Compact on Juveniles
248.29 superceded by this act shall be null and void 12 months after the first meeting of the Interstate
248.30 Commission created hereunder.

248.31 7. Upon determination by the Interstate Commission that a state of emergency exists, it
248.32 may promulgate an emergency rule which shall become effective immediately upon adoption,
248.33 provided that the usual rulemaking procedures provided hereunder shall be retroactively

249.1 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective
249.2 date of the emergency rule.

249.3 ARTICLE VII

249.4 OVERSIGHT, ENFORCEMENT, AND DISPUTE
249.5 RESOLUTION BY THE INTERSTATE COMMISSION

249.6 Section A. Oversight.

249.7 1. The Interstate Commission shall oversee the administration and operations of the
249.8 interstate movement of juveniles subject to this compact in the compacting states and shall
249.9 monitor such activities being administered in noncompacting states which may significantly
249.10 affect compacting states.

249.11 2. The courts and executive agencies in each compacting state shall enforce this compact
249.12 and shall take all actions necessary and appropriate to effectuate the compact's purposes
249.13 and intent. The provisions of this compact and the rules promulgated hereunder shall be
249.14 received by all the judges, public officers, commissions, and departments of the state
249.15 government as evidence of the authorized statute and administrative rules. All courts shall
249.16 take judicial notice of the compact and the rules. In any judicial or administrative proceeding
249.17 in a compacting state pertaining to the subject matter of this compact which may affect the
249.18 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to
249.19 receive all service of process in any such proceeding, and shall have standing to intervene
249.20 in the proceeding for all purposes.

249.21 3. The compact administrator shall assess and collect fines, fees, and costs from any
249.22 state or local entity deemed responsible by the compact administrator for a default as
249.23 determined by the Interstate Commission under Article XI.

249.24 Section B. Dispute resolution.

249.25 1. The compacting states shall report to the Interstate Commission on all issues and
249.26 activities necessary for the administration of the compact as well as issues and activities
249.27 pertaining to compliance with the provisions of the compact and its bylaws and rules.

249.28 2. The Interstate Commission shall attempt, upon the request of a compacting state, to
249.29 resolve any disputes or other issues which are subject to the compact and which may arise
249.30 among compacting states and between compacting and noncompacting states. The
249.31 commission shall promulgate a rule providing for both mediation and binding dispute
249.32 resolution for disputes among the compacting states.

250.1 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
250.2 the provisions and rules of this compact using any or all means set forth in Article XI of
250.3 this compact.

250.4 ARTICLE VIII

250.5 FINANCE

250.6 1. The Interstate Commission shall pay or provide for the payment of the reasonable
250.7 expenses of its establishment, organization, and ongoing activities.

250.8 2. The Interstate Commission shall levy on and collect an annual assessment from each
250.9 compacting state to cover the cost of the internal operations and activities of the Interstate
250.10 Commission and its staff which must be in a total amount sufficient to cover the Interstate
250.11 Commission's annual budget as approved each year. The aggregate annual assessment
250.12 amount shall be allocated based upon a formula to be determined by the Interstate
250.13 Commission, taking into consideration the population of each compacting state and the
250.14 volume of interstate movement of juveniles in each compacting state, and shall promulgate
250.15 a rule binding upon all compacting states which governs said assessment.

250.16 3. The Interstate Commission shall not incur any obligations of any kind prior to securing
250.17 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
250.18 of any of the compacting states, except by and with the authority of the compacting state.

250.19 4. The Interstate Commission shall keep accurate accounts of all receipts and
250.20 disbursements. The receipts and disbursements of the Interstate Commission shall be subject
250.21 to the audit and accounting procedures established under its bylaws. However, all receipts
250.22 and disbursements of funds handled by the Interstate Commission shall be audited yearly
250.23 by a certified or licensed public accountant and the report of the audit shall be included in
250.24 and become part of the annual report of the Interstate Commission.

250.25 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for
250.26 Juveniles fund is established as a special fund in the Department of Corrections. The fund
250.27 consists of money appropriated for the purpose of meeting financial obligations imposed
250.28 on the state as a result of Minnesota's participation in this compact. An assessment levied
250.29 or any other financial obligation imposed under this compact is effective against the state
250.30 only to the extent that money to pay the assessment or meet the financial obligation has
250.31 been appropriated and deposited in the fund established in this paragraph.

250.32 ARTICLE IX

250.33 THE STATE ADVISORY COUNCIL

251.1 Each member state shall create a State Advisory Council for the Interstate Compact for
 251.2 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be
 251.3 combined with the Advisory Council on Interstate Adult Offender Supervision established
 251.4 by section 243.1606 and consist of the following individuals or their designees:

251.5 (1) the governor;

251.6 (2) the chief justice of the Supreme Court;

251.7 (3) two senators, one from the majority and the other from the minority party, selected
 251.8 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

251.9 (4) two representatives, one from the majority and the other from the minority party,
 251.10 selected by the house speaker;

251.11 (5) a representative from the Department of Human Services regarding the Interstate
 251.12 Compact for the Placement of Children;

251.13 (6) the compact administrator, selected as provided in Article III;

251.14 (7) the executive director of the Office of Justice Programs or designee;

251.15 (8) the deputy compact administrator; ~~and~~

251.16 (9) a representative from the State Public Defender's Office;

251.17 (10) a representative from the Minnesota County Attorney's Association;

251.18 (11) a representative from the Minnesota Sheriff's Association;

251.19 (12) a representative from the Minnesota Association of County Probation Officers;

251.20 (13) a representative from the Minnesota Association of Community Corrections Act
 251.21 Counties;

251.22 (14) a representative from the community at large;

251.23 (15) a representative from a community organization working with victims of crimes;

251.24 and

251.25 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

251.26 The council may elect a chair from among its members.

251.27 The council shall oversee and administer the state's participation in the compact as
 251.28 described in Article III. The council shall appoint the compact administrator as the state's
 251.29 commissioner.

252.1 The state advisory council will advise and exercise advocacy concerning that state's
252.2 participation in Interstate Commission activities and other duties as may be determined by
252.3 that state, including, but not limited to, development of policy concerning operations and
252.4 procedures of the compact within that state.

252.5 Expiration; expenses. The provisions of section 15.059 apply to the council except that
252.6 it does not expire.

252.7 ARTICLE X

252.8 COMPACTING STATES, EFFECTIVE DATE, 252.9 AND AMENDMENT

252.10 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
252.11 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas
252.12 Islands as defined in Article II of this compact is eligible to become a compacting state.

252.13 2. The compact shall become effective and binding upon legislative enactment of the
252.14 compact into law by no less than 35 of the states. The initial effective date shall be the later
252.15 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall
252.16 become effective and binding as to any other compacting state upon enactment of the
252.17 compact into law by that state. The governors of nonmember states or their designees shall
252.18 be invited to participate in the activities of the Interstate Commission on a nonvoting basis
252.19 prior to adoption of the compact by all states and territories of the United States.

252.20 3. The Interstate Commission may propose amendments to the compact for enactment
252.21 by the compacting states. No amendment shall become effective and binding upon the
252.22 Interstate Commission and the compacting states unless and until it is enacted into law by
252.23 unanimous consent of the compacting states.

252.24 ARTICLE XI

252.25 WITHDRAWAL, DEFAULT, TERMINATION, 252.26 AND JUDICIAL ENFORCEMENT

252.27 Section A. Withdrawal.

252.28 1. Once effective, the compact shall continue in force and remain binding upon each
252.29 and every compacting state; provided that a compacting state may withdraw from the
252.30 compact specifically repealing the statute, which enacted the compact into law.

252.31 2. The effective date of withdrawal is the effective date of the repeal.

252.32 3. The withdrawing state shall immediately notify the chair of the Interstate Commission
252.33 in writing upon the introduction of legislation repealing this compact in the withdrawing

253.1 state. The Interstate Commission shall notify the other compacting states of the withdrawing
253.2 state's intent to withdraw within 60 days of its receipt thereof.

253.3 4. The withdrawing state is responsible for all assessments, obligations, and liabilities
253.4 incurred through the effective date of withdrawal, including any obligations, the performance
253.5 of which extend beyond the effective date of withdrawal.

253.6 5. Reinstatement following withdrawal of any compacting state shall occur upon the
253.7 withdrawing state reenacting the compact or upon such later date as determined by the
253.8 Interstate Commission.

253.9 Section B. Technical assistance, fines, suspension, termination, and default.

253.10 1. If the Interstate Commission determines that any compacting state has at any time
253.11 defaulted in the performance of any of its obligations or responsibilities under this compact,
253.12 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all
253.13 of the following penalties:

253.14 a. remedial training and technical assistance as directed by the Interstate Commission;

253.15 b. alternative dispute resolution;

253.16 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
253.17 Interstate Commission;

253.18 d. suspension or termination of membership in the compact, which shall be imposed
253.19 only after all other reasonable means of securing compliance under the bylaws and rules
253.20 have been exhausted and the Interstate Commission has therefore determined that the
253.21 offending state is in default. Immediate notice of suspension shall be given by the Interstate
253.22 Commission to the governor, the chief justice, or the chief judicial officer of the state; the
253.23 majority and minority leaders of the defaulting state's legislature; and the state council. The
253.24 grounds for default include, but are not limited to, failure of a compacting state to perform
253.25 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly
253.26 promulgated rules and any other grounds designated in commission bylaws and rules. The
253.27 Interstate Commission shall immediately notify the defaulting state in writing of the penalty
253.28 imposed by the Interstate Commission and of the default pending a cure of the default. The
253.29 commission shall stipulate the conditions and the time period within which the defaulting
253.30 state must cure its default. If the defaulting state fails to cure the default within the time
253.31 period specified by the commission, the defaulting state shall be terminated from the compact
253.32 upon an affirmative vote of a majority of the compacting states and all rights, privileges,

254.1 and benefits conferred by this compact shall be terminated from the effective date of
254.2 termination.

254.3 2. Within 60 days of the effective date of termination of a defaulting state, the commission
254.4 shall notify the governor, the chief justice or chief judicial officer, the majority and minority
254.5 leaders of the defaulting state's legislature, and the state council of such termination.

254.6 3. The defaulting state is responsible for all assessments, obligations, and liabilities
254.7 incurred through the effective date of termination including any obligations, the performance
254.8 of which extends beyond the effective date of termination.

254.9 4. The Interstate Commission shall not bear any costs relating to the defaulting state
254.10 unless otherwise mutually agreed upon in writing between the Interstate Commission and
254.11 the defaulting state.

254.12 5. Reinstatement following termination of any compacting state requires both a
254.13 reenactment of the compact by the defaulting state and the approval of the Interstate
254.14 Commission pursuant to the rules.

254.15 Section C. Judicial enforcement.

254.16 The Interstate Commission may, by majority vote of the members, initiate legal action
254.17 in the United States District Court for the District of Columbia or, at the discretion of the
254.18 Interstate Commission, in the federal district where the Interstate Commission has its offices,
254.19 to enforce compliance with the provisions of the compact, its duly promulgated rules and
254.20 bylaws, against any compacting state in default. In the event judicial enforcement is
254.21 necessary, the prevailing party shall be awarded all costs of such litigation, including
254.22 reasonable attorney fees.

254.23 Section D. Dissolution of compact.

254.24 1. The compact dissolves effective upon the date of the withdrawal or default of the
254.25 compacting state, which reduces membership in the compact to one compacting state.

254.26 2. Upon the dissolution of this compact, the compact becomes null and void and shall
254.27 be of no further force or effect, and the business and affairs of the Interstate Commission
254.28 shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

254.29 ARTICLE XII

254.30 SEVERABILITY AND CONSTRUCTION

255.1 1. The provisions of this compact shall be severable, and if any phrase, clause, sentence,
255.2 or provision is deemed unenforceable, the remaining provisions of this compact shall be
255.3 enforceable.

255.4 2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

255.5 ARTICLE XIII

255.6 BINDING EFFECT OF COMPACT AND OTHER LAWS

255.7 Section A. Other laws.

255.8 1. Nothing herein prevents the enforcement of any other law of a compacting state that
255.9 is not inconsistent with this compact.

255.10 2. All compacting states' laws other than state constitutions and other interstate compacts
255.11 conflicting with this compact are superseded to the extent of the conflict.

255.12 Section B. Binding effect of the compact.

255.13 1. All lawful actions of the Interstate Commission, including all rules and bylaws
255.14 promulgated by the Interstate Commission, are binding upon the compacting state.

255.15 2. All agreements between the Interstate Commission and the compacting states are
255.16 binding in accordance with their terms.

255.17 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate
255.18 Commission actions, and upon a majority vote of the compacting states, the Interstate
255.19 Commission may issue advisory opinions regarding such meaning of interpretation.

255.20 4. In the event any provision of this compact exceeds the constitutional limits imposed
255.21 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction
255.22 sought to be conferred by such provision upon the Interstate Commission shall be ineffective
255.23 and such obligations, duties, powers, or jurisdiction shall remain in the compacting state
255.24 and shall be exercised by the agency thereof to which such obligations, duties, powers, or
255.25 jurisdiction are delegated by law in effect at the time this compact becomes effective.

255.26 Sec. 25. Minnesota Statutes 2022, section 260B.176, is amended by adding a subdivision
255.27 to read:

255.28 Subd. 1a. Risk-assessment instrument. (a) If a peace officer, probation officer, or
255.29 parole officer who takes a child into custody does not release the child according to
255.30 subdivision 1, the officer must communicate with or deliver the child to a juvenile secure
255.31 detention facility to determine whether the child should be released or detained.

256.1 (b) To determine whether a child should be released or detained, a facility's supervisor
256.2 must use an objective and racially, ethnically, and gender-responsive juvenile detention
256.3 risk-assessment instrument developed by the commissioner of corrections, county, group
256.4 of counties, or judicial district, in consultation with the state coordinator or coordinators of
256.5 the Minnesota Juvenile Detention Alternative Initiative.

256.6 (c) The risk-assessment instrument must:

256.7 (1) assess the likelihood that a child released from preadjudication detention under this
256.8 section or section 260B.178 would endanger others or not return for a court hearing;

256.9 (2) identify the appropriate setting for a child who might endanger others or not return
256.10 for a court hearing pending adjudication, with either continued detention or placement in a
256.11 noncustodial community-based supervision setting; and

256.12 (3) identify the type of noncustodial community-based supervision setting necessary to
256.13 minimize the risk that a child who is released from custody will endanger others or not
256.14 return for a court hearing.

256.15 (d) If, after using the instrument, a determination is made that the child should be released,
256.16 the person taking the child into custody or the facility supervisor must release the child
256.17 according to subdivision 1.

256.18 **EFFECTIVE DATE.** This section is effective August 15, 2023.

256.19 Sec. 26. Minnesota Statutes 2022, section 299A.41, subdivision 4, is amended to read:

256.20 Subd. 4. **Public safety officer.** "Public safety officer" includes:

256.21 (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);

256.22 (2) a correction officer employed at a correctional facility and charged with maintaining
256.23 the safety, security, discipline, and custody of inmates at the facility;

256.24 (3) a corrections staff person working in a public agency and supervising offenders in
256.25 the community as defined in sections 243.05, subdivision 6; 244.19, subdivision 1; and
256.26 401.01, subdivision 2;

256.27 ~~(3)~~ (4) an individual employed on a full-time basis by the state or by a fire department
256.28 of a governmental subdivision of the state, who is engaged in any of the following duties:

256.29 (i) firefighting;

256.30 (ii) emergency motor vehicle operation;

256.31 (iii) investigation into the cause and origin of fires;

- 257.1 (iv) the provision of emergency medical services; or
- 257.2 (v) hazardous material responder;
- 257.3 ~~(4)~~ (5) a legally enrolled member of a volunteer fire department or member of an
- 257.4 independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- 257.5 ~~(5)~~ (6) a good samaritan while complying with the request or direction of a public safety
- 257.6 officer to assist the officer;
- 257.7 ~~(6)~~ (7) a reserve police officer or a reserve deputy sheriff while acting under the
- 257.8 supervision and authority of a political subdivision;
- 257.9 ~~(7)~~ (8) a driver or attendant with a licensed basic or advanced life-support transportation
- 257.10 service who is engaged in providing emergency care;
- 257.11 ~~(8)~~ (9) a first responder who is certified by the emergency medical services regulatory
- 257.12 board to perform basic emergency skills before the arrival of a licensed ambulance service
- 257.13 and who is a member of an organized service recognized by a local political subdivision to
- 257.14 respond to medical emergencies to provide initial medical care before the arrival of an
- 257.15 ambulance; and
- 257.16 ~~(9)~~ (10) a person, other than a state trooper, employed by the commissioner of public
- 257.17 safety and assigned to the State Patrol, whose primary employment duty is either Capitol
- 257.18 security or the enforcement of commercial motor vehicle laws and regulations.

257.19 Sec. 27. Minnesota Statutes 2022, section 629.292, subdivision 2, is amended to read:

257.20 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the

257.21 commissioner of corrections or other official designated by the commissioner having custody

257.22 of the prisoner, who shall forthwith:

257.23 ~~(a)~~ (1) certify the term of commitment under which the prisoner is being held, the time

257.24 already served on the sentence, the time remaining to be served, the good time earned, the

257.25 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections

257.26 relating to the prisoner; ~~and~~

257.27 ~~(b)~~ (2) send by registered or certified mail, return receipt requested, one copy of the

257.28 request and certificate to the court and one copy to the prosecuting attorney to whom it is

257.29 addressed; and

257.30 (3) send by e-filing and e-serving the paperwork, one copy of the request to the court

257.31 and one copy to the prosecuting attorney to whom it is addressed.

258.1 Sec. 28. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

258.2 **Subdivision 1. Placement prohibited.** After August 1, 2023, a sheriff shall not allow
258.3 inmates committed to the custody of the sheriff who are not on probation, work release, or
258.4 some other form of approved release status to be housed in facilities that are not owned and
258.5 operated by a local government, or a group of local units of government.

258.6 **Subd. 2. Contracts prohibited.** (a) Except as provided in paragraph (b), the county
258.7 board may not authorize the sheriff to contract with privately owned and operated prisons
258.8 for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

258.9 (b) Nothing in this section prohibits a county board from contracting with privately
258.10 owned residential facilities, such as halfway houses, group homes, work release centers, or
258.11 treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are
258.12 on probation, work release, or some other form of approved release status.

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

258.14 Sec. 29. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:

258.15 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
258.16 pay the costs of medical services provided to prisoners pursuant to this section. The amount
258.17 paid by the county board for a medical service shall not exceed the maximum allowed
258.18 medical assistance payment rate for the service, as determined by the commissioner of
258.19 human services. In the absence of a health or medical insurance or health plan that has a
258.20 contractual obligation with the provider or the prisoner, medical providers shall charge no
258.21 higher than the rate negotiated between the county and the provider. In the absence of an
258.22 agreement between the county and the provider, the provider may not charge an amount
258.23 that exceeds the maximum allowed medical assistance payment rate for the service, as
258.24 determined by the commissioner of human services. The county is entitled to reimbursement
258.25 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
258.26 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
258.27 incur co-payment obligations for health care services provided by a county correctional
258.28 facility. The county board shall determine the co-payment amount. Notwithstanding any
258.29 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
258.30 by the county, to the extent possible. If there is a disagreement between the county and a
258.31 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
258.32 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
258.33 If a prisoner is covered by health or medical insurance or other health plan when medical
258.34 services are provided, the medical provider shall bill that health or medical insurance or

259.1 other plan. If the county providing the medical services for a prisoner that has coverage
 259.2 under health or medical insurance or other plan, that county has a right of subrogation to
 259.3 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
 259.4 prisoner that are covered by the policy of insurance or health plan, in accordance with the
 259.5 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
 259.6 health plan. The county may maintain an action to enforce this subrogation right. The county
 259.7 does not have a right of subrogation against the medical assistance program. The county
 259.8 shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline,
 259.9 a mental health provider, or calls for the purpose of providing case management or mental
 259.10 health services as defined in section 245.462 to prisoners.

259.11 Sec. 30. Minnesota Statutes 2022, section 641.155, is amended to read:

259.12 **641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT**
 259.13 **MENTAL ILLNESS.**

259.14 Subdivision 1. Discharge plans. The commissioner of corrections shall develop and
 259.15 distribute a model discharge planning process for every offender with a serious and persistent
 259.16 mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been
 259.17 convicted and sentenced to serve three or more months and is being released from a county
 259.18 jail or county regional jail. The commissioner may specify different model discharge plans
 259.19 for prisoners who have been detained pretrial and prisoners who have been sentenced to
 259.20 jail. The commissioner must consult best practices and the most current correctional health
 259.21 care standards from national accrediting organizations. The commissioner must review and
 259.22 update the model process as needed.

259.23 Subd. 2. Discharge plans for people with serious and persistent mental illnesses. An
 259.24 offender A person with a serious and persistent mental illness, as defined in section 245.462,
 259.25 subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more
 259.26 months and is being released from a county jail or county regional jail shall be referred to
 259.27 the appropriate staff in the county human services department at least 60 days before being
 259.28 released. The county human services department ~~may carry out provisions of the model~~
 259.29 ~~discharge planning process such as~~ must complete a discharge plan with the prisoner no
 259.30 less than 14 days before release that may include:

259.31 (1) providing assistance in filling out an application for medical assistance or
 259.32 MinnesotaCare;

259.33 (2) making a referral for case management as outlined under section 245.467, subdivision
 259.34 4;

260.1 (3) providing assistance in obtaining a state photo identification;

260.2 (4) securing a timely appointment with a psychiatrist or other appropriate community
260.3 mental health providers; and

260.4 (5) providing prescriptions for a 30-day supply of all necessary medications.

260.5 Subd. 3. Reentry coordination programs. A county may establish a program to provide
260.6 services and assist prisoners with reentering the community. Reentry services may include
260.7 but are not limited to:

260.8 (1) providing assistance in meeting the basic needs of the prisoner immediately after
260.9 release, including but not limited to provisions for transportation, clothing, food, and shelter;

260.10 (2) providing assistance in filling out an application for medical assistance or
260.11 MinnesotaCare;

260.12 (3) providing assistance in obtaining a state photo identification;

260.13 (4) providing assistance in obtaining prescriptions for all necessary medications;

260.14 (5) coordinating services with the local county services agency or the social services
260.15 agency in the county where the prisoner is a resident; and

260.16 (6) coordinating services with a community mental health or substance use disorder
260.17 provider.

260.18 Sec. 31. **MENTAL HEALTH UNIT PILOT PROGRAM.**

260.19 (a) The commissioner of corrections shall establish a pilot program with interested
260.20 counties to provide mental health care to individuals with serious and persistent mental
260.21 illness who are incarcerated in county jails. The pilot program must require the participating
260.22 counties to pay according to Minnesota Statutes, section 243.51, a per diem for
260.23 reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park
260.24 Heights, and other costs incurred by the Department of Corrections.

260.25 (b) The commissioner in consultation with the Minnesota Sheriffs' Association shall
260.26 develop program protocols, guidelines, and procedures and qualifications for participating
260.27 counties and incarcerated individuals to be treated in the Mental Health Unit. The program
260.28 is limited to a total of five incarcerated individuals from the participating counties at any
260.29 one time. Incarcerated individuals must volunteer to be treated in the unit and be able to
260.30 participate in programming with other incarcerated individuals.

261.1 (c) The Minnesota Correctional Facility - Oak Park Heights warden, director of
261.2 psychology, and associate director of behavioral health, or a designee of each, in consultation
261.3 with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association
261.4 on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

261.5 (d) On November 15, 2024, the warden shall submit a report to the chairs and ranking
261.6 minority members of the legislative committees and divisions with jurisdiction over
261.7 corrections describing the protocols, guidelines, and procedures for participation in the pilot
261.8 program by counties and incarcerated individuals, challenges with staffing, cost sharing
261.9 with counties, capacity of the program, services provided to the incarcerated individuals,
261.10 program outcomes, concerns regarding the program, and recommendations for the viability
261.11 of a long-term program.

261.12 (e) The pilot program expires November 16, 2024.

261.13 **Sec. 32. REVISED FACILITY PLANS.**

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

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

261.20 **Sec. 33. REGIONAL AND COUNTY JAILS; STUDY AND REPORT.**

261.21 Subdivision 1. **Study.** The commissioner of corrections must study and make
261.22 recommendations on the consolidation or merger of county jails and alternatives to
261.23 incarceration for persons experiencing mental health disorders. The commissioner must
261.24 engage and solicit feedback from citizens who live in communities served by facilities that
261.25 may be impacted by the commissioner's recommendations for the consolidation or merger
261.26 of jails. The commissioner must consult with the following individuals on the study and
261.27 recommendations:

261.28 (1) county sheriffs;

261.29 (2) county and city attorneys who prosecute offenders;

261.30 (3) chief law enforcement officers;

261.31 (4) administrators of county jail facilities; and

262.1 (5) district court administrators.

262.2 Each party receiving a request for information from the commissioner under this section
262.3 shall provide the requested information in a timely manner.

262.4 Subd. 2. **Report.** The commissioner of corrections must file a report with the chairs and
262.5 ranking minority members of the senate and house of representatives committees and
262.6 divisions with jurisdiction over public safety and capital investment on the study and
262.7 recommendations under subdivision 1 on or before December 1, 2024. The report must, at
262.8 a minimum, provide the following information:

262.9 (1) the daily average number of offenders incarcerated in each county jail facility:

262.10 (i) who are in pretrial detention;

262.11 (ii) who cannot afford to pay bail;

262.12 (iii) for failure to pay fines and fees;

262.13 (iv) for offenses that stem from controlled substance addiction or mental health disorders;

262.14 (v) for nonfelony offenses;

262.15 (vi) who are detained pursuant to contracts with other authorities; and

262.16 (vii) for supervised release and probation violations;

262.17 (2) the actual cost of building a new jail facility, purchasing another facility, or repairing
262.18 a current facility;

262.19 (3) the age of current jail facilities;

262.20 (4) county population totals and trends;

262.21 (5) county crime rates and trends;

262.22 (6) the proximity of current jails to courthouses, probation services, social services,
262.23 treatment providers, and work-release employment opportunities;

262.24 (7) specific recommendations for alternatives to incarceration for persons experiencing
262.25 mental health disorders; and

262.26 (8) specific recommendations on the consolidation or merger of county jail facilities
262.27 and operations, including:

262.28 (i) where consolidated facilities should be located;

262.29 (ii) which counties are best suited for consolidation;

263.1 (iii) the projected costs of construction, renovation, or purchase of the facility; and

263.2 (iv) the projected cost of operating the facility.

263.3 Subd. 3. **Evaluation.** The commissioner, in consultation with the commissioner of
263.4 management and budget, must evaluate the need of any capital improvement project that
263.5 requests an appropriation of state capital budget money during an odd-numbered year to
263.6 construct a jail facility or for capital improvements to expand the number of incarcerated
263.7 offenders at an existing jail facility. The commissioner shall use the report under subdivision
263.8 2 to inform the evaluation. The commissioner must submit all evaluations under this
263.9 subdivision by January 15 of each even-numbered year to the chairs and ranking minority
263.10 members of the senate and house of representatives committees and divisions with jurisdiction
263.11 over public safety and capital investment on the study and recommendations under this
263.12 subdivision.

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

263.14 Sec. 34. **RULEMAKING.**

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

263.20 (b) In amending or adopting rules according to paragraph (a), the commissioner must
263.21 use the exempt rulemaking process under Minnesota Statutes, section 14.386.
263.22 Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under
263.23 this section is permanent. After the rule is adopted, the authorization to use the exempt
263.24 rulemaking process expires.

263.25 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
263.26 60, or any other law to the contrary, the joint rulemaking authority with the commissioner
263.27 of human services does not apply to rule amendments applicable only to the Department of
263.28 Corrections. A rule that is amending jointly administered rule parts must be related to
263.29 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be
263.30 necessary for consistency with this section.

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

264.1 Sec. 35. **REPEALER.**

264.2 Minnesota Statutes 2022, sections 244.14; and 244.15, are repealed.

264.3 **ARTICLE 12**

264.4 **MINNESOTA REHABILITATION AND REINVESTMENT ACT**

264.5 Section 1. Minnesota Statutes 2022, section 244.03, is amended to read:

264.6 **244.03 REHABILITATIVE PROGRAMS.**

264.7 Subdivision 1. **Commissioner responsibility.** (a) For individuals committed to the
 264.8 commissioner's authority, the commissioner shall provide appropriate mental health programs
 264.9 and vocational and educational programs with employment-related goals for inmates. The
 264.10 selection, design and implementation of programs under this section shall be the sole
 264.11 responsibility of the commissioner, acting within the limitations imposed by the funds
 264.12 appropriated for such programs. must develop, implement, and provide, as appropriate:

264.13 (1) substance use disorder treatment programs;

264.14 (2) sexual offender treatment programming;

264.15 (3) domestic abuse programming;

264.16 (4) medical and mental health services;

264.17 (5) spiritual and faith-based programming;

264.18 (6) culturally responsive programming;

264.19 (7) vocational, employment and career, and educational programming; and

264.20 (8) other rehabilitative programs.

264.21 (b) While evidence-based programs must be prioritized, selecting, designing, and
 264.22 implementing programs under this section are the sole responsibility of the commissioner,
 264.23 acting within the limitations imposed by the funds appropriated for the programs under this
 264.24 section.

264.25 Subd. 2. **Challenge prohibited.** No action challenging the level of expenditures for
 264.26 rehabilitative programs authorized under this section, nor any action challenging the selection,
 264.27 design, or implementation of these programs, including employee assignments, may be
 264.28 maintained by an inmate in any court in this state.

264.29 Subd. 3. **Disciplinary sanctions.** The commissioner may impose disciplinary sanctions
 264.30 upon on any inmate who refuses to participate in rehabilitative programs.

265.1 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

265.2 Subd. 1b. **Supervised release; offenders inmates who commit crimes on or after**
 265.3 **August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to
 265.4 prison for a felony offense committed on or after August 1, 1993, shall serve a supervised
 265.5 release term upon completion of the inmate's term of imprisonment and any disciplinary
 265.6 confinement period imposed by the commissioner due to the inmate's violation of any
 265.7 disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative
 265.8 program required under section 244.03. The amount of time the inmate serves on supervised
 265.9 release ~~shall be~~ is equal in length to the amount of time remaining in to one-third of the
 265.10 inmate's fixed executed sentence after the inmate has served the term of imprisonment and
 265.11 any disciplinary confinement period imposed by the commissioner, less any disciplinary
 265.12 confinement period imposed by the commissioner and regardless of any earned incentive
 265.13 release credit applied toward the individual's term of imprisonment under section 244.44.

265.14 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
 265.15 program as required under section 244.03 shall be placed on supervised release until the
 265.16 inmate has served the disciplinary confinement period for that disciplinary sanction or until
 265.17 the inmate is discharged or released from punitive ~~segregation~~ restrictive-housing
 265.18 confinement, whichever is later. The imposition of a disciplinary confinement period shall
 265.19 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
 265.20 imposing the disciplinary confinement period and the rights of the inmate in the procedure
 265.21 shall be those in effect for the imposition of other disciplinary sanctions at each state
 265.22 correctional institution.

265.23 (c) For purposes of this subdivision, "earned incentive release credit" has the meaning
 265.24 given in section 244.41, subdivision 7.

265.25 Sec. 3. **[244.40] MINNESOTA REHABILITATION AND REINVESTMENT ACT.**

265.26 Sections 244.40 to 244.51 may be cited as the "Minnesota Rehabilitation and
 265.27 Reinvestment Act."

265.28 Sec. 4. **[244.41] DEFINITIONS.**

265.29 Subdivision 1. **Scope.** For purposes of the act, the terms defined in this section have the
 265.30 meanings given.

265.31 Subd. 2. **Act.** "Act" means the Minnesota Rehabilitation and Reinvestment Act.

265.32 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections.

266.1 Subd. 4. **Correctional facility.** "Correctional facility" means a state facility under the
266.2 direct operational authority of the commissioner but does not include a commissioner-licensed
266.3 local detention facility.

266.4 Subd. 5. **Direct-cost per diem.** "Direct-cost per diem" means the actual nonsalary
266.5 expenditures, including encumbrances as of July 31 following the end of the fiscal year,
266.6 from the Department of Corrections expense budgets for food preparation; food provisions;
266.7 personal support for incarcerated persons, including clothing, linen, and other personal
266.8 supplies; transportation; and professional technical contracted health care services.

266.9 Subd. 6. **Earned compliance credit.** "Earned compliance credit" means a one-month
266.10 reduction from the period during active supervision of the supervised release term for every
266.11 two months that a supervised individual exhibits compliance with the conditions and goals
266.12 of the individual's supervision plan.

266.13 Subd. 7. **Earned incentive release credit.** "Earned incentive release credit" means credit
266.14 that is earned and included in calculating an incarcerated person's term of imprisonment for
266.15 completing objectives established by their individualized rehabilitation plan under section
266.16 244.42.

266.17 Subd. 8. **Earned incentive release savings.** "Earned incentive release savings" means
266.18 the calculation of the direct-cost per diem multiplied by the number of incarcerated days
266.19 saved for the period of one fiscal year.

266.20 Subd. 9. **Executed sentence.** "Executed sentence" means the total period for which an
266.21 incarcerated person is committed to the custody of the commissioner.

266.22 Subd. 10. **Incarcerated days saved.** "Incarcerated days saved" means the number of
266.23 days of an incarcerated person's original term of imprisonment minus the number of actual
266.24 days served, excluding days not served due to death or as a result of time earned in the
266.25 challenge incarceration program under sections 244.17 to 244.173.

266.26 Subd. 11. **Incarcerated person.** "Incarcerated person" has the meaning given "inmate"
266.27 in section 244.01, subdivision 2.

266.28 Subd. 12. **Supervised release.** "Supervised release" means the release of an incarcerated
266.29 person according to section 244.05.

266.30 Subd. 13. **Supervised release term.** "Supervised release term" means the period equal
266.31 to one-third of the individual's fixed executed sentence, less any disciplinary confinement
266.32 period or punitive restrictive-housing confinement imposed under section 244.05, subdivision
266.33 1b.

267.1 Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end
267.2 to active correctional supervision of a supervised individual without effect on the legal
267.3 expiration date of the individual's executed sentence less any earned incentive release credit.

267.4 Subd. 15. **Term of imprisonment.** "Term of imprisonment" has the meaning given in
267.5 section 244.01, subdivision 8.

267.6 Sec. 5. **[244.42] COMPREHENSIVE ASSESSMENT AND INDIVIDUALIZED**
267.7 **REHABILITATION PLAN REQUIRED.**

267.8 Subdivision 1. **Comprehensive assessment.** (a) The commissioner must develop a
267.9 comprehensive assessment process for each person who:

267.10 (1) is committed to the commissioner's custody and confined in a state correctional
267.11 facility on or after January 1, 2025; and

267.12 (2) has 365 or more days remaining until the person's scheduled supervised release date
267.13 or parole eligibility date.

267.14 (b) As part of the assessment process, the commissioner must take into account
267.15 appropriate rehabilitative programs under section 244.03.

267.16 Subd. 2. **Individualized rehabilitation plan.** After completing the assessment process,
267.17 the commissioner must ensure the development of an individualized rehabilitation plan,
267.18 along with identified goals, for every person committed to the commissioner's custody. The
267.19 individualized rehabilitation plan must be holistic in nature by identifying intended outcomes
267.20 for addressing:

267.21 (1) the incarcerated person's needs and risk factors;

267.22 (2) the person's identified strengths; and

267.23 (3) available and needed community supports, including victim safety considerations
267.24 as required under section 244.47, if applicable.

267.25 Subd. 3. **Victim input.** (a) If an individual is committed to the commissioner's custody
267.26 for a crime listed in section 609.02, subdivision 16, the commissioner must make reasonable
267.27 efforts to notify a victim of the opportunity to provide input during the assessment and
267.28 rehabilitation plan process. Victim input may include:

267.29 (1) a summary of victim concerns relative to release;

267.30 (2) concerns related to victim safety during the committed individual's term of
267.31 imprisonment; or

268.1 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
268.2 or supervised release.

268.3 (b) The commissioner must consider all victim input statements when developing an
268.4 individualized rehabilitation plan and establishing conditions governing confinement or
268.5 release.

268.6 Subd. 4. **Transition and release plan.** For an incarcerated person with less than 365
268.7 days remaining until the person's supervised release date, the commissioner, in consultation
268.8 with the incarcerated person, must develop a transition and release plan.

268.9 Subd. 5. **Scope of act.** This act is separate and distinct from other legislatively authorized
268.10 release programs, including the challenge incarceration program, work release, conditional
268.11 medical release, or the program for the conditional release of nonviolent controlled substance
268.12 offenders.

268.13 Sec. 6. **[244.43] EARNED INCENTIVE RELEASE CREDIT.**

268.14 Subdivision 1. **Policy for earned incentive release credit; stakeholder consultation.** (a)
268.15 To encourage and support rehabilitation when consistent with the public interest and public
268.16 safety, the commissioner must establish a policy providing for earned incentive release
268.17 credit as a part of the term of imprisonment. The policy must be established in consultation
268.18 with the following organizations:

268.19 (1) Minnesota County Attorneys Association;

268.20 (2) Minnesota Board of Public Defense;

268.21 (3) Minnesota Association of Community Corrections Act Counties;

268.22 (4) Minnesota Indian Women's Sexual Assault Coalition;

268.23 (5) Violence Free Minnesota;

268.24 (6) Minnesota Coalition Against Sexual Assault;

268.25 (7) Minnesota Alliance on Crime;

268.26 (8) Minnesota Sheriffs' Association;

268.27 (9) Minnesota Chiefs of Police Association;

268.28 (10) Minnesota Police and Peace Officers Association; and

268.29 (11) faith-based organizations that reflect the demographics of the incarcerated population.

268.30 (b) The policy must:

269.1 (1) provide circumstances upon which an incarcerated person may receive earned
 269.2 incentive release credits, including participation in rehabilitative programming under section
 269.3 244.03; and

269.4 (2) address circumstances where:

269.5 (i) the capacity to provide rehabilitative programming in the correctional facility is
 269.6 diminished but the programming is available in the community; and

269.7 (ii) the conditions under which the incarcerated person could be released to the
 269.8 community-based resource but remain subject to commitment to the commissioner and
 269.9 could be considered for earned incentive release credit.

269.10 Subd. 2. **Policy on disparities.** The commissioner must develop a policy establishing a
 269.11 process for assessing and addressing any systemic and programmatic gender and racial
 269.12 disparities that may be identified when awarding earned incentive release credits.

269.13 **Sec. 7. [244.44] APPLYING EARNED INCENTIVE RELEASE CREDIT.**

269.14 Earned incentive release credits are included in calculating the term of imprisonment
 269.15 but are not added to the person's supervised release term, the total length of which remains
 269.16 unchanged. The maximum amount of earned incentive release credit that can be earned and
 269.17 subtracted from the term of imprisonment is 17 percent of the total executed sentence.
 269.18 Earned credit cannot reduce the term of imprisonment to less than one-half of the incarcerated
 269.19 person's executed sentence. Once earned, earned incentive release credits are nonrevocable.

269.20 **Sec. 8. [244.45] INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.**

269.21 The following individuals are ineligible for earned incentive release credit:

269.22 (1) those serving life sentences;

269.23 (2) those given indeterminate sentences for crimes committed on or before April 30,
 269.24 1980; or

269.25 (3) those subject to good time under section 244.04 or similar laws.

269.26 **Sec. 9. [244.46] EARNED COMPLIANCE CREDIT AND SUPERVISION**
 269.27 **ABATEMENT STATUS.**

269.28 Subdivision 1. **Adopting policy for earned compliance credit; supervision abatement**
 269.29 **status.** (a) The commissioner must adopt a policy providing for earned compliance credit.

270.1 (b) Except as otherwise provided in the act, once the time served on active supervision
270.2 plus earned compliance credits equals the total length of the supervised release term, the
270.3 commissioner must place the individual on supervision abatement status for the remainder
270.4 of the supervised release term.

270.5 Subd. 2. **Violating conditions of release; commissioner action.** If an individual violates
270.6 the conditions of release while on supervision abatement status, the commissioner may:

270.7 (1) return the individual to active supervision for the remainder of the supervised release
270.8 term, with or without modifying the conditions of release; or

270.9 (2) revoke the individual's supervised release in accordance with section 244.05,
270.10 subdivision 3.

270.11 Subd. 3. **Supervision abatement status; requirements.** A person who is placed on
270.12 supervision abatement status under this section must not be required to regularly report to
270.13 a supervised release agent or pay a supervision fee but must continue to:

270.14 (1) obey all laws;

270.15 (2) report any new criminal charges; and

270.16 (3) abide by section 243.1605 before seeking written authorization to relocate to another
270.17 state.

270.18 Subd. 4. **Applicability.** This section does not apply to individuals:

270.19 (1) serving life sentences;

270.20 (2) given indeterminate sentences for crimes committed on or before April 30, 1980; or

270.21 (3) subject to good time under section 244.04 or similar laws.

270.22 Sec. 10. **[244.47] VICTIM INPUT.**

270.23 Subdivision 1. **Notifying victim; victim input.** (a) If an individual is committed to the
270.24 custody of the commissioner for a crime listed in section 609.02, subdivision 16, and is
270.25 eligible for earned incentive release credit, the commissioner must make reasonable efforts
270.26 to notify the victim that the committed individual is eligible for earned incentive release
270.27 credit.

270.28 (b) Victim input may include:

270.29 (1) a summary of victim concerns relative to eligibility of earned incentive release credit;

271.1 (2) concerns related to victim safety during the committed individual's term of
271.2 imprisonment; or

271.3 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
271.4 or supervised release.

271.5 Subd. 2. **Victim input statements.** The commissioner must consider victim input
271.6 statements when establishing requirements governing conditions of release. The
271.7 commissioner must provide the name and telephone number of the local victim agency
271.8 serving the jurisdiction of release to any victim providing input on earned incentive release
271.9 credit.

271.10 Sec. 11. **[244.48] VICTIM NOTIFICATION.**

271.11 Nothing in this act limits any victim notification obligations of the commissioner required
271.12 by statute related to a change in custody status, committing offense, end-of-confinement
271.13 review, or notification registration.

271.14 Sec. 12. **[244.49] INTERSTATE COMPACT.**

271.15 (a) This section applies to a person serving a Minnesota sentence while being supervised
271.16 in another state according to the Interstate Compact for Adult Supervision.

271.17 (b) As may be allowed under section 243.1605, a person may be eligible for supervision
271.18 abatement status according to the act only if they meet eligibility criteria for earned
271.19 compliance credit as established under section 244.46.

271.20 Sec. 13. **[244.50] REALLOCATING EARNED INCENTIVE RELEASE SAVINGS.**

271.21 Subdivision 1. **Establishing reallocation revenue account.** The reallocation of earned
271.22 incentive release savings account is established in the special revenue fund in the state
271.23 treasury. Funds in the account are appropriated to the commissioner and must be expended
271.24 in accordance with the allocation established in subdivision 4 after the requirements of
271.25 subdivision 2 are met. Funds in the account are available until expended.

271.26 Subd. 2. **Certifying earned incentive release savings.** On or before the final closeout
271.27 date of each fiscal year, the commissioner must certify to Minnesota Management and
271.28 Budget the earned incentive release savings from the previous fiscal year. The commissioner
271.29 must provide the detailed calculation substantiating the savings amount, including
271.30 accounting-system-generated data where possible, supporting the direct-cost per diem and
271.31 the incarcerated days saved.

272.1 Subd. 3. Savings to be transferred to reallocation revenue account. After the
272.2 certification in subdivision 2 is completed, the commissioner must transfer funds from the
272.3 appropriation from which the savings occurred to the reallocation revenue account according
272.4 to the allocation in subdivision 4. Transfers must occur by September 1 each year.

272.5 Subd. 4. Distributing reallocation funds. The commissioner must distribute funds as
272.6 follows:

272.7 (1) 25 percent must be transferred to the Office of Justice Programs in the Department
272.8 of Public Safety for crime victim services;

272.9 (2) 25 percent must be transferred to the Community Corrections Act subsidy
272.10 appropriation and to the Department of Corrections for supervised release and intensive
272.11 supervision services, based upon a three-year average of the release jurisdiction of supervised
272.12 releasees and intensive supervised releasees across the state;

272.13 (3) 25 percent must be transferred to the Department of Corrections for:

272.14 (i) grants to develop and invest in community-based services that support the identified
272.15 needs of correctionally involved individuals or individuals at risk of becoming involved in
272.16 the criminal justice system; and

272.17 (ii) sustaining the operation of evidence-based programming in state and local correctional
272.18 facilities; and

272.19 (4) 25 percent must be transferred to the general fund.

272.20 **Sec. 14. [244.51] REPORTING REQUIRED.**

272.21 Subdivision 1. Annual report required. (a) Beginning January 15, 2026, and by January
272.22 15 each year thereafter for ten years, the commissioner must provide a report to the chairs
272.23 and ranking minority members of the house of representatives and senate committees and
272.24 divisions with jurisdiction over public safety and judiciary.

272.25 (b) For the 2026 report, the commissioner must report on implementing the requirements
272.26 in this act. Starting with the 2027 report, the commissioner must report on the status of the
272.27 requirements in this act for the previous fiscal year.

272.28 (c) Each report must be provided to the sitting president of the Minnesota Association
272.29 of Community Corrections Act Counties and the executive directors of the Minnesota
272.30 Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition,
272.31 the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against
272.32 Sexual Assault, and the Minnesota County Attorneys Association.

273.1 (d) The report must include but not be limited to:

273.2 (1) a qualitative description of policy development; implementation status; identified
273.3 implementation or operational challenges; strategies identified to mitigate and ensure that
273.4 the act does not create or exacerbate gender, racial, and ethnic disparities; and proposed
273.5 mechanisms for projecting future savings and reallocation of savings;

273.6 (2) the number of persons who were granted earned incentive release credit, the total
273.7 number of days of incentive release earned, a summary of committing offenses for those
273.8 persons who earned incentive release credit, a summary of earned incentive release savings,
273.9 and the demographic data for all persons eligible for earned incentive release credit and the
273.10 reasons and demographic data of those eligible persons for whom earned incentive release
273.11 credit was unearned or denied;

273.12 (3) the number of persons who earned supervision abatement status, the total number
273.13 of days of supervision abatement earned, the committing offenses for those persons granted
273.14 supervision abatement status, the number of revocations for reoffense while on supervision
273.15 abatement status, and the demographic data for all persons eligible for, considered for,
273.16 granted, or denied supervision abatement status and the reasons supervision abatement status
273.17 was unearned or denied;

273.18 (4) the number of persons deemed ineligible to receive earned incentive release credits
273.19 and supervise abatement and the demographic data for the persons; and

273.20 (5) the number of victims who submitted input, the number of referrals to local
273.21 victim-serving agencies, and a summary of the kinds of victim services requested.

273.22 Subd. 2. **Soliciting feedback.** (a) The commissioner must solicit feedback on
273.23 victim-related operational concerns from the Minnesota Indian Women's Sexual Assault
273.24 Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and
273.25 Violence Free Minnesota.

273.26 (b) The feedback should relate to applying earned incentive release credit and supervision
273.27 abatement status options. A summary of the feedback from the organizations must be
273.28 included in the annual report.

273.29 Subd. 3. **Evaluating earned incentive release credit and act.** The commissioner must
273.30 direct the Department of Corrections' research unit to regularly evaluate earned incentive
273.31 release credits and other provisions of the act. The findings must be published on the
273.32 Department of Corrections' website and in the annual report.

274.1 Sec. 15. EFFECTIVE DATE.

274.2 Sections 1 to 14 are effective August 1, 2023.

274.3 **ARTICLE 13**

274.4 **FIREARMS BACKGROUND CHECKS**

274.5 Section 1. Minnesota Statutes 2022, section 624.7131, is amended to read:

274.6 **624.7131 TRANSFEREE PERMIT; PENALTY.**

274.7 Subdivision 1. **Information.** Any person may apply for a transferee permit by providing
274.8 the following information in writing to the chief of police of an organized full time police
274.9 department of the municipality in which the person resides or to the county sheriff if there
274.10 is no such local chief of police:

274.11 (1) the name, residence, telephone number, and driver's license number or
274.12 nonqualification certificate number, if any, of the proposed transferee;

274.13 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
274.14 characteristics, if any, of the proposed transferee;

274.15 (3) a statement that the proposed transferee authorizes the release to the local police
274.16 authority of commitment information about the proposed transferee maintained by the
274.17 commissioner of human services, to the extent that the information relates to the proposed
274.18 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
274.19 under section 624.713, subdivision 1; and

274.20 (4) a statement by the proposed transferee that the proposed transferee is not prohibited
274.21 by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

274.22 The statements shall be signed and dated by the person applying for a permit. At the
274.23 time of application, the local police authority shall provide the applicant with a dated receipt
274.24 for the application. The statement under clause (3) must comply with any applicable
274.25 requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect
274.26 to consent to disclosure of alcohol or drug abuse patient records.

274.27 Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories,
274.28 records and warrant information relating to the applicant through the Minnesota Crime
274.29 Information System, the national criminal record repository, and the National Instant Criminal
274.30 Background Check System. The chief of police or sheriff shall also make a reasonable effort
274.31 to check other available state and local record-keeping systems. The chief of police or sheriff

275.1 shall obtain commitment information from the commissioner of human services as provided
275.2 in section 245.041.

275.3 Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application
275.4 forms available throughout the community. There shall be no charge for forms, reports,
275.5 investigations, notifications, waivers or any other act performed or materials provided by
275.6 a government employee or agency in connection with application for or issuance of a
275.7 transferee permit.

275.8 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
275.9 sheriff that shall refuse to grant a transferee permit if the applicant is: (1) prohibited by
275.10 section 624.713 state or federal law from possessing a pistol or semiautomatic military-style
275.11 assault weapon shall be the only basis for refusal to grant a transferee permit; (2) determined
275.12 to be a danger to self or the public when in possession of firearms under paragraph (b); or
275.13 (3) listed in the criminal gang investigative data system under section 299C.091.

275.14 (b) A chief of police or sheriff shall refuse to grant a permit to a person if there exists a
275.15 substantial likelihood that the applicant is a danger to self or the public when in possession
275.16 of a firearm. To deny the application pursuant to paragraph (a), clause (2), the chief of police
275.17 or sheriff must provide the applicant with written notification and the specific factual basis
275.18 justifying the denial, including the source of the factual basis. The chief of police or sheriff
275.19 must inform the applicant of the applicant's right to submit, within 20 business days, any
275.20 additional documentation relating to the propriety of the denial. Upon receiving any additional
275.21 documentation, the chief of police or sheriff must reconsider the denial and inform the
275.22 applicant within 15 business days of the result of the reconsideration. Any denial after
275.23 reconsideration must be in the same form and substance as the original denial and must
275.24 specifically address any continued deficiencies in light of the additional documentation
275.25 submitted by the applicant. The applicant must be informed of the right to seek de novo
275.26 review of the denial as provided in subdivision 8.

275.27 (c) A person is not eligible to submit a permit application under this section if the person
275.28 has had an application denied pursuant to paragraph (b) and less than six months have
275.29 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
275.30 whichever is later.

275.31 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
275.32 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
275.33 joint jurisdiction over the proposed transferee's residence.

276.1 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
276.2 permit or deny the application within ~~seven~~ 30 days of application for the permit.

276.3 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
276.4 written notification of a denial and the specific reason for the denial.

276.5 (c) The permits and their renewal shall be granted free of charge.

276.6 Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are
276.7 valid statewide and shall expire after one year. A transferee permit may be renewed in the
276.8 same manner and subject to the same provisions by which the original permit was obtained,
276.9 except that all renewed permits must comply with the standards adopted by the commissioner
276.10 under section 624.7151. Permits issued pursuant to this section are not transferable. A person
276.11 who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

276.12 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
276.13 that the holder becomes prohibited from possessing or receiving a pistol under section
276.14 624.713, in which event the holder shall return the permit within five days to the issuing
276.15 authority. If the chief law enforcement officer who issued the permit has knowledge that
276.16 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
276.17 revoke the permit and give notice to the holder in writing. Failure of the holder to return
276.18 the permit within the five days of learning that the permit is void or revoked is a gross
276.19 misdemeanor unless the court finds that the circumstances or the physical or mental condition
276.20 of the permit holder prevented the holder from complying with the return requirement.

276.21 (b) When a permit holder receives a court disposition that prohibits the permit holder
276.22 from possessing a firearm, the court must take possession of the permit, if it is available,
276.23 and send it to the issuing law enforcement agency. If the permit holder does not have the
276.24 permit when the court imposes a firearm prohibition, the permit holder must surrender the
276.25 permit to the assigned probation officer, if applicable. When a probation officer is assigned
276.26 upon disposition of the case, the court shall inform the probation agent of the permit holder's
276.27 obligation to surrender the permit. Upon surrender, the probation officer must send the
276.28 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
276.29 permit holder, the holder shall surrender the permit as provided for in paragraph (a).

276.30 Subd. 8. **Hearing upon denial.** (a) Any person aggrieved by denial of a transferee permit
276.31 may appeal ~~the denial to the district court having jurisdiction over the county or municipality~~
276.32 ~~in which the denial occurred.~~ by petition to the district court having jurisdiction over the
276.33 county or municipality where the application was submitted. The petition must list the
276.34 applicable chief of police or sheriff as the respondent. The district court must hold a hearing

277.1 at the earliest practicable date and in any event no later than 60 days following the filing of
277.2 the petition for review. The court may not grant or deny any relief before the completion
277.3 of the hearing. The record of the hearing must be sealed. The matter must be heard de novo
277.4 without a jury.

277.5 (b) The court must issue written findings of fact and conclusions of law regarding the
277.6 issues submitted by the parties. The court must issue its writ of mandamus directing that
277.7 the permit be issued and order other appropriate relief unless the chief of police or sheriff
277.8 establishes by clear and convincing evidence that:

277.9 (1) the applicant is disqualified from possessing a firearm under state or federal law;

277.10 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
277.11 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
277.12 investigated and documented may not be considered; or

277.13 (3) the applicant is listed in the criminal gang investigative data system under section
277.14 299C.091.

277.15 (c) If an application is denied because the proposed transferee is listed in the criminal
277.16 gang investigative data system under section 299C.091, the applicant may challenge the
277.17 denial, after disclosure under court supervision of the reason for that listing, based on grounds
277.18 that the person:

277.19 (1) was erroneously identified as a person in the data system;

277.20 (2) was improperly included in the data system according to the criteria outlined in
277.21 section 299C.091, subdivision 2, paragraph (b); or

277.22 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
277.23 in the data system.

277.24 **Subd. 9. Permit to carry.** A valid permit to carry issued pursuant to section 624.714
277.25 constitutes a transferee permit for the purposes of this section and ~~section~~ sections 624.7132
277.26 and 624.7134.

277.27 **Subd. 10. Transfer report not required.** A person who transfers a pistol or
277.28 semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit
277.29 issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714
277.30 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

278.1 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
278.2 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
278.3 ~~misdemeanor~~ felony.

278.4 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or
278.5 county regulation of the issuance of transferee permits.

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

278.8 Sec. 2. Minnesota Statutes 2022, section 624.7132, is amended to read:

278.9 **624.7132 REPORT OF TRANSFER.**

278.10 Subdivision 1. **Required information.** Except as provided in this section and section
278.11 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
278.12 assault weapon shall report the following information in writing to the chief of police of
278.13 the organized full-time police department of the municipality where the proposed transferee
278.14 resides or to the appropriate county sheriff if there is no such local chief of police:

278.15 (1) the name, residence, telephone number, and driver's license number or
278.16 nonqualification certificate number, if any, of the proposed transferee;

278.17 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
278.18 characteristics, if any, of the proposed transferee;

278.19 (3) a statement that the proposed transferee authorizes the release to the local police
278.20 authority of commitment information about the proposed transferee maintained by the
278.21 commissioner of human services, to the extent that the information relates to the proposed
278.22 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
278.23 under section 624.713, subdivision 1;

278.24 (4) a statement by the proposed transferee that the transferee is not prohibited by section
278.25 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

278.26 (5) the address of the place of business of the transferor.

278.27 The report shall be signed and dated by the transferor and the proposed transferee. The
278.28 report shall be delivered by the transferor to the chief of police or sheriff no later than three
278.29 days after the date of the agreement to transfer, excluding weekends and legal holidays.

278.30 The statement under clause (3) must comply with any applicable requirements of Code of
278.31 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
278.32 alcohol or drug abuse patient records.

279.1 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
279.2 shall check criminal histories, records and warrant information relating to the proposed
279.3 transferee through the Minnesota Crime Information System, the national criminal record
279.4 repository, and the National Instant Criminal Background Check System. The chief of police
279.5 or sheriff shall also make a reasonable effort to check other available state and local
279.6 record-keeping systems. The chief of police or sheriff shall obtain commitment information
279.7 from the commissioner of human services as provided in section 245.041.

279.8 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
279.9 proposed transferee in writing as soon as possible if the chief or sheriff determines that the
279.10 proposed transferee is prohibited by section 624.713 from possessing a pistol or
279.11 semiautomatic military-style assault weapon. The notification to the transferee shall specify
279.12 the grounds for the disqualification of the proposed transferee and shall set forth in detail
279.13 the transferee's right of appeal under subdivision 13.

279.14 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
279.15 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
279.16 until ~~five business~~ 30 days after the date the agreement to transfer is delivered to a chief of
279.17 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
279.18 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
279.19 all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or
279.20 sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period
279.21 concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic
279.22 military-style assault weapon because of a threat to the life of the transferee or of any member
279.23 of the household of the transferee. Prior to modifying the waiting period under the authority
279.24 granted in clause (2), the chief of police or sheriff must first determine that the proposed
279.25 transferee is not prohibited from possessing a firearm under state or federal law.

279.26 No person shall deliver a pistol or semiautomatic military-style assault weapon to a
279.27 proposed transferee after receiving a written notification that the chief of police or sheriff
279.28 has determined that the proposed transferee is prohibited by section 624.713 from possessing
279.29 a pistol or semiautomatic military-style assault weapon.

279.30 If the transferor makes a report of transfer and receives no written notification of
279.31 disqualification of the proposed transferee within ~~five~~ 30 business days after delivery of the
279.32 agreement to transfer, the pistol or semiautomatic military-style assault weapon may be
279.33 delivered to the transferee, unless the transferor knows the transferee is ineligible to possess
279.34 a pistol or semiautomatic military-style assault weapon.

280.1 Subd. 5. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
280.2 sheriff ~~that shall deny an application if the proposed transferee is:~~ (1) prohibited by ~~section~~
280.3 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault
280.4 weapon ~~shall be the sole basis for a notification of disqualification under this section;~~ (2)
280.5 determined to be a danger to self or the public when in possession of firearms under paragraph
280.6 (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

280.7 (b) A chief of police or sheriff shall deny an application if there exists a substantial
280.8 likelihood that the proposed transferee is a danger to self or the public when in possession
280.9 of a firearm. To deny the application under this paragraph, the chief of police or sheriff
280.10 must provide the applicant with written notification and the specific factual basis justifying
280.11 the denial, including the source of the factual basis. The chief of police or sheriff must
280.12 inform the applicant of the applicant's right to submit, within 20 business days, any additional
280.13 documentation relating to the propriety of the denial. Upon receiving any additional
280.14 documentation, the chief of police or sheriff must reconsider the denial and inform the
280.15 applicant within 15 business days of the result of the reconsideration. Any denial after
280.16 reconsideration must be in the same form and substance as the original denial and must
280.17 specifically address any continued deficiencies in light of the additional documentation
280.18 submitted by the applicant. The applicant must be informed of the right to seek de novo
280.19 review of the denial as provided in subdivision 13.

280.20 (c) A chief of police or sheriff need not process an application under this section if the
280.21 person has had an application denied pursuant to paragraph (b) and less than six months
280.22 have elapsed since the denial was issued or the person's appeal under subdivision 13 was
280.23 denied, whichever is later.

280.24 (d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must
280.25 provide a copy of the notice of disqualification to the chief of police or sheriff with joint
280.26 jurisdiction over the applicant's residence.

280.27 Subd. 6. **Transferee permit.** If a chief of police or sheriff ~~determines that a transferee~~
280.28 ~~is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic~~
280.29 ~~military-style assault weapon~~ does not deny a proposed transferee's application under
280.30 subdivision 5, the transferee may, within 30 days after the determination, apply to that chief
280.31 of police or sheriff for a transferee permit, and the permit shall be issued.

280.32 Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee
280.33 permit issued under section 624.7131 or a valid permit to carry issued under section 624.714,
280.34 the transferor need not file a transfer report.

281.1 Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any
281.2 number of pistols or semiautomatic military-style assault weapons may be the subject of a
281.3 single transfer agreement and report to the chief of police or sheriff. Nothing in this section
281.4 or section 624.7131 shall be construed to limit or restrict the number of pistols or
281.5 semiautomatic military-style assault weapons a person may acquire.

281.6 Subd. 10. **Restriction on records.** Except as provided for in section 624.7134, subdivision
281.7 3, paragraph (e), if, after a determination that the transferee is not a person prohibited by
281.8 section 624.713 from possessing a pistol or semiautomatic military-style assault weapon,
281.9 a transferee requests that no record be maintained of the fact of who is the transferee of a
281.10 pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall
281.11 sign the transfer report and return it to the transferee as soon as possible. Thereafter, no
281.12 government employee or agency shall maintain a record of the transfer that identifies the
281.13 transferee, and the transferee shall retain the report of transfer.

281.14 Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms
281.15 available throughout the community. There shall be no charge for forms, reports,
281.16 investigations, notifications, waivers or any other act performed or materials provided by
281.17 a government employee or agency in connection with a transfer.

281.18 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f,
281.19 this section shall not apply to transfers of antique firearms as curiosities or for their historical
281.20 significance or value, transfers to or between federally licensed firearms dealers, transfers
281.21 by order of court, involuntary transfers, transfers at death or the following transfers:

281.22 (1) a transfer by a person other than a federally licensed firearms dealer;

281.23 (2) a loan to a prospective transferee if the loan is intended for a period of no more than
281.24 one day;

281.25 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person
281.26 for the purpose of repair, reconditioning or remodeling;

281.27 (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety
281.28 with a pistol and approved by the commissioner of natural resources;

281.29 (5) a loan between persons at a firearms collectors exhibition;

281.30 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is
281.31 intended for a period of no more than 12 hours;

281.32 (7) a loan between law enforcement officers who have the power to make arrests other
281.33 than citizen arrests; and

282.1 (8) a loan between employees or between the employer and an employee in a business
282.2 if the employee is required to carry a pistol or semiautomatic military-style assault weapon
282.3 by reason of employment and is the holder of a valid permit to carry a pistol.

282.4 Subd. 13. **Appeal.** (a) A person aggrieved by the determination of a chief of police or
282.5 sheriff that the person is prohibited by section 624.713 from possessing a pistol or
282.6 semiautomatic military-style assault weapon may appeal the determination as provided in
282.7 this subdivision. The district court shall have jurisdiction of proceedings under this
282.8 subdivision. under subdivision 5 may appeal by petition to the district court having
282.9 jurisdiction over the county or municipality where the application was submitted. The
282.10 petition must list the applicable chief of police or sheriff as the respondent. The district
282.11 court must hold a hearing at the earliest practicable date and in any event no later than 60
282.12 days following the filing of the petition for review. The court may not grant or deny any
282.13 relief before the completion of the hearing. The record of the hearing must be sealed. The
282.14 matter must be heard de novo without a jury.

282.15 ~~On review pursuant to this subdivision, the court shall be limited to a determination of~~
282.16 ~~whether the proposed transferee is a person prohibited from possessing a pistol or~~
282.17 ~~semiautomatic military-style assault weapon by section 624.713.~~

282.18 (b) The court must issue written findings of fact and conclusions of law regarding the
282.19 issues submitted by the parties. The court must issue its writ of mandamus directing that
282.20 the permit be issued and order other appropriate relief unless the chief of police or sheriff
282.21 establishes by clear and convincing evidence that:

282.22 (1) the applicant is disqualified under state or federal law from possession of firearms;

282.23 (2) there exists a substantial likelihood that the applicant is a danger to self or the public
282.24 when in possession of a firearm. Incidents of alleged criminal misconduct that are not
282.25 investigated and documented may not be considered; or

282.26 (3) the applicant is listed in the criminal gang investigative data system under section
282.27 299C.091.

282.28 (c) If an application is denied because the proposed transferee is listed in the criminal
282.29 gang investigative data system under section 299C.091, the proposed transferee may
282.30 challenge the denial, after disclosure under court supervision of the reason for that listing,
282.31 based on grounds that the person:

282.32 (1) was erroneously identified as a person in the data system;

283.1 (2) was improperly included in the data system according to the criteria outlined in
283.2 section 299C.091, subdivision 2, paragraph (b); or

283.3 (3) has demonstrably withdrawn from the activities and associations that led to inclusion
283.4 in the data system.

283.5 ~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or~~
283.6 ~~semiautomatic military-style assault weapon to another who is not personally known to the~~
283.7 ~~transferor unless the proposed transferee presents evidence of identity to the transferor.~~

283.8 ~~(b) No person who is not personally known to the transferor shall become a transferee~~
283.9 ~~of a pistol or semiautomatic military-style assault weapon unless the person presents evidence~~
283.10 ~~of identity to the transferor.~~

283.11 ~~(c) The evidence of identity shall contain the name, residence address, date of birth, and~~
283.12 ~~photograph of the proposed transferee; must be made or issued by or under the authority of~~
283.13 ~~the United States government, a state, a political subdivision of a state, a foreign government,~~
283.14 ~~a political subdivision of a foreign government, an international governmental or an~~
283.15 ~~international quasi-governmental organization; and must be of a type commonly accepted~~
283.16 ~~for the purpose of identification of individuals.~~

283.17 ~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault~~
283.18 ~~weapon in violation of this subdivision is guilty of a misdemeanor.~~

283.19 Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who
283.20 does any of the following is guilty of a gross misdemeanor:

283.21 (1) transfers a pistol or semiautomatic military-style assault weapon in violation of
283.22 subdivisions 1 to 13;

283.23 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who
283.24 has made a false statement in order to become a transferee, if the transferor knows or has
283.25 reason to know the transferee has made the false statement;

283.26 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

283.27 (4) makes a false statement in order to become a transferee of a pistol or semiautomatic
283.28 military-style assault weapon knowing or having reason to know the statement is false.

283.29 (b) A person who does either of the following is guilty of a felony:

283.30 (1) transfers a pistol or semiautomatic military-style assault weapon to a person under
283.31 the age of 18 in violation of subdivisions 1 to 13; or

284.1 (2) transfers a pistol or semiautomatic military-style assault weapon to a person under
284.2 the age of 18 who has made a false statement in order to become a transferee, if the transferor
284.3 knows or has reason to know the transferee has made the false statement.

284.4 Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or
284.5 county regulation of the transfer of pistols.

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

284.8 Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
284.9 **REQUIRED.**

284.10 **Subdivision 1. Definitions.** (a) As used in this section, the following terms have the
284.11 meanings provided in this subdivision.

284.12 (b) "Firearms dealer" means a person who is licensed by the United States Department
284.13 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
284.14 title 18, section 923(a).

284.15 (c) "State or federally issued identification" means a document or card made or issued
284.16 by or under the authority of the United States government or the state that contains the
284.17 person's name, residence address, date of birth, and photograph and is of a type commonly
284.18 accepted for the purpose of identification of individuals.

284.19 (d) "Unlicensed person" means a person who does not hold a license under United States
284.20 Code, title 18, section 923(a).

284.21 **Subd. 2. Background check and evidence of identity.** An unlicensed person is prohibited
284.22 from transferring a pistol or semiautomatic military-style assault weapon to any other
284.23 unlicensed person, unless: (1) the transfer is made through a firearms dealer as provided
284.24 for in subdivision 3; or (2) the transferee presents a valid transferee permit issued under
284.25 section 624.7131 and a current state or federally issued identification.

284.26 **Subd. 3. Background check conducted by federally licensed firearms dealer.** (a)
284.27 Where both parties to a prospective transfer of a pistol or semiautomatic military-style
284.28 assault weapon are unlicensed persons, the transferor and transferee may appear jointly
284.29 before a federally licensed firearms dealer with the firearm and request that the federally
284.30 licensed firearms dealer conduct a background check on the transferee and facilitate the
284.31 transfer.

285.1 (b) Except as otherwise provided in this section, a federally licensed firearms dealer
285.2 who agrees to facilitate a transfer under this section shall:

285.3 (1) process the transfer as though transferring the firearm from the dealer's inventory to
285.4 the transferee; and

285.5 (2) comply with all requirements of federal and state law that would apply if the firearms
285.6 dealer were making the transfer, including at a minimum all background checks and record
285.7 keeping requirements. The exception to the report of transfer process in section 624.7132,
285.8 subdivision 12, clause (1), does not apply to transfers completed under this subdivision.

285.9 (c) If the transferee is prohibited by federal law from purchasing or possessing the firearm
285.10 or not entitled under state law to possess the firearm, neither the federally licensed firearms
285.11 dealer nor the transferor shall transfer the firearm to the transferee.

285.12 (d) Notwithstanding any other law to the contrary, this section shall not prevent the
285.13 transferor from:

285.14 (1) removing the firearm from the premises of the federally licensed firearms dealer, or
285.15 the gun show or event where the federally licensed firearms dealer is conducting business,
285.16 as applicable, while the background check is being conducted, provided that the transferor
285.17 must return to the federally licensed firearms dealer with the transferee before the transfer
285.18 takes place, and the federally licensed firearms dealer must take possession of the firearm
285.19 in order to complete the transfer; and

285.20 (2) removing the firearm from the business premises of the federally licensed firearms
285.21 dealer if the results of the background check indicate the transferee is prohibited by federal
285.22 law from purchasing or possessing the firearm or not entitled under state law to possess the
285.23 firearm.

285.24 (e) A transferee who consents to participate in a transfer under this subdivision is not
285.25 entitled to have the transfer report returned as provided for in section 624.7132, subdivision
285.26 10.

285.27 (f) A firearms dealer may charge a reasonable fee for conducting a background check
285.28 and facilitating a transfer between the transferor and transferee pursuant to this section.

285.29 Subd. 4. Record of transfer; required information. (a) Unless a transfer is made
285.30 through a firearms dealer as provided for in subdivision 3, when two unlicensed persons
285.31 complete the transfer of a pistol or semiautomatic military-style assault weapon, the transferor
285.32 and transferee must complete a record of transfer on a form designed and made publicly
285.33 available without fee for this purpose by the superintendent of the Bureau of Criminal

286.1 Apprehension. Each page of the record of transfer must be signed and dated by the transferor
286.2 and the transferee and contain the serial number of the pistol or semiautomatic military-style
286.3 assault weapon.

286.4 (b) The record of transfer must contain the following information:

286.5 (1) a clear copy of each person's current state or federally issued identification;

286.6 (2) a clear copy of the transferee permit presented by the transferee; and

286.7 (3) a signed statement by the transferee swearing that the transferee is not currently
286.8 prohibited by state or federal law from possessing a firearm.

286.9 (c) The record of transfer must also contain the following information regarding the
286.10 transferred pistol or semiautomatic military-style assault weapon:

286.11 (1) the type of pistol or semiautomatic military-style assault weapon;

286.12 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
286.13 assault weapon; and

286.14 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
286.15 serial number.

286.16 (d) Both the transferor and the transferee must retain a copy of the record of transfer
286.17 and any attachments to the record of transfer for 10 years from the date of the transfer. A
286.18 copy in digital form shall be acceptable for the purposes of this paragraph.

286.19 **Subd. 5. Compulsory production of a record of transfer; misdemeanor penalty.** (a)
286.20 Unless a transfer was completed under subdivision 3, the transferor and transferee of a pistol
286.21 or semiautomatic military-style assault weapon transferred under subdivision 4 must produce
286.22 the record of transfer when a peace officer requests the record as part of a criminal
286.23 investigation.

286.24 (b) A person who refuses or is unable to produce a record of transfer for a firearm
286.25 transferred under this section in response to a request for production made by a peace officer
286.26 pursuant to paragraph (a) is guilty of a misdemeanor. A prosecution or conviction for
286.27 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
286.28 committed involving the transferred firearm.

286.29 **Subd. 6. Immunity.** A person is immune to a charge of violating this section if the person
286.30 presents a record of transfer that satisfies the requirements of subdivision 4.

286.31 **Subd. 7. Exclusions.** (a) This section shall not apply to the following transfers:

- 287.1 (1) a transfer by or to a federally licensed firearms dealer;
- 287.2 (2) a transfer by or to any law enforcement agency;
- 287.3 (3) to the extent the transferee is acting within the course and scope of employment and
- 287.4 official duties, a transfer to:
- 287.5 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);
- 287.6 (ii) a member of the United States armed forces, the National Guard, or the Reserves of
- 287.7 the United States armed forces;
- 287.8 (iii) a federal law enforcement officer; or
- 287.9 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;
- 287.10 (4) a transfer between immediate family members, which for the purposes of this section
- 287.11 means spouses, domestic partners, parents, children, siblings, grandparents, and
- 287.12 grandchildren;
- 287.13 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
- 287.14 or a trust that occurs by operation of law upon the death of the former owner of the firearm;
- 287.15 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;
- 287.16 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
- 287.17 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
- 287.18 by United States Code, title 18, section 921(a)(13), who each have in their possession a
- 287.19 valid collector of curio and relics license issued by the United States Department of Justice,
- 287.20 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 287.21 (8) the temporary transfer of a firearm if:
- 287.22 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
- 287.23 (ii) the person's possession lasts only as long as immediately necessary to prevent such
- 287.24 imminent death or great bodily harm;
- 287.25 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
- 287.26 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
- 287.27 and
- 287.28 (10) a temporary transfer if the transferee's possession of the firearm following the
- 287.29 transfer is only:
- 287.30 (i) at a shooting range that operates in compliance with the performance standards under
- 287.31 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance

288.1 is not required by the governing body of the jurisdiction, at an established shooting range
288.2 operated consistently with local law in the jurisdiction;

288.3 (ii) at a lawfully organized competition involving the use of a firearm, or while
288.4 participating in or practicing for a performance by an organized group that uses firearms as
288.5 part of the performance;

288.6 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
288.7 transferee possesses the firearm and the transferee holds all licenses or permits required for
288.8 hunting or trapping;

288.9 (iv) at a lawfully organized educational or instructional course and under the direct
288.10 supervision of a certified instructor, as that term is defined in section 624.714, subdivision
288.11 2a, paragraph (d); or

288.12 (v) while in the actual presence of the transferor.

288.13 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
288.14 believe:

288.15 (1) that the transferee is prohibited by federal law from buying or possessing firearms
288.16 or not entitled under state law to possess firearms;

288.17 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
288.18 supervision and control of an adult, that the adult is prohibited by federal law from buying
288.19 or possessing firearms or not entitled under state law to possess firearms; or

288.20 (3) that the transferee will use or intends to use the firearm in the commission of a crime.

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

288.23 **ARTICLE 14**

288.24 **EXTREME RISK PROTECTION ORDERS**

288.25 Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

288.26 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess
288.27 ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause
288.28 (1), any other firearm:

288.29 (1) a person under the age of 18 years except that a person under 18 may possess
288.30 ammunition designed for use in a firearm that the person may lawfully possess and may
288.31 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual

289.1 presence or under the direct supervision of the person's parent or guardian, (ii) for the
289.2 purpose of military drill under the auspices of a legally recognized military organization
289.3 and under competent supervision, (iii) for the purpose of instruction, competition, or target
289.4 practice on a firing range approved by the chief of police or county sheriff in whose
289.5 jurisdiction the range is located and under direct supervision; or (iv) if the person has
289.6 successfully completed a course designed to teach marksmanship and safety with a pistol
289.7 or semiautomatic military-style assault weapon and approved by the commissioner of natural
289.8 resources;

289.9 (2) except as otherwise provided in clause (9), a person who has been convicted of, or
289.10 adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in
289.11 this state or elsewhere, a crime of violence. For purposes of this section, crime of violence
289.12 includes crimes in other states or jurisdictions which would have been crimes of violence
289.13 as herein defined if they had been committed in this state;

289.14 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
289.15 determination that the person is mentally ill, developmentally disabled, or mentally ill and
289.16 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
289.17 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
289.18 the person's ability to possess a firearm and ammunition has been restored under subdivision
289.19 4;

289.20 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
289.21 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
289.22 of conviction and, during that time, the person has not been convicted of any other such
289.23 violation of chapter 152 or a similar law of another state; or a person who is or has ever
289.24 been committed by a judicial determination for treatment for the habitual use of a controlled
289.25 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
289.26 to possess a firearm and ammunition has been restored under subdivision 4;

289.27 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
289.28 by a judicial determination that the person is chemically dependent as defined in section
289.29 253B.02, unless the person has completed treatment or the person's ability to possess a
289.30 firearm and ammunition has been restored under subdivision 4. Property rights may not be
289.31 abated but access may be restricted by the courts;

289.32 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
289.33 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
289.34 of the treatment facility discharging or provisionally discharging the officer from the

290.1 treatment facility. Property rights may not be abated but access may be restricted by the
290.2 courts;

290.3 (7) a person, including a person under the jurisdiction of the juvenile court, who has
290.4 been charged with committing a crime of violence and has been placed in a pretrial diversion
290.5 program by the court before disposition, until the person has completed the diversion program
290.6 and the charge of committing the crime of violence has been dismissed;

290.7 (8) except as otherwise provided in clause (9), a person who has been convicted in
290.8 another state of committing an offense similar to the offense described in section 609.224,
290.9 subdivision 3, against a family or household member or section 609.2242, subdivision 3,
290.10 unless three years have elapsed since the date of conviction and, during that time, the person
290.11 has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242,
290.12 subdivision 3, or a similar law of another state;

290.13 (9) a person who has been convicted in this state or elsewhere of assaulting a family or
290.14 household member and who was found by the court to have used a firearm in any way
290.15 during commission of the assault is prohibited from possessing any type of firearm or
290.16 ammunition for the period determined by the sentencing court;

290.17 (10) a person who:

290.18 (i) has been convicted in any court of a crime punishable by imprisonment for a term
290.19 exceeding one year;

290.20 (ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution
290.21 for a crime or to avoid giving testimony in any criminal proceeding;

290.22 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

290.23 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as
290.24 a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the
290.25 public, as defined in section 253B.02;

290.26 (v) is an alien who is illegally or unlawfully in the United States;

290.27 (vi) has been discharged from the armed forces of the United States under dishonorable
290.28 conditions;

290.29 (vii) has renounced the person's citizenship having been a citizen of the United States;

290.30 or

290.31 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
290.32 922(g)(8) or (9), as amended through March 1, 2014;

291.1 (11) a person who has been convicted of the following offenses at the gross misdemeanor
291.2 level, unless three years have elapsed since the date of conviction and, during that time, the
291.3 person has not been convicted of any other violation of these sections: section 609.229
291.4 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
291.5 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
291.6 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
291.7 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified
291.8 gross misdemeanor convictions include crimes committed in other states or jurisdictions
291.9 which would have been gross misdemeanors if conviction occurred in this state;

291.10 (12) a person who has been convicted of a violation of section 609.224 if the court
291.11 determined that the assault was against a family or household member in accordance with
291.12 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
291.13 the date of conviction and, during that time, the person has not been convicted of another
291.14 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

291.15 (13) a person who is subject to an order for protection as described in section 260C.201,
291.16 subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

291.17 (14) a person who is subject to an extreme risk protection order as described in section
291.18 624.7172 or 624.7174.

291.19 A person who issues a certificate pursuant to this section in good faith is not liable for
291.20 damages resulting or arising from the actions or misconduct with a firearm or ammunition
291.21 committed by the individual who is the subject of the certificate.

291.22 The prohibition in this subdivision relating to the possession of firearms other than
291.23 pistols and semiautomatic military-style assault weapons does not apply retroactively to
291.24 persons who are prohibited from possessing a pistol or semiautomatic military-style assault
291.25 weapon under this subdivision before August 1, 1994.

291.26 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and
291.27 ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause
291.28 (2), applies only to offenders who are discharged from sentence or court supervision for a
291.29 crime of violence on or after August 1, 1993.

291.30 For purposes of this section, "judicial determination" means a court proceeding pursuant
291.31 to sections 253B.07 to 253B.09 or a comparable law from another state.

292.1 Sec. 2. **[624.7171] EXTREME RISK PROTECTION ORDERS.**

292.2 **Subdivision 1. Definitions.** (a) As used in sections 624.7171 to 624.7178, the following
292.3 terms have the meanings given.

292.4 **(b) "Family or household members" means:**

292.5 **(1) spouses and former spouses of the respondent;**

292.6 **(2) parents and children of the respondent;**

292.7 **(3) persons who are presently residing with the respondent; or**

292.8 **(4) a person involved in a significant romantic or sexual relationship with the respondent.**

292.9 **In determining whether persons are in a significant romantic or sexual relationship under**
292.10 **clause (4), the court shall consider the length of time of the relationship; type of relationship;**
292.11 **and frequency of interaction between the parties.**

292.12 **(c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).**

292.13 **(d) "Mental health professional" has the meaning given in section 245I.02, subdivision**
292.14 **27.**

292.15 **Subd. 2. Court jurisdiction.** (a) An application for relief under sections 624.7172 and
292.16 624.7174 may be filed in the county of residence of the respondent except as provided for
292.17 in paragraph (b). Actions under sections 624.7172 and 624.7174 shall be given docket
292.18 priorities by the court.

292.19 **(b) At the time of filing, a petitioner may request that the court allow the petitioner to**
292.20 **appear virtually at all proceedings. If the court denies the petitioner's request for virtual**
292.21 **participation, the petitioner may refile the petition in the county where the petitioner resides**
292.22 **or is officed.**

292.23 **Subd. 3. Information on petitioner's location or residence.** Upon the petitioner's
292.24 request, information maintained by the court regarding the petitioner's location or residence
292.25 is not accessible to the public and may be disclosed only to court personnel or law
292.26 enforcement for purposes of service of process, conducting an investigation, or enforcing
292.27 an order.

292.28 **Subd. 4. Generally.** (a) There shall exist an action known as a petition for an extreme
292.29 risk protection order, which order shall enjoin and prohibit the respondent from possessing
292.30 or purchasing firearms for as long as the order remains in effect.

293.1 (b) A petition for relief under sections 624.7171 to 624.7178 may be made by the chief
293.2 law enforcement officer, the chief law enforcement officer's designee, a city or county
293.3 attorney, any family or household members of the respondent, or a guardian, as defined in
293.4 section 524.1-201, clause (27), of the respondent.

293.5 (c) A petition for relief shall allege that the respondent poses a significant danger of
293.6 bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The
293.7 petition shall be accompanied by an affidavit made under oath stating specific facts and
293.8 circumstances forming a basis to allege that an extreme risk protection order should be
293.9 granted. The affidavit may include but is not limited to evidence showing any of the factors
293.10 described in section 624.7172, subdivision 2.

293.11 (d) A petition for emergency relief under section 624.7174 shall additionally allege that
293.12 the respondent presents an immediate and present danger of either bodily harm to others or
293.13 of taking their life.

293.14 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
293.15 and location of any firearms believed by the petitioner to be possessed by the respondent.

293.16 (f) The court shall provide simplified forms and clerical assistance to help with the
293.17 writing and filing of a petition under this section.

293.18 (g) The state court administrator shall create all forms necessary under sections 624.7171
293.19 to 624.7178.

293.20 (h) The filing fees for an extreme risk protection order under this section are waived for
293.21 the petitioner and respondent. The court administrator, the sheriff of any county in this state,
293.22 and other law enforcement and corrections officers shall perform their duties relating to
293.23 service of process without charge to the petitioner. The court shall direct payment of the
293.24 reasonable costs of service of process if served by a private process server when the sheriff
293.25 or other law enforcement or corrections officer is unavailable or if service is made by
293.26 publication, without requiring the petitioner to make application under section 563.01.

293.27 (i) The court shall advise the petitioner of the right to serve the respondent by alternate
293.28 notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding
293.29 personal service by concealment or otherwise, and shall assist in the writing and filing of
293.30 the affidavit.

293.31 (j) The court shall advise the petitioner of the right to request a hearing under section
293.32 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner

294.1 that the respondent may request a hearing and that notice of the hearing date and time will
294.2 be provided to the petitioner by mail at least five days before the hearing.

294.3 (k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other
294.4 civil or criminal remedies.

294.5 (l) All health records and other health information provided in a petition or considered
294.6 as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from
294.7 public disclosure but may be provided to law enforcement agencies as described in this
294.8 section.

294.9 (m) Any extreme risk protection order or subsequent extension issued under sections
294.10 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the
294.11 local law enforcement agency with jurisdiction over the residence of the respondent and
294.12 electronically transmitted within three business days to the National Instant Criminal
294.13 Background Check System. When an order expires or is terminated by the court, the court
294.14 must submit a request that the order be removed from the National Instant Background
294.15 Check System. Each appropriate law enforcement agency shall make available to other law
294.16 enforcement officers, through a system for verification, information as to the existence and
294.17 status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

294.18 Subd. 5. **Mental health professionals.** When a mental health professional has a statutory
294.19 duty to warn another of a client's serious threat of physically violent behavior or determines
294.20 that a client presents a significant risk of suicide by possessing a firearm, the mental health
294.21 professional must communicate the threat or risk to the sheriff of the county where the client
294.22 resides and make a recommendation to the sheriff regarding the client's fitness to possess
294.23 firearms.

294.24 Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
294.25 **HEARING.**

294.26 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
294.27 court must schedule and hold a hearing within 14 days from the date the petition was
294.28 received.

294.29 (b) The court shall advise the petitioner of the right to request an emergency extreme
294.30 risk protection order under section 624.7174 separately from or simultaneously with the
294.31 petition under this subdivision.

294.32 (c) The petitioning agency shall be responsible for service of an extreme risk protection
294.33 order issued by the court and shall further be the agency responsible for the execution of

295.1 any legal process required for the seizure and storage of firearms subject to the order. Nothing
295.2 in this provision limits the ability of the law enforcement agency of record from cooperating
295.3 with other law enforcement entities. When a court issues an extreme risk protection order
295.4 for a person who resides on Tribal territory, the chief law enforcement officer of the law
295.5 enforcement agency responsible for serving the order must request the assistance and counsel
295.6 of the appropriate Tribal police department prior to serving the respondent. When the
295.7 petitioner is a family or household member of the respondent, the primary law enforcement
295.8 agency serving the jurisdiction of residency of the respondent shall be responsible for the
295.9 execution of any legal process required for the seizure and storage of firearms subject to
295.10 the order.

295.11 (d) Personal service of notice for the hearing may be made upon the respondent at any
295.12 time up to 48 hours prior to the time set for the hearing, provided that the respondent at the
295.13 hearing may request a continuance of up to 14 days if the respondent is served less than
295.14 five days prior to the hearing, which continuance shall be granted unless there are compelling
295.15 reasons not to do so. If the court grants the requested continuance, and an existing emergency
295.16 order under section 624.7174 will expire due to the continuance, the court shall also issue
295.17 a written order continuing the emergency order pending the new time set for the hearing.

295.18 (e) If personal service cannot be made, the court may order service of the petition and
295.19 any order issued under this section by alternate means. The application for alternate service
295.20 must include the last known location of the respondent; the petitioner's most recent contacts
295.21 with the respondent; the last known location of the respondent's employment; the names
295.22 and locations of the respondent's parents, siblings, children, and other close relatives; the
295.23 names and locations of other persons who are likely to know the respondent's whereabouts;
295.24 and a description of efforts to locate those persons. The court shall consider the length of
295.25 time the respondent's location has been unknown, the likelihood that the respondent's location
295.26 will become known, the nature of the relief sought, and the nature of efforts made to locate
295.27 the respondent. The court shall order service by first class mail, forwarding address requested,
295.28 to any addresses where there is a reasonable possibility that mail or information will be
295.29 forwarded or communicated to the respondent. The court may also order publication, within
295.30 or without the state, but only if it might reasonably succeed in notifying the respondent of
295.31 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
295.32 court-ordered publication.

295.33 (f) When a petitioner who is not the sheriff of the county where the respondent resides,
295.34 the sheriff's designee, or a family or household member files a petition, the petitioner must
295.35 provide notice of the action to the sheriff of the county where the respondent resides. When

296.1 a family or household member is the petitioner, the court must provide notice of the action
296.2 to the sheriff of the county where the respondent resides.

296.3 Subd. 2. Relief by court. (a) At the hearing, the petitioner must prove by clear and
296.4 convincing evidence that the respondent poses a significant danger to other persons or is at
296.5 significant risk of suicide by possessing a firearm.

296.6 (b) In determining whether to grant the order after a hearing, the court shall consider
296.7 evidence of the following, whether or not the petitioner has provided evidence of the same:

296.8 (1) a history of threats or acts of violence by the respondent directed toward another
296.9 person;

296.10 (2) the history of use, attempted use, or threatened use of physical force by the respondent
296.11 against another person;

296.12 (3) a violation of any court order, including but not limited to orders issued under sections
296.13 624.7171 to 624.7178 or chapter 260C or 518B;

296.14 (4) a prior arrest for a violent felony offense;

296.15 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
296.16 under section 609.749, or for domestic assault under section 609.2242;

296.17 (6) a conviction for an offense of cruelty to animals under chapter 343;

296.18 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

296.19 (8) suicide attempts by the respondent or a serious mental illness; and

296.20 (9) whether the respondent is named in an existing order in effect under sections 624.7171
296.21 to 624.7178 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
296.22 other action under sections 624.7171 to 624.7178 or chapter 518B.

296.23 (c) In determining whether to grant the order after a hearing, the court may:

296.24 (1) subpoena peace officers who have had contact with the respondent to provide written
296.25 or sworn testimony regarding the officer's contacts with the respondent; and

296.26 (2) consider any other evidence that bears on whether the respondent poses a danger to
296.27 others or is at risk of suicide.

296.28 (d) If the court finds there is clear and convincing evidence to issue an extreme risk
296.29 protection order, the court shall issue the order prohibiting the person from possessing or
296.30 purchasing a firearm for the duration of the order. The court shall inform the respondent
296.31 that the respondent is prohibited from possessing or purchasing firearms and shall issue a

297.1 transfer order under section 624.7175. The court shall also give notice to the county attorney's
297.2 office, which may take action as it deems appropriate.

297.3 (e) The court shall determine the length of time the order is in effect, but may not set
297.4 the length of time for less than six months or more than one year, subject to renewal or
297.5 extension under section 624.7173.

297.6 (f) If there is no existing emergency order under section 624.7174 at the time an order
297.7 is granted under this section, the court shall determine by clear and convincing evidence
297.8 whether the respondent presents an immediate and present danger of bodily harm. If the
297.9 court so determines, the transfer order shall include the provisions described in section
297.10 624.7175, paragraph (d).

297.11 (g) If, after a hearing, the court does not issue an order of protection, the court shall
297.12 vacate any emergency extreme risk protection order currently in effect.

297.13 (h) A respondent may waive the respondent's right to contest the hearing and consent
297.14 to the court's imposition of an extreme risk protection order. The court shall seal the petition
297.15 filed under this section and section 624.7174 if a respondent who consents to imposition of
297.16 an extreme risk protection order requests that the petition be sealed, unless the court finds
297.17 that there is clear and convincing evidence that the interests of the public and public safety
297.18 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
297.19 protection orders based on the respondent being a danger to others shall remain public.
297.20 Extreme risk protection orders issued for respondents who are solely at risk of suicide shall
297.21 not be public.

297.22 **Sec. 4. [624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

297.23 (a) Upon application by any party entitled to petition for an order under section 624.7172,
297.24 and after notice to the respondent and a hearing, the court may extend the relief granted in
297.25 an existing order granted after a hearing under section 624.7172. Application for an extension
297.26 may be made any time within the three months before the expiration of the existing order.
297.27 The court may extend the order if the court makes the same findings by clear and convincing
297.28 evidence as required for granting of an initial order under section 624.7172, subdivision 2,
297.29 paragraph (d). The minimum length of time of an extension is six months and the maximum
297.30 length of time of an extension is one year. The court shall consider the same types of evidence
297.31 as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and
297.32 (c).

298.1 (b) Upon application by the respondent to an order issued under section 624.7172, the
298.2 court may terminate an order after a hearing at which the respondent shall bear the burden
298.3 of proving by clear and convincing evidence that the respondent does not pose a significant
298.4 danger to other persons or is at significant risk of suicide by possessing a firearm. Application
298.5 for termination may be made one time for every six months an order is in effect. If an order
298.6 has been issued for a period of six months, the respondent may apply for termination one
298.7 time.

298.8 **Sec. 5. [624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION**
298.9 **ORDER.**

298.10 (a) In determining whether to grant an emergency extreme risk protection order, the
298.11 court shall consider evidence of all facts identified in section 624.7172, subdivision 2,
298.12 paragraphs (b) and (c).

298.13 (b) The court shall advise the petitioner of the right to request an order after a hearing
298.14 under section 624.7172 separately from or simultaneously with the petition.

298.15 (c) If the court finds there is probable cause that (1) the respondent poses a significant
298.16 danger of bodily harm to other persons or is at significant risk of suicide by possessing a
298.17 firearm, and (2) the respondent presents an immediate and present danger of either bodily
298.18 harm to others or of taking their life, the court shall issue an ex parte emergency order
298.19 prohibiting the respondent from possessing or purchasing a firearm for the duration of the
298.20 order. The order shall inform the respondent that the respondent is prohibited from possessing
298.21 or purchasing firearms and shall issue a transfer order under section 624.7175, paragraph
298.22 (d).

298.23 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
298.24 protection order constitutes a finding that sufficient reasons exist not to require notice under
298.25 applicable court rules governing applications for ex parte relief.

298.26 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set
298.27 under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's
298.28 finding that no order is issued under section 624.7172.

298.29 (f) Except as provided in paragraph (g), the respondent shall be personally served
298.30 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
298.31 is requested by the petitioner under section 624.7172, notice of the date set for the hearing.
298.32 If the petitioner does not request a hearing under section 624.7172, an order served on a
298.33 respondent under this section must include a notice advising the respondent of the right to

299.1 request a hearing challenging the issuance of the emergency order, and must be accompanied
299.2 by a form that can be used by the respondent to request a hearing.

299.3 (g) Service of the emergency order may be made by alternate service as provided under
299.4 section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
299.5 required under that subdivision. If the petitioner does not request a hearing under section
299.6 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied
299.7 by the form for requesting a hearing described in paragraph (f).

299.8 **Sec. 6. [624.7175] TRANSFER OF FIREARMS.**

299.9 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
299.10 order, the court shall direct the respondent to transfer any firearms the person possesses as
299.11 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
299.12 firearms dealer or a law enforcement agency. If the respondent elects to transfer the
299.13 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
299.14 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
299.15 the receiving party to possess the firearm and does not transfer ownership or title. If the
299.16 respondent makes a temporary transfer to a federally licensed firearms dealer, the dealer
299.17 may charge the respondent a reasonable fee to store the firearms. If the temporary transfer
299.18 is made to a law enforcement agency, the agency may not charge the respondent any storage
299.19 or other associated fee. A dealer or agency may establish policies for disposal of abandoned
299.20 firearms, provided these policies require that the respondent be notified prior to disposal of
299.21 abandoned firearms. If a respondent permanently transfers the respondent's firearms to a
299.22 law enforcement agency, the agency must compensate the respondent at fair market value
299.23 and may not charge the respondent any processing or other fees.

299.24 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
299.25 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
299.26 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
299.27 27, section 478.11, as amended, to a relative who does not live with the respondent after
299.28 confirming that the relative may lawfully own or possess a firearm.

299.29 (c) The respondent must file proof of transfer as provided in this paragraph.

299.30 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
299.31 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
299.32 proof of transfer must specify whether the firearms were permanently or temporarily
299.33 transferred and must include the name of the respondent, date of transfer, and the serial
299.34 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally

300.1 licensed firearms dealer, the respondent shall, within two business days after being served
300.2 with the order, file a copy of proof of transfer with the law enforcement agency and attest
300.3 that all firearms owned or possessed at the time of the order have been transferred in
300.4 accordance with this section and that the person currently does not possess any firearms. If
300.5 the respondent claims not to own or possess firearms, the respondent shall file a declaration
300.6 of nonpossession with the law enforcement agency attesting that, at the time of the order,
300.7 the respondent neither owned nor possessed any firearms, and that the respondent currently
300.8 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
300.9 paragraph (b), the relative must sign an affidavit under oath before a notary public either
300.10 acknowledging that the respondent permanently transferred the respondent's antique firearms,
300.11 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
300.12 firearms, curios, or relics until such time as the respondent is legally permitted to possess
300.13 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
300.14 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

300.15 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
300.16 filed pursuant to this paragraph.

300.17 (d) If a court issues an emergency order under section 624.7174, or makes a finding of
300.18 immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and
300.19 there is probable cause to believe the respondent possesses firearms, the court shall issue a
300.20 search warrant to the local law enforcement agency to take possession of all firearms in the
300.21 respondent's possession as soon as practicable. The chief law enforcement officer, or the
300.22 chief's designee, shall notify the respondent of the option to voluntarily comply with the
300.23 order by surrendering the respondent's firearms to law enforcement prior to execution of
300.24 the search warrant. Only if the respondent refuses to voluntarily comply with the order to
300.25 surrender the respondent's firearms shall the officer or officers tasked with serving the search
300.26 warrant execute the warrant. The local law enforcement agency shall, upon written notice
300.27 from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a
300.28 local law enforcement agency transfers a firearm under this paragraph, the agency shall
300.29 require the federally licensed firearms dealer receiving the firearm to submit a proof of
300.30 transfer that complies with the requirements for proofs of transfer established in paragraph
300.31 (c). The agency shall file all proofs of transfer received by the court within two business
300.32 days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer
300.33 pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer
300.34 directly from the respondent. A law enforcement agency may establish policies for disposal

301.1 of abandoned firearms, provided these policies require that the respondent be notified prior
301.2 to disposal of abandoned firearms.

301.3 **Sec. 7. [624.7176] RETURN OF FIREARMS.**

301.4 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
301.5 temporary transfer of firearms under section 624.7175 shall return the firearms to the
301.6 respondent after the expiration of the order, provided the respondent is not otherwise
301.7 prohibited from possessing firearms under state or federal law.

301.8 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
301.9 transfer of firearms under section 624.7175 shall return the transferred firearms to the
301.10 respondent upon request after the expiration of the order, provided the respondent is not
301.11 otherwise prohibited from possessing firearms under state or federal law. A federally licensed
301.12 firearms dealer returning firearms shall comply with state and federal law as though
301.13 transferring a firearm from the dealer's own inventory.

301.14 **Sec. 8. [624.7177] OFFENSES.**

301.15 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
301.16 risk protection order under section 624.7172 or 624.7174, knowing any information in the
301.17 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
301.18 gross misdemeanor.

301.19 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
301.20 have known that the person is prohibited from doing so by an extreme risk protection order
301.21 under section 624.7172 or 624.7174, or by an order of protection granted by a judge or
301.22 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
301.23 and shall be prohibited from possessing firearms for a period of five years. Each extreme
301.24 risk protection order granted under this chapter must contain a conspicuous notice to the
301.25 respondent regarding the penalty for violation of the order.

301.26 **Sec. 9. [624.7178] LIABILITY PROTECTION.**

301.27 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, the
301.28 chief law enforcement officer's designee, or a city or county attorney who, in good faith,
301.29 decides not to petition for an extreme risk protection order or emergency extreme risk
301.30 protection order shall be immune from criminal or civil liability.

301.31 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
301.32 be immune from civil or criminal liability for any damage or deterioration of firearms,

302.1 ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision
302.2 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
302.3 negligence, or intentional misconduct by the law enforcement agency.

302.4 Subd. 3. **Liability protection for harm following service of an order or execution of**
302.5 **a search warrant.** A peace officer, law enforcement agency, and the state or a political
302.6 subdivision by which a peace officer is employed has immunity from any liability, civil or
302.7 criminal, for harm caused by a person who is the subject of an extreme risk protection order,
302.8 a search warrant issued pursuant to section 624.7175, paragraph (d), or both, after service
302.9 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
302.10 good faith in serving the order or executing the warrant.

302.11 Subd. 4. **Liability protection for mental health professionals.** A mental health
302.12 professional who provides notice to the sheriff under section 626.7171, subdivision 5, is
302.13 immune from monetary liability and no cause of action, or disciplinary action by the person's
302.14 licensing board may arise against the mental health professional for disclosure of confidences
302.15 to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous disclosure
302.16 of confidences to the sheriff in a good faith effort to warn against or take precautions against
302.17 a client's violent behavior or threat of suicide.

302.18 Sec. 10. **[626.8481] EXTREME RISK PROTECTION ORDER; DEVELOPMENT**
302.19 **OF MODEL PROCEDURES.**

302.20 By December 1, 2023, the Peace Officer Standards and Training Board, after consulting
302.21 with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys
302.22 Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association,
302.23 and the Minnesota Police and Peace Officers Association, shall develop model procedures
302.24 and standards for the storage of firearms transferred to law enforcement under section
302.25 624.7175.

302.26 Sec. 11. **FEDERAL BYRNE STATE CRISIS INTERVENTION PROGRAM.**

302.27 The Department of Public Safety is designated the state agency with the exclusive
302.28 authority to apply for federal Byrne State Crisis Intervention Program grants.

302.29 Sec. 12. **EFFECTIVE DATE.**

302.30 Sections 1 to 9 are effective January 1, 2024, and apply to firearm permit background
302.31 checks made on or after that date.

303.1

ARTICLE 15

303.2

CONTROLLED SUBSTANCES POLICY

303.3 Section 1. Minnesota Statutes 2022, section 121A.28, is amended to read:

303.4

121A.28 LAW ENFORCEMENT RECORDS.

303.5 A law enforcement agency shall provide notice of any drug incident occurring within
303.6 the agency's jurisdiction, in which the agency has probable cause to believe a student violated
303.7 section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092~~, 152.097,
303.8 or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided,
303.9 within two weeks after an incident occurs, to the chemical abuse preassessment team in the
303.10 school where the student is enrolled.

303.11

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

303.12 Sec. 2. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to
303.13 read:

303.14

Subd. 43. **Syringe services provider.** "Syringe services provider" means a

303.15 community-based public health program that offers cost-free comprehensive harm reduction
303.16 services, which may include: providing sterile needles, syringes, and other injection
303.17 equipment; making safe disposal containers for needles and syringes available; educating
303.18 participants and others about overdose prevention, safer injection practices, and infectious
303.19 disease prevention; providing blood-borne pathogen testing or referrals to blood-borne
303.20 pathogen testing; offering referrals to substance use disorder treatment, including substance
303.21 use disorder treatment with medications for opioid use disorder; and providing referrals to
303.22 medical treatment and services, mental health programs and services, and other social
303.23 services.

303.24

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

303.25 Sec. 3. Minnesota Statutes 2022, section 151.40, subdivision 1, is amended to read:

303.26 Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control, manufacture,~~
303.27 ~~or sell, furnish, dispense, or otherwise dispose of~~ hypodermic syringes or needles or any
303.28 instrument or implement which can be adapted for subcutaneous injections, except for:

303.29 (1) the following persons when acting in the course of their practice or employment:

303.30 (i) licensed practitioners and their employees, agents, or delegates;

303.31 (ii) licensed pharmacies and their employees or agents;

- 304.1 (iii) licensed pharmacists;
- 304.2 (iv) registered nurses and licensed practical nurses;
- 304.3 (v) registered medical technologists;
- 304.4 (vi) medical interns and residents;
- 304.5 (vii) licensed drug wholesalers and their employees or agents;
- 304.6 (viii) licensed hospitals;
- 304.7 (ix) bona fide hospitals in which animals are treated;
- 304.8 (x) licensed nursing homes;
- 304.9 (xi) licensed morticians;
- 304.10 (xii) syringe and needle manufacturers and their dealers and agents;
- 304.11 (xiii) persons engaged in animal husbandry;
- 304.12 (xiv) clinical laboratories and their employees;
- 304.13 (xv) persons engaged in bona fide research or education or industrial use of hypodermic
304.14 syringes and needles provided such persons cannot use hypodermic syringes and needles
304.15 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,
304.16 and administered by a person lawfully authorized to do so; ~~and~~
- 304.17 (xvi) persons who administer drugs pursuant to an order or direction of a licensed
304.18 practitioner; and
- 304.19 (xvii) syringe services providers and their employees and agents;
- 304.20 (2) a person who self-administers drugs pursuant to either the prescription or the direction
304.21 of a practitioner, or a family member, caregiver, or other individual who is designated by
304.22 such person to assist the person in obtaining and using needles and syringes for the
304.23 administration of such drugs;
- 304.24 (3) a person who is disposing of hypodermic syringes and needles through an activity
304.25 or program developed under section 325F.785; ~~or~~
- 304.26 (4) a person who sells, ~~possesses,~~ or handles hypodermic syringes and needles pursuant
304.27 to subdivision 2.; or
- 304.28 (5) a participant receiving services from a syringe services provider, who accesses or
304.29 receives new syringes or needles from a syringe services provider or returns used syringes
304.30 or needles to a syringe services provider.

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

305.2 Sec. 4. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

305.3 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered
305.4 pharmacy or a licensed pharmacist may sell, without the prescription or direction of a
305.5 practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer,~~ provided
305.6 the pharmacy or pharmacist complies with all of the requirements of this subdivision.

305.7 (b) At any location where hypodermic needles and syringes are kept for retail sale under
305.8 this subdivision, the needles and syringes shall be stored in a manner that makes them
305.9 available only to authorized personnel and not openly available to customers.

305.10 (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
305.11 syringes under this subdivision may give the purchaser the materials developed by the
305.12 commissioner of health under section 325F.785.

305.13 (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or
305.14 syringes under this subdivision must certify to the commissioner of health participation in
305.15 an activity, including but not limited to those developed under section 325F.785, that supports
305.16 proper disposal of used hypodermic needles or syringes.

305.17 Sec. 5. Minnesota Statutes 2022, section 152.01, subdivision 12a, is amended to read:

305.18 Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the
305.19 federal government, the state, a local unit of government, a park district board, ~~or~~ a park
305.20 and recreation board in a city of the first class, or a federally recognized Indian Tribe. "Park
305.21 zone" includes the area within 300 feet or one city block, whichever distance is greater, of
305.22 the park boundary.

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

305.25 Sec. 6. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

305.26 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
305.27 paraphernalia" means all equipment, products, and materials of any kind, except those items
305.28 used in conjunction with permitted uses of controlled substances under this chapter or the
305.29 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
305.30 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
305.31 introducing into the human body a controlled substance, or (3) ~~testing the strength,~~

306.1 ~~effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled~~
306.2 ~~substance.~~

306.3 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
306.4 of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2~~
306.5 hypodermic syringes or needles or any instrument or implement which can be adapted for
306.6 subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl
306.7 analog in a controlled substance.

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

306.10 Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
306.11 read:

306.12 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
306.13 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
306.14 subdivisions 2 and 3.

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

306.17 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

306.18 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
306.19 degree if:

306.20 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
306.21 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

306.22 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
306.23 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine
306.24 and:

306.25 (i) the person or an accomplice possesses on their person or within immediate reach, or
306.26 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
306.27 firearm; or

306.28 (ii) the offense involves two aggravating factors;

306.29 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
306.30 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
306.31 heroin or fentanyl;

307.1 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
307.2 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
307.3 cocaine, heroin, fentanyl, or methamphetamine;

307.4 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
307.5 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,
307.6 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
307.7 more dosage units; or

307.8 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
307.9 more mixtures of a total weight of 25 kilograms or more containing marijuana or
307.10 Tetrahydrocannabinols.

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

307.13 Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

307.14 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
307.15 the first degree if:

307.16 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
307.17 or more containing cocaine or methamphetamine;

307.18 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
307.19 or more containing cocaine or methamphetamine and:

307.20 (i) the person or an accomplice possesses on their person or within immediate reach, or
307.21 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
307.22 firearm; or

307.23 (ii) the offense involves two aggravating factors;

307.24 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
307.25 or more, or 100 dosage units or more, containing heroin or fentanyl;

307.26 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
307.27 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

307.28 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
307.29 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
307.30 substance is packaged in dosage units, equaling 500 or more dosage units; or

308.1 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
308.2 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
308.3 more marijuana plants.

308.4 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
308.5 not be considered in measuring the weight of a mixture except in cases where the mixture
308.6 contains four or more fluid ounces of fluid.

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

308.9 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

308.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
308.11 second degree if:

308.12 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
308.13 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
308.14 heroin or fentanyl;

308.15 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
308.16 more mixtures of a total weight of three grams or more containing cocaine or
308.17 methamphetamine and:

308.18 (i) the person or an accomplice possesses on their person or within immediate reach, or
308.19 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
308.20 firearm; or

308.21 (ii) the offense involves three aggravating factors;

308.22 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
308.23 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
308.24 containing heroin or fentanyl;

308.25 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
308.26 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
308.27 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
308.28 more dosage units;

308.29 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
308.30 more mixtures of a total weight of ten kilograms or more containing marijuana or
308.31 Tetrahydrocannabinols;

309.1 (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
309.2 under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
309.3 sell the substance; or

309.4 (7) the person unlawfully sells any of the following in a school zone, a park zone, a
309.5 public housing zone, or a drug treatment facility:

309.6 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
309.7 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

309.8 (ii) one or more mixtures containing methamphetamine or amphetamine; or

309.9 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
309.10 or Tetrahydrocannabinols.

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

309.13 Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

309.14 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
309.15 second degree if:

309.16 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
309.17 or more containing cocaine or methamphetamine;

309.18 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
309.19 or more containing cocaine or methamphetamine and:

309.20 (i) the person or an accomplice possesses on their person or within immediate reach, or
309.21 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
309.22 firearm; or

309.23 (ii) the offense involves three aggravating factors;

309.24 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
309.25 or more, or 50 dosage units or more, containing heroin or fentanyl;

309.26 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
309.27 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

309.28 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
309.29 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
309.30 substance is packaged in dosage units, equaling 100 or more dosage units; or

310.1 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
310.2 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
310.3 more marijuana plants.

310.4 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
310.5 not be considered in measuring the weight of a mixture except in cases where the mixture
310.6 contains four or more fluid ounces of fluid.

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

310.9 Sec. 12. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

310.10 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
310.11 third degree if:

310.12 (1) on one or more occasions within a 90-day period the person unlawfully possesses
310.13 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
310.14 than heroin or fentanyl;

310.15 (2) on one or more occasions within a 90-day period the person unlawfully possesses
310.16 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
310.17 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

310.18 (3) on one or more occasions within a 90-day period the person unlawfully possesses
310.19 one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged
310.20 in dosage units, and equals 50 or more dosage units;

310.21 (4) on one or more occasions within a 90-day period the person unlawfully possesses
310.22 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
310.23 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
310.24 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
310.25 or a drug treatment facility;

310.26 (5) on one or more occasions within a 90-day period the person unlawfully possesses
310.27 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
310.28 Tetrahydrocannabinols; or

310.29 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
310.30 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
310.31 facility.

311.1 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
311.2 not be considered in measuring the weight of a mixture except in cases where the mixture
311.3 contains four or more fluid ounces of fluid.

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

311.6 Sec. 13. Minnesota Statutes 2022, section 152.025, subdivision 2, is amended to read:

311.7 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
311.8 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

311.9 (1) the person unlawfully possesses one or more mixtures containing a controlled
311.10 substance classified in Schedule I, II, III, or IV, except a small amount of marijuana or a
311.11 residual amount of one or more mixtures of controlled substances contained in drug
311.12 paraphernalia; or

311.13 (2) the person procures, attempts to procure, possesses, or has control over a controlled
311.14 substance by any of the following means:

311.15 (i) fraud, deceit, misrepresentation, or subterfuge;

311.16 (ii) using a false name or giving false credit; or

311.17 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
311.18 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
311.19 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
311.20 obtaining a controlled substance.

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

311.23 Sec. 14. Minnesota Statutes 2022, section 152.093, is amended to read:

311.24 **152.093 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**
311.25 **PROHIBITED.**

311.26 It is unlawful for any person ~~knowingly or intentionally to deliver drug paraphernalia~~
311.27 ~~or knowingly or~~ to intentionally to possess or manufacture drug paraphernalia for delivery.
311.28 Any violation of this section is a misdemeanor.

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

312.1 Sec. 15. Minnesota Statutes 2022, section 152.205, is amended to read:

312.2 **152.205 LOCAL REGULATIONS.**

312.3 Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt
312.4 enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise
312.5 regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

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

312.7 Sec. 16. **[626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.**

312.8 **Subdivision 1. Training.** A chief law enforcement officer must provide basic training
312.9 to peace officers employed by the chief's agency on:

312.10 (1) identifying persons who are suffering from narcotics overdoses; and

312.11 (2) the proper use of opiate antagonists to treat a narcotics overdose.

312.12 **Subd. 2. Mandatory supply.** A chief law enforcement officer must maintain a sufficient
312.13 supply of opiate antagonists to ensure that officers employed by the chief's agency can
312.14 satisfy the requirements of subdivision 3.

312.15 **Subd. 3. Mandatory carrying.** Each on-duty peace officer who is assigned to respond
312.16 to emergency calls must have at least two unexpired opiate antagonist doses readily available
312.17 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
312.18 during the officer's shift shall replace the expended doses from the officer's agency's supply
312.19 so long as replacing the doses will not compromise public safety.

312.20 **Subd. 4. Authorization of use.** (a) A chief law enforcement officer must authorize peace
312.21 officers employed by the chief's agency to perform administration of an opiate antagonist
312.22 when an officer believes a person is suffering a narcotics overdose.

312.23 (b) In order to administer opiate antagonists, a peace officer must comply with section
312.24 151.37, subdivision 12, paragraph (b), clause (1).

312.25 Sec. 17. **REPEALER.**

312.26 Minnesota Statutes 2022, section 152.092, is repealed.

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

ARTICLE 16**CONTROLLED SUBSTANCES SCHEDULES**

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Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following substances, including their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers, and salts is possible:

(1) acetylmethadol;

(2) allylprodine;

(3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate);

(4) alphameprodine;

(5) alphamethadol;

(6) alpha-methylfentanyl benzethidine;

(7) betacetylmethadol;

(8) betameprodine;

(9) betamethadol;

(10) betaprodine;

(11) clonitazene;

(12) dextromoramide;

(13) diampromide;

(14) diethylambutene;

(15) difenoxin;

(16) dimenoxadol;

(17) dimepheptanol;

(18) dimethylambutene;

(19) dioxaphetyl butyrate;

- 314.1 (20) dipipanone;
- 314.2 (21) ethylmethylthiambutene;
- 314.3 (22) etonitazene;
- 314.4 (23) etoxeridine;
- 314.5 (24) furethidine;
- 314.6 (25) hydroxypethidine;
- 314.7 (26) ketobemidone;
- 314.8 (27) levomoramide;
- 314.9 (28) levophenacymorphan;
- 314.10 (29) 3-methylfentanyl;
- 314.11 (30) acetyl-alpha-methylfentanyl;
- 314.12 (31) alpha-methylthiofentanyl;
- 314.13 (32) benzylfentanyl beta-hydroxyfentanyl;
- 314.14 (33) beta-hydroxy-3-methylfentanyl;
- 314.15 (34) 3-methylthiofentanyl;
- 314.16 (35) thenylfentanyl;
- 314.17 (36) thiofentanyl;
- 314.18 (37) para-fluorofentanyl;
- 314.19 (38) morpheridine;
- 314.20 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 314.21 (40) noracymethadol;
- 314.22 (41) norlevorphanol;
- 314.23 (42) normethadone;
- 314.24 (43) norpipanone;
- 314.25 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 314.26 (45) phenadoxone;
- 314.27 (46) phenampromide;

- 315.1 (47) phenomorphan;
- 315.2 (48) phenoperidine;
- 315.3 (49) piritramide;
- 315.4 (50) proheptazine;
- 315.5 (51) properidine;
- 315.6 (52) propiram;
- 315.7 (53) racemoramide;
- 315.8 (54) tilidine;
- 315.9 (55) trimeperidine;
- 315.10 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 315.11 (57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-
- 315.12 methylbenzamide(U47700);
- 315.13 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanyl fentanyl);
- 315.14 (59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);
- 315.15 (60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl
- 315.16 fentanyl);
- 315.17 (61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);
- 315.18 (62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);
- 315.19 (63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl
- 315.20 fentanyl);
- 315.21 (64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);
- 315.22 (65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);
- 315.23 (66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 315.24 (para-chloroisobutyryl fentanyl);
- 315.25 (67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl
- 315.26 fentanyl);
- 315.27 (68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 315.28 (para-methoxybutyryl fentanyl);
- 315.29 (69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);

- 316.1 (70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl
316.2 fentanyl or para-fluoroisobutyryl fentanyl);
- 316.3 (71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or
316.4 acryloylfentanyl);
- 316.5 (72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl
316.6 fentanyl);
- 316.7 (73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl
316.8 or 2-fluorofentanyl);
- 316.9 (74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide
316.10 (tetrahydrofuranyl fentanyl); ~~and~~
- 316.11 (75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers,
316.12 esters and ethers, meaning any substance not otherwise listed under another federal
316.13 Administration Controlled Substance Code Number or not otherwise listed in this section,
316.14 and for which no exemption or approval is in effect under section 505 of the Federal Food,
316.15 Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related
316.16 to fentanyl by one or more of the following modifications:
- 316.17 (i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether
316.18 or not further substituted in or on the monocycle;
- 316.19 (ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo,
316.20 haloalkyl, amino, or nitro groups;
- 316.21 (iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
316.22 hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 316.23 (iv) replacement of the aniline ring with any aromatic monocycle whether or not further
316.24 substituted in or on the aromatic monocycle; or
- 316.25 (v) replacement of the N-propionyl group by another acyl group;
- 316.26 (76) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-
316.27 dihydro-2H-benzo[d]imidazol-2-one (brorphine);
- 316.28 (77) 4'-methyl acetyl fentanyl;
- 316.29 (78) beta-hydroxythiofentanyl;
- 316.30 (79) beta-methyl fentanyl;
- 316.31 (80) beta'-phenyl fentanyl;

- 317.1 (81) crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);
- 317.2 (82) cyclopropyl fentanyl
- 317.3 (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- 317.4 (83) fentanyl carbamate;
- 317.5 (84) isotonitazene (N,N-diethyl-2-(2-(4
- 317.6 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- 317.7 (85) para-fluoro furanyl fentanyl;
- 317.8 (86) para-methylfentanyl;
- 317.9 (87) phenyl fentanyl;
- 317.10 (88) ortho-fluoroacryl fentanyl;
- 317.11 (89) ortho-fluorobutyryl fentanyl;
- 317.12 (90) ortho-fluoroisobutyryl fentanyl;
- 317.13 (91) ortho-methyl acetylfentanyl;
- 317.14 (92) thiofuranyl fentanyl;
- 317.15 (93) metonitazene
- 317.16 (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- 317.17 (94) metodesnitazene
- 317.18 (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 317.19 (95) etodesnitazene; etazene
- 317.20 (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- 317.21 (96) protonitazene
- 317.22 (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- 317.23 (97) butonitazene
- 317.24 (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- 317.25 (98) flunitazene
- 317.26 (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine); and
- 317.27 (99) N-pyrrolidino etonitazene; etonitazepyne
- 317.28 (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole).

318.1 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
318.2 and salts of isomers, unless specifically excepted or unless listed in another schedule,
318.3 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

318.4 (1) acetorphine;

318.5 (2) acetyldihydrocodeine;

318.6 (3) benzylmorphine;

318.7 (4) codeine methylbromide;

318.8 (5) codeine-n-oxide;

318.9 (6) cyprenorphine;

318.10 (7) desomorphine;

318.11 (8) dihydromorphine;

318.12 (9) drotebanol;

318.13 (10) etorphine;

318.14 (11) heroin;

318.15 (12) hydromorphenol;

318.16 (13) methyl-desorphine;

318.17 (14) methyldihydromorphine;

318.18 (15) morphine methylbromide;

318.19 (16) morphine methylsulfonate;

318.20 (17) morphine-n-oxide;

318.21 (18) myrophine;

318.22 (19) nicocodeine;

318.23 (20) nicomorphine;

318.24 (21) normorphine;

318.25 (22) pholcodine; and

318.26 (23) thebacon.

318.27 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
318.28 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,

319.1 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
319.2 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
319.3 possible:

- 319.4 (1) methylenedioxy amphetamine;
- 319.5 (2) methylenedioxymethamphetamine;
- 319.6 (3) methylenedioxy-N-ethylamphetamine (MDEA);
- 319.7 (4) n-hydroxy-methylenedioxyamphetamine;
- 319.8 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);
- 319.9 (6) 2,5-dimethoxyamphetamine (2,5-DMA);
- 319.10 (7) 4-methoxyamphetamine;
- 319.11 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;
- 319.12 (9) alpha-ethyltryptamine;
- 319.13 (10) bufotenine;
- 319.14 (11) diethyltryptamine;
- 319.15 (12) dimethyltryptamine;
- 319.16 (13) 3,4,5-trimethoxyamphetamine;
- 319.17 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);
- 319.18 (15) ibogaine;
- 319.19 (16) lysergic acid diethylamide (LSD);
- 319.20 (17) mescaline;
- 319.21 (18) parahexyl;
- 319.22 (19) N-ethyl-3-piperidyl benzilate;
- 319.23 (20) N-methyl-3-piperidyl benzilate;
- 319.24 (21) psilocybin;
- 319.25 (22) psilocyn;
- 319.26 (23) tenocyclidine (TPCP or TCP);
- 319.27 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 319.28 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);

- 320.1 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 320.2 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 320.3 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 320.4 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 320.5 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 320.6 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 320.7 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 320.8 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 320.9 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 320.10 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 320.11 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 320.12 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 320.13 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 320.14 (2-CB-FLY);
- 320.15 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 320.16 (40) alpha-methyltryptamine (AMT);
- 320.17 (41) N,N-diisopropyltryptamine (DiPT);
- 320.18 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 320.19 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 320.20 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 320.21 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);
- 320.22 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 320.23 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 320.24 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 320.25 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 320.26 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 320.27 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);

- 321.1 (52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 321.2 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 321.3 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 321.4 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 321.5 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 321.6 (57) methoxetamine (MXE);
- 321.7 (58) 5-iodo-2-aminoindane (5-IAI);
- 321.8 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 321.9 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 321.10 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 321.11 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 321.12 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 321.13 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 321.14 (65) N,N-Dipropyltryptamine (DPT);
- 321.15 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 321.16 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 321.17 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 321.18 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 321.19 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylorketamine,
- 321.20 ethketamine, NENK);
- 321.21 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);
- 321.22 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and
- 321.23 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).
- 321.24 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
- 321.25 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
- 321.26 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
- 321.27 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
- 321.28 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
- 321.29 Church, and members of the American Indian Church are exempt from registration. Any

322.1 person who manufactures peyote for or distributes peyote to the American Indian Church,
322.2 however, is required to obtain federal registration annually and to comply with all other
322.3 requirements of law.

322.4 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
322.5 another schedule, any material compound, mixture, or preparation which contains any
322.6 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
322.7 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

322.8 (1) mecloqualone;

322.9 (2) methaqualone;

322.10 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

322.11 (4) flunitrazepam;

322.12 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
322.13 methoxyketamine);

322.14 (6) tianeptine;

322.15 (7) clonazepam;

322.16 (8) etizolam;

322.17 (9) flubromazolam; and

322.18 (10) flubromazepam.

322.19 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
322.20 material compound, mixture, or preparation which contains any quantity of the following
322.21 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
322.22 analogs, salts, isomers, and salts of isomers is possible:

322.23 (1) aminorex;

322.24 (2) cathinone;

322.25 (3) fenethylamine;

322.26 (4) methcathinone;

322.27 (5) methylaminorex;

322.28 (6) N,N-dimethylamphetamine;

322.29 (7) N-benzylpiperazine (BZP);

- 323.1 (8) methylenecathinone (mephedrone);
- 323.2 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 323.3 (10) methoxymethcathinone (methedrone);
- 323.4 (11) methylenedioxypropylvalerone (MDPV);
- 323.5 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 323.6 (13) methylethcathinone (MEC);
- 323.7 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 323.8 (15) dimethylmethcathinone (DMMC);
- 323.9 (16) fluoroamphetamine;
- 323.10 (17) fluoromethamphetamine;
- 323.11 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 323.12 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 323.13 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 323.14 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 323.15 naphyrone);
- 323.16 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 323.17 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 323.18 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 323.19 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 323.20 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 323.21 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 323.22 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);
- 323.23 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 323.24 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 323.25 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 323.26 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);
- 323.27 (33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);

- 324.1 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);
- 324.2 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 324.3 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);
- 324.4 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 324.5 (38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);
- 324.6 (39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone);
- 324.7 ~~and~~
- 324.8 (40) any other substance, except bupropion or compounds listed under a different
- 324.9 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 324.10 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 324.11 compound is further modified in any of the following ways:
- 324.12 (i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy,
- 324.13 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 324.14 system by one or more other univalent substituents;
- 324.15 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 324.16 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 324.17 methoxybenzyl groups; or
- 324.18 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure;
- 324.19 (41) 4,4'-dimethylaminorex (4,4'-DMAR;
- 324.20 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine);
- 324.21 (42) 4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-A-PVP);
- 324.22 (43) para-methoxymethamphetamine (PMMA),
- 324.23 1-(4-methoxyphenyl)-N-methylpropan-2-amine; and
- 324.24 (44) N-ethylhexedrone.
- 324.25 (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
- 324.26 excepted or unless listed in another schedule, any natural or synthetic material, compound,
- 324.27 mixture, or preparation that contains any quantity of the following substances, their analogs,
- 324.28 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
- 324.29 of the isomers, esters, ethers, or salts is possible:
- 324.30 (1) marijuana;

325.1 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except
325.2 that tetrahydrocannabinols do not include any material, compound, mixture, or preparation
325.3 that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic
325.4 equivalents of the substances contained in the cannabis plant or in the resinous extractives
325.5 of the plant; or synthetic substances with similar chemical structure and pharmacological
325.6 activity to those substances contained in the plant or resinous extract, including, but not
325.7 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
325.8 cis or trans tetrahydrocannabinol;

325.9 (3) synthetic cannabinoids, including the following substances:

325.10 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
325.11 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
325.12 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
325.13 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
325.14 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
325.15 naphthoylindoles include, but are not limited to:

325.16 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

325.17 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

325.18 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

325.19 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

325.20 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

325.21 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

325.22 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

325.23 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

325.24 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

325.25 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

325.26 (ii) Naphthylmethylindoles, which are any compounds containing a
325.27 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
325.28 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
325.29 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
325.30 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
325.31 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

- 326.1 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);
- 326.2 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).
- 326.3 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
- 326.4 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
- 326.5 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 326.6 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
- 326.7 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
- 326.8 naphthoylpyrroles include, but are not limited to,
- 326.9 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).
- 326.10 (iv) Naphthylmethylenes, which are any compounds containing a naphthylideneindene
- 326.11 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
- 326.12 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 326.13 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
- 326.14 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
- 326.15 naphthylmethylenes include, but are not limited to,
- 326.16 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).
- 326.17 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
- 326.18 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
- 326.19 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 326.20 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
- 326.21 extent, whether or not substituted in the phenyl ring to any extent. Examples of
- 326.22 phenylacetylindoles include, but are not limited to:
- 326.23 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);
- 326.24 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- 326.25 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);
- 326.26 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).
- 326.27 (vi) Cyclohexylphenols, which are compounds containing a
- 326.28 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
- 326.29 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 326.30 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
- 326.31 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
- 326.32 limited to:
- 326.33 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

- 327.1 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
327.2 (Cannabicyclohexanol or CP 47,497 C8 homologue);
- 327.3 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
327.4 -phenol (CP 55,940).
- 327.5 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
327.6 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
327.7 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
327.8 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
327.9 extent and whether or not substituted in the phenyl ring to any extent. Examples of
327.10 benzoylindoles include, but are not limited to:
- 327.11 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 327.12 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 327.13 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
327.14 48,098 or Pravadoline).
- 327.15 (viii) Others specifically named:
- 327.16 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
327.17 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 327.18 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
327.19 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 327.20 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
327.21 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 327.22 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- 327.23 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
327.24 (XLR-11);
- 327.25 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
327.26 (AKB-48(APINACA));
- 327.27 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
327.28 (5-Fluoro-AKB-48);
- 327.29 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 327.30 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);

- 328.1 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
328.2 (AB-PINACA);
- 328.3 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
328.4 1H-indazole-3-carboxamide (AB-FUBINACA);
- 328.5 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
328.6 indazole-3-carboxamide(AB-CHMINACA);
- 328.7 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate
328.8 (5-fluoro-AMB);
- 328.9 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 328.10 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
328.11 (FUBIMINA);
- 328.12 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
328.13 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 328.14 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
328.15 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 328.16 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
328.17 -1H-indole-3-carboxamide;
- 328.18 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
328.19 -1H-indazole-3-carboxamide;
- 328.20 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 328.21 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1
328.22 H-indazole-3-carboxamide (MAB-CHMINACA);
- 328.23 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
328.24 (ADB-PINACA);
- 328.25 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 328.26 (X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-
328.27 3-carboxamide. (APP-CHMINACA);
- 328.28 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 328.29 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 328.30 (ix) Additional substances specifically named:

- 329.1 (A) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1
 329.2 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);
- 329.3 (B) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1 H-indazole-3-carboxamide
 329.4 (4-CN-Cumyl-Butinaca);
- 329.5 (C) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; CBL2201);
- 329.6 (D) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1
 329.7 H-indazole-3-carboxamide (5F-ABPINACA);
- 329.8 (E) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate
 329.9 (MDMB CHMICA);
- 329.10 (F) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate
 329.11 (5F-ADB; 5F-MDMB-PINACA); ~~and~~
- 329.12 (G) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)
 329.13 1H-indazole-3-carboxamide (ADB-FUBINACA);
- 329.14 (H) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide;
- 329.15 (I) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone;
- 329.16 (J) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;
- 329.17 (K) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 329.18 (L) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;
- 329.19 (M) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate;
- 329.20 (N) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide; and
- 329.21 (O) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide.
- 329.22 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
 329.23 for human consumption.

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

329.25 Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 3, is amended to read:

329.26 Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

329.27 (b) Unless specifically excepted or unless listed in another schedule, any of the following
 329.28 substances whether produced directly or indirectly by extraction from substances of vegetable

- 330.1 origin or independently by means of chemical synthesis, or by a combination of extraction
330.2 and chemical synthesis:
- 330.3 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
330.4 opiate.
- 330.5 (i) Excluding:
- 330.6 (A) apomorphine;
- 330.7 (B) thebaine-derived butorphanol;
- 330.8 (C) dextrophan;
- 330.9 (D) nalbuphine;
- 330.10 (E) nalmefene;
- 330.11 (F) naloxegol;
- 330.12 (G) naloxone;
- 330.13 (H) naltrexone; and
- 330.14 (I) their respective salts;
- 330.15 (ii) but including the following:
- 330.16 (A) opium, in all forms and extracts;
- 330.17 (B) codeine;
- 330.18 (C) dihydroetorphine;
- 330.19 (D) ethylmorphine;
- 330.20 (E) etorphine hydrochloride;
- 330.21 (F) hydrocodone;
- 330.22 (G) hydromorphone;
- 330.23 (H) metopon;
- 330.24 (I) morphine;
- 330.25 (J) oxycodone;
- 330.26 (K) oxymorphone;
- 330.27 (L) thebaine;
- 330.28 (M) oripavine;

331.1 (2) any salt, compound, derivative, or preparation thereof which is chemically equivalent
331.2 or identical with any of the substances referred to in clause (1), except that these substances
331.3 shall not include the isoquinoline alkaloids of opium;

331.4 (3) opium poppy and poppy straw;

331.5 (4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves
331.6 (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers
331.7 and derivatives), and any salt, compound, derivative, or preparation thereof which is
331.8 chemically equivalent or identical with any of these substances, except that the substances
331.9 shall not include decocainized coca leaves or extraction of coca leaves, which extractions
331.10 do not contain cocaine or ecgonine;

331.11 (5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid,
331.12 or powder form which contains the phenanthrene alkaloids of the opium poppy).

331.13 (c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
331.14 of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule,
331.15 whenever the existence of such isomers, esters, ethers and salts is possible within the specific
331.16 chemical designation:

331.17 (1) alfentanil;

331.18 (2) alphaprodine;

331.19 (3) anileridine;

331.20 (4) bezitramide;

331.21 (5) bulk dextropropoxyphene (nondosage forms);

331.22 (6) carfentanil;

331.23 (7) dihydrocodeine;

331.24 (8) dihydromorphinone;

331.25 (9) diphenoxylate;

331.26 (10) fentanyl;

331.27 (11) isomethadone;

331.28 (12) levo-alpha-acetylmethadol (LAAM);

331.29 (13) levomethorphan;

331.30 (14) levorphanol;

- 332.1 (15) metazocine;
- 332.2 (16) methadone;
- 332.3 (17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 332.4 (18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic
- 332.5 acid;
- 332.6 (19) pethidine;
- 332.7 (20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;
- 332.8 (21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;
- 332.9 (22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 332.10 (23) phenazocine;
- 332.11 (24) piminodine;
- 332.12 (25) racemethorphan;
- 332.13 (26) racemorphan;
- 332.14 (27) remifentanil;
- 332.15 (28) sufentanil;
- 332.16 (29) tapentadol;
- 332.17 (30) 4-Anilino-N-phenethylpiperidine;
- 332.18 (31) oliceridine;
- 332.19 (32) norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide).
- 332.20 (d) Unless specifically excepted or unless listed in another schedule, any material,
- 332.21 compound, mixture, or preparation which contains any quantity of the following substances
- 332.22 having a stimulant effect on the central nervous system:
- 332.23 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 332.24 (2) methamphetamine, its salts, isomers, and salts of its isomers;
- 332.25 (3) phenmetrazine and its salts;
- 332.26 (4) methylphenidate;
- 332.27 (5) lisdexamfetamine.

333.1 (e) Unless specifically excepted or unless listed in another schedule, any material,
333.2 compound, mixture, or preparation which contains any quantity of the following substances
333.3 having a depressant effect on the central nervous system, including its salts, isomers, and
333.4 salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible
333.5 within the specific chemical designation:

333.6 (1) amobarbital;

333.7 (2) glutethimide;

333.8 (3) secobarbital;

333.9 (4) pentobarbital;

333.10 (5) phencyclidine;

333.11 (6) phencyclidine immediate precursors:

333.12 (i) 1-phenylcyclohexylamine;

333.13 (ii) 1-piperidinocyclohexanecarbonitrile;

333.14 (7) phenylacetone.

333.15 (f) Cannabinoids:

333.16 (1) nabilone;

333.17 (2) dronabinol [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)] in an oral solution
333.18 in a drug product approved for marketing by the United States Food and Drug Administration.

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

333.20 Sec. 3. Minnesota Statutes 2022, section 152.02, subdivision 5, is amended to read:

333.21 Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.

333.22 (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule,
333.23 any material, compound, mixture, or preparation containing any of the following narcotic
333.24 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
333.25 as follows:

333.26 (1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine
333.27 sulfate per dosage unit;

333.28 (2) dextropropoxyphene (Darvon and Darvocet);

- 334.1 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and
334.2 geometric isomers, and salts of these isomers (including tramadol);
- 334.3 (4) eluxadoline;
- 334.4 (5) pentazocine; and
- 334.5 (6) butorphanol (including its optical isomers).
- 334.6 (c) Depressants. Unless specifically excepted or unless listed in another schedule, any
334.7 material, compound, mixture, or preparation containing any quantity of the following
334.8 substances, including its salts, isomers, and salts of isomers whenever the existence of the
334.9 salts, isomers, and salts of isomers is possible:
- 334.10 (1) alfaxalone (5 α -pregnan-3 α -ol-11,20-dione);
- 334.11 (2) alprazolam;
- 334.12 (3) barbital;
- 334.13 (4) bromazepam;
- 334.14 (5) camazepam;
- 334.15 (6) carisoprodol;
- 334.16 (7) chloral betaine;
- 334.17 (8) chloral hydrate;
- 334.18 (9) chlordiazepoxide;
- 334.19 (10) clobazam;
- 334.20 (11) clonazepam;
- 334.21 (12) clorazepate;
- 334.22 (13) clotiazepam;
- 334.23 (14) cloxazolam;
- 334.24 (15) delorazepam;
- 334.25 (16) diazepam;
- 334.26 (17) dichloralphenazone;
- 334.27 (18) estazolam;
- 334.28 (19) ethchlorvynol;

- 335.1 (20) ethinamate;
- 335.2 (21) ethyl loflazepate;
- 335.3 (22) fludiazepam;
- 335.4 (23) flurazepam;
- 335.5 (24) fospropofol;
- 335.6 (25) halazepam;
- 335.7 (26) haloxazolam;
- 335.8 (27) ketazolam;
- 335.9 (28) loprozolam;
- 335.10 (29) lorazepam;
- 335.11 (30) lormetazepam mebutamate;
- 335.12 (31) medazepam;
- 335.13 (32) meprobamate;
- 335.14 (33) methohexital;
- 335.15 (34) methylphenobarbital;
- 335.16 (35) midazolam;
- 335.17 (36) nimetazepam;
- 335.18 (37) nitrazepam;
- 335.19 (38) nordiazepam;
- 335.20 (39) oxazepam;
- 335.21 (40) oxazolam;
- 335.22 (41) paraldehyde;
- 335.23 (42) petrichloral;
- 335.24 (43) phenobarbital;
- 335.25 (44) pinazepam;
- 335.26 (45) prazepam;
- 335.27 (46) quazepam;

- 336.1 (47) suvorexant;
- 336.2 (48) temazepam;
- 336.3 (49) tetrazepam;
- 336.4 (50) triazolam;
- 336.5 (51) zaleplon;
- 336.6 (52) zolpidem;
- 336.7 (53) zopiclone;
- 336.8 (54) brexanolone (3 α -hydroxy-5 α -pregnan-20-one);
- 336.9 (55) lemborexant;
- 336.10 (56) remimazolam (4H-imidazol[1,2-a][1,4]benzodiazepine-4-propionic acid).
- 336.11 (d) Any material, compound, mixture, or preparation which contains any quantity of the
- 336.12 following substance including its salts, isomers, and salts of such isomers, whenever the
- 336.13 existence of such salts, isomers, and salts of isomers is possible: fenfluramine.
- 336.14 (e) Stimulants. Unless specifically excepted or unless listed in another schedule, any
- 336.15 material, compound, mixture, or preparation which contains any quantity of the following
- 336.16 substances having a stimulant effect on the central nervous system, including its salts,
- 336.17 isomers, and salts of isomers:
- 336.18 (1) cathine (norpseudoephedrine);
- 336.19 (2) diethylpropion;
- 336.20 (3) fencamfamine;
- 336.21 (4) fenproporex;
- 336.22 (5) mazindol;
- 336.23 (6) mefenorex;
- 336.24 (7) modafinil;
- 336.25 (8) pemoline (including organometallic complexes and chelates thereof);
- 336.26 (9) phentermine;
- 336.27 (10) pipradol;
- 336.28 (11) sibutramine;

337.1 (12) SPA (1-dimethylamino-1,2-diphenylethane)-₂;

337.2 (13) serdexmethylphenidate;

337.3 (14) solriamfetol (2-amino-3-phenylpropyl car-bamate; benzenepropanol, beta-amino-,
337.4 carbamate (ester)).

337.5 (f) lorcaserin.

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

337.7 Sec. 4. Minnesota Statutes 2022, section 152.02, subdivision 6, is amended to read:

337.8 Subd. 6. **Schedule V; restrictions on methamphetamine precursor drugs.** (a) As used
337.9 in this subdivision, the following terms have the meanings given:

337.10 (1) "methamphetamine precursor drug" means any compound, mixture, or preparation
337.11 intended for human consumption containing ephedrine or pseudoephedrine as its sole active
337.12 ingredient or as one of its active ingredients; and

337.13 (2) "over-the-counter sale" means a retail sale of a drug or product but does not include
337.14 the sale of a drug or product pursuant to the terms of a valid prescription.

337.15 (b) The following items are listed in Schedule V:

337.16 (1) any compound, mixture, or preparation containing any of the following limited
337.17 quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal
337.18 ingredients in sufficient proportion to confer upon the compound, mixture or preparation
337.19 valuable medicinal qualities other than those possessed by the narcotic drug alone:

337.20 (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

337.21 (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

337.22 (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of
337.23 atropine sulfate per dosage unit;

337.24 (iv) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; or

337.25 (v) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine
337.26 sulfate per dosage unit.

337.27 (2) Stimulants. Unless specifically exempted or excluded or unless listed in another
337.28 schedule, any material, compound, mixture, or preparation that contains any quantity of the
337.29 following substance having a stimulant effect on the central nervous system, including its
337.30 salts, isomers, and salts of isomers: pyrovalerone.

338.1 (3) Depressants. Unless specifically exempted or excluded or unless listed in another
338.2 schedule, any material, compound, mixture, or preparation that contains any quantity of the
338.3 following substance having a depressant effect on the central nervous system, including its
338.4 salts, isomers, and salts of isomers:

338.5 (i) ezogabine;

338.6 (ii) pregabalin;

338.7 (iii) lacosamide;

338.8 (iv) cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl]carbamate.

338.9 (4) Any compound, mixture, or preparation containing ephedrine or pseudoephedrine
338.10 as its sole active ingredient or as one of its active ingredients.

338.11 (c) No person may sell in a single over-the-counter sale more than two packages of a
338.12 methamphetamine precursor drug or a combination of methamphetamine precursor drugs
338.13 or any combination of packages exceeding a total weight of six grams, calculated as the
338.14 base.

338.15 (d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

338.16 (1) packages containing not more than a total of three grams of one or more
338.17 methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine
338.18 base; or

338.19 (2) for nonliquid products, sales in blister packs, where each blister contains not more
338.20 than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit
338.21 dose packets or pouches.

338.22 (e) A business establishment that offers for sale methamphetamine precursor drugs in
338.23 an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a
338.24 checkout counter where the public is not permitted and are offered for sale only by a licensed
338.25 pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall
338.26 ensure that the person making the sale requires the buyer:

338.27 (1) to provide photographic identification showing the buyer's date of birth; and

338.28 (2) to sign a written or electronic document detailing the date of the sale, the name of
338.29 the buyer, and the amount of the drug sold.

338.30 A document described under clause (2) must be retained by the establishment for at least
338.31 three years and must at all reasonable times be open to the inspection of any law enforcement
338.32 agency.

339.1 Nothing in this paragraph requires the buyer to obtain a prescription for the drug's
339.2 purchase.

339.3 (f) No person may acquire through over-the-counter sales more than six grams of
339.4 methamphetamine precursor drugs, calculated as the base, within a 30-day period.

339.5 (g) No person may sell in an over-the-counter sale a methamphetamine precursor drug
339.6 to a person under the age of 18 years. It is an affirmative defense to a charge under this
339.7 paragraph if the defendant proves by a preponderance of the evidence that the defendant
339.8 reasonably and in good faith relied on proof of age as described in section 340A.503,
339.9 subdivision 6.

339.10 (h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a
339.11 misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to
339.12 payment of a fine of not more than \$1,000, or both.

339.13 (i) An owner, operator, supervisor, or manager of a business establishment that offers
339.14 for sale methamphetamine precursor drugs whose employee or agent is convicted of or
339.15 charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties
339.16 for violating any of those paragraphs if the person:

339.17 (1) did not have prior knowledge of, participate in, or direct the employee or agent to
339.18 commit the violation; and

339.19 (2) documents that an employee training program was in place to provide the employee
339.20 or agent with information on the state and federal laws and regulations regarding
339.21 methamphetamine precursor drugs.

339.22 (j) Any person employed by a business establishment that offers for sale
339.23 methamphetamine precursor drugs who sells such a drug to any person in a suspicious
339.24 transaction shall report the transaction to the owner, supervisor, or manager of the
339.25 establishment. The owner, supervisor, or manager may report the transaction to local law
339.26 enforcement. A person who reports information under this subdivision in good faith is
339.27 immune from civil liability relating to the report.

339.28 (k) Paragraphs (b) to (j) do not apply to:

339.29 (1) pediatric products labeled pursuant to federal regulation primarily intended for
339.30 administration to children under 12 years of age according to label instructions;

339.31 (2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as
339.32 being manufactured in a manner that prevents the drug from being used to manufacture
339.33 methamphetamine;

340.1 (3) methamphetamine precursor drugs in gel capsule or liquid form; or

340.2 (4) compounds, mixtures, or preparations in powder form where pseudoephedrine
340.3 constitutes less than one percent of its total weight and is not its sole active ingredient.

340.4 (l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall
340.5 certify methamphetamine precursor drugs that meet the requirements of paragraph (k),
340.6 clause (2), and publish an annual listing of these drugs.

340.7 (m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy
340.8 pursuant to sections ~~151.42 to 151.51~~ 151.43 to 151.471 and registered with and regulated
340.9 by the United States Drug Enforcement Administration are exempt from the
340.10 methamphetamine precursor drug storage requirements of this section.

340.11 (n) This section preempts all local ordinances or regulations governing the sale by a
340.12 business establishment of over-the-counter products containing ephedrine or
340.13 pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

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

340.15

ARTICLE 17

340.16

COMMUNITY SUPERVISION REFORM

340.17 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1, is amended to read:

340.18 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole
340.19 any person sentenced to confinement in any state correctional facility for adults under the
340.20 control of the commissioner of corrections, provided that:

340.21 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
340.22 than murder committed in violation of clause (1) of section 609.185 who has not been
340.23 previously convicted of a felony shall be paroled without having served 20 years, less the
340.24 diminution that would have been allowed for good conduct had the sentence been for 20
340.25 years;

340.26 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
340.27 has been previously convicted of a felony or though not previously convicted of a felony
340.28 is serving a life sentence for murder in the first degree committed in violation of clause (1)
340.29 of section 609.185 shall be paroled without having served 25 years, less the diminution
340.30 which would have been allowed for good conduct had the sentence been for 25 years;

340.31 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
340.32 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

341.1 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
341.2 corrections which has the effect of postponing eligibility for parole has prospective effect
341.3 only and applies only with respect to persons committing offenses after the effective date
341.4 of the new rule or policy or change.

341.5 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
341.6 under the control of the commissioner, subject at any time to be returned to a facility of the
341.7 Department of Corrections established by law for the confinement or treatment of convicted
341.8 persons and the parole rescinded by the commissioner.

341.9 (c) The written order of the commissioner of corrections, is sufficient authority for any
341.10 peace officer, state correctional investigator, or state parole and probation agent to retake
341.11 and place in actual custody any person on parole or supervised release. In addition, when
341.12 it appears necessary in order to prevent escape or enforce discipline, any state parole and
341.13 probation agent or state correctional investigator may, without order of warrant, take and
341.14 detain a parolee or person on supervised release or work release and bring the person to the
341.15 commissioner for action.

341.16 (d) The written order of the commissioner of corrections is sufficient authority for any
341.17 peace officer, state correctional investigator, or state parole and probation agent to retake
341.18 and place in actual custody any person on probation under the supervision of the
341.19 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
341.20 to prevent escape or enforce discipline, any state parole and probation agent or state
341.21 correctional investigator may, without an order, retake and detain a probationer and bring
341.22 the probationer before the court for further proceedings under section 609.14.

341.23 (e) The written order of the commissioner of corrections is sufficient authority for any
341.24 peace officer, state correctional investigator, or state parole and probation agent to detain
341.25 any person on pretrial release who absconds from pretrial release or fails to abide by the
341.26 conditions of pretrial release.

341.27 (f) Persons conditionally released, and those on probation under the supervision of the
341.28 commissioner of corrections pursuant to section 609.135 may be placed within or outside
341.29 the boundaries of the state at the discretion of the commissioner of corrections or the court,
341.30 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

341.31 (g) Except as otherwise provided in subdivision 1b, in considering applications for
341.32 conditional release or discharge, the commissioner is not required to hear oral argument
341.33 from any attorney or other person not connected with an adult correctional facility of the
341.34 Department of Corrections in favor of or against the parole or release of any inmates. The

342.1 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
342.2 as to the previous history, physical or mental condition, and character of the inmate and, to
342.3 that end, has the authority to require the attendance of the chief executive officer of any
342.4 state adult correctional facility and the production of the records of these facilities, and to
342.5 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
342.6 witnesses for these purposes.

342.7 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
342.8 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
342.9 ~~community work service for violating a condition of probation imposed by the court.~~
342.10 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
342.11 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
342.12 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
342.13 ~~period, beginning with the date on which community work service is first imposed. The~~
342.14 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
342.15 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~
342.16 ~~work service is first imposed. At the time community work service is imposed, parole and~~
342.17 ~~probation agents are required to provide written notice to the offender that states:~~

342.18 ~~(1) the condition of probation that has been violated;~~
342.19 ~~(2) the number of hours of community work service imposed for the violation; and~~
342.20 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
342.21 ~~period.~~

342.22 ~~An offender may challenge the imposition of community work service by filing a petition~~
342.23 ~~in district court. An offender must file the petition within five days of receiving written~~
342.24 ~~notice that community work service is being imposed. If the offender challenges the~~
342.25 ~~imposition of community work service, the state bears the burden of showing, by a~~
342.26 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
342.27 ~~under the circumstances.~~

342.28 ~~Community work service includes sentencing to service.~~

342.29 ~~(i) Prior to~~ (h) Before revoking a nonviolent controlled substance offender's parole or
342.30 probation based on a technical violation, when the offender does not present a risk to the
342.31 public and the offender is amenable to continued supervision in the community, a parole
342.32 or probation agent must identify community options to address and correct the violation
342.33 including, but not limited to, inpatient substance use disorder treatment. If a probation or
342.34 parole agent determines that community options are appropriate and available in the state,

343.1 the agent ~~shall~~ must seek to restructure the offender's terms of release to incorporate those
 343.2 options. If an offender on probation stipulates in writing to restructure the terms of release,
 343.3 a probation agent must forward a report to the district court containing:

343.4 (1) the specific nature of the technical violation of probation;

343.5 (2) the recommended restructure to the terms of probation; and

343.6 (3) a copy of the offender's signed stipulation indicating that the offender consents to
 343.7 the restructuring of probation.

343.8 (i) The recommended restructuring of probation becomes effective when confirmed by
 343.9 a judge. The order of the court ~~shall be~~ is proof of ~~such~~ confirmation and ~~amend~~ amends
 343.10 the terms of the sentence imposed by the court under section 609.135.

343.11 (j) If a nonviolent controlled substance offender's parole or probation is revoked, the
 343.12 offender's agent must first attempt to place the offender in a local jail.

343.13 (k) For purposes of ~~this paragraph~~, paragraphs (h) to (k):

343.14 (1) "nonviolent controlled substance offender" ~~is~~ means a person who meets the criteria
 343.15 described under section 244.0513, subdivision 2, clauses (1), (2), and (5);2 and

343.16 (2) "technical violation" means any violation of a court order of probation or a condition
 343.17 of parole, except an allegation of a subsequent criminal act that is alleged in a formal
 343.18 complaint, citation, or petition.

343.19 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

343.20 Subd. 3. ~~Sanctions for violation~~ Revoking supervised release; alternative
 343.21 interventions. (a) If an ~~inmate~~ supervised individual violates the conditions of ~~the inmate's~~
 343.22 supervised release imposed on that individual by the commissioner, the commissioner may:

343.23 (1) continue the ~~inmate's~~ individual's supervised release term, with or without:

343.24 (i) modifying or enlarging the conditions imposed on the inmate individual; or

343.25 (ii) transferring the individual's case to a specialized caseload; or

343.26 (2) revoke the ~~inmate's~~ supervised individual's supervised release and reimprison ~~the~~
 343.27 inmate that individual for the appropriate period ~~of time~~.

343.28 ~~Prior to revoking a nonviolent controlled substance offender's supervised release based~~
 343.29 ~~on a technical violation, when the offender does not present a risk to the public and the~~
 343.30 ~~offender is amenable to continued supervision in the community, the commissioner must~~
 343.31 ~~identify community options to address and correct the violation including, but not limited~~

344.1 to, inpatient substance use disorder treatment. If the commissioner determines that community
 344.2 options are appropriate, the commissioner shall restructure the inmate's terms of release to
 344.3 incorporate those options. If a nonviolent controlled substance offender's supervised release
 344.4 is revoked, the offender's agent must first attempt to place the offender in a local jail. For
 344.5 purposes of this subdivision, "nonviolent controlled substance offender" is a person who
 344.6 meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5),
 344.7 and "technical violation" means a violation of a condition of supervised release, except an
 344.8 allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or
 344.9 petition.

344.10 (b) Before revoking an individual's supervised release because of a technical violation
 344.11 that would result in reimprisonment, the commissioner must identify alternative interventions
 344.12 to address and correct the violation only if:

344.13 (1) the individual does not present a risk to the public; and

344.14 (2) the individual is amenable to continued supervision in the community.

344.15 (c) If alternative interventions are appropriate and available, the commissioner must
 344.16 restructure the supervised individual's terms of release to incorporate the alternative
 344.17 interventions.

344.18 (d) The period of time for which a supervised release may be revoked may not exceed
 344.19 the period of time remaining in the inmate's supervised individual's sentence, except that
 344.20 but if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004,
 344.21 section 609.108, subdivision 5, the period of time for which conditional release may be
 344.22 revoked may not exceed the balance of the conditional release term.

344.23 (e) For purposes of this subdivision:

344.24 (1) "supervised individual" has the meaning given to "inmate" in section 244.01; and

344.25 (2) "technical violation" means a violation of a condition of supervised release, except
 344.26 an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or
 344.27 petition.

344.28 Sec. 3. Minnesota Statutes 2022, section 244.18, is amended to read:

344.29 **244.18 LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS**
 344.30 **SCHEDULE, COLLECTION, AND USE.**

344.31 Subdivision 1. **Definition Definitions.** ~~As used in~~ (a) For purposes of this section, "local
 344.32 correctional fees" the terms defined in this subdivision have the meanings given them.

345.1 (b) "Correctional fees":

345.2 (1) effective August 1, 2027, means fees charged or contracted for by a probation agency
 345.3 or the commissioner of corrections for court-ordered or community-provided correctional
 345.4 services, including but not limited to drug testing, electronic home monitoring, treatment,
 345.5 and programming; and

345.6 (2) effective August 1, 2023, through July 31, 2027, include fees for the following
 345.7 correctional services:

345.8 ~~(1)~~ (i) community service work placement and supervision;

345.9 ~~(2)~~ (ii) restitution collection;

345.10 ~~(3)~~ (iii) supervision;

345.11 ~~(4) court-ordered~~ (iv) court-ordered investigations;

345.12 ~~(5)~~ (v) any other court-ordered court-ordered service;

345.13 ~~(6)~~ (vi) postprison supervision or other form of release; ~~or~~ and

345.14 ~~(7)~~ (vii) supervision or other probation-related services provided to probationers or
 345.15 parolees under section 243.1605 to be provided by a local probation and parole agency
 345.16 established under section 244.19 or community corrections agency established under chapter
 345.17 401 by a probation agency or by the Department of Corrections for individuals supervised
 345.18 by the commissioner of corrections.

345.19 (c) "Probation" has the meaning given in section 609.02, subdivision 15.

345.20 (d) "Probation agency" means a probation agency, including a Tribal Nation, organized
 345.21 under section 244.19 or chapter 401.

345.22 Subd. 2. ~~Local correctional fees~~ **Fee schedule.** A local correctional agency probation
 345.23 agency or the commissioner of corrections may establish a schedule of local correctional
 345.24 fees to charge persons individuals under the supervision and control of the local correctional
 345.25 agency or the commissioner, including individuals on supervised release, to defray costs
 345.26 associated with correctional services. The local correctional fees on the an agency's and the
 345.27 commissioner's schedule must be reasonably related to defendants' abilities to pay and the
 345.28 actual cost of correctional services.

345.29 Subd. 3. ~~Fee collection~~ **Imposing and collecting fees.** (a) The chief executive officer
 345.30 of a local correctional probation agency or the commissioner may impose and collect local
 345.31 a correctional fees fee from individuals under the supervision and control of the agency or
 345.32 the commissioner. The local correctional probation agency or commissioner may collect

346.1 the fee at any time while the ~~offender~~ individual is under sentence or after the sentence has
 346.2 been discharged.

346.3 ~~(b) A local probation and parole agency established under section 244.19 or community~~
 346.4 ~~corrections agency established under section 401.02~~ may not impose a fee under this section
 346.5 on an individual under the agency's supervision and control if:

346.6 (1) the ~~offender~~ individual is supervised by the commissioner of ~~corrections~~; and

346.7 (2) the commissioner of ~~corrections~~ imposes and collects a fee under this section ~~241.272~~.

346.8 (c) The agency or the commissioner may use any available civil means of debt collection
 346.9 in ~~collecting~~ to collect a local correctional fee.

346.10 Subd. 4. **Exemption from Waiving fee.** The chief executive officer of ~~the local~~
 346.11 ~~correctional~~ a probation agency may waive payment of the or the commissioner must waive
 346.12 a correctional fee for an individual under the agency's or commissioner's supervision and
 346.13 control if the officer or commissioner determines that:

346.14 (1) the ~~offender~~ individual does not have the ability to pay the fee;

346.15 (2) the prospects for payment are poor; or

346.16 (3) there are extenuating circumstances justifying a waiver of the fee.

346.17 (b) Instead of waiving the a fee, the local ~~correctional agency~~ chief executive officer or
 346.18 commissioner may:

346.19 (1) require the ~~offender~~ individual to perform community work service as a means in
 346.20 lieu of paying the fee; or

346.21 (2) credit the individual's involvement in programming at a rate established by the chief
 346.22 executive officer or commissioner.

346.23 Subd. 5. **Prioritizing restitution payment priority.** If a defendant has been ordered by
 346.24 a court to pay restitution, the defendant ~~shall be obligated to~~ must pay the restitution ~~ordered~~
 346.25 before paying ~~the local~~ a correctional fee. However, if the defendant is making reasonable
 346.26 payments to satisfy the restitution obligation, the ~~local correctional~~ probation agency or
 346.27 commissioner may also simultaneously collect a local correctional fee, subject to subdivision
 346.28 4.

346.29 Subd. 6. **Use of Using fees.** ~~The local~~ (a) Except as provided under paragraph (b), clause
 346.30 (1), for a probation agency and the Department of Corrections, correctional fees shall must
 346.31 be used by the local ~~correctional~~ agency or the department to pay the costs of local

347.1 correctional services. ~~Local correctional fees may~~ but must not be used to supplant existing
347.2 local funding for local correctional services.

347.3 (b) Correctional fees must be deposited as follows:

347.4 (1) correctional fees collected by Department of Corrections agents providing felony
347.5 supervision under section 244.20 go to the general fund; and

347.6 (2) all other correctional fees collected by Department of Corrections agents and probation
347.7 agents go to the county or Tribal Nation treasurer in the county or Tribal Nation where
347.8 supervision is provided, as applicable under section 244.19, subdivision 1f.

347.9 Subd. 7. **Annual report.** (a) By January 15 each year, the commissioner must submit
347.10 an annual report on implementing the commissioner's duties under this section to the chairs
347.11 and ranking minority members of the senate and house of representatives committees and
347.12 divisions with jurisdiction over criminal justice funding and policy. At a minimum, the
347.13 report must include information on the types of correctional services for which fees were
347.14 imposed, the aggregate amount of fees imposed, and the amount of fees collected.

347.15 (b) This subdivision expires August 1, 2027.

347.16 Subd. 8. **Treatment fee for sex offenders.** (a) The commissioner may authorize providers
347.17 of sex offender treatment to charge and collect treatment co-pays from all offenders in their
347.18 treatment program, with a co-pay assessed to each offender based on a fee schedule approved
347.19 by the commissioner.

347.20 (b) Fees collected under this subdivision must be used by the treatment provider to fund
347.21 the cost of treatment.

347.22 Subd. 9. **Sunsetting supervision fees; sunset plan.** (a) By August 1, 2025, each probation
347.23 agency must provide to the commissioner a written plan for phasing out supervision fees
347.24 for individuals under the agency's supervision and control, and the commissioner must
347.25 review and approve the plan by August 1, 2027. By August 1, 2027, the commissioner must
347.26 develop a written plan for phasing out supervision fees for individuals under the
347.27 commissioner's supervision and control.

347.28 (b) A copy of an approved plan must be provided to all individuals under the supervision
347.29 and control of the agency or the commissioner and in a language and manner that each
347.30 individual can understand.

347.31 (c) Supervision fees must not be increased from August 1, 2023, through July 31, 2027.

347.32 (d) This subdivision expires August 1, 2027.

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

348.2 Sec. 4. Minnesota Statutes 2022, section 244.19, is amended to read:

348.3 **244.19 PROBATION SERVICES AND OFFICERS.**

348.4 Subdivision 1. ~~Appointment; joint services; state services~~ **Probation services; how**
348.5 **provided for CPO and non-CPO jurisdictions.** (a) If a county or group of counties has
348.6 established a human services board pursuant to chapter 402, the district court may appoint
348.7 one or more county probation officers as necessary to perform court services, and the human
348.8 services board shall appoint persons as necessary to provide correctional services within
348.9 the authority granted in chapter 402. In all counties of more than 200,000 population, which
348.10 have not organized pursuant to chapter 402, the district court shall appoint one or more
348.11 persons of good character to serve as county probation officers during the pleasure of the
348.12 court. All other counties shall provide adult misdemeanor and juvenile probation services
348.13 to district courts in one of the following ways:

348.14 (a) If a county or Tribal Nation is not a Community Corrections Act jurisdiction under
348.15 chapter 401, the county must, or the Tribal Nation may, provide adult misdemeanor and
348.16 juvenile probation services to district courts according to subdivision 1b.

348.17 (b) This section applies to CPO and non-CPO jurisdictions.

348.18 Subd. 1a. Definitions. (a) For purposes of this section, the terms defined in this
348.19 subdivision have the meanings given them.

348.20 (b) "CPO jurisdiction" means:

348.21 (1) a county or Tribal Nation providing probation services under subdivision 1b,
348.22 paragraph (b); or

348.23 (2) a group of counties or Tribal Nations providing probation services under subdivision
348.24 1b, paragraph (c).

348.25 (c) "Non-CPO jurisdiction" means a county, Tribal Nation, group of counties, or group
348.26 of Tribal Nations receiving probation services under subdivision 1b, paragraph (d).

348.27 (d) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
348.28 of the state of Minnesota.

348.29 Subd. 1b. CPO and non-CPO jurisdictions; establishment. (a) Adult misdemeanor
348.30 and juvenile probation services for CPO and non-CPO jurisdictions must be provided
348.31 according to this subdivision.

349.1 ~~(1)~~ (b) The court, with the approval of the county boards or respective Tribal Nation
 349.2 governments, may appoint one or more salaried county or Tribal probation officers to serve
 349.3 during at the pleasure of the court;

349.4 ~~(2) when~~ (c) If two or more counties or Tribal Nations offer probation services, the
 349.5 district court through the county boards or respective Tribal Nation governments may appoint
 349.6 common salaried county or Tribal probation officers to serve in the ~~several~~ counties; or
 349.7 Tribal Nations, or both, if applicable.

349.8 ~~(3)~~ (d) A county or ~~a district court~~ Tribal Nation may request the commissioner of
 349.9 corrections to furnish probation services in accordance with ~~the provisions of~~ this section,
 349.10 and the commissioner ~~of corrections shall~~ must furnish ~~such~~ the services to any county or
 349.11 ~~court~~ Tribal Nation that fails to provide its own probation officer ~~by one of the two procedures~~
 349.12 listed above; according to paragraph (b) or (c).

349.13 ~~(4)~~ (e) If a county or ~~district court~~ Tribal Nation providing probation services under
 349.14 ~~clause (1) or (2)~~ paragraph (b) or (c) asks the commissioner ~~of corrections or the legislative~~
 349.15 ~~body for the state of Minnesota~~ mandates the commissioner of corrections to furnish
 349.16 probation services ~~to the district court~~ or the legislature mandates the commissioner to
 349.17 furnish probation services, the probation officers and other employees displaced by the
 349.18 changeover ~~shall~~ must be employed by the commissioner ~~of corrections~~ at no loss of salary.
 349.19 Years of service in the county or Tribal probation department are to be given full credit for
 349.20 future sick leave and vacation accrual purposes; This paragraph applies to the extent
 349.21 consistent with state and Tribal law.

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

349.24 (f) If a county or Tribal Nation receiving probation services under paragraph (d) decides
 349.25 to provide the services under paragraph (b) or (c), the probation officers and other employees
 349.26 displaced by the changeover must be employed by the county or Tribal Nation at no loss
 349.27 of salary. Years of service in the state are to be given full credit for future sick leave and
 349.28 vacation accrual purposes. This paragraph applies to the extent consistent with state and
 349.29 Tribal law.

349.30 (g) In accordance with this section, a Tribal Nation may elect to provide probation
 349.31 services to the following individuals in any Tribal Nation or county in which the individuals
 349.32 reside:

349.33 (1) an individual who is enrolled or eligible to be enrolled in a Tribal Nation; and

350.1 (2) an individual who resides in an enrolled member's household.

350.2 Subd. 1c. **Community supervision funding; eligibility for funding formula.** (a) A
 350.3 CPO jurisdiction:

350.4 (1) must collaborate with the commissioner to develop a comprehensive plan under
 350.5 section 401.06; and

350.6 (2) is subject to all applicable eligibility provisions under chapter 401 necessary to
 350.7 receive a subsidy under section 401.10.

350.8 (b) A non-CPO jurisdiction is eligible to receive a subsidy under section 401.10 but is
 350.9 not a Community Corrections Act jurisdiction under chapter 401, and the commissioner:

350.10 (1) is appropriated the jurisdiction's share of funding under section 401.10 for providing
 350.11 probation services; and

350.12 (2) may seek reimbursement from the jurisdiction according to subdivision 5a.

350.13 Subd. 1d. **Commissioner of corrections; reimbursing CPO and non-CPO**
 350.14 **jurisdictions.** As calculated by the community supervision formula under section 401.10,
 350.15 the commissioner must:

350.16 (1) reimburse a CPO jurisdiction for the cost that the jurisdiction assumes under this
 350.17 section for providing probation services, including supervising juveniles committed to the
 350.18 commissioner of corrections; and

350.19 (2) reimburse a non-CPO jurisdiction for the commissioner's provision of probation
 350.20 services to the jurisdiction under this section.

350.21 Subd. 1e. **Commissioner of management and budget.** ~~(b)~~ (a) The commissioner of
 350.22 management and budget ~~shall~~ must place employees transferred to state service under
 350.23 paragraph (a), ~~clause (4)~~ subdivision 1b, paragraph (e), in the proper classifications in the
 350.24 classified service. Each employee is appointed without examination at no loss in salary or
 350.25 accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave
 350.26 benefits may occur until the employee's total accrued vacation or sick leave benefits fall
 350.27 below the maximum permitted by the state for the employee's position.

350.28 (b) An employee appointed under ~~paragraph (a), clause (4), shall~~ subdivision 1b,
 350.29 paragraph (e), must serve a six-month probationary period ~~of six months.~~ After exhausting
 350.30 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
 350.31 to the commissioner of management and budget, who may uphold the decision, extend the
 350.32 probation period, or certify the employee. The decision of the commissioner of management

351.1 ~~and budget is final.~~ If an employee is not certified after the probationary period, the employee
 351.2 may appeal for a hearing within ten days to the commissioner of management and budget,
 351.3 who may uphold the decision not to certify, extend the probationary period, or certify the
 351.4 employee. An employee may not appeal the commissioner's initial decision until after
 351.5 exhausting labor contract remedies, and the commissioner's decision is final after appeal.

351.6 (c) The state ~~shall~~ must negotiate the employees' seniority with the exclusive
 351.7 representative for the bargaining unit to which the employees are transferred ~~regarding their~~
 351.8 ~~seniority.~~ For purposes of computing seniority among those employees transferring from
 351.9 one county unit only, a transferred employee retains the same seniority position as the
 351.10 employee had within that county's probation office.

351.11 Subd. 1f. Tribal Nations; sovereignty; state consultation. (a) Nothing in this chapter
 351.12 relating to probation services is intended to infringe on the sovereignty of a Tribal Nation.
 351.13 Notwithstanding any other law to the contrary and to the extent consistent with a Tribal
 351.14 Nation's sovereignty, a Tribal Nation is subject to the same requirements and has the same
 351.15 authority as a county providing or receiving probation services under this section.

351.16 (b) The Department of Corrections and Minnesota Management and Budget must consult
 351.17 with Tribal Nations and offer guidance as necessary to implement and fulfill the purposes
 351.18 of this chapter.

351.19 ~~Subd. 2. Sufficiency of services. Probation services shall be sufficient in amount to~~
 351.20 ~~meet the needs of the district court in each county. County probation officers serving district~~
 351.21 ~~courts in all counties of not more than 200,000 population shall also, pursuant to subdivision~~
 351.22 ~~3, provide probation and parole services to wards of the commissioner of corrections resident~~
 351.23 ~~in their counties. To provide these probation services counties containing a city of 10,000~~
 351.24 ~~or more population shall, as far as practicable, have one probation officer for not more than~~
 351.25 ~~35,000 population; in counties that do not contain a city of such size, the commissioner of~~
 351.26 ~~corrections shall, after consultation with the chief judge of the district court and the county~~
 351.27 ~~commissioners and in the light of experience, establish probation districts to be served by~~
 351.28 ~~one officer.~~

351.29 ~~All probation officers appointed for any district court or community corrections agency~~
 351.30 ~~shall be selected from a list of eligible candidates who have minimally qualified according~~
 351.31 ~~to the same or equivalent examining procedures as used by the commissioner of management~~
 351.32 ~~and budget to certify eligibles to the commissioner of corrections in appointing parole~~
 351.33 ~~agents, and the Department of Management and Budget shall furnish the names of such~~

352.1 ~~candidates on request. This subdivision shall not apply to a political subdivision having a~~
352.2 ~~civil service or merit system unless the subdivision elects to be covered by this subdivision.~~

352.3 Subd. 3. **Probation officers; powers and duties.** ~~All county probation officers serving~~
352.4 ~~a district court shall act under the orders of the court in reference to any person committed~~
352.5 ~~to their care by the court, and in the performance of their duties shall have the general powers~~
352.6 ~~of a peace officer; and it shall be their duty to make such investigations with regard to any~~
352.7 ~~person as may be required by the court before, during, or after the trial or hearing, and to~~
352.8 ~~furnish to the court such information and assistance as may be required; to take charge of~~
352.9 ~~any person before, during or after trial or hearing when so directed by the court, and to keep~~
352.10 ~~such records and to make such reports to the court as the court may order.~~

352.11 ~~All county probation officers serving a district court shall, in addition, provide probation~~
352.12 ~~and parole services to wards of the commissioner of corrections resident in the counties~~
352.13 ~~they serve, and shall act under the orders of said commissioner of corrections in reference~~
352.14 ~~to any ward committed to their care by the commissioner of corrections.~~

352.15 ~~All probation officers serving a district court shall, under the direction of the authority~~
352.16 ~~having power to appoint them, initiate programs for the welfare of persons coming within~~
352.17 ~~the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the~~
352.18 ~~community persons who come within the jurisdiction of the court and are properly subject~~
352.19 ~~to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the~~
352.20 ~~court, cooperate with all law enforcement agencies, schools, child welfare agencies of a~~
352.21 ~~public or private character, and other groups concerned with the prevention of crime and~~
352.22 ~~delinquency and the rehabilitation of persons convicted of crime and delinquency.~~

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

352.29 All county and Tribal Nation probation officers serving a district court:

352.30 (1) must:

352.31 (i) act under the orders of the court in reference to any person committed to their care
352.32 by the court;

353.1 (ii) provide probation services, including supervising juveniles committed to the
 353.2 commissioner of corrections, for all individuals on probation who reside in the counties and
 353.3 Tribal Nations that the officers serve;

353.4 (iii) act under the orders of the commissioner in reference to any juvenile committed to
 353.5 their care by the commissioner;

353.6 (iv) under the direction of the authority having power to appoint them, initiate programs
 353.7 for the welfare of persons coming within the jurisdiction of the court to prevent delinquency
 353.8 and crime and to rehabilitate within the community persons who come within the jurisdiction
 353.9 of the court and are properly subject to efforts to accomplish prevention and rehabilitation;
 353.10 and

353.11 (v) under the direction of the court, cooperate with all law enforcement agencies, schools,
 353.12 child welfare agencies of a public or private character, and other groups concerned with
 353.13 preventing crime and delinquency and rehabilitating persons convicted of crime and
 353.14 delinquency;

353.15 (2) in the performance of their duties have the general powers of a peace officer; and

353.16 (3) are responsible for:

353.17 (i) investigating any person as may be required by the court before, during, or after the
 353.18 trial or hearing and furnishing to the court information and assistance as may be required;

353.19 (ii) supervising any person before, during, or after trial or hearing when directed by the
 353.20 court; and

353.21 (iii) keeping records and making reports to the court as the court may order.

353.22 Subd. 5. Commissioner compensation to non-CPO jurisdiction. ~~In counties of more~~
 353.23 ~~than 200,000 population, a majority of the judges of the district court may direct the payment~~
 353.24 ~~of such salary to probation officers as may be approved by the county board, and in addition~~
 353.25 ~~thereto shall be reimbursed for all necessary expenses incurred in the performance of their~~
 353.26 ~~official duties. In all counties which obtain probation services from the commissioner of~~
 353.27 ~~corrections~~ For a non-CPO jurisdiction, the commissioner shall must, out of appropriations
 353.28 provided therefor under subdivision 5a, paragraph (b), pay probation officers the salary and
 353.29 all benefits fixed by the state law or applicable bargaining unit and all necessary expenses,
 353.30 including secretarial service, office equipment and supplies, postage, telephone and telegraph
 353.31 services, and travel and subsistence.

353.32 Subd. 5a. Department of Corrections billing; CPO and non-CPO jurisdiction
 353.33 reimbursement. (a) At least every six months, the commissioner must bill for the total cost

354.1 and expenses incurred by the commissioner on behalf of each non-CPO jurisdiction that
 354.2 has received probation services. The commissioner must notify each non-CPO jurisdiction
 354.3 of the cost and expenses, and the jurisdiction must pay to the commissioner the amount due
 354.4 for reimbursement.

354.5 ~~(b) Each county receiving probation services from the commissioner of corrections shall~~
 354.6 ~~CPO and non-CPO jurisdiction must reimburse the Department of Corrections for the total~~
 354.7 ~~cost and expenses of such the probation services as incurred by the commissioner of~~
 354.8 ~~corrections, excluding the cost and expense of services provided under the state's obligation~~
 354.9 ~~for adult felony supervision in section 244.20. Total annual costs for each county shall be~~
 354.10 ~~that portion of the total costs and expenses for the services of one probation officer~~
 354.11 ~~represented by the ratio which the county's population bears to the total population served~~
 354.12 ~~by one officer. For the purposes of this section, the population of any county shall be the~~
 354.13 ~~most recent estimate made by the Department of Health. At least every six months the~~
 354.14 ~~commissioner of corrections shall bill for the total cost and expenses incurred by the~~
 354.15 ~~commissioner on behalf of each county which has received probation services. The~~
 354.16 ~~commissioner of corrections shall notify each county of the cost and expenses and the county~~
 354.17 ~~shall pay to the commissioner the amount due for reimbursement. All such reimbursements~~
 354.18 ~~shall be deposited in the general fund. Money received under this paragraph from a non-CPO~~
 354.19 ~~jurisdiction must be annually appropriated to the commissioner for providing probation~~
 354.20 ~~services to the jurisdiction.~~

354.21 ~~(c) Objections by a county non-CPO jurisdiction to all allocation of such cost and~~
 354.22 ~~expenses shall must be presented to and determined by the commissioner of corrections.~~
 354.23 ~~Each county providing probation services under this section is hereby authorized to use~~
 354.24 ~~unexpended funds and to levy additional taxes for this purpose.~~

354.25 ~~(d) In addition to the billing and reimbursement requirements under this section, invoicing~~
 354.26 ~~and payments for probation services are as provided under sections 401.14 and 401.15.~~

354.27 ~~Subd. 5b. **Office assistance.** The county commissioners of any county of not more than~~
 354.28 ~~200,000 population shall, when requested to do so by the juvenile judge, provide probation~~
 354.29 ~~officers with suitable offices, and may provide equipment, and secretarial help needed to~~
 354.30 ~~render the required services.~~

354.31 ~~Subd. 6. **Reimbursement of counties.** In order to reimburse the counties for the cost~~
 354.32 ~~which they assume under this section of providing probation and parole services to wards~~
 354.33 ~~of the commissioner of corrections and to aid the counties in achieving the purposes of this~~
 354.34 ~~section, the commissioner of corrections shall annually, from funds appropriated for that~~

355.1 ~~purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more~~
355.2 ~~than 200,000 population. Nothing in this section will invalidate any payments to counties~~
355.3 ~~made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but~~
355.4 ~~only to the extent that fringe benefits do not exceed those provided for state civil service~~
355.5 ~~employees. On or before July 1 of each even-numbered year each county or group of counties~~
355.6 ~~which provide their own probation services to the district court under subdivision 1, clause~~
355.7 ~~(1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this~~
355.8 ~~section. Reimbursement to those counties shall be made on the basis of the estimate or actual~~
355.9 ~~expenditures incurred, whichever is less. Reimbursement for those counties which obtain~~
355.10 ~~probation services from the commissioner of corrections pursuant to subdivision 1, clause~~
355.11 ~~(3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed~~
355.12 ~~unless county probation officers are paid salaries commensurate with the salaries paid to~~
355.13 ~~comparable positions in the classified service of the state civil service. The salary range to~~
355.14 ~~which each county probation officer is assigned shall be determined by the authority having~~
355.15 ~~power to appoint probation officers, and shall be based on the officer's length of service~~
355.16 ~~and performance. The appointing authority shall annually assign each county probation~~
355.17 ~~officer to a position on the salary scale commensurate with the officer's experience, tenure,~~
355.18 ~~and responsibilities. The judge shall file with the county auditor an order setting each county~~
355.19 ~~probation officer's salary. Time spent by a county probation officer as a court referee shall~~
355.20 ~~not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is~~
355.21 ~~insufficient. A new position eligible for reimbursement under this section may not be added~~
355.22 ~~by a county without the written approval of the commissioner of corrections. When a new~~
355.23 ~~position is approved, the commissioner shall include the cost of the position in calculating~~
355.24 ~~each county's share.~~

355.25 ~~Subd. 7. **Certificate of counties entitled to state aid.** On or before January 1 of each~~
355.26 ~~year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall~~
355.27 ~~deliver to the commissioner of management and budget a certificate in duplicate for each~~
355.28 ~~county of the state entitled to receive state aid under the provisions of this section. Upon~~
355.29 ~~the receipt of such certificate, the commissioner of management and budget shall issue a~~
355.30 ~~payment to the county treasurer for the amount shown by each certificate to be due to the~~
355.31 ~~county specified. The commissioner of management and budget shall transmit such payment~~
355.32 ~~to the county treasurer together with a copy of the certificate prepared by the commissioner~~
355.33 ~~of corrections.~~

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

356.1 Sec. 5. Minnesota Statutes 2022, section 244.195, is amended to read:

356.2 **244.195 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
356.3 **RELEASEES, AND PRETRIAL RELEASEES DEFINITIONS.**

356.4 Subdivision 1. **Definitions Scope.** ~~(a) As used in this subdivision~~ For purposes of sections
356.5 244.195 to 244.24, the following terms defined in this section have the meanings given
356.6 them.

356.7 (b) "Commissioner" means the commissioner of corrections.

356.8 (c) "Conditional release" means parole, supervised release, conditional release as
356.9 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
356.10 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
356.11 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
356.12 any other authorized temporary release from a correctional facility.

356.13 (d) "Court services director" means the director or designee of a county probation agency
356.14 that is not organized under chapter 401.

356.15 (e) "Detain" means to take into actual custody, including custody within a local
356.16 correctional facility.

356.17 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
356.18 1.

356.19 (g) "Release" means to release from actual custody.

356.20 **Subd. 2. Detention pending hearing.** ~~When it appears necessary to enforce discipline~~
356.21 ~~or to prevent a person on conditional release from escaping or absconding from supervision,~~
356.22 ~~a court services director has the authority to issue a written order directing any peace officer~~
356.23 ~~or any probation officer in the state serving the district and juvenile courts to detain and~~
356.24 ~~bring the person before the court or the commissioner, whichever is appropriate, for~~
356.25 ~~disposition. This written order is sufficient authority for the peace officer or probation officer~~
356.26 ~~to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays,~~
356.27 ~~pending a hearing before the court or the commissioner.~~

356.28 **Subd. 3. Release before hearing.** ~~A court services director has the authority to issue a~~
356.29 ~~written order directing any peace officer or probation officer serving the district and juvenile~~
356.30 ~~courts in the state to release a person detained under subdivision 2 within 72 hours, excluding~~
356.31 ~~Saturdays, Sundays, and holidays, without an appearance before the court or the~~
356.32 ~~commissioner. This written order is sufficient authority for the peace officer or probation~~
356.33 ~~officer to release the detained person.~~

357.1 ~~Subd. 4. **Detention of pretrial release.** A court services director has the authority to~~
357.2 ~~issue a written order directing any peace officer or any probation officer serving the district~~
357.3 ~~and juvenile courts in the state to detain any person on court-ordered pretrial release who~~
357.4 ~~absconds from pretrial release or fails to abide by the conditions of pretrial release. A written~~
357.5 ~~order issued under this subdivision is sufficient authority for the peace officer or probation~~
357.6 ~~officer to detain the person.~~

357.7 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of corrections.

357.8 Subd. 7. **Detain.** "Detain" means to take into actual custody, including custody within
357.9 a local correctional facility.

357.10 Subd. 8. **Probation.** "Probation" has the meaning given in section 609.02, subdivision
357.11 15.

357.12 Subd. 9. **Probation agency.** "Probation agency" means an entity supervising an individual
357.13 on probation, which may include the Department of Corrections field services or an agency,
357.14 including a Tribal Nation, organized under section 244.19 or chapter 401.

357.15 Subd. 10. **Probation officer.** "Probation officer" means a county or Tribal probation
357.16 officer or community supervision officer employed by a probation agency.

357.17 Subd. 11. **Probation violation sanction.** "Probation violation sanction":

357.18 (1) includes but is not limited to electronic monitoring, intensive probation, sentencing
357.19 to service, reporting to a day reporting center, substance use disorder or mental health
357.20 treatment or counseling, community work service, remote electronic alcohol monitoring,
357.21 random drug testing, and participation in an educational or restorative justice program; and

357.22 (2) does not include any type of custodial sanction, including but not limited to detention
357.23 and incarceration.

357.24 Subd. 12. **Release.** "Release" means to release from actual custody.

357.25 Subd. 13. **Sanctions conference.** "Sanctions conference" means a voluntary conference
357.26 at which a probation officer; an individual on probation; and, if appropriate, other interested
357.27 parties meet to discuss the probation violation sanction imposed because of the individual's
357.28 technical violation.

357.29 Subd. 14. **Sanctions conference form.** "Sanctions conference form" means a
357.30 plain-language form developed by a probation agency with the approval of the district court
357.31 that explains the sanctions conference and that the individual on probation may elect to
357.32 participate in the sanctions conference or proceed to a judicial hearing.

358.1 Subd. 15. **Technical violation.** "Technical violation" means any violation of a court
358.2 order of probation, except an allegation of a subsequent criminal act that is alleged in a
358.3 formal complaint, citation, or petition.

358.4 Sec. 6. **[244.1951] DETENTION AND RELEASE; INTERMEDIATE SANCTIONS;**
358.5 **SUPERVISION CONTACTS.**

358.6 Subdivision 1. **Detention pending hearing.** (a) If necessary to enforce discipline or to
358.7 prevent an individual on probation from escaping or absconding from supervision, a probation
358.8 agency has the authority to issue a written order directing any peace officer or any probation
358.9 officer in the state serving the district and juvenile courts to detain and bring the individual
358.10 before the court or the commissioner, whichever is appropriate, for disposition.

358.11 (b) If an individual on probation commits a violation under section 609.14, subdivision
358.12 1a, paragraph (a), the probation agency must have a reasonable belief before issuing the
358.13 order that:

358.14 (1) the order is necessary to prevent the person from escaping or absconding from
358.15 supervision; or

358.16 (2) the continued presence of the person in the community presents the potential to cause
358.17 further harm to the public or self.

358.18 (c) An order under this subdivision is sufficient authority for the peace officer or probation
358.19 officer to detain the person for no more than 72 hours, excluding Saturdays, Sundays, and
358.20 holidays, pending a hearing before the court or the commissioner.

358.21 Subd. 2. **Release before hearing.** (a) A probation agency has the authority to issue a
358.22 written order directing any peace officer or any probation officer serving the district and
358.23 juvenile courts in the state to release a person detained under subdivision 1 within 72 hours,
358.24 excluding Saturdays, Sundays, and holidays, without an appearance before the court or the
358.25 commissioner.

358.26 (b) An order under this subdivision is sufficient authority for the peace officer or
358.27 probation officer to release the detained person.

358.28 Subd. 3. **Detaining pretrial releasee.** (a) A probation agency has the authority to issue
358.29 a written order directing any peace officer or any probation officer serving the district and
358.30 juvenile courts in the state to detain any person on court-ordered pretrial release who absconds
358.31 from pretrial release or fails to abide by the conditions of pretrial release.

359.1 (b) An order issued under this subdivision is sufficient authority for the peace officer or
359.2 probation officer to detain the person.

359.3 Subd. 4. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
359.4 probation officer may require a person committed to the officer's care by the court to perform
359.5 community work service for violating a court-imposed condition of probation. Community
359.6 work service may be imposed to deter behaviors that place the public at risk or to aid the
359.7 person's rehabilitation, or both.

359.8 (b) Community work service may be imposed as follows:

359.9 (1) a probation officer may impose up to eight hours of community work service for
359.10 each violation and up to a total of 24 hours per person per 12-month period, beginning on
359.11 the date on which community work service is first imposed; and

359.12 (2) the officer's probation agency may authorize an additional 40 hours of community
359.13 work service, for a total of 64 hours per person per 12-month period, beginning with the
359.14 date on which community work service is first imposed.

359.15 (c) If community work service is imposed, a probation officer must provide written
359.16 notice to the person in their care that states:

359.17 (1) the condition of probation that has been violated;

359.18 (2) the number of hours of community work service imposed for the violation; and

359.19 (3) the total number of hours of community work service imposed to date in the 12-month
359.20 period.

359.21 (d) A person on probation supervision may challenge the imposition of community work
359.22 service by filing a petition in district court within five days of receiving written notice that
359.23 community work service is being imposed. If the person challenges the imposition of
359.24 community work service, the state bears the burden of showing, by a preponderance of the
359.25 evidence, that imposing community work service is reasonable under the circumstances.

359.26 (e) For purposes of this subdivision, "community work service" includes sentencing to
359.27 service.

359.28 Subd. 5. **Supervision contacts.** Supervision contacts or appointments may be conducted
359.29 over videoconference technology in accordance with the probation agency's established
359.30 policy.

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

360.1 Sec. 7. Minnesota Statutes 2022, section 244.197, is amended to read:

360.2 **244.197 ~~INITIATION OF~~ INITIATING SANCTIONS CONFERENCE.**

360.3 Subdivision 1. **Authority; scope.** (a) Unless the district court directs otherwise, a
 360.4 probation agency may use a sanctions conference to address an offender's a technical violation
 360.5 of probation an individual on probation. If a sanctions conference is used, sections 244.197
 360.6 to 244.1995 apply.

360.7 (b) Sections 244.197 to 244.1995 apply to both adults and juveniles on probation.

360.8 Subd. 2. **Violation notice of violation.** ~~When~~ (a) If a probation agency has reason to
 360.9 believe that an offender an individual on probation has committed a technical violation of
 360.10 probation, the agency shall must:

360.11 (1) notify the offender individual in writing of the specific nature of the technical
 360.12 violation; and the scheduling of

360.13 (2) schedule a sanctions conference, including the date, time, and location of the sanctions
 360.14 conference.

360.15 (b) The notice shall must also state that if the offender individual on probation fails to
 360.16 appear at the sanctions conference, the probation agency may apprehend and detain the
 360.17 offender individual under section 244.195 244.1951 and ask the court to commence initiate
 360.18 revocation proceedings under section 609.14 and rule 27.04 of the Rules of Criminal
 360.19 Procedure.

360.20 (c) To the extent feasible, the sanctions conference must take place within seven days
 360.21 of mailing of the notice to after the offender individual on probation is mailed the notice.
 360.22 The notice must include the conference's date, time, and location.

360.23 Subd. 3. **Providing sanctions conference form; signed stipulation.** ~~At the~~ a sanctions
 360.24 conference, the county a probation officer shall must provide the offender individual on
 360.25 probation with a copy of a sanctions conference form explaining the sanctions conference
 360.26 and the offender's options for proceeding. The offender individual must:

360.27 (1) stipulate, in writing, that the offender has individual:

360.28 (i) has received a copy of the sanctions conference form; and that the offender understands

360.29 (ii) understands the information contained in the form and the options available to the
 360.30 offender. The offender also must the individual; and

360.31 (2) declare, in writing, the offender's decision to either whether the individual will
 360.32 participate in the sanctions conference or proceed with a judicial hearing.

361.1 Sec. 8. Minnesota Statutes 2022, section 244.198, is amended to read:

361.2 **244.198 ~~PARTICIPATION~~ PARTICIPATING IN SANCTIONS CONFERENCE.**

361.3 Subdivision 1. ~~Election~~ Electing to participate. If ~~the offender~~ an individual on
361.4 probation elects to participate in the sanctions conference, the ~~county~~ individual's probation
361.5 officer ~~shall~~ must inform the ~~offender,~~ individual:

361.6 (1) orally ~~and,~~ in writing, and in a language and manner that the individual can understand
361.7 of the probation violation sanction that the county probation officer is recommending for
361.8 the technical violation of probation. The county probation officer shall inform the offender;
361.9 and

361.10 (2) that the probation violation sanction becomes effective ~~upon confirmation~~ when
361.11 confirmed by a district court judge of the district court.

361.12 Subd. 1a. **Alternatives to incarceration.** ~~At a sanctions conference regarding a~~
361.13 ~~nonviolent controlled substance offender, when the offender does not present a risk to the~~
361.14 ~~public and the offender is amenable to continued supervision in the community, a probation~~
361.15 ~~agency must identify community options to address and correct the violation including, but~~
361.16 ~~not limited to, inpatient substance use disorder treatment. If the agency determines that~~
361.17 ~~community options are appropriate, the county probation officer shall recommend a sanction~~
361.18 ~~that incorporates those options. For purposes of this subdivision, "nonviolent controlled~~
361.19 ~~substance offender" is a person who meets the criteria described under section 244.0513,~~
361.20 ~~subdivision 2, clauses (1), (2), and (5).~~

361.21 (a) At a sanctions conference for a nonviolent controlled substance offender, a probation
361.22 agency must identify community options to address and correct an offender's technical
361.23 violation only if:

361.24 (1) the offender does not present a risk to the public; and

361.25 (2) the offender is amenable to continued supervision in the community.

361.26 (b) If the probation agency determines that community options are appropriate and
361.27 available in the state, the probation officer must recommend a probation violation sanction
361.28 that incorporates the community options.

361.29 (c) For purposes of this subdivision, "nonviolent controlled substance offender" means
361.30 an individual who meets the criteria under section 244.0513, subdivision 2, clauses (1), (2),
361.31 and (5).

362.1 Subd. 2. **Report to district court.** ~~(a) If the offender~~ an individual on probation elects
 362.2 to participate in the sanctions conference, the ~~county~~ probation officer conducting the
 362.3 sanctions conference ~~shall~~ must provide a report to the district court containing:

362.4 (1) the specific nature of the technical violation ~~of probation~~;

362.5 (2) the notice provided to the ~~offender of the technical violation of probation and the~~
 362.6 ~~scheduling of the sanctions conference~~ individual under section 244.197, subdivision 2;

362.7 (3) a copy of the ~~offender's~~ individual's signed stipulation ~~indicating that the offender~~
 362.8 ~~received a copy of the sanctions conference form and understood it~~ and declaration under
 362.9 section 244.197, subdivision 3; and

362.10 ~~(4) a copy of the offender's written declaration to participate in the sanctions conference;~~
 362.11 ~~and~~

362.12 ~~(5)~~ (4) the recommended probation violation sanction under subdivision 1 or 1a.

362.13 (b) The recommended probation violation sanction ~~becomes~~ is effective when confirmed
 362.14 by a judge, and the order of the court ~~shall be~~ is proof of such confirmation.

362.15 Subd. 3. **Response to district court action.** ~~(a) Upon the county probation officer's~~
 362.16 ~~receipt of a confirmed order by the judge~~ If a probation officer receives a judge's confirmed
 362.17 order, the county probation officer shall must notify both the offender individual on probation
 362.18 and the prosecuting authority in writing that the court has approved the probation violation
 362.19 sanction ~~has been approved by the court.~~

362.20 (b) If the court does not confirm the officer's recommendation ~~of the county probation~~
 362.21 ~~officer;~~

362.22 (1) the probation violation sanction ~~shall~~ does not go into effect;

362.23 (2) the ~~county~~ probation officer ~~shall~~ must notify the ~~offender~~ individual on probation
 362.24 that the court has not confirmed the sanction; and

362.25 ~~(e) If the court does not confirm the recommendation,~~ (3) the ~~county~~ probation officer
 362.26 may ask the court to ~~commence~~ initiate revocation proceedings under section 609.14.

362.27 Subd. 4. **Appeal.** ~~An offender~~ An individual on probation may appeal the judge's
 362.28 confirmation of the probation violation sanction as provided in rule 28.05 of the Rules of
 362.29 Criminal Procedure.

363.1 Sec. 9. Minnesota Statutes 2022, section 244.199, is amended to read:

363.2 **244.199 ~~ELECTION~~ ELECTING NOT TO PARTICIPATE.**

363.3 If ~~the offender~~ an individual on probation elects not to participate in the sanctions
363.4 conference, the ~~county~~ probation officer may:

363.5 (1) ask the court to initiate revocation proceedings or refer the matter to the appropriate
363.6 prosecuting authority for action under section 609.14. ~~The county probation officer also~~
363.7 ~~may; or~~

363.8 (2) take action to apprehend and detain the ~~offender~~ individual under section ~~244.195~~
363.9 244.1951.

363.10 Sec. 10. Minnesota Statutes 2022, section 244.1995, is amended to read:

363.11 **244.1995 SANCTIONS CONFERENCE PROCEDURES.**

363.12 The chief executive officer of a ~~local corrections agency~~ probation agency, with approval
363.13 of the district court, ~~shall~~ must develop procedures for the sanctions conference ~~identified~~
363.14 ~~in~~ under sections ~~244.196~~ 244.197 to 244.199; and develop a sanctions conference form
363.15 that includes notice to the ~~offender~~ individual on probation:

363.16 (1) of the specific court-ordered condition of ~~release~~ probation that the ~~offender~~ individual
363.17 has allegedly violated, the probation officer's authority to ask the court to revoke the
363.18 ~~offender's~~ individual's probation for the technical violation, and the ~~offender's~~ individual's
363.19 right to elect to participate in a sanctions conference to address the technical violation in
363.20 lieu of the probation officer asking the court to revoke the ~~offender's~~ individual's probation;

363.21 (2) that participation in the sanctions conference is in lieu of a court hearing under section
363.22 609.14; and that, if the ~~offender~~ individual elects to participate in the sanctions conference,
363.23 the ~~offender~~ individual must admit, or agree not to contest, the alleged technical violation
363.24 and must waive the right to contest the violation at a judicial hearing, present evidence, call
363.25 witnesses, cross-examine the state's witnesses, and be represented by counsel;

363.26 (3) that, if the ~~offender~~ individual chooses, the ~~offender has a right~~ individual is entitled
363.27 to a hearing before the court under section 609.14; for a determination of whether the
363.28 ~~offender~~ individual committed the alleged violation, including the right to be present at the
363.29 hearing, to cross-examine witnesses, to have witnesses subpoenaed for the ~~offender~~
363.30 individual, to have an attorney present or to have an attorney appointed if the ~~offender~~
363.31 individual cannot afford one, and to require the state to prove the allegations against the
363.32 ~~offender~~ individual;

364.1 (4) that if, after a hearing, the court finds that the violations have been proven, the court
 364.2 may continue the sentence, subject to the same, modified, or additional conditions, or order
 364.3 a sanction that may include incarceration, additional fines, revocation of the stay of sentence,
 364.4 imposition of sentence, or other sanctions;

364.5 (5) that the decision to participate in the sanctions conference will not result in the
 364.6 probation officer recommending revocation of the ~~offender's~~ individual's stay of sentence,
 364.7 unless the ~~offender~~ individual subsequently fails to successfully complete the probation
 364.8 violation sanction by a specified date;

364.9 (6) that various types of probation violation sanctions may be imposed and that the
 364.10 probation violation sanctions imposed on the ~~offender~~ individual will depend on the nature
 364.11 of the individual's technical violation, ~~the offender's~~ criminal history, and ~~the offender's~~
 364.12 level of supervision;

364.13 (7) that the probation violation sanctions supplement any existing conditions of ~~release~~
 364.14 probation; and

364.15 (8) that participation in the sanctions conference requires ~~completion of~~ completing all
 364.16 probation violation sanctions imposed by the probation agency; and that ~~failure~~ failing to
 364.17 successfully complete ~~the any~~ imposed probation violation ~~sanctions~~ sanction could result
 364.18 in additional sanctions or ~~the commencement of~~ initiation of revocation proceedings under
 364.19 section 609.14.

364.20 Sec. 11. Minnesota Statutes 2022, section 244.20, is amended to read:

364.21 **244.20 PROBATION; FELONY SUPERVISION.**

364.22 Notwithstanding sections 244.19, ~~subdivision 1~~ subdivisions 1 to 1d, and 609.135,
 364.23 subdivision 1, the Department of Corrections ~~shall have~~:

364.24 (1) has exclusive responsibility for providing probation services for adult felons in
 364.25 counties and Tribal Nations that do not take part in the Community Corrections Act. ~~In~~
 364.26 ~~counties that do not take part in the Community Corrections Act, the responsibility for~~
 364.27 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
 364.28 ~~be discharged according to local judicial policy.~~ subsidy program under chapter 401; and

364.29 (2) to provide felony supervision, retains the county's or Tribal Nation's funding allotted
 364.30 under section 401.10 for providing felony probation services.

365.1 Sec. 12. Minnesota Statutes 2022, section 244.21, is amended to read:

365.2 **244.21 INFORMATION ON ~~OFFENDERS UNDER SUPERVISION~~ INDIVIDUALS**
 365.3 **ON PROBATION; REPORTS.**

365.4 Subdivision 1. ~~Collection of~~ Collecting information by probation service providers;
 365.5 report required. ~~By January 1, 1998, (a) Probation service providers shall begin collecting~~
 365.6 ~~and maintaining~~ must collect and maintain information on ~~offenders under supervision.~~
 365.7 individuals on probation, and the commissioner of corrections shall must specify the nature
 365.8 and extent of the information to be collected and made available to the commissioner.

365.9 (b) As a condition of state subsidy funding under section 401.10, each probation agency
 365.10 must by April 1 of every each year, each probation service provider shall report:

365.11 (1) a summary of the information collected to the commissioner under paragraph (a);
 365.12 and

365.13 (2) any other probation- and supervision-related data necessary for the Department of
 365.14 Corrections' mandated legislative reports.

365.15 Subd. 2. **Commissioner of corrections; report.** ~~By January 15, 1998~~ each year, the
 365.16 commissioner ~~of corrections shall~~ must report to the chairs of the ~~senate crime prevention~~
 365.17 ~~and house of representatives judiciary~~ legislative committees with jurisdiction over public
 365.18 safety policy and finance on recommended methods of coordinating the exchange of
 365.19 information collected on ~~offenders~~ individuals on probation under subdivision 1:

365.20 (1) between probation service providers; and

365.21 (2) between probation service providers and the Department of Corrections, ~~without~~
 365.22 ~~requiring service providers to acquire uniform computer software.~~

365.23 Sec. 13. Minnesota Statutes 2022, section 244.24, is amended to read:

365.24 **244.24 ~~CLASSIFICATION SYSTEM FOR ADULT OFFENDERS~~ ASSESSING**
 365.25 **RISK FOR INDIVIDUALS ON PROBATION.**

365.26 ~~By February 1, 1998,~~ All probation agencies shall must adopt written policies for
 365.27 ~~classifying adult offenders. The commissioner of corrections shall assist probation agencies~~
 365.28 ~~in locating organizations that may provide training and technical assistance to the agencies~~
 365.29 ~~concerning methods to develop and implement effective, valid classification systems~~
 365.30 assessing risk levels for individuals on probation. A probation agency must use a risk screener
 365.31 and risk and needs assessment tools as prescribed by its written policies.

366.1 Sec. 14. [244.33] COMMUNITY SUPERVISION; TARGETED INNOVATION
366.2 GRANTS.

366.3 (a) The community supervision targeted innovation grant account is established in the
366.4 special revenue fund in the state treasury. Appropriations and transfers to the account are
366.5 credited to the account. Earnings, such as interest, dividends, and any other earnings arising
366.6 from assets of the account, are credited to the account. Money remaining in the account at
366.7 the end of the fiscal year is not canceled to the general fund but remains in the account until
366.8 expended. Money in the account is annually appropriated to the commissioner.

366.9 (b) The commissioner must award grants to applicants that operate, or intend to operate,
366.10 innovative programs that target specific aspects of community supervision that align with
366.11 risk, need, and responsivity principles. When awarding grants, the commissioner must seek
366.12 to ensure geographical and equitable representation across the state. The programs may
366.13 include but are not limited to:

366.14 (1) access to community treatment options to address and correct behavior that is, or is
366.15 likely to result in, a technical violation of the conditions of supervision or release;

366.16 (2) reentry services;

366.17 (3) restorative justice;

366.18 (4) juvenile diversion;

366.19 (5) family-centered approaches to supervision;

366.20 (6) funding the cost to implement programming and support services that decrease an
366.21 individual's level of risk for continued recidivism or revocation based on interventions found
366.22 effective through research-guided practices; and

366.23 (7) alternatives to incarceration programs.

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

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

366.26 (2) the number of individuals served in the previous year and their supervision and risk
366.27 assessment levels;

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

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

366.30 (d) By January 15, 2025, and each year thereafter, the commissioner must report to the
366.31 chairs and ranking minority members of the legislative committees with jurisdiction over

367.1 criminal justice policy and finance on how the grant funding in this section was used. The
 367.2 report must detail the impact that the funding had on improving community supervision
 367.3 practices and outcomes.

367.4 (e) For any appropriation under this section, the commissioner may use up to five percent
 367.5 of the appropriation to administer the grants.

367.6 Sec. 15. Minnesota Statutes 2022, section 401.01, is amended to read:

367.7 **401.01 COMMUNITY CORRECTIONS ACT; PURPOSE AND DEFINITION;**
 367.8 **ASSISTANCE GRANTS.**

367.9 Subdivision 1. **Grants Subsidies for community-based correctional programs.** ~~For~~
 367.10 ~~the purpose of~~ (a) To more effectively ~~protecting~~ protect society and to promote efficiency
 367.11 and economy in the ~~delivery of~~ delivering correctional services, the commissioner is
 367.12 authorized to make grants to assist ~~may subsidize~~ counties in the ~~development and Tribal~~
 367.13 Nations to help them develop, ~~implementation~~ implement, and ~~operation of~~ operate
 367.14 community-based ~~corrections~~ correctional programs, including:

367.15 (1) preventive or diversionary correctional programs;

367.16 (2) conditional release programs;

367.17 (3) community corrections centers; and

367.18 (4) facilities for the ~~detention~~ detaining or ~~confinement~~ confining, ~~care~~ caring, and
 367.19 ~~treatment of~~ treating persons convicted of crime or adjudicated delinquent. The commissioner
 367.20 may authorize the use of a percentage of a grant for the operation of an emergency shelter
 367.21 or make a separate grant for the rehabilitation of a facility owned by the grantee and used
 367.22 as a shelter to bring the facility into compliance with state and local laws pertaining to
 367.23 health, fire, and safety, and to provide security.

367.24 (b) Counties and Tribal Nations must use risk, need, and responsivity principles in their
 367.25 correctional programming.

367.26 Subd. 2. **Definitions.** (a) For the purposes of sections ~~401.01 to 401.16~~ this chapter, the
 367.27 following terms defined in this subdivision have the meanings given them.

367.28 (b) ~~"CCA county"~~ "CCA jurisdiction" means a county or Tribal Nation that participates
 367.29 in the Community Corrections Act, the subsidy program under this chapter.

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

367.31 (d) "Conditional release" means:

368.1 (1) parole, supervised release, or conditional release as authorized by section 609.3455,
 368.2 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota
 368.3 Statutes 2004, section 609.109, subdivision 7₂;

368.4 (2) work release as authorized by sections 241.26, 244.065, and 631.425₂; and

368.5 (3) probation, furlough, and any other authorized temporary release from a correctional
 368.6 facility.

368.7 ~~(e) "County probation officer" means a probation officer appointed under section 244.19.~~

368.8 ~~(f)~~ (e) "Detain" means to take into actual custody, including custody within a local
 368.9 correctional facility.

368.10 ~~(g)~~ (f) "Joint board" means the board ~~provided in~~ under section 471.59.

368.11 ~~(h) "Local correctional facility" has the meaning given in section 241.021, subdivision~~
 368.12 ~~1.~~

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

368.15 (g) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating in
 368.16 the Community Corrections Act subsidy program and provides or receives probation services
 368.17 according to section 244.19.

368.18 (h) "Probation officer" means a county or Tribal probation officer under a CCA or
 368.19 non-CCA jurisdiction appointed with the powers under section 244.19.

368.20 ~~(j)~~ (i) "Release" means to release from actual custody.

368.21 (j) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries of
 368.22 the state of Minnesota.

368.23 Sec. 16. Minnesota Statutes 2022, section 401.02, is amended to read:

368.24 **401.02 COUNTIES OR REGIONS; INCLUDED CORRECTIONAL SERVICES**
 368.25 **INCLUDABLE.**

368.26 Subdivision 1. **Qualification of counties requirements.** ~~(a) One or more counties,~~
 368.27 ~~having an aggregate population of 30,000 or more persons; A county or Tribal Nation may~~
 368.28 ~~qualify for a grant as provided in the subsidy program under section 401.01 by the enactment~~
 368.29 ~~of appropriate resolutions creating and establishing a corrections advisory board;~~

368.30 (1) designating ~~the~~ an officer or agency ~~to be~~ responsible for administering grant funds,
 368.31 the subsidy; and providing for the preparation of

369.1 ~~(2) preparing a comprehensive plan for the development~~ developing, implementation
 369.2 implementing, and operation of operating the correctional services ~~described in section~~
 369.3 ~~401.01, including the assumption of those correctional services, other than the operation of~~
 369.4 ~~state facilities, presently provided in such counties by the Department of Corrections, and~~
 369.5 ~~providing for centralized administration and control of those correctional services described~~
 369.6 ~~in section 401.01~~ under this chapter.

369.7 (b) When preparing a comprehensive plan, a county or Tribal Nation must:

369.8 (1) provide correctional services, not including the operation of state facilities, that are
 369.9 currently provided by the Department of Corrections or, for Tribal Nations, probation
 369.10 services in a Tribal Nation;

369.11 (2) provide for centralized administration and control of the correctional services; and

369.12 (3) enact the appropriate resolutions to create and establish a local advisory board.

369.13 ~~Where~~ (c) If counties or Tribal Nations combine as authorized in ~~in~~ under this section, they
 369.14 ~~shall~~ must ~~comply with the provisions of section 471.59. Unless the context indicates~~
 369.15 otherwise, a CCA or non-CCA jurisdiction includes a group of counties or a group of Tribal
 369.16 Nations.

369.17 Subd. 1a. Continued eligibility. ~~(b) A county~~ single CCA jurisdiction that has
 369.18 participated in the Community Corrections Act for five or more years ~~is eligible to~~ may
 369.19 continue to participate in the Community Corrections Act.

369.20 **Subd. 2. Planning counties; expenses of corrections advisory board members**
 369.21 **expenses.** (a) To assist counties which have a county or Tribal Nation that has ~~complied~~
 369.22 ~~with the provisions of subdivision 1 and require~~ requires financial aid to defray all or a part
 369.23 of the expenses incurred by corrections advisory board members in discharging their official
 369.24 duties ~~pursuant~~ according to section 401.08, the commissioner may:

369.25 (1) designate counties ~~the county or Tribal Nation~~ as "planning counties", a "planning
 369.26 county"; and,

369.27 (2) upon receipt of resolutions ~~receiving a resolution~~ by the governing boards ~~board~~ of
 369.28 ~~the counties~~ county or Tribal Nation certifying the need for and inability to pay the expenses
 369.29 ~~described in~~ under this subdivision, advance to the ~~counties~~ county or Tribal Nation an
 369.30 amount not to exceed five percent of the maximum quarterly subsidy for which the ~~counties~~
 369.31 ~~are~~ county or Tribal Nation is eligible.

369.32 (b) The expenses ~~described in~~ under this subdivision ~~shall~~ must be paid in the same
 369.33 manner and amount as for state employees.

370.1 Subd. 3. ~~Establishment~~ Establishing and reorganization of reorganizing
 370.2 administrative structure. (a) Any county or ~~group of counties which have~~ Tribal Nation
 370.3 that has qualified for participation participating in the ~~community corrections~~ subsidy
 370.4 program ~~provided by this chapter~~ may establish, organize, and reorganize an administrative
 370.5 structure and ~~provide for the budgeting:~~

370.6 (1) budget, staffing staff, and operation of operate court services and probation;
 370.7 ~~construction;~~

370.8 (2) construct or improvement to improve juvenile detention and juvenile correctional
 370.9 facilities and adult detention and correctional facilities;; and

370.10 (3) provide for other activities required to conform to the ~~purposes of~~ this chapter.

370.11 (b) No contrary general or special statute other law divests any county or ~~group of~~
 370.12 ~~counties~~ Tribal Nation of the authority granted ~~by~~ under this subdivision.

370.13 Subd. 5. ~~Intermediate sanctions.~~ Unless the district court directs otherwise, county
 370.14 ~~probation officers may require a person committed to the officer's care by the court to~~
 370.15 ~~perform community work service for violating a condition of probation imposed by the~~
 370.16 ~~court. Community work service may be imposed for the purpose of protecting the public,~~
 370.17 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
 370.18 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
 370.19 ~~12-month period, beginning on the date on which community work service is first imposed.~~
 370.20 ~~The chief executive officer of a community corrections agency may authorize an additional~~
 370.21 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
 370.22 ~~period, beginning with the date on which community work service is first imposed. At the~~
 370.23 ~~time community work service is imposed, probation officers are required to provide written~~
 370.24 ~~notice to the offender that states:~~

370.25 ~~(1) the condition of probation that has been violated;~~

370.26 ~~(2) the number of hours of community work service imposed for the violation; and~~

370.27 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
 370.28 ~~period.~~

370.29 ~~An offender may challenge the imposition of community work service by filing a petition~~
 370.30 ~~in district court. An offender must file the petition within five days of receiving written~~
 370.31 ~~notice that community work service is being imposed. If the offender challenges the~~
 370.32 ~~imposition of community work service, the state bears the burden of showing, by a~~

371.1 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
 371.2 ~~under the circumstances.~~

371.3 ~~Community work service includes sentencing to service.~~

371.4 Subd. 6. **Tribal Nation; sovereignty; state consultation.** (a) Nothing in this chapter
 371.5 relating to correctional services is intended to infringe on the sovereignty of a Tribal Nation.
 371.6 Notwithstanding any other law to the contrary and to the extent consistent with a Tribal
 371.7 Nation's sovereignty, a Tribal Nation is subject to the same requirements and has the same
 371.8 authority as a county participating in the subsidy program or as a non-CCA jurisdiction
 371.9 under this chapter.

371.10 (b) The Department of Corrections and the Community Supervision Advisory Committee
 371.11 under section 401.17 must consult with Tribal Nations and offer guidance as necessary to
 371.12 implement and fulfill the purposes of this chapter.

371.13 Sec. 17. Minnesota Statutes 2022, section 401.025, is amended to read:

371.14 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
 371.15 **RELEASEES, AND PRETRIAL RELEASEES.**

371.16 Subdivision 1. **Peace officers and probation officers serving CCA counties**
 371.17 **jurisdictions.** ~~(a) When it appears~~ If necessary to enforce discipline or to prevent a person
 371.18 on conditional release from escaping or absconding from supervision, the chief executive
 371.19 officer or designee of a community corrections agency in a CCA county jurisdiction has
 371.20 the authority to issue a written order directing any peace officer or any probation officer in
 371.21 the state serving the district and juvenile courts to detain and bring the person before the
 371.22 court or the commissioner, whichever is appropriate, for disposition. This written order is
 371.23 sufficient authority for the peace officer or probation officer to detain the person for not
 371.24 more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before
 371.25 the court or the commissioner as provided under section 244.1951, subdivisions 1 to 3.

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

371.32 ~~(c) The chief executive officer or designee of a community corrections agency in a CCA~~
 371.33 ~~county has the authority to issue a written order directing any peace officer or any probation~~

372.1 ~~officer serving the district and juvenile courts to detain any person on court-ordered pretrial~~
 372.2 ~~release who absconds from pretrial release or fails to abide by the conditions of pretrial~~
 372.3 ~~release. A written order issued under this paragraph is sufficient authority for the peace~~
 372.4 ~~officer or probation officer to detain the person.~~

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

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

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

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

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

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

372.20 (c) ~~A written~~ An order issued under paragraph (a) or (b) is sufficient authority for the
 372.21 state correctional investigator, peace officer, or probation officer, ~~or county probation officer~~
 372.22 to detain the person.

372.23 Subd. 3. ~~Offenders~~ **Individuals** under Department of Corrections commitment. ~~CCA~~
 372.24 All counties shall and Tribal Nations must comply with the policies prescribed by the
 372.25 commissioner when providing supervision and other correctional services to ~~persons~~
 372.26 individuals conditionally released ~~pursuant~~ according to sections 241.26, 242.19, 243.05,
 372.27 243.1605, 244.05, and 244.065, including intercounty transfer of ~~persons~~ individuals on
 372.28 conditional release and the conduct of presentence investigations.

372.29 Sec. 18. Minnesota Statutes 2022, section 401.03, is amended to read:

372.30 **401.03 RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.**

372.31 (a) The commissioner shall ~~shall~~ must, as provided in chapter 14, ~~promulgate~~ adopt rules for
 372.32 ~~the implementation of sections 401.01 to 401.16, to implement this chapter and shall provide~~

373.1 consultation and technical assistance to counties and Tribal Nations to ~~aid~~ help them ~~in the~~
 373.2 ~~development of~~ develop comprehensive plans.

373.3 (b) The time limit to adopt rules under section 14.125 does not apply.

373.4 Sec. 19. Minnesota Statutes 2022, section 401.04, is amended to read:

373.5 **401.04 ACQUISITION OF ACQUIRING PROPERTY; SELECTION OF**
 373.6 **SELECTING ADMINISTRATIVE STRUCTURE; EMPLOYEES.**

373.7 Subdivision 1. County and Tribal Nation authority. Any county or ~~group of counties~~
 373.8 Tribal Nation electing to ~~come within the provisions of sections 401.01 to 401.16~~ become
 373.9 a CCA jurisdiction may ~~(a)~~:

373.10 (1) acquire by any lawful means, including purchase, lease, or transfer of custodial
 373.11 control, the lands, buildings, and equipment necessary and incident to the accomplishment
 373.12 of accomplishing the purposes of sections 401.01 to 401.16, (b) this chapter;

373.13 (2) determine and establish the an administrative structure best suited to the efficient
 373.14 administration and delivery of the correctional services described in section 401.01, and
 373.15 (e); and

373.16 (3) employ a director and other officers, employees, and agents as deemed necessary to
 373.17 carry out the provisions of sections 401.01 to 401.16 implement this chapter.

373.18 Subd. 2. Providing for displaced employees. (a) To the extent that participating counties
 373.19 shall assume and take a county assumes and takes over state and local correctional services
 373.20 presently provided in counties, employment shall be given to those state and local officers,
 373.21 employees and agents thus displaced; the county, the probation officers and other employees
 373.22 displaced by the changeover must be employed by the county at no loss of salary. Years of
 373.23 service in the state are to be given full credit for future sick leave and vacation accrual
 373.24 purposes.

373.25 (b) If an officer or other employee is hired by a county, employment shall must, to the
 373.26 extent possible and notwithstanding the provisions of any other law or ordinance to the
 373.27 contrary, be deemed a transfer in grade with all of the benefits enjoyed by such the officer;
 373.28 or employee or agent while in the service of the state or local correctional service.

373.29 (c) State or local employees displaced by county participation in the subsidy program
 373.30 provided by this chapter are on layoff status and, if not hired by a participating county as
 373.31 provided herein under this subdivision, may exercise their rights under layoff procedures
 373.32 established by law or union collective-bargaining agreement, whichever is applicable.

374.1 (d) State or local officers and employees displaced by a county's participation in the
 374.2 Community Corrections Act and hired by the participating county shall retain all fringe
 374.3 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
 374.4 the service of the state.

374.5 (e) This subdivision applies to the extent consistent with state and Tribal law.

374.6 Sec. 20. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

374.7 Subdivision 1. **Authorization to use and accept funds.** (a) Any county or group of
 374.8 counties electing to come within the provisions of sections 401.01 to 401.16 become a CCA
 374.9 jurisdiction may, through their its governing bodies, body:

374.10 (1) use unexpended funds;

374.11 (2) accept gifts, grants, and subsidies from any lawful source; and

374.12 (3) apply for and accept federal funds.

374.13 (b) This section applies to Tribal Nations, to the extent consistent with the laws of their
 374.14 respective Tribal governments.

374.15 Sec. 21. Minnesota Statutes 2022, section 401.06, is amended to read:

374.16 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
 374.17 **COMPLIANCE.**

374.18 Subdivision 1. Commissioner approval required. No (a) A county or group of counties
 374.19 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be
 374.20 eligible Tribal Nation is ineligible for the its calculated subsidy herein provided under
 374.21 section 401.10 unless and until its comprehensive plan shall have has been approved by the
 374.22 commissioner.

374.23 (b) A non-CCA jurisdiction providing adult misdemeanor and juvenile probation services
 374.24 to district courts according to section 244.19, subdivision 1b, paragraph (b) or (c), must
 374.25 develop a comprehensive plan in consultation with the commissioner. To the extent consistent
 374.26 with this chapter and section 244.19, a non-CCA jurisdiction under this paragraph is subject
 374.27 to all the subsidy-related standards and requirements under this chapter and to all supervision
 374.28 standards and commissioner-prescribed policies.

374.29 (c) If the commissioner provides probation services to a non-CCA jurisdiction under
 374.30 section 244.19, subdivision 1b, paragraph (d), the commissioner must prepare a
 374.31 comprehensive plan for the non-CCA jurisdiction and present it to the local county board

375.1 of commissioners or Tribal government. To the extent consistent with this chapter and
 375.2 section 244.19, the commissioner is subject to all the subsidy-related standards and
 375.3 requirements under this chapter and to all supervision standards and commissioner-prescribed
 375.4 policies.

375.5 (d) All comprehensive plans must:

375.6 (1) comply with commissioner-developed standards and reporting requirements, including
 375.7 requirements under section 401.11, subdivision 1;

375.8 (2) provide a budget for planned correctional services and programming; and

375.9 (3) sufficiently address community needs and supervision standards, including strategic
 375.10 planning that ties planned correctional services and programming to successful community
 375.11 supervision outcomes, including but not limited to reducing an individual's assessed level
 375.12 of risk for recidivism and addressing an individual's needs that lead to positive adjustment
 375.13 and prosocial behavior.

375.14 (e) Each CCA and non-CCA jurisdiction must track and report on the use of correctional
 375.15 fees under section 244.18 in their comprehensive plans. At a minimum, each jurisdiction
 375.16 must report on the types of correctional services for which fees were imposed, the aggregate
 375.17 amount of fees imposed, and the amount of fees collected.

375.18 (f) A comprehensive plan is valid for four years, and a corrections advisory board or
 375.19 non-CCA jurisdiction must review and update its plan two years after the plan has been
 375.20 approved or two years after submission to the commissioner, whichever is earlier. An
 375.21 updated plan must include an updated budget and list which services that a county or Tribal
 375.22 Nation plans to provide before its next four-year comprehensive plan.

375.23 (g) All approved comprehensive plans, including updated plans, must be made publicly
 375.24 available on the Department of Corrections website.

375.25 Subd. 2. **Rulemaking.** The commissioner ~~shall, pursuant to~~ must, in accordance with
 375.26 the Administrative Procedure Act, ~~promulgate~~ adopt rules establishing standards of eligibility
 375.27 for counties and Tribal Nations to receive a subsidy and other funds under ~~sections 401.01~~
 375.28 ~~to 401.16~~ this chapter.

375.29 Subd. 3. **Substantial compliance required.** (a) To remain eligible for the subsidy
 375.30 ~~counties shall~~, a CCA and non-CCA jurisdiction must maintain substantial compliance with
 375.31 the minimum standards, as applicable, established ~~pursuant~~ according to ~~sections 401.01~~
 375.32 ~~to 401.16 and~~ this chapter and the policies and procedures governing the services described

376.1 ~~in under~~ section 401.025, subdivision 3, as prescribed by the commissioner. ~~Counties shall~~
 376.2 ~~also~~

376.3 (b) A CCA and non-CCA jurisdiction must:

376.4 (1) be in substantial compliance with other correctional operating standards permitted
 376.5 by law and established by the commissioner; and shall

376.6 (2) report ~~statistics~~ data required by the commissioner in accordance with section 244.21,
 376.7 including but not limited to data under this chapter and information on individuals convicted
 376.8 as an extended jurisdiction juvenile identified in under section 241.016, subdivision 1,
 376.9 paragraph (c).

376.10 Subd. 4. Commissioner review. (a) The commissioner shall must review annually the
 376.11 comprehensive plans submitted by participating counties all comprehensive plans, including
 376.12 the facilities and programs operated under the plans. The commissioner is hereby authorized
 376.13 to may enter upon any facility operated under the plan; and inspect books and records; for
 376.14 purposes of recommending needed changes or improvements.

376.15 ~~When~~ (b) If the commissioner shall determine determines that there are reasonable
 376.16 grounds to believe that a ~~county or group of counties~~ CCA or non-CCA jurisdiction is not
 376.17 in substantial compliance with minimum standards, the commissioner must provide at least
 376.18 30 days' notice shall be given to the ~~county or counties~~ and CCA or non-CCA jurisdiction
 376.19 of a commissioner-conducted hearing conducted by the commissioner to ascertain whether
 376.20 there is substantial compliance or satisfactory progress being made toward compliance.

376.21 Subd. 5. Noncompliance; remedies. (a) After a hearing, the commissioner may sanction
 376.22 a CCA or non-CCA jurisdiction according to this subdivision if the commissioner determines
 376.23 that the CCA or non-CCA jurisdiction is not maintaining substantial compliance with
 376.24 minimum standards or that satisfactory progress toward compliance has not been made.

376.25 (b) The commissioner may:

376.26 (1) suspend all or a portion of any subsidy until the required standard of operation has
 376.27 been met. without issuing a corrective action plan; or

376.28 (2) issue a corrective action plan.

376.29 (c) A corrective action plan must:

376.30 (1) be in writing;

376.31 (2) identify all deficiencies;

376.32 (3) detail the corrective action required to remedy the deficiencies; and

377.1 (4) provide a deadline to:

377.2 (i) correct each deficiency; and

377.3 (ii) report to the commissioner progress toward correcting the deficiency.

377.4 (d) After the deficiency has been corrected, documentation must be submitted to the
 377.5 commissioner detailing compliance with the corrective action plan. If the commissioner
 377.6 determines that the CCA or non-CCA jurisdiction has not complied with the plan, the
 377.7 commissioner may suspend all or a portion of the subsidy.

377.8 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to all
 377.9 four-year comprehensive plans submitted on or after that date.

377.10 Sec. 22. Minnesota Statutes 2022, section 401.08, is amended to read:

377.11 **401.08 CORRECTIONS ADVISORY BOARD.**

377.12 Subdivision 1. ~~Board members of board.~~ The A corrections advisory board ~~provided~~
 377.13 ~~in section 401.02, subdivision 1, shall~~ must consist of at least nine members; who ~~shall~~ must
 377.14 be representative of law enforcement, prosecution, the judiciary, education, corrections,
 377.15 ~~ethnic minorities~~ different ethnicities, the social services, and the ~~lay citizen~~ general public.

377.16 Subd. 2. **Appointment; terms.** (a) The members of ~~the a~~ a corrections advisory board
 377.17 ~~shall~~ must:

377.18 (1) be appointed by the board of county commissioners ~~or~~, respective Tribal Nation
 377.19 government, or the joint board in the case of multiple counties and shall or Tribal Nations;

377.20 (2) serve for terms of two years ~~from and after the date of their appointment;~~ and shall

377.21 (3) remain in office until their successors are duly appointed.

377.22 ~~The~~ (b) A board may elect its own officers.

377.23 Subd. 3. **Joint corrections advisory board.** ~~Where~~ If two or more counties or Tribal
 377.24 Nations combine to ~~come within the provisions of sections 401.01 to 401.16~~ become a CCA
 377.25 jurisdiction, the joint corrections advisory board ~~shall~~ must contain representation as provided
 377.26 ~~in~~ under subdivision 1, but the board members ~~comprising the board~~ may come from each
 377.27 of the participating counties or Tribal Nations as may be determined by agreement of the
 377.28 counties or Tribal Nations.

377.29 Subd. 4. **Comprehensive plan.** ~~The A~~ corrections advisory board ~~provided in sections~~
 377.30 ~~401.01 to 401.16, shall~~ must:

378.1 ~~(1) actively participate in the formulation of~~ formulating the comprehensive plan for the
 378.2 ~~development, implementation, and operation of~~ developing, implementing, and operating
 378.3 ~~the correctional program~~ programming and services ~~described in section 401.01,~~ under this
 378.4 chapter; and shall

378.5 ~~(2) make a formal recommendation to the county board or joint board~~ CCA jurisdiction
 378.6 ~~at least annually concerning on~~ the comprehensive plan and its implementation during the
 378.7 ~~ensuing year.~~

378.8 Subd. 5. **Committee structure.** ~~(a) If a corrections advisory board carries out its duties~~
 378.9 ~~through the implementation of~~ with a committee structure, the composition of each committee
 378.10 or subgroup ~~shall generally~~ should reflect the membership of the entire board.

378.11 ~~(b) All proceedings of the corrections advisory board and any~~ board committee or other
 378.12 subgroup of the board ~~shall~~ must be open to the public; and all votes taken of board members
 378.13 ~~of the board shall~~ must be recorded and ~~shall~~ become matters of public record.

378.14 Subd. 6. **Board rules.** ~~The~~ A corrections advisory board ~~shall promulgate~~ must adopt
 378.15 and implement rules ~~concerning attendance of members~~ on member attendance at board
 378.16 meetings. A rule under this subdivision does not meet the definition of a rule under section
 378.17 14.02, subdivision 4.

378.18 Sec. 23. Minnesota Statutes 2022, section 401.09, is amended to read:

378.19 **401.09 OTHER GRANT OR SUBSIDY PROGRAMS; PURCHASE OF**
 378.20 **PURCHASING STATE SERVICES.**

378.21 Subdivision 1. Eligibility for other programs. ~~Failure of a county or group of counties~~
 378.22 A decision by a county or Tribal Nation to elect to come within the provisions of sections
 378.23 401.01 to 401.16 shall not become a CCA jurisdiction does not affect their its eligibility for
 378.24 any other state grant or subsidy for correctional purposes otherwise provided by law.

378.25 Subd. 2. **Contracting for correctional services.** ~~Any~~ A comprehensive plan submitted
 378.26 pursuant according to sections 401.01 to 401.16 this chapter may include the purchase of
 378.27 selected allow for contracting with the state to provide certain correctional services ~~from~~
 378.28 ~~the state by contract~~, including the temporary detention and confinement of persons convicted
 378.29 of crime or adjudicated delinquent; with confinement ~~to be~~ in an appropriate state facility
 378.30 as otherwise provided by law.

378.31 Subd. 3. **Determining cost of correctional services.** The commissioner ~~shall~~ must
 378.32 annually determine the costs of the ~~purchase of~~ contracted services under ~~this section~~
 378.33 subdivision 2 and deduct them from the subsidy due and payable to the county ~~or counties~~

379.1 ~~concerned; provided that no~~ or Tribal Nation if a contract shall under subdivision 2 does
 379.2 not exceed in cost the amount of subsidy to which the participating county or counties are
 379.3 Tribal Nation is eligible.

379.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to all
 379.5 four-year comprehensive plans submitted on or after that date.

379.6 Sec. 24. Minnesota Statutes 2022, section 401.10, is amended to read:

379.7 **401.10 FUNDING COMMUNITY CORRECTIONS AID SUPERVISION.**

379.8 Subdivision 1. ~~Aid calculations~~ Community supervision funding formula. ~~To~~
 379.9 ~~determine the community corrections aid amount to be paid to each participating county;~~
 379.10 ~~the commissioner of corrections must apply the following formula:~~

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

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

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

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

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

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

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

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

380.1 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
380.2 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
380.3 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
380.4 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
380.5 ~~87 counties.~~

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

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

380.12 ~~(6) Each participating county's weighted need percent must be added to the weighted~~
380.13 ~~need percent of each other participating county to yield the "total weighted need percent~~
380.14 ~~for participating counties."~~

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

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

380.25 ~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts~~
380.26 ~~for all participating counties. If a county that participated under this section chooses not to~~
380.27 ~~participate in any given year, then the aggregate base funding amount must be reduced by~~
380.28 ~~that county's base funding amount. If a county that did not participate under this section in~~
380.29 ~~fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base~~
380.30 ~~funding amount must be increased by the amount of aid that the county would have received~~
380.31 ~~had it participated in fiscal year 1995 plus the estimated amount it would have received in~~
380.32 ~~caseload or workload reduction, felony caseload reduction, and sex offender supervision~~
380.33 ~~grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount~~
380.34 ~~of increase shall be that county's base funding amount.~~

381.1 ~~(10) In any given year, the total amount appropriated for this purpose first must be~~
381.2 ~~allocated to participating counties in accordance with each county's base funding amount.~~
381.3 ~~Then, any remaining amount in excess of the aggregate base funding amount must be~~
381.4 ~~allocated to participating counties in proportion to each county's share percent, and is referred~~
381.5 ~~to as the county's "formula amount."~~

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

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

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

381.15 (a) Beginning July 1, 2023, the community supervision subsidy paid to each county, the
381.16 commissioner for supervision of non-CCA jurisdictions served by the Department of
381.17 Corrections, and each applicable Tribal Nation under paragraph (e) equals the sum of:

381.18 (1) a base funding amount equal to \$150,000; and

381.19 (2) a community supervision formula equal to the sum of:

381.20 (i) for each individual with a felony sentence, a felony per diem rate of \$5.62 multiplied
381.21 by the sum of the county's or Tribal Nation's adult felony population, adult supervised
381.22 release and parole populations, and juvenile supervised release and parole populations as
381.23 reported in the most recent probation survey published by the commissioner, multiplied by
381.24 365; and

381.25 (ii) for each individual sentenced for a gross misdemeanor or misdemeanor or under
381.26 juvenile probation, the felony per diem rate of \$5.62 multiplied by 0.5 and then multiplied
381.27 by the sum of the county's or Tribal Nation's gross misdemeanor, misdemeanor, and juvenile
381.28 populations as reported in the most recent probation survey published by the commissioner,
381.29 multiplied by 365.

381.30 (b) For a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or
381.31 (c), the base funding amount must be shared equally between the jurisdiction and the
381.32 commissioner for the provision of felony supervision under section 244.20.

382.1 (c) If in any year the total amount appropriated for the purpose of this section is more
382.2 than or less than the total of base funding plus community supervision formula funding for
382.3 all counties and applicable Tribal Nations, the sum of each county's and applicable Tribal
382.4 Nation's base funding plus community supervision formula funding is adjusted by the ratio
382.5 of amounts appropriated for this purpose divided by the total of base funding plus community
382.6 supervision formula funding for all counties and applicable Tribal Nations.

382.7 (d) If in any year the base funding plus the community supervision formula amount
382.8 based on what was appropriated in fiscal year 2024 is less than the funding paid to the
382.9 county in fiscal year 2023, the difference is added to the community supervision formula
382.10 amount for that county. A county is not eligible for additional funding under this paragraph
382.11 unless the base funding plus community supervision formula results in an increase in funding
382.12 for the county based on what was appropriated in the previous fiscal year. This paragraph
382.13 expires June 30, 2029.

382.14 (e) For each Tribal Nation, a funding amount of \$250,000 is allotted annually to purchase
382.15 probation services or probation-related services, including contracted services, but a Tribal
382.16 Nation that becomes a CCA jurisdiction or a non-CCA jurisdiction under section 244.19,
382.17 subdivision 1b, paragraph (b) or (c), is an applicable Tribal Nation under paragraphs (a) to
382.18 (c) and:

382.19 (1) has the Tribal Nation's funding amount of \$250,000 transferred to the total community
382.20 supervision subsidy amount appropriated for the purposes of this section; and

382.21 (2) is allotted a base funding amount equal to \$150,000 plus an amount as determined
382.22 according to the community supervision formula under paragraph (a), clause (2).

382.23 ~~Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner~~
382.24 ~~of corrections, after notifying the committees on finance of the senate and ways and means~~
382.25 ~~of the house of representatives, may, at the end of any fiscal year, transfer any unobligated~~
382.26 ~~funds in any appropriation to the Department of Corrections to the appropriation under~~
382.27 ~~sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for~~
382.28 ~~the purposes of sections 401.01 to 401.16.~~

382.29 ~~Subd. 3. **Formula review.** Prior to January 16, 2002, the committees with jurisdiction~~
382.30 ~~over community corrections funding decisions in the house of representatives and the senate,~~
382.31 ~~in consultation with the Department of Corrections and any interested county organizations,~~
382.32 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
382.33 ~~its continuation, modification, replacement, or discontinuation.~~

383.1 Subd. 4. Report. (a) By January 15, 2025, and every year thereafter, the commissioner
 383.2 must submit a report to the chairs and ranking minority members of the legislative committees
 383.3 and divisions with jurisdiction over public safety finance and policy. At a minimum, the
 383.4 report must summarize and contain the following data:

383.5 (1) the commissioner's workload study under section 401.17, subdivision 4;
 383.6 (2) the commissioner's collected caseload data under section 244.21, subdivision 1; and
 383.7 (3) projected growth in the community supervision formula calculated by analyzing
 383.8 caseload trends and data.

383.9 (b) The report may be made in conjunction with reporting under section 244.21.

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

383.11 Sec. 25. Minnesota Statutes 2022, section 401.11, is amended to read:

383.12 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT SUBSIDY REVIEW.**

383.13 Subdivision 1. Policy items. The (a) A comprehensive plan submitted to the
 383.14 commissioner for approval shall under section 401.06 must include those items prescribed
 383.15 by rule of the commissioner, which may require the inclusion of policy and may include
 383.16 the following:

383.17 ~~(a)~~ (1) the manner in which presentence and postsentence investigations and reports for
 383.18 the district courts and social history reports for the juvenile courts will be made;

383.19 ~~(b)~~ (2) the manner in which conditional release services to the courts and persons under
 383.20 jurisdiction of the commissioner of corrections will be provided;

383.21 ~~(c)~~ (3) a program for the detention, supervision, and treatment of detaining, supervising,
 383.22 and treating persons under pretrial detention or under commitment;

383.23 ~~(d)~~ (4) delivery of other correctional services defined in section 401.01;

383.24 ~~(e)~~ (5) proposals for new programs, which proposals must demonstrate a need for the
 383.25 program, its and the program's purpose, objective, administrative structure, staffing pattern,
 383.26 staff training, financing, evaluation process, degree of community involvement, client
 383.27 participation, and duration of program;

383.28 (6) descriptions of programs that adhere to best practices for assessing risk and using
 383.29 interventions that address an individual's needs while tailoring supervision and interventions
 383.30 by using risk, need, and responsivity principles; and

384.1 (7) data on expenditures, costs, and programming results and outcomes for individuals
 384.2 under community supervision.

384.3 (b) The commissioner must develop in policy budgetary requirements for comprehensive
 384.4 plans to ensure the efficient and accountable expenditure of a county's or Tribal Nation's
 384.5 subsidy for correctional services and programming to produce successful community
 384.6 supervision outcomes.

384.7 Subd. 2. CCA Review. In addition to the foregoing requirements made by this section,
 384.8 Each participating county or group of counties shall CCA jurisdiction must develop and
 384.9 implement a procedure for the review of reviewing grant applications or applications for
 384.10 contracted services made to the corrections advisory board and for the manner in which
 384.11 corrections advisory board action will be taken on them the applications. A description of
 384.12 this the procedure must be made available to members of the public upon request.

384.13 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to all
 384.14 four-year comprehensive plans submitted on or after that date.

384.15 Sec. 26. Minnesota Statutes 2022, section 401.12, is amended to read:

384.16 **401.12 CONTINUATION OF CURRENT MINIMUM SPENDING LEVEL BY**
 384.17 **COUNTIES.**

384.18 Subdivision 1. Diminished spending prohibited. Participating counties shall A county
 384.19 or Tribal Nation receiving a subsidy under section 401.10 must not diminish their current
 384.20 reduce its level of spending for correctional expenses as defined in section 401.01, to the
 384.21 extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy
 384.22 herein provided is for the expenditure for correctional purposes in excess of those funds
 384.23 currently being expended on probation services to lower than what is reimbursed by the
 384.24 community supervision formula under section 401.10, subdivision 1.

384.25 Subd. 2. Not expending full subsidy amount. Should If a participating county be or
 384.26 Tribal Nation is unable to expend the full amount of the subsidy to which it would be entitled
 384.27 in any one year under the provisions of sections 401.01 to 401.16 the first year of a biennium,
 384.28 the commissioner shall must:

384.29 (1) retain the surplus, subject to disbursement; and

384.30 (2) disburse the surplus in the following second year wherein such of the biennium if
 384.31 the county or Tribal Nation can demonstrate a need for and ability to expend same for the
 384.32 purposes provided in section 401.01. If in any biennium the subsidy is increased by an
 384.33 inflationary adjustment which results in the county receiving more actual subsidy than it

385.1 ~~did in the previous calendar year, the county shall be eligible for that increase only if the~~
 385.2 ~~current level of spending is increased by a percentage equal to that increase within the same~~
 385.3 ~~biennium. the surplus.~~

385.4 Sec. 27. Minnesota Statutes 2022, section 401.14, is amended to read:

385.5 **~~401.14 PAYMENT OF~~ PAYING SUBSIDY.**

385.6 Subdivision 1. **Payment.** ~~Upon compliance by~~ After a county or group of counties Tribal
 385.7 Nation becomes compliant with the prerequisites for participation in receiving the subsidy
 385.8 ~~prescribed by sections 401.01 to 401.16, and approval of the commissioner approves the~~
 385.9 ~~comprehensive plan by the commissioner, the commissioner shall~~ must determine whether
 385.10 funds exist ~~for the payment of~~ to pay the subsidy and proceed to pay ~~same~~ it in accordance
 385.11 with applicable ~~rules~~ law.

385.12 Subd. 2. **Quarterly remittance.** Based ~~upon~~ on the approved comprehensive plan as
 385.13 ~~approved~~, the commissioner may estimate the amount to be expended in furnishing the
 385.14 required correctional services during each calendar quarter and cause the estimated amount
 385.15 to be remitted to the counties and Tribal Nations entitled ~~thereto in the manner provided in~~
 385.16 to the amount as provided under section 401.15, subdivision 1.

385.17 Subd. 3. **Installment payments.** The commissioner ~~of corrections shall~~ must:

385.18 (1) make payments for ~~community corrections~~ correctional services to each county and
 385.19 Tribal Nation in 12 installments per year. ~~The commissioner shall;~~

385.20 (2) ensure that the pertinent payment of the allotment for each month is made to each
 385.21 county and Tribal Nation on the first working day after the end of each month of the calendar
 385.22 year, except for the last month of the calendar year. ~~The commissioner shall; and~~

385.23 (3) ensure that each county and Tribal Nation receives its monthly payment of the
 385.24 allotment for that month no later than the last working day of that each month. ~~The payment~~
 385.25 ~~described in this subdivision for services rendered during June 1985 shall be made on the~~
 385.26 ~~first working day of July 1985.~~

385.27 Sec. 28. Minnesota Statutes 2022, section 401.15, is amended to read:

385.28 **~~401.15 PROCEDURE FOR DETERMINATION AND DETERMINING PAYMENT~~**
 385.29 **~~OF AMOUNT; BIENNIAL~~ ANNUAL REVIEW.**

385.30 Subdivision 1. **Certified statements; determinations; adjustments.** (a) Within 60 days
 385.31 of the end of each calendar quarter, ~~participating counties which have~~ a county or Tribal
 385.32 Nation that has received the payments authorized by under section 401.14 ~~shall~~ must submit

386.1 to the commissioner certified statements detailing the amounts expended and costs incurred
 386.2 in furnishing the correctional services ~~provided in sections 401.01 to 401.16~~ under this
 386.3 chapter.

386.4 (b) Upon receipt of receiving the certified statements, the commissioner shall, in the
 386.5 manner provided in must in accordance with sections 401.10 and 401.12.;

386.6 (1) determine the amount that each participating county or Tribal Nation is entitled to
 386.7 receive, making; and

386.8 (2) make any adjustments necessary to rectify any disparity between the amounts received
 386.9 pursuant according to the estimate provided in under section 401.14 and the amounts actually
 386.10 expended.

386.11 (c) If the amount received pursuant according to the estimate is greater than the amount
 386.12 actually expended during the quarter, the commissioner may withhold the difference from
 386.13 any subsequent monthly payments made pursuant according to section 401.14.

386.14 ~~Upon certification by~~ (d) After the commissioner of certifies the amount that a
 386.15 participating county or Tribal Nation is entitled to receive under the provisions of this
 386.16 subdivision or section 401.14 or of this subdivision, the commissioner of management and
 386.17 budget ~~shall thereupon~~ must issue a payment to the chief fiscal officer of each participating
 386.18 county or Tribal Nation for the amount due together with a copy of the certificate prepared
 386.19 by the commissioner.

386.20 Subd. 2. **Ranking Formula review.** The commissioner ~~shall biennially~~ must annually
 386.21 review the ranking accorded each county by the equalization community supervision formula
 386.22 provided in under section 401.10 and ~~compute~~ calculate and prorate the subsidy rate
 386.23 accordingly.

386.24 Sec. 29. Minnesota Statutes 2022, section 401.16, is amended to read:

386.25 **401.16 WITHDRAWAL WITHDRAWING FROM SUBSIDY PROGRAM.**

386.26 Subdivision 1. **Withdrawing; effective date.** At the beginning of any calendar quarter,
 386.27 any participating county may, at the beginning of any calendar quarter, by resolution of its
 386.28 board of commissioners, CCA jurisdiction may notify the commissioner of its intention to
 386.29 withdraw from the subsidy program established by sections 401.01 to 401.16, and. The
 386.30 withdrawal shall be:

386.31 (1) must be done by resolution of the county's board of commissioners or resolution of
 386.32 the Tribal Nation's respective governmental unit; and

387.1 (2) is effective at least six months from the last day of the last month of the quarter in
387.2 which the notice was given. Upon withdrawal, the unexpended balance of moneys allocated
387.3 to the county, or that amount necessary to reinstate state correctional services displaced by
387.4 that county's participation, including complement positions, may, upon approval of the
387.5 legislative advisory commission, be transferred to the commissioner for the reinstatement
387.6 of the displaced services and the payment of any other correctional subsidies for which the
387.7 withdrawing county had previously been eligible.

387.8 Subd. 2. **Employee changeover.** (a) If a county withdraws from the subsidy program
387.9 and asks the commissioner or the legislature mandates the commissioner to furnish probation
387.10 services to the county, the probation officers and other employees displaced by the
387.11 changeover must be employed by the commissioner at no loss of salary.

387.12 (b) Years of service in the county probation department are to be given full credit for
387.13 future sick leave and vacation accrual purposes.

387.14 (c) This subdivision applies to the extent consistent with state and Tribal law.

387.15 Sec. 30. [401.17] **COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

387.16 Subdivision 1. **Establishment; members.** (a) The commissioner must establish a
387.17 Community Supervision Advisory Committee to develop and make recommendations to
387.18 the commissioner on standards for probation, supervised release, and community supervision.
387.19 The committee consists of 19 members as follows:

387.20 (1) two directors appointed by the Minnesota Association of Community Corrections
387.21 Act Counties;

387.22 (2) two probation directors appointed by the Minnesota Association of County Probation
387.23 Officers;

387.24 (3) three county commissioner representatives appointed by the Association of Minnesota
387.25 Counties;

387.26 (4) two behavioral health, treatment, or programming providers who work directly with
387.27 individuals on correctional supervision, one appointed by the Department of Human Services
387.28 and one appointed by the Minnesota Association of County Social Service Administrators;

387.29 (5) two representatives appointed by the Minnesota Indian Affairs Council;

387.30 (6) two commissioner-appointed representatives from the Department of Corrections;

387.31 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;

388.1 (8) three individuals who have been supervised, either individually or collectively, under
388.2 each of the state's three community supervision delivery systems appointed by the
388.3 commissioner in consultation with the Minnesota Association of County Probation Officers
388.4 and the Minnesota Association of Community Corrections Act Counties;

388.5 (9) an advocate for victims of crime appointed by the commissioner; and

388.6 (10) a representative from a community-based research and advocacy entity appointed
388.7 by the commissioner.

388.8 (b) When an appointing authority selects an individual for membership on the committee,
388.9 the authority must make reasonable efforts to reflect geographic diversity and to appoint
388.10 qualified members of protected groups, as defined under section 43A.02, subdivision 33.

388.11 (c) Chapter 15 applies to the extent consistent with this section.

388.12 (d) The commissioner must convene the first meeting of the committee on or before
388.13 October 1, 2023.

388.14 Subd. 2. **Terms; removal; reimbursement.** (a) If there is a vacancy, the applicable
388.15 appointing authority must appoint an individual to fill the vacancy. Committee members
388.16 may elect any officers and create any subcommittees necessary to efficiently discharge
388.17 committee duties.

388.18 (b) A member may be removed by the appointing authority at any time at the pleasure
388.19 of the appointing authority.

388.20 (c) Each committee member must be reimbursed for all reasonable expenses actually
388.21 paid or incurred by the member while performing official duties in the same manner as
388.22 other state employees. The public members of the committee must be compensated at the
388.23 rate of \$55 for each day or part of the day spent on committee activities.

388.24 Subd. 3. **Committee duties; report.** (a) By December 1, 2024, the committee must
388.25 provide written advice and recommendations to the commissioner on developing policy on:

388.26 (1) statewide supervision standards and definitions to be applied to community
388.27 supervision provided by CCA and non-CCA jurisdictions;

388.28 (2) requiring CCA and non-CCA jurisdictions to use the same agreed-on risk screener
388.29 and risk and needs assessment tools as the main supervision assessment methods or a
388.30 universal five-level matrix allowing for consistent supervision levels and that all tools in
388.31 use be validated on Minnesota's community supervision population and revalidated every
388.32 five years;

389.1 (3) requiring the use of assessment-driven, formalized, collaborative case planning to
389.2 focus case planning goals on identified criminogenic and behavioral health need areas for
389.3 moderate- and high-risk individuals;

389.4 (4) limiting standard conditions required for all individuals on supervision across all
389.5 supervision systems and judicial districts, ensuring that conditions of supervision are directly
389.6 related to the offense of the individual on supervision, and tailoring special conditions to
389.7 individuals on supervision identified as high risk and high need;

389.8 (5) providing gender-responsive, culturally appropriate services and trauma-informed
389.9 approaches;

389.10 (6) developing a statewide incentives and sanctions grid to guide responses to client
389.11 behavior while under supervision to be reviewed and updated every five years to maintain
389.12 alignment with national best practices;

389.13 (7) developing performance indicators for supervision success and recidivism;

389.14 (8) developing a statewide training, coaching, and quality assurance system overseen
389.15 by an evidence-based practices coordinator;

389.16 (9) developing methods to evaluate outcomes for services provided by grant recipients
389.17 under section 244.33, paragraph (c), clause (3);

389.18 (10) devising a plan to eliminate the financial penalty incurred by a jurisdiction that
389.19 successfully discharges an individual from supervision before the supervision term concludes;
389.20 and

389.21 (11) establishing a proposed state-level Community Supervision Advisory Board with
389.22 a governance structure and duties for the board.

389.23 (b) By July 1, 2025, and every four years thereafter, the committee must review and
389.24 reassess the current workload study published by the commissioner under subdivision 4
389.25 and make recommendations to the commissioner based on the committee's review.

389.26 (c) By June 30, 2024, the Community Supervision Advisory Committee must submit a
389.27 report on supervision fees to the commissioner and the chairs and ranking minority members
389.28 of the legislative committees with jurisdiction over corrections policy and finance. The
389.29 committee must collect data on supervision fees and include the data in the report.

389.30 Subd. 4. **Duties; commissioner.** (a) The commissioner, in consultation with the
389.31 committee, must complete a workload study by October 1, 2024, to develop a capitated rate
389.32 for equitably funding community supervision throughout the state. The study must indicate

390.1 what factors go into a capitated rate, including but not limited to the administrative cost of
390.2 providing supervision and the average daily cost for providing supervision depending on
390.3 risk level.

390.4 (b) The commissioner is responsible for completing the workload study and submitting
390.5 it to the legislature in accordance with section 401.10, subdivision 4.

390.6 Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in
390.7 consultation with the Minnesota Counties Computer Cooperative, must create a method to
390.8 (1) standardize data classifications across the three community supervision systems, and
390.9 (2) collect data for the commissioner to publish in an annual report to the chairs and ranking
390.10 minority members of the legislative committees and divisions with jurisdiction over public
390.11 safety finance and policy.

390.12 (b) The advisory committee's method, at a minimum, must provide for collecting the
390.13 following data:

390.14 (1) the number of individuals sentenced to supervision each year;

390.15 (2) the offense levels, offense types, and assessed risk levels for which individuals are
390.16 sentenced to supervision;

390.17 (3) violation and revocation rates and the identified grounds for the violations and
390.18 revocations, including final disposition of the violation action such as execution of the
390.19 sentence, imposition of new conditions, or a custodial sanction;

390.20 (4) the number of individuals granted early discharge from probation;

390.21 (5) the number of individuals restructured on supervision, including imposition of new
390.22 conditions of release; and

390.23 (6) the number of individuals revoked from supervision and the identified grounds for
390.24 revocation.

390.25 (c) Beginning January 15, 2025, as part of the report under section 241.21, subdivision
390.26 2, the commissioner must include data collected under the committee method established
390.27 under this subdivision. The commissioner must analyze the collected data by race, gender,
390.28 and county, including Tribal Nations.

390.29 (d) Nothing in this section overrides the commissioner's authority to require additional
390.30 data be provided under other law.

391.1 Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations
 391.2 under subdivision 3, the commissioner must respond in writing to the committee's advice
 391.3 and recommendations. The commissioner's response must explain:

391.4 (1) whether the commissioner will adopt policy changes based on the recommendations;

391.5 (2) the timeline for adopting policy changes; and

391.6 (3) why the commissioner will not or cannot adopt any policy changes based on
 391.7 committee recommendations.

391.8 (b) The commissioner must submit the committee's advice and recommendations and
 391.9 the commissioner's response to the chairs and ranking minority members of the legislative
 391.10 committees with jurisdiction over public safety finance and policy. The commissioner may
 391.11 submit the information under this paragraph together with the report under subdivision 5,
 391.12 paragraph (c).

391.13 Subd. 7. **Administrative support.** The commissioner must provide the committee with
 391.14 a committee administrator, staff support, a meeting room, and access to office equipment
 391.15 and services.

391.16 Sec. 31. Minnesota Statutes 2022, section 609.102, is amended to read:

391.17 **609.102 LOCAL CORRECTIONAL FEES; IMPOSITION BY COURT.**

391.18 Subdivision 1. **Definition.** ~~As used in~~ For purposes of this section, "~~local~~ correctional
 391.19 fee" means a fee for local correctional services established by a ~~local correctional~~ probation
 391.20 agency or the commissioner of corrections under section 244.18.

391.21 Subd. 2. ~~Imposition of~~ Imposing fee. When a court places a person convicted of a crime
 391.22 under the supervision and control of a ~~local correctional~~ probation agency, ~~that~~ the agency
 391.23 may collect a ~~local~~ correctional fee based on the ~~local correctional~~ agency's fee schedule
 391.24 adopted under section 244.18, subdivision 2.

391.25 Subd. 2a. ~~Imposition of~~ Imposing correctional fee. When a person convicted of a crime
 391.26 is supervised by the commissioner of corrections, the commissioner may collect a correctional
 391.27 fee based on the commissioner's fee schedule adopted under section ~~241.272~~ 244.18,
 391.28 subdivision 2.

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

392.1 Sec. 32. Minnesota Statutes 2022, section 609.14, subdivision 1, is amended to read:

392.2 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
392.3 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
392.4 which warrants the imposing or execution of sentence, the court may without notice revoke
392.5 the stay and direct that the defendant be taken into immediate custody. Revocation shall
392.6 only be used as a last resort when rehabilitation has failed.

392.7 (b) When it appears that the defendant violated any of the conditions of probation during
392.8 the term of the stay, but the term of the stay has since expired, the defendant's probation
392.9 officer or the prosecutor may ask the court to initiate probation revocation proceedings
392.10 under the Rules of Criminal Procedure at any time within six months after the expiration
392.11 of the stay. The court also may initiate proceedings under these circumstances on its own
392.12 motion. If proceedings are initiated within this six-month period, the court may conduct a
392.13 revocation hearing and take any action authorized under rule 27.04 at any time during or
392.14 after the six-month period.

392.15 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
392.16 proceedings to revoke the stay have been initiated by a court order revoking the stay and
392.17 directing either that the defendant be taken into custody or that a summons be issued in
392.18 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
392.19 the summary hearing provided by subdivision 2 may be conducted after the expiration of
392.20 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
392.21 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
392.22 term of the stay or after the six-month period. The ability or inability to locate or apprehend
392.23 the defendant prior to the expiration of the stay or during or after the six-month period shall
392.24 not preclude the court from conducting the summary hearing unless the defendant
392.25 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
392.26 advantage.

392.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
392.28 that occur on or after that date.

392.29 Sec. 33. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
392.30 read:

392.31 Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional
392.32 treatment is better provided through a community resource than through confinement and
392.33 would not unduly depreciate the seriousness of the violation if probation was not revoked.
392.34 Policies favoring probation outweigh the need for confinement if a person has not previously

- 393.1 violated a condition of probation or intermediate sanction in an open criminal case and does
393.2 any of the following in violation of a condition imposed by the court:
- 393.3 (1) fails to abstain from the use of controlled substances without a valid prescription,
393.4 unless the person is under supervision for a violation of section:
- 393.5 (i) 169A.20;
- 393.6 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or
- 393.7 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
393.8 (6);
- 393.9 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
393.10 violation of section:
- 393.11 (i) 169A.20;
- 393.12 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or
- 393.13 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
393.14 (6);
- 393.15 (3) possesses drug paraphernalia in violation of section 152.092;
- 393.16 (4) fails to obtain or maintain employment;
- 393.17 (5) fails to pursue a course of study or vocational training;
- 393.18 (6) fails to report a change in employment, unless the person is prohibited from having
393.19 contact with minors and the employment would involve such contact;
- 393.20 (7) violates a curfew;
- 393.21 (8) fails to report contact with a law enforcement agency, unless the person was charged
393.22 with a misdemeanor, gross misdemeanor, or felony; or
- 393.23 (9) commits any offense for which the penalty is a petty misdemeanor.
- 393.24 (b) A violation by a person described in paragraph (a) does not warrant the imposition
393.25 or execution of sentence and the court may not direct that the person be taken into immediate
393.26 custody unless the court receives a written report, signed under penalty of perjury pursuant
393.27 to section 358.116, showing probable cause to believe the person violated probation and
393.28 establishing by a preponderance of the evidence that the continued presence of the person
393.29 in the community would present a risk to public safety. If the court does not direct that the
393.30 person be taken into custody, the court may request a supplemental report from the
393.31 supervising agent containing:

- 394.1 (1) the specific nature of the violation;
394.2 (2) the response of the person under supervision to the violation, if any; and
394.3 (3) the actions the supervising agent has taken or will take to address the violation.

394.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
394.5 that occur on or after that date.

394.6 Sec. 34. **REVISOR INSTRUCTION.**

394.7 As a result of amendments to Minnesota Statutes, chapters 244 and 401, the revisor of
394.8 statutes must work with the Department of Corrections to correct cross-references in
394.9 Minnesota Statutes and Minnesota Rules and make any other necessary grammatical changes.

394.10 Sec. 35. **REPEALER.**

394.11 (a) Minnesota Statutes 2022, section 241.272, is repealed.

394.12 (b) Minnesota Statutes 2022, sections 244.196; 244.22; 244.32; and 401.07, are repealed.

394.13 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2023.

394.14 **ARTICLE 18**

394.15 **SUPERVISED RELEASE BOARD; LIFE SENTENCES FOR CERTAIN OFFENDERS**

394.16 Section 1. **[244.049] SUPERVISED RELEASE BOARD.**

394.17 **Subdivision 1. Establishment; membership.** (a) The Supervised Release Board is
394.18 established to review eligible cases and make release and final discharge decisions for:

394.19 (1) inmates serving life sentences with the possibility of parole or supervised release
394.20 under sections 243.05, subdivision 1, and 244.05, subdivision 5;

394.21 (2) inmates serving indeterminate sentences for crimes committed on or before April
394.22 30, 1980; and

394.23 (3) inmates eligible for early supervised release under section 244.05, subdivision 4a.

394.24 (b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge
394.25 previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph
394.26 (a), and 3; 244.08; and 609.12 is transferred to the board.

394.27 (c) The board consists of the following members:

395.1 (1) four individuals appointed by the governor who meet at least one of the following
395.2 qualifications:

395.3 (i) a degree from an accredited law school or a bachelor's, master's, or doctorate degree
395.4 in criminology, corrections, social work, or a related social science;

395.5 (ii) five years of experience in corrections, a criminal justice or community corrections
395.6 field, rehabilitation programming, behavioral health, or criminal law; or

395.7 (iii) demonstrated knowledge of victim issues and correctional processes;

395.8 (2) two individuals appointed by the governor with an academic degree in neurology,
395.9 psychology, or a comparable field and who have expertise in the neurological development
395.10 of juveniles; and

395.11 (3) the commissioner, who serves as chair.

395.12 (d) The majority leader of the senate, minority leader of the senate, speaker of the house,
395.13 and minority leader of the house shall each recommend two candidates for appointment to
395.14 the positions described in paragraph (c), clause (1).

395.15 Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered
395.16 terms, but the terms of the initial members are as follows:

395.17 (1) three members must be appointed for terms that expire January 1, 2026; and

395.18 (2) three members must be appointed for terms that expire January 1, 2028.

395.19 (b) An appointed member is eligible for reappointment and a vacancy must be filled
395.20 according to subdivision 1.

395.21 (c) For appointed members, compensation and removal are as provided in section 15.0575,
395.22 but the compensation rate is \$250 a day or part of the day spent on board activities.

395.23 Subd. 3. **Quorum; compensation; administrative duties.** (a) To make release and final
395.24 discharge decisions for eligible cases described in subdivision 1, paragraph (a), clause (1),
395.25 when the inmate was 18 years of age or older at the time of the commission of the offense,
395.26 and clause (2), the board must comprise a majority of the five members identified in
395.27 subdivision 1, paragraph (c), clauses (1) and (3). The members described in subdivision 1,
395.28 paragraph (c), clause (2) are ineligible to vote on those cases.

395.29 (b) To make release and final discharge decisions for eligible cases described in
395.30 subdivision 1, paragraph (a), clause (1), when the inmate was under 18 years of age at the
395.31 time of the commission of the offense, and clause (3), the board must comprise a majority

396.1 of all seven members and include at least one member identified in subdivision 1, paragraph
396.2 (c), clause (2).

396.3 (c) An appointed board member must visit at least one state correctional facility every
396.4 12 months.

396.5 (d) The commissioner must provide the board with personnel, supplies, equipment,
396.6 office space, and other administrative services necessary and incident to fulfilling the board's
396.7 functions.

396.8 Subd. 4. **Limitation.** Nothing in this section:

396.9 (1) supersedes the commissioner's authority to set conditions of release or revoke an
396.10 inmate's release for violating any of the conditions; or

396.11 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
396.12 case.

396.13 Subd. 5. **Report.** (a) Beginning February 15, 2025, and each February 15 thereafter, the
396.14 board must submit to the chairs and ranking minority members of the legislative committees
396.15 with jurisdiction over criminal justice policy a written report that:

396.16 (1) details the number of inmates reviewed;

396.17 (2) identifies inmates granted release or final discharge in the preceding year;

396.18 (3) specifies the length of time served by individuals granted release or final discharge
396.19 in the preceding year before that release or discharge;

396.20 (4) identifies any individual granted release or final discharge in the preceding year who
396.21 will remain in custody as the result of a consecutive sentence;

396.22 (5) identifies the number of prior reviews of inmates who were granted release or final
396.23 discharge and inmates who were denied release or final discharge;

396.24 (6) specifies the underlying offense of inmates who were granted release or final discharge
396.25 and inmates who were denied release or final discharge; and

396.26 (7) provides demographic data of inmates who were granted release or final discharge
396.27 and inmates who were denied release or final discharge, including whether any of the
396.28 individuals were under 18 years of age at the time of committing the offense.

396.29 (b) The report must also include the board's recommendations to the commissioner for
396.30 policy modifications that influence the board's duties.

397.1 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

397.2 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
397.3 **1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison
397.4 for a felony offense committed on or after August 1, 1993, shall serve a supervised release
397.5 term upon completion of the inmate's term of imprisonment and any disciplinary confinement
397.6 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
397.7 adopted by the commissioner or refusal to participate in a rehabilitative program required
397.8 under section 244.03. The amount of time the inmate serves on supervised release shall be
397.9 equal in length to the amount of time remaining in the inmate's executed sentence after the
397.10 inmate has served the term of imprisonment and any disciplinary confinement period imposed
397.11 by the commissioner.

397.12 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
397.13 program as required under section 244.03 shall be placed on supervised release until the
397.14 inmate has served the disciplinary confinement period for that disciplinary sanction or until
397.15 the inmate is discharged or released from punitive segregation confinement, whichever is
397.16 later. The imposition of a disciplinary confinement period shall be considered to be a
397.17 disciplinary sanction imposed upon an inmate, and the procedure for imposing the
397.18 disciplinary confinement period and the rights of the inmate in the procedure shall be those
397.19 in effect for the imposition of other disciplinary sanctions at each state correctional institution.

397.20 Sec. 3. Minnesota Statutes 2022, section 244.05, subdivision 4, is amended to read:

397.21 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
397.22 life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph
397.23 (a), must not be given supervised release under this section.

397.24 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
397.25 under section 609.185, paragraph (a), clause (3), (5), or (6), or section 609.2661, clause (3);
397.26 or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised
397.27 release under this section without having served a minimum term of 30 years.

397.28 (c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
397.29 under section 609.385 must not be given supervised release under this section without having
397.30 served a minimum term of imprisonment of 17 years.

397.31 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
397.32 or 4, must not be given supervised release under this section without having served the
397.33 minimum term of imprisonment specified by the court in its sentence.

398.1 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
398.2 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
398.3 section without having served a minimum term of imprisonment specified in subdivision
398.4 4b.

398.5 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
398.6 or (c) who was under 18 years of age at the time of the commission of the offense must not
398.7 be given supervised release under this section without having served a minimum term of
398.8 imprisonment specified in subdivision 4b.

398.9 Sec. 4. Minnesota Statutes 2022, section 244.05, is amended by adding a subdivision to
398.10 read:

398.11 Subd. 4a. **Eligibility for early supervised release; offenders who were under 18 at**
398.12 **the time of offense.** Notwithstanding any other provision of law, any person who was under
398.13 the age of 18 at the time of the commission of an offense is eligible for early supervised
398.14 release if the person is serving an executed sentence that exceeds the minimum term of
398.15 imprisonment specified in subdivision 4b.

398.16 Sec. 5. Minnesota Statutes 2022, section 244.05, is amended by adding a subdivision to
398.17 read:

398.18 Subd. 4b. **Offenders who were under 18 at the time of offense; minimum terms of**
398.19 **imprisonment.** Any person serving one or more mandatory life sentences or any combination
398.20 of sentences that include combined terms of imprisonment that exceed the applicable
398.21 minimum term specified in this section is eligible for supervised release if the person was
398.22 under the age of 18 at the time of the commission of the relevant offenses and has served
398.23 a minimum of:

398.24 (1) 15 years if the person:

398.25 (i) received a determinate sentence with a period of imprisonment of more than 15 years;

398.26 (ii) received separate, consecutive, executed determinate sentences for two or more
398.27 crimes that include combined terms of imprisonment that total more than 15 years and do
398.28 not involve separate victims; or

398.29 (iii) was sentenced to one mandatory life sentence that is not consecutive to any other
398.30 sentence involving a separate victim and to which no other sentence involving a separate
398.31 victim is consecutive;

398.32 (2) 20 years if the person:

399.1 (i) received separate, consecutive, executed determinate sentences for two or more crimes
399.2 that include combined terms of imprisonment that total more than 20 years and involved
399.3 separate victims;

399.4 (ii) was sentenced to one mandatory life sentence that is consecutive to any determinate
399.5 sentence involving a separate victim or to which a determinate sentence involving a separate
399.6 victim is consecutive; or

399.7 (iii) was sentenced to two consecutive mandatory life sentences; or

399.8 (3) 30 years if the person was sentenced to three or more consecutive life sentences.

399.9 Sec. 6. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

399.10 **Subd. 5. Supervised release, life sentence and indeterminate sentences.** (a) The
399.11 ~~commissioner of corrections~~ board may, under rules ~~promulgated~~ adopted by the
399.12 commissioner, ~~give grant~~ supervised release or parole as follows:

399.13 (1) to an inmate serving a mandatory life sentence under section 609.185, paragraph (a),
399.14 clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004,
399.15 section 609.109, subdivision 3, after the inmate has served the minimum term of
399.16 imprisonment specified in subdivision 4 or section 243.05, subdivision 1, paragraph (a);

399.17 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
399.18 committed on or before April 30, 1980; or

399.19 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate
399.20 has served the minimum term of imprisonment.

399.21 (b) For cases involving multiple sentences, the board must grant or deny supervised
399.22 release as follows:

399.23 (1) if an inmate is serving multiple sentences that are concurrent to one another, the
399.24 board must grant or deny supervised release on all unexpired sentences; and

399.25 (2) notwithstanding any other law to the contrary, if an inmate who was under the age
399.26 of 18 at the time of the commission of the relevant offenses and has served the minimum
399.27 term of imprisonment specified in subdivision 4b is serving multiple sentences that are
399.28 consecutive to one another, the board may grant or deny supervised release on one or more
399.29 sentences.

399.30 (c) No less than three years before an inmate has served the applicable minimum term
399.31 of imprisonment, the board must assess the inmate's status and make programming

400.1 recommendations relevant to the inmate's release review. The commissioner must ensure
400.2 that any board programming recommendations are followed and implemented.

400.3 (d) The board must conduct a supervised release review hearing as soon as practicable
400.4 before an inmate has served the applicable minimum term of imprisonment.

400.5 ~~(b)~~ (e) The commissioner board shall require the preparation of a community investigation
400.6 report and shall consider the findings of the report when making a supervised release decision
400.7 under this subdivision. The report shall:

400.8 (1) reflect the sentiment of the various elements of the community toward the inmate,
400.9 both at the time of the offense and at the present time. The report shall;

400.10 (2) include the views of the sentencing judge, the prosecutor, any law enforcement
400.11 personnel who may have been involved in the case, and any successors to these individuals
400.12 who may have information relevant to the supervised release decision. The report shall also;
400.13 and

400.14 (3) include the views of the victim and the victim's family unless the victim or the victim's
400.15 family chooses not to participate.

400.16 (f) The board shall require the preparation of a development report when making a
400.17 supervised release decision regarding an inmate who was under 18 years of age at the time
400.18 of the commission of the offense. The report must be prepared by a mental health professional
400.19 qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to
400.20 (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The
400.21 board may use a previous report that was prepared within 12 months immediately preceding
400.22 the hearing.

400.23 ~~(e)~~ (g) The commissioner board shall make reasonable efforts to notify the victim, in
400.24 advance, of the time and place of the inmate's supervised release review hearing. The victim
400.25 has a right to submit an oral or written statement at the review hearing. The statement may
400.26 summarize the harm suffered by the victim as a result of the crime and give the victim's
400.27 recommendation on whether the inmate should be given supervised release at this time. The
400.28 commissioner must consider the victim's statement when making the supervised release
400.29 decision.

400.30 (h) The board shall permit a prosecutor from the office that prosecuted the case to submit
400.31 a written statement in advance of the review hearing.

401.1 ~~(d)~~ (i) When considering whether to give grant supervised release or parole to an inmate
 401.2 serving a life sentence ~~under section 609.3455, subdivision 3 or 4~~ or indeterminate sentence,
 401.3 the ~~commissioner~~ board shall consider, at a minimum, the following:

401.4 (1) the report prepared pursuant to paragraph (e);

401.5 (2) the report prepared pursuant to paragraph (f), if applicable;

401.6 (3) a victim statement under paragraph (g), if submitted;

401.7 (4) the statement of a prosecutor under paragraph (h), if submitted;

401.8 (5) the risk the inmate poses to the community if released;

401.9 (6) the inmate's progress in treatment, if applicable;

401.10 (7) the inmate's behavior while incarcerated;

401.11 (8) psychological or other diagnostic evaluations of the inmate;

401.12 (9) information on the inmate's rehabilitation while incarcerated;

401.13 (10) the inmate's criminal history;

401.14 (11) if the inmate was under 18 years of age at the time of the commission of the offense,
 401.15 relevant science on the neurological development of juveniles and information on the inmate's
 401.16 maturity and development while incarcerated; and

401.17 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.

401.18 (j) The ~~commissioner~~ board may not give grant supervised release or parole to the an
 401.19 inmate unless:

401.20 (1) while in prison:

401.21 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

401.22 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
 401.23 has successfully completed substance use disorder treatment; and

401.24 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 401.25 successfully completed mental health treatment; and

401.26 (2) a comprehensive individual release plan is in place for the inmate that:

401.27 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
 401.28 aftercare and community-based treatment. ~~The comprehensive plan also must include;~~ and

401.29 (ii) includes a postprison employment or education plan for the inmate.

402.1 (k) Supervised release or parole must be granted with a majority vote of the quorum
402.2 required under section 244.049, subdivision 3. If there is a tie vote, supervised release or
402.3 parole is granted only if the commissioner votes in favor of granting supervised release or
402.4 parole.

402.5 (l) Within 30 days after a supervised release review hearing, the board must issue a
402.6 decision on granting release, including an explanation for the decision. If an inmate is serving
402.7 multiple sentences that are concurrent to one another, the board must grant or deny supervised
402.8 release on all sentences.

402.9 (m) If the board does not grant supervised release, the explanation of that decision must
402.10 identify specific steps that the inmate can take to increase the likelihood that release will
402.11 be granted at a future hearing.

402.12 (n) When granting supervised release under this subdivision, the board must set prerelease
402.13 conditions to be followed by the inmate, if time permits, before their actual release or before
402.14 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
402.15 the commissioner may rescind the grant of supervised release without a hearing at any time
402.16 before the inmate's release or before constructive parole becomes effective. A grant of
402.17 constructive parole becomes effective once the inmate begins serving the consecutive
402.18 sentence.

402.19 (o) If the commissioner rescinds a grant of supervised release or parole, the board:

402.20 (1) must set a release review date that occurs within 90 days of the commissioner's
402.21 rescission; and

402.22 (2) by majority vote, may set a new supervised release date or set another review date.

402.23 (p) If the commissioner revokes supervised release or parole for an inmate serving a life
402.24 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

402.25 (1) must set a release review date that occurs within one year of the commissioner's final
402.26 revocation decision; and

402.27 (2) by majority vote, may set a new supervised release date or set another review date.

402.28 (q) The board may, by a majority vote, grant a person on supervised release or parole
402.29 for a life or indeterminate sentence a final discharge from their sentence in accordance with
402.30 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
402.31 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
402.32 that term.

403.1 ~~(e) As used in~~ (r) For purposes of this subdivision;

403.2 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

403.3 (2) "constructive parole" means the status of an inmate who has been paroled from an
403.4 indeterminate sentence to begin serving a consecutive sentence in prison; and

403.5 ~~(3) "victim" means the individual who suffered harm as a result of the inmate's crime~~
403.6 ~~or, if the individual is deceased, the deceased's surviving spouse or next of kin~~ has the
403.7 meaning given in section 611A.01, paragraph (b).

403.8 Sec. 7. Minnesota Statutes 2022, section 244.101, subdivision 1, is amended to read:

403.9 Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision
403.10 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed
403.11 on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified
403.12 minimum term of imprisonment that is equal to two-thirds of the executed sentence; and
403.13 (2) a specified maximum supervised release term that is equal to one-third of the executed
403.14 sentence. The amount of time the inmate actually serves in prison and on supervised release
403.15 is subject to the provisions of section 244.05, subdivision 1b.

403.16 Sec. 8. Minnesota Statutes 2022, section 609.106, subdivision 2, is amended to read:

403.17 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall
403.18 sentence a person to life imprisonment without possibility of release under the following
403.19 circumstances:

403.20 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
403.21 clause (1), (2), (4), or (7), or murder of unborn child in the first degree under section
403.22 609.2661, clause (1) or (2);

403.23 (2) the person is convicted of committing first-degree murder in the course of a
403.24 kidnapping under section 609.185, paragraph (a), clause (3), or murder of unborn child in
403.25 the first degree in the course of a kidnapping under section 609.2661, clause (3); or

403.26 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
403.27 clause (3), (5), or (6), or murder of unborn child in the first degree under section 609.2661,
403.28 clause (3), and the court determines on the record at the time of sentencing that the person
403.29 has one or more previous convictions for a heinous crime.

404.1 Sec. 9. Minnesota Statutes 2022, section 609.106, is amended by adding a subdivision to
404.2 read:

404.3 Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person
404.4 who was under 18 years of age at the time of the commission of an offense under the
404.5 circumstances described in subdivision 2 to imprisonment for life.

404.6 Sec. 10. Minnesota Statutes 2022, section 609.3455, subdivision 2, is amended to read:

404.7 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
404.8 **offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum
404.9 penalty otherwise applicable to the offense, the court shall sentence a person convicted
404.10 under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a,
404.11 clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
404.12 (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of
404.13 release if:

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

404.15 (2) the person has a previous sex offense conviction for a violation of section 609.342,
404.16 609.343, 609.344, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines
404.17 that a heinous element exists for the present offense.

404.18 (b) A fact finder may not consider a heinous element if it is an element of the underlying
404.19 specified violation of section 609.342 or 609.343. In addition, when determining whether
404.20 two or more heinous elements exist, the fact finder may not use the same underlying facts
404.21 to support a determination that more than one element exists.

404.22 (c) The court shall sentence a person who was under 18 years of age at the time of the
404.23 commission of an offense described in paragraph (a) to imprisonment for life.

404.24 Sec. 11. Minnesota Statutes 2022, section 609.3455, subdivision 5, is amended to read:

404.25 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
404.26 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
404.27 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
404.28 served before the offender may be considered for supervised release. If the offender was
404.29 under 18 years of age at the time of the commission of the offense, the minimum term of
404.30 imprisonment specified by the court shall not exceed the applicable minimum term of
404.31 imprisonment described in subdivision 4b.

405.1 Sec. 12. SUPERVISED RELEASE BOARD; TRANSITION PERIOD.

405.2 (a) Notwithstanding Minnesota Statutes, section 244.049, subdivision 1, paragraph (a),
405.3 the Supervised Release Board must not begin to review eligible cases and make release and
405.4 final discharge decisions until July 1, 2024.

405.5 (b) Notwithstanding the board's responsibilities under Minnesota Statutes, section 244.05,
405.6 subdivision 4a, and beginning July 1, 2023, through June 30, 2024, the commissioner of
405.7 corrections may review eligible cases under Minnesota Statutes, section 244.05, subdivision
405.8 4a, and make necessary release decisions and programming recommendations relevant to
405.9 the commissioner's review in accordance with Minnesota Statutes, section 244.05, subdivision
405.10 5. The commissioner may only review cases and make decisions under this paragraph after
405.11 an eligible individual has served at least 15 years of imprisonment.

405.12 Sec. 13. REVISOR INSTRUCTION.

405.13 Where necessary to reflect the transfer under Minnesota Statutes, section 244.049,
405.14 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner
405.15 of corrections" to "Supervised Release Board" or "board" in Minnesota Statutes, sections
405.16 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 and make any other
405.17 necessary grammatical changes.

405.18 Sec. 14. EFFECTIVE DATE.

405.19 Sections 2 to 4 and 6 to 10 are effective July 1, 2023, and apply to offenders sentenced
405.20 on or after that date and retroactively to offenders:

405.21 (1) sentenced to life imprisonment without possibility of release following a conviction
405.22 under Minnesota Statutes, section 609.185, paragraph (a), for an offense committed when
405.23 the offender was under 18 years of age and when a sentence was imposed pursuant to
405.24 Minnesota Statutes, section 609.106, subdivision 2;

405.25 (2) sentenced to life imprisonment without possibility of release following a conviction
405.26 under Minnesota Statutes, section 609.3455, subdivision 2, for an offense committed when
405.27 the offender was under 18 years of age;

405.28 (3) sentenced to life imprisonment under Minnesota Statutes, section 609.185, paragraph
405.29 (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, for
405.30 an offense committed when the offender was under 18 years of age;

405.31 (4) sentenced to life imprisonment under Minnesota Statutes, section 609.2661, for an
405.32 offense committed when the offender was under 18 years of age;

406.1 (5) sentenced to life imprisonment under Minnesota Statutes, section 609.385, for an
 406.2 offense committed when the offender was under 18 years of age;

406.3 (6) sentenced to life imprisonment under Minnesota Statutes, section 609.3455,
 406.4 subdivision 3 or 4, if the minimum term of imprisonment specified by the court in its sentence
 406.5 exceeds 15 years for an offense committed when the offender was under 18 years of age;
 406.6 or

406.7 (7) sentenced to an executed sentence that includes a term of imprisonment of more than
 406.8 15 years or separate, consecutive executed sentences for two or more crimes that include
 406.9 combined terms of imprisonment that total more than 15 years for an offense committed
 406.10 when the offender was under 18 years of age.

406.11 **ARTICLE 19**

406.12 **CIVIL LAW**

406.13 **A. CIVIL LAW, PROPERTY, AND BOARD MEMBERSHIP**

406.14 Section 1. Minnesota Statutes 2022, section 15.0597, subdivision 1, is amended to read:

406.15 Subdivision 1. **Definitions.** (a) As used in this section, the following terms shall have
 406.16 the meanings given them.

406.17 (b) "Agency" means (1) a state board, commission, council, committee, authority, task
 406.18 force, including an advisory task force created under section 15.014 or 15.0593, a group
 406.19 created by executive order of the governor, or other similar multimember agency created
 406.20 by law and having statewide jurisdiction; and (2) the Metropolitan Council, metropolitan
 406.21 agency, Capitol Area Architectural and Planning Board, and any agency with a regional
 406.22 jurisdiction created in this state pursuant to an interstate compact.

406.23 (c) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency,
 406.24 or (2) a new, unfilled agency position. ~~Vacancy includes a position that is to be filled through~~
 406.25 ~~appointment of a nonlegislator by a legislator or group of legislators;~~ Vacancy does not
 406.26 mean (1) a vacant position on an agency composed exclusively of persons employed by a
 406.27 political subdivision or another agency, ~~or~~ (2) a vacancy to be filled by a person required
 406.28 to have a specific title or position, (3) a vacancy that is to be filled through appointment of
 406.29 a legislator by a legislator or group of legislators, or (4) a position appointed by a private
 406.30 entity or individual, in the manner specified in the document creating the agency, unless
 406.31 otherwise provided.

406.32 (d) "Secretary" means the secretary of state.

407.1 (e) "Appointing authority" means the individual or entity with the specific authority to
407.2 appoint open or direct appointment positions. This includes, but is not limited to, the
407.3 governor, state agency commissioners, indigenous Tribal leaders, designated legislative
407.4 leaders and local agency heads, persons who have been specifically delegated the authority
407.5 to make those appointments, or private entities or persons as designated by the document
407.6 creating the agency. Appointments should be evidenced by a document signed by the
407.7 appointing authority's most senior official. Appointments that do not specify an appointing
407.8 authority shall be made in the manner provided in section 4.04.

407.9 (f) "Direct appointments" means: (1) the appointment of members to an agency, pursuant
407.10 to a process not subject to this section; and (2) those members of an agency appointed
407.11 through a process not subject to this section. Direct appointments must be provided for
407.12 specifically in the documents creating the agency, whether enabling law, executive order,
407.13 commissioner's order, or otherwise.

407.14 Sec. 2. Minnesota Statutes 2022, section 15.0597, subdivision 4, is amended to read:

407.15 Subd. 4. **Notice of vacancies.** The chair of an existing agency, shall notify the secretary
407.16 by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration
407.17 of membership terms at least 45 days before the vacancy occurs. The chair of an existing
407.18 agency ~~shall give electronic notification to~~ must notify the secretary of each vacancy
407.19 occurring as a result of newly created agency positions and of every other vacancy occurring
407.20 for any reason other than the expiration of membership terms as soon as possible upon
407.21 learning of the vacancy and in any case within 15 days after the occurrence of the vacancy.
407.22 The chair may submit vacancy notices by posting seat openings on the secretary of state's
407.23 boards and commissions website.

407.24 (b) If a vacancy is to be appointed by the governor, the chair must first notify the governor
407.25 and receive permission to post the vacancy. Where a vacancy is created by resignation, the
407.26 vacancy may not be posted until receipt and acceptance of the resignation of the incumbent
407.27 as provided by section 351.01, subdivision 1, clause (2), is confirmed by the governor.

407.28 (c) The appointing authority for newly created agencies shall give electronic notification
407.29 to the secretary of all vacancies in the new agency within 15 days after the creation of the
407.30 agency. The secretary may require the submission of notices required by this subdivision
407.31 by electronic means.

407.32 (d) The secretary shall publish monthly on the website of the secretary of state a list of
407.33 all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall
407.34 be so published, unless the appointing authority rejects all applicants and requests the

408.1 secretary to republish the notice of vacancy. One copy of the listing shall be made available
408.2 at the office of the secretary to any interested person. The secretary shall distribute by mail
408.3 or electronic means copies of the listings to requesting persons.

408.4 (e) The listing for all vacancies scheduled to occur in the month of January shall be
408.5 published on the website of the secretary of state together with the compilation of agency
408.6 data required to be published pursuant to subdivision 3.

408.7 (f) If a vacancy occurs within three months after an appointment is made to fill a regularly
408.8 scheduled vacancy, the appointing authority may, upon notification by electronic means to
408.9 the secretary, fill the vacancy by appointment from the list of persons submitting applications
408.10 to fill the regularly scheduled vacancy.

408.11 Sec. 3. Minnesota Statutes 2022, section 15.0597, subdivision 5, is amended to read:

408.12 Subd. 5. **Nominations for vacancies.** Any person may make a self-nomination for
408.13 appointment to an agency vacancy by completing an application on a form prepared and
408.14 distributed by the secretary. The secretary may provide for the submission of the application
408.15 by electronic means. Any person or group of persons may, on the prescribed application
408.16 form, nominate another person to be appointed to a vacancy so long as the person so
408.17 nominated consents on the application form to the nomination. The application form shall
408.18 specify the nominee's name, mailing address, electronic mail address, telephone number,
408.19 preferred agency position sought, a statement that the nominee satisfies any legally prescribed
408.20 qualifications, ~~a statement whether the applicant has ever been convicted of a felony,~~ and
408.21 any other information the nominating person feels would be helpful to the appointing
408.22 authority. The nominating person has the option of indicating the nominee's sex, political
408.23 party preference or lack thereof, status with regard to disability, race, veteran status, and
408.24 national origin on the application form. The application form shall make the option known.
408.25 If a person submits an application at the suggestion of an appointing authority, the person
408.26 shall so indicate on the application form. Twenty-one days after publication of a vacancy
408.27 on the website of the secretary of state pursuant to subdivision 4, the secretary shall submit
408.28 electronic copies of all applications received for a position to the appointing authority
408.29 charged with filling the vacancy. ~~If no applications have been received by the secretary for~~
408.30 ~~the vacant position by the date when electronic copies must be submitted to the appointing~~
408.31 ~~authority, the secretary shall so inform the appointing authority.~~ Applications received by
408.32 the secretary shall be deemed to have expired one year after receipt of the application. An
408.33 application for a particular agency position shall be deemed to be an application for all

409.1 vacancies in that agency occurring prior to the expiration of the application and shall be
409.2 public information.

409.3 Sec. 4. Minnesota Statutes 2022, section 15.0597, subdivision 6, is amended to read:

409.4 Subd. 6. **Appointments.** (a) In making an appointment to a vacant agency position, the
409.5 appointing authority shall consider applications for positions in that agency supplied by the
409.6 secretary. No appointing authority may appoint someone to a vacant agency position until
409.7 (1) ten five days after receipt of the applications for positions in that agency from the
409.8 secretary or (2) receipt of notice from the secretary that no applications have been received
409.9 for vacant positions in that agency as provided for in subdivision 5. At least five days before
409.10 the date of appointment, the appointing authority shall issue a public announcement and
409.11 inform the secretary by electronic means of the name of the person the appointing authority
409.12 intends to appoint has appointed to fill the agency vacancy and the expiration date of that
409.13 person's term.

409.14 (b) No person may serve in a position until the appointing authority has submitted either
409.15 (1) a signed notice of appointment or (2) the documents required by paragraph (e) to the
409.16 secretary of state, and the term of the appointee may not commence on a date preceding the
409.17 date of the signature on the notice of appointment or the paragraph (e) submission.

409.18 (c) An oath of office for each appointee to an agency must be submitted to the secretary
409.19 of state under section 358.05.

409.20 (d) If the appointing authority intends to appoint a person other than one for whom an
409.21 application was submitted pursuant to this section, the appointing authority shall complete
409.22 an application form on behalf of the appointee and submit it to the secretary indicating on
409.23 the application that it is submitted by the appointing authority.

409.24 (e) An appointing authority making a direct appointment must submit a letter to the
409.25 secretary of state stating the name of the person appointed, the agency and the specific seat
409.26 to which they are appointed, contact information, the date on which the term begins, and
409.27 length of the term.

409.28 (f) No person may simultaneously occupy more than one position on the same agency
409.29 board. Appointment or designation of a member as chair of an agency does not constitute
409.30 a violation of this paragraph.

409.31 Sec. 5. Minnesota Statutes 2022, section 168B.07, subdivision 3, is amended to read:

409.32 Subd. 3. **Retrieval of contents; right to reclaim.** (a) For purposes of this subdivision:

410.1 (1) "contents" does not include any permanently affixed mechanical or nonmechanical
410.2 automobile parts; automobile body parts; or automobile accessories, including audio or
410.3 video players; and

410.4 (2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary
410.5 Work Program, medical assistance, general assistance, emergency general assistance,
410.6 Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental
410.7 Security Income, energy assistance, emergency assistance, Supplemental Nutrition Assistance
410.8 Program (SNAP) benefits, earned income tax credit, or Minnesota working family tax credit.

410.9 (b) A unit of government or impound lot operator ~~shall~~ must establish reasonable
410.10 procedures for retrieval of vehicle contents, and may establish reasonable procedures to
410.11 protect the safety and security of the impound lot and its personnel.

410.12 (c) At any time before the expiration of the waiting periods provided in section 168B.051,
410.13 a registered owner of a vehicle who provides proof of identity that includes photographic
410.14 identification and documentation from a government or nonprofit agency or legal aid office
410.15 that the registered owner is homeless, receives relief based on need, or is eligible for legal
410.16 aid services, has the unencumbered right to retrieve any and all contents without charge and
410.17 regardless of whether the registered owner pays incurred charges or fees, transfers title, or
410.18 reclaims the vehicle. A refusal by the impound lot operator to allow the registered owner
410.19 to retrieve the vehicle contents after the owner provides valid documentation is a violation
410.20 of this paragraph.

410.21 (d) An impound lot operator may make copies of the documents presented by the
410.22 registered owner under paragraph (c), and the impound lot operator must return all of the
410.23 original documents to the registered owner immediately after copying them.

410.24 Sec. 6. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
410.25 read:

410.26 Subd. 3a. **Retrieval of contents; identification, medicine, and medical equipment.** An
410.27 impound lot operator must allow any registered vehicle owner to retrieve, or must retrieve
410.28 for the vehicle owner, the following from the impounded vehicle: proof of identification;
410.29 prescription medicine; and durable medical equipment, including but not limited to
410.30 wheelchairs, prosthetics, canes, crutches, walkers, and external braces.

411.1 Sec. 7. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
411.2 read:

411.3 Subd. 3b. **Retrieval of contents; notice of denial.** (a) This subdivision applies to an
411.4 impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit
411.5 of government exclusively contracts to operate an impound lot solely for public use under
411.6 section 168B.09.

411.7 (b) An impound lot operator who denies a request of a registered vehicle owner to retrieve
411.8 vehicle contents after the registered owner presents documentation pursuant to subdivision
411.9 3, paragraph (c), must, at the time of denial, provide the registered owner with a written
411.10 statement that identifies the specific reasons for the denial.

411.11 Sec. 8. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
411.12 read:

411.13 Subd. 3c. **Retrieval of contents; public notice.** (a) This subdivision applies to an
411.14 impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit
411.15 of government exclusively contracts to operate an impound lot solely for public use under
411.16 section 168B.09.

411.17 (b) An impound lot operator must post a conspicuous notice at its place of operation in
411.18 the following form:

411.19 "If you receive government benefits, are currently homeless, or are eligible for legal aid
411.20 services, you have the right to get the contents out of your car free of charge IF you provide:

411.21 (1) a photo ID (such as a driver's license, passport, or employer ID); AND

411.22 (2) documentation from a government or nonprofit agency or from a legal aid office that
411.23 shows you get benefits from a government program based on your income, you are homeless,
411.24 or you are eligible for legal aid services. Examples of this documentation include BUT ARE
411.25 NOT LIMITED TO:

411.26 - an EBT card;

411.27 - a Medical Assistance or MinnesotaCare card;

411.28 - a Supplemental Nutrition Assistance Program (SNAP) card; and

411.29 - a letter, email, or other document from a government agency, nonprofit organization,
411.30 or legal aid organization showing that you get benefits from a government program based
411.31 on your income, you are homeless, or you are eligible for legal aid services."

412.1 Sec. 9. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to
412.2 read:

412.3 Subd. 3d. **Retrieval of contents; remedy.** (a) This subdivision applies to an impound
412.4 lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government
412.5 exclusively contracts to operate an impound lot solely for public use under section 168B.09.

412.6 (b) If an impound lot operator denies the registered owner the right to retrieve the vehicle
412.7 contents in violation of subdivision 3, paragraph (c), an aggrieved registered vehicle owner
412.8 has a cause of action against the impound lot operator as provided in this subdivision.

412.9 (c) If the vehicle and its contents remain in the possession of the impound lot operator
412.10 and retrieval of the vehicle contents was denied in violation of subdivision 3, paragraph (c),
412.11 an aggrieved registered vehicle owner is entitled to injunctive relief to retrieve the vehicle
412.12 contents as well as reasonable attorney fees and costs.

412.13 (d) If an impound lot operator sells or disposes of the vehicle contents after the registered
412.14 owner has provided the documentation required under subdivision 3, paragraph (c), an
412.15 aggrieved registered vehicle owner is entitled to statutory damages in an amount of \$1,000
412.16 and reasonable attorney fees and costs. An action brought pursuant to this paragraph must
412.17 be brought within 12 months of when the vehicle was impounded.

412.18 Sec. 10. Minnesota Statutes 2022, section 169A.63, subdivision 8, is amended to read:

412.19 Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a
412.20 designated offense or used in conduct resulting in a designated license revocation is subject
412.21 to administrative forfeiture under this subdivision.

412.22 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
412.23 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
412.24 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
412.25 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
412.26 persons known to have an ownership, possessory, or security interest in the vehicle must
412.27 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
412.28 be registered under chapter 168, the notification to a person known to have a security interest
412.29 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
412.30 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
412.31 authority, a court may extend the time period for sending notice for a period not to exceed
412.32 90 days for good cause shown. Notice mailed by certified mail to the address shown in
412.33 Department of Public Safety records is sufficient notice to the registered owner of the

413.1 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
413.2 by certified mail to the address shown in the applicable filing or registration for the vehicle
413.3 is sufficient notice to a person known to have an ownership, possessory, or security interest
413.4 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
413.5 of a summons in a civil action.

413.6 (c) The notice must be in writing and contain:

413.7 (1) a description of the vehicle seized;

413.8 (2) the date of seizure; and

413.9 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for
413.10 obtaining that judicial review, printed in English. This requirement does not preclude the
413.11 appropriate agency from printing the notice in other languages in addition to English.

413.12 Substantially the following language must appear conspicuously in the notice:

413.13 "WARNING: If you were the person arrested when the property was seized, you will
413.14 automatically lose the above-described property and the right to be heard in court if you do
413.15 not file a lawsuit and serve the prosecuting authority within 60 days. You may file your
413.16 lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must
413.17 file in district court. You do not have to pay a filing fee for your lawsuit.

413.18 WARNING: If you have an ownership interest in the above-described property and were
413.19 not the person arrested when the property was seized, you will automatically lose the
413.20 above-described property and the right to be heard in court if you do not notify the
413.21 prosecuting authority of your interest in writing within 60 days."

413.22 (d) If notice is not sent in accordance with paragraph (b), and no time extension is granted
413.23 or the extension period has expired, the appropriate agency shall return the vehicle to the
413.24 owner. An agency's return of property due to lack of proper notice does not restrict the
413.25 agency's authority to commence a forfeiture proceeding at a later time.

413.26 (e) Within 60 days following service of a notice of seizure and forfeiture under this
413.27 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
413.28 demand must be in the form of a civil complaint and must be filed with the court
413.29 administrator in the county in which the seizure occurred, together with proof of service of
413.30 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture.
413.31 The claimant may serve the complaint by certified mail or any means permitted by court
413.32 rules. If the value of the seized property is \$15,000 or less, the claimant may file an action
413.33 in conciliation court for recovery of the seized vehicle. A copy of the conciliation court

414.1 statement of claim ~~must~~ may be served personally or ~~by mail~~ as permitted by the Rules of
414.2 Conciliation Court Procedure on the prosecuting authority having jurisdiction over the
414.3 forfeiture within 60 days following service of the notice of seizure and forfeiture under this
414.4 subdivision. The claimant does not have to pay the court filing fee.

414.5 No responsive pleading is required of the prosecuting authority and no court fees may
414.6 be charged for the prosecuting authority's appearance in the matter. The prosecuting authority
414.7 may appear for the appropriate agency. Pleadings, filings, and methods of service are
414.8 governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation
414.9 Court Procedure.

414.10 (f) The complaint must be captioned in the name of the claimant as plaintiff and the
414.11 seized vehicle as defendant, and must state with specificity the grounds on which the claimant
414.12 alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and
414.13 any affirmative defenses the claimant may have. Notwithstanding any law to the contrary,
414.14 an action for the return of a vehicle seized under this section may not be maintained by or
414.15 on behalf of any person who has been served with a notice of seizure and forfeiture unless
414.16 the person has complied with this subdivision.

414.17 (g) If the claimant makes a timely demand for a judicial determination under this
414.18 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
414.19 9.

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

414.21 Sec. 11. Minnesota Statutes 2022, section 259.11, is amended to read:

414.22 **259.11 ORDER; FILING COPIES.**

414.23 (a) Upon meeting the requirements of section 259.10, the court shall grant the application
414.24 unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits
414.25 granting the name change; or (3) in the case of the change of a minor child's name, the court
414.26 finds that such name change is not in the best interests of the child. The court shall set forth
414.27 in the order the name and age of the applicant's spouse and each child of the applicant, if
414.28 any, and shall state a description of the lands, if any, in which the applicant and the spouse
414.29 and children, if any, claim to have an interest. The court administrator shall file such order,
414.30 and record the same in the judgment book. If lands be described therein, a certified copy of
414.31 the order shall be filed for record, by the applicant, with the county recorder of each county
414.32 wherein any of the same are situated. Before doing so the court administrator shall present
414.33 the same to the county auditor who shall enter the change of name in the auditor's official

415.1 records and note upon the instrument, over an official signature, the words "change of name
415.2 recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until
415.3 the applicant shall have paid to the county recorder and court administrator the fee required
415.4 by law. No application shall be denied on the basis of the marital status of the applicant.

415.5 (b) When a person applies for a name change, the court shall determine whether the
415.6 person has a criminal history in this or any other state. The court may conduct a search of
415.7 national records through the Federal Bureau of Investigation by submitting a set of
415.8 fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is
415.9 determined that the person has a criminal history in this or any other state, the court shall,
415.10 within ten days after the name change application is granted, report the name change to the
415.11 Bureau of Criminal Apprehension. The person whose name is changed shall also report the
415.12 change to the Bureau of Criminal Apprehension within ten days. The court granting the
415.13 name change application must explain this reporting duty in its order. Any person required
415.14 to report the person's name change to the Bureau of Criminal Apprehension who fails to
415.15 report the name change as required under this paragraph is guilty of a gross misdemeanor.

415.16 (c) Paragraph (b) does not apply to ~~either~~:

415.17 (1) a request for a name change as part of an application for a marriage license under
415.18 section 517.08; ~~or~~

415.19 (2) a request for a name change in conjunction with a marriage dissolution under section
415.20 518.27; or

415.21 (3) a request for a name change filed under section 259.14.

415.22 Sec. 12. Minnesota Statutes 2022, section 259.13, subdivision 1, is amended to read:

415.23 Subdivision 1. **Procedure for seeking name change.** (a) A person with a felony
415.24 conviction under Minnesota law or the law of another state or federal jurisdiction shall serve
415.25 a notice of application for a name change on the prosecuting authority that obtained the
415.26 conviction against the person when seeking a name change through one of the following
415.27 procedures:

415.28 (1) an application for a name change under section 259.10;

415.29 ~~(2) a request for a name change as part of an application for a marriage license under~~
415.30 ~~section 517.08; or~~

415.31 ~~(3)~~ (2) a request for a name change in conjunction with a marriage dissolution under
415.32 section 518.27; or

416.1 (3) a request for a name change under section 259.14.

416.2 If the conviction is from another state or federal jurisdiction, notice of application must also
416.3 be served on the attorney general.

416.4 (b) A person who seeks a name change under section 259.10 or 518.27 shall file proof
416.5 of service with the court as part of the name change request. ~~A person who seeks a name~~
416.6 ~~change under section 517.08 shall file proof of service with the county as part of the~~
416.7 ~~application for a marriage license.~~

416.8 (c) The name change request may not be granted during the 30-day period provided for
416.9 in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the
416.10 requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a
416.11 marriage license under section 517.08, which may be granted without the name change.

416.12 Sec. 13. Minnesota Statutes 2022, section 259.13, subdivision 5, is amended to read:

416.13 Subd. 5. **Costs.** (a) Except as provided in paragraph (b), a person seeking a name change
416.14 under this section may proceed in forma pauperis only when the failure to allow the name
416.15 change would infringe upon a constitutional right.

416.16 (b) A court shall not require a person with a felony conviction to pay filing fees for a
416.17 name change application provided that the person files the action within 180 days after the
416.18 marriage and submits to the court a certified copy of the marriage certificate.

416.19 Sec. 14. **[259.14] POSTDISSOLUTION NAME CHANGE.**

416.20 (a) Unless section 259.13 applies, a person who has resided in this state for at least six
416.21 months and obtained the person's most recent final marriage dissolution from a district court
416.22 may apply to the district court in the county where the person resides to change the person's
416.23 name to the legal name on the person's birth certificate. A person applying for a name change
416.24 must submit a certified copy of the certificate of dissolution issued pursuant to section
416.25 518.148 and a certified copy of the person's birth certificate. A person applying for a name
416.26 change who obtained a divorce in a state other than Minnesota must submit a certified copy
416.27 of the certificate of dissolution or a certified copy of an equivalent court order ending the
416.28 marriage and a certified copy of the person's birth certificate.

416.29 (b) A court shall not require a person applying for a name change to pay filing fees for
416.30 an application submitted pursuant to this section. Notwithstanding section 259.10, a court
416.31 shall not require the person applying for a name change pursuant to this section to provide

417.1 proof of the person's identity by two witnesses unless the proof of identity is necessary to
417.2 determine whether the person has an intent to defraud or mislead the court.

417.3 (c) Upon meeting the requirements of this section, the court shall grant the application
417.4 for a name change unless the court finds that (1) the person has an intent to defraud or
417.5 mislead the court; or (2) the name change is subject to section 259.13. The court shall notify
417.6 the person applying for a name change that using a different surname without complying
417.7 with section 259.13, if applicable, is a gross misdemeanor.

417.8 Sec. 15. Minnesota Statutes 2022, section 325F.70, is amended by adding a subdivision
417.9 to read:

417.10 Subd. 3. **Private enforcement.** (a) In addition to the remedies otherwise provided by
417.11 law, a consumer injured by a violation of sections 325F.68 to 325F.70, in connection with
417.12 a sale of merchandise for personal, family, household, or agricultural purposes, may bring
417.13 a civil action and recover damages, together with costs and disbursements, including costs
417.14 of investigation and reasonable attorney fees, and receive other equitable relief as determined
417.15 by the court. An action brought under this section benefits the public.

417.16 (b) For the purposes of this subdivision:

417.17 (1) "consumer" means a natural person or family farmer;

417.18 (2) "family farmer" means a person or persons operating a family farm; and

417.19 (3) "family farm" has the meaning given in section 116B.02, subdivision 6.

417.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to causes
417.21 of action commenced on or after that date.

417.22 Sec. 16. Minnesota Statutes 2022, section 325F.992, subdivision 3, is amended to read:

417.23 Subd. 3. **Penalties; remedies.** In addition to any other remedies available under the law,
417.24 the military beneficiary injured by a violation of this section may bring a cause of action to
417.25 recover damages, reasonable attorney fees and costs, ~~or~~ and equitable relief related to a
417.26 violation of subdivision 2. The attorney general may enforce this section pursuant to
417.27 applicable law.

418.1 Sec. 17. Minnesota Statutes 2022, section 336.9-601, is amended to read:

418.2 **336.9-601 RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT;**
418.3 **CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT**
418.4 **INTANGIBLES, OR PROMISSORY NOTES.**

418.5 (a) **Rights of secured party after default.** After default, a secured party has the rights
418.6 provided in this part and, except as otherwise provided in section 336.9-602, those provided
418.7 by agreement of the parties. A secured party:

418.8 (1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security
418.9 interest, or agricultural lien by any available judicial procedure; and

418.10 (2) if the collateral is documents, may proceed either as to the documents or as to the
418.11 goods they cover.

418.12 (b) **Rights and duties of secured party in possession or control.** A secured party in
418.13 possession of collateral or control of collateral under section 336.7-106, 336.9-104,
418.14 336.9-105, 336.9-106, or 336.9-107 has the rights and duties provided in section 336.9-207.

418.15 (c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and
418.16 (b) are cumulative and may be exercised simultaneously.

418.17 (d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) and
418.18 section 336.9-605, after default, a debtor and an obligor have the rights provided in this part
418.19 and by agreement of the parties.

418.20 (e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment,
418.21 the lien of any levy that may be made upon the collateral by virtue of an execution based
418.22 upon the judgment relates back to the earliest of:

418.23 (1) the date of perfection of the security interest or agricultural lien in the collateral;

418.24 (2) the date of filing a financing statement covering the collateral; or

418.25 (3) any date specified in a statute under which the agricultural lien was created.

418.26 (f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest
418.27 or agricultural lien by judicial procedure within the meaning of this section. A secured party
418.28 may purchase at the sale and thereafter hold the collateral free of any other requirements
418.29 of this article.

418.30 (g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided
418.31 in section 336.9-607 (c), this part imposes no duties upon a secured party that is a consignor
418.32 or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

419.1 (h) **Security interest in collateral that is agricultural property; enforcement.** A
 419.2 person may not begin to enforce a security interest in collateral that is agricultural property
 419.3 subject to sections 583.20 to 583.32 that has secured a debt of more than the amount provided
 419.4 in section 583.24, subdivision 5, unless: a mediation notice under subsection (i) is served
 419.5 on the debtor after a condition of default has occurred in the security agreement and a copy
 419.6 served on the director of the ~~agricultural~~ Minnesota extension service; and the debtor and
 419.7 creditor have completed mediation under sections 583.20 to 583.32; or as otherwise allowed
 419.8 under sections 583.20 to 583.32.

419.9 (i) **Mediation notice.** A mediation notice under subsection (h) must contain the following
 419.10 notice with the blanks properly filled in.

419.11 "TO: ...(Name of Debtor)...

419.12 YOU HAVE DEFAULTED ON THE ...(Debt in Default)... SECURED BY
 419.13 AGRICULTURAL PROPERTY DESCRIBED AS ...(Reasonable Description of Agricultural
 419.14 Property Collateral). THE AMOUNT OF THE OUTSTANDING DEBT IS ...(Amount of
 419.15 Debt)...

419.16 AS A SECURED PARTY, ...(Name of Secured Party)... INTENDS TO ENFORCE
 419.17 THE SECURITY AGREEMENT AGAINST THE AGRICULTURAL PROPERTY
 419.18 DESCRIBED ABOVE BY REPOSSESSING, FORECLOSING ON, OR OBTAINING A
 419.19 COURT JUDGMENT AGAINST THE PROPERTY.

419.20 YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION.
 419.21 IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE
 419.22 MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT
 419.23 WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY
 419.24 ENFORCES THE DEBT.

419.25 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
 419.26 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
 419.27 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU TO
 419.28 PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN
 419.29 MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM
 419.30 FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION
 419.31 OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT
 419.32 AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

419.33 TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A
 419.34 MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU

420.1 RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT
 420.2 ~~ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
 420.3 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

420.4 FROM: ...(Name and Address of Secured Party)..."

420.5 Sec. 18. Minnesota Statutes 2022, section 351.01, subdivision 2, is amended to read:

420.6 Subd. 2. **When effective.** Except as provided by subdivision 3 or other express provision
 420.7 of law or charter to the contrary, a resignation is effective when it is received by the officer,
 420.8 body, or board authorized to receive it. In the case of a position appointed by the governor
 420.9 under section 15.0597, the resignation must be submitted to the governor.

420.10 Sec. 19. Minnesota Statutes 2022, section 364.021, is amended to read:

420.11 **364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF**
 420.12 **CRIMINAL RECORDS.**

420.13 (a) A public or private employer may not inquire into or consider or require disclosure
 420.14 of the criminal record or criminal history of an applicant for employment until the applicant
 420.15 has been selected for an interview by the employer or, if there is not an interview, before a
 420.16 conditional offer of employment is made to the applicant.

420.17 (b) This section does not apply to the Department of Corrections or to employers who
 420.18 have a statutory duty to conduct a criminal history background check or otherwise take into
 420.19 consideration a potential employee's criminal history during the hiring process.

420.20 (c) This section does not prohibit an employer from notifying applicants that law or the
 420.21 employer's policy will disqualify an individual with a particular criminal history background
 420.22 from employment in particular positions.

420.23 (d) An appointing authority may not inquire into or consider or require disclosure of the
 420.24 criminal record or criminal history of an applicant for appointment to multimember agencies,
 420.25 including boards, commissions, agencies, committees, councils, authorities, advisory task
 420.26 forces, and advisory councils, on an application form or, until the applicant has been selected
 420.27 for an interview by the appointing authority or is otherwise selected as a final candidate for
 420.28 appointment.

420.29 Sec. 20. Minnesota Statutes 2022, section 364.06, subdivision 1, is amended to read:

420.30 Subdivision 1. **Public employers.** Any complaints or grievances concerning violations
 420.31 of sections 364.01 to 364.10 by public employers or violations of section 364.021 by public

421.1 appointing authorities shall be processed and adjudicated in accordance with the procedures
421.2 set forth in chapter 14, the Administrative Procedure Act.

421.3 Sec. 21. **[484.94] ATTORNEY ACCESS TO COURT RECORDS.**

421.4 An attorney who is admitted and licensed to practice law in the state may apply for a
421.5 Minnesota Government Access account to access electronic court records and documents
421.6 stored in the Minnesota Court Information System for cases in state district courts. An
421.7 attorney shall be able to view and print case documents and information without cost to the
421.8 attorney.

421.9 Sec. 22. Minnesota Statutes 2022, section 504B.301, is amended to read:

421.10 **504B.301 EVICTION ACTION FOR UNLAWFUL DETENTION.**

421.11 A person may be evicted if the person has unlawfully or forcibly occupied or taken
421.12 possession of real property or unlawfully detains or retains possession of real property.

421.13 ~~A seizure under section 609.5317, subdivision 1, for which there is not a defense under~~
421.14 ~~section 609.5317, subdivision 3, constitutes unlawful detention by the tenant.~~

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

421.16 Sec. 23. Minnesota Statutes 2022, section 507.07, is amended to read:

421.17 **507.07 WARRANTY AND QUITCLAIM DEEDS; FORMS.**

421.18 Warranty and quitclaim deeds may be substantially in the following forms:

421.19 WARRANTY DEED

421.20 A.B., grantor, of (here insert the place of residence), for and in consideration of (here
421.21 insert the consideration), conveys and warrants to C.D., grantee, of (here insert the place
421.22 of residence), the following described real estate in the county of, in the
421.23 state of Minnesota: (here describe the premises).

421.24 Dated this day of,

421.25 (Signature)

421.26 Every such instrument, duly executed as required by law, shall be a conveyance in fee
421.27 simple of the premises described to the grantee, the grantee's heirs and assigns, with
421.28 covenants on the part of the grantor, the grantor's heirs and personal representatives, that
421.29 the grantor is lawfully seized of the premises in fee simple and has good right to convey
421.30 the same; that the premises are free from all encumbrances; that the grantor warrants to the

422.1 grantee, the grantee's heirs and assigns, the quiet and peaceable possession thereof; and that
 422.2 the grantor will defend the title thereto against all persons who may lawfully claim the same.
 422.3 Such covenants shall be obligatory upon any grantor, the grantor's heirs and personal
 422.4 representatives, as fully and with like effect as if written at length in such deed.

422.5 QUITCLAIM DEED

422.6 A.B., grantor, of (here insert the place of residence), for the consideration of (here insert
 422.7 the consideration), conveys and quitclaims to C.D., the grantee, of (here insert the place of
 422.8 residence), all interest in the following described real estate in the county of,
 422.9 in the state of Minnesota: (here describe the premises).

422.10 Dated this day of,

422.11 (Signature)

422.12 Every such instrument, duly executed, shall be a conveyance to the grantee, the grantee's
 422.13 heirs and assigns, of all right, title, and interest of the grantor in the premises described, but
 422.14 shall not extend to after acquired title, unless words expressing such intention be added.

422.15 Sec. 24. Minnesota Statutes 2022, section 508.52, is amended to read:

422.16 **508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW**
 422.17 **CERTIFICATE.**

422.18 An owner of registered land who desires to convey the land, or a portion thereof, in fee,
 422.19 shall execute a deed of conveyance, and record the deed with the registrar. The deed of
 422.20 conveyance shall be recorded and endorsed with the number and place of registration of
 422.21 the certificate of title. Before canceling the outstanding certificate of title the registrar shall
 422.22 show by memorial thereon the registration of the deed on the basis of which it is canceled.
 422.23 The encumbrances, claims, or interests adverse to the title of the registered owner shall be
 422.24 stated upon the new certificate, except so far as they may be simultaneously released or
 422.25 discharged. The registrar shall not carry forward as a memorial on the new certificate of
 422.26 title any memorials of a transfer on death deed if the grantors of the transfer on death deed
 422.27 retain no fee interest in the land covered by the new certificate. The certificate of title shall
 422.28 be marked "Canceled" by the registrar, who shall enter in the register a new certificate of
 422.29 title to the grantee and prepare ~~and deliver to the grantee a copy of the~~ new certificate of
 422.30 title. The registrar, upon request, shall deliver to the grantee a copy of the new certificate
 422.31 of title. If a deed in fee is for a portion of the land described in a certificate of title, the
 422.32 memorial of the deed entered by the registrar shall include the legal description contained
 422.33 in the deed and the registrar shall enter a new certificate of title to the grantee for the portion

423.1 of the land conveyed and, except as otherwise provided in this section, issue a residue
423.2 certificate of title to the grantor for the portion of the land not conveyed. The registrar shall
423.3 prepare and, upon request, deliver to each of the parties a copy of their respective certificates
423.4 of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate
423.5 to the grantor for the portion of the land not conveyed, the registrar may if the grantor's
423.6 deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary
423.7 by the registered owner, mark by the land description on the certificate of title "Part of land
423.8 conveyed, see memorials." The fee for a residue certificate of title shall be paid to the
423.9 registrar only when the grantor's certificate of title is canceled after the conveyance by the
423.10 grantor of a portion of the land described in the grantor's certificate of title. When two or
423.11 more successive conveyances of the same property are filed for registration on the same
423.12 day the registrar may enter a certificate in favor of the grantee or grantees in the last of the
423.13 successive conveyances, and the memorial of the previous deed or deeds entered on the
423.14 prior certificate of title shall have the same force and effect as though the prior certificate
423.15 of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in
423.16 the successive conveyances. The fees for the registration of the earlier deed or deeds shall
423.17 be the same as the fees prescribed for the entry of memorials. The registrar of titles, with
423.18 the consent of the transferee, may mark "See memorials for new owner(s)" by the names
423.19 of the registered owners on the certificate of title and also add to the memorial of the
423.20 transferring conveyance a statement that the memorial shall serve in lieu of a new certificate
423.21 of title in favor of the grantee or grantees therein noted and may refrain from canceling the
423.22 certificate of title until the time it is canceled by a subsequent transfer, and the memorial
423.23 showing such transfer of title shall have the same effect as the entry of a new certificate of
423.24 title for the land described in the certificate of title; the fee for the registration of a conveyance
423.25 without cancellation of the certificate of title shall be the same as the fee prescribed for the
423.26 entry of a memorial.

423.27 Sec. 25. Minnesota Statutes 2022, section 517.08, subdivision 1a, is amended to read:

423.28 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the
423.29 parties upon a form provided for the purpose and shall contain the following information:

423.30 (1) the full names of the parties and the sex of each party;

423.31 (2) their post office addresses and county and state of residence;

423.32 (3) their full ages;

424.1 (4) if either party has previously been married, the party's married name, and the date,
424.2 place and court in which the civil marriage was dissolved or annulled or the date and place
424.3 of death of the former spouse;

424.4 (5) whether the parties are related to each other, and, if so, their relationship;

424.5 (6) the address of the parties after the civil marriage is entered into to which the local
424.6 registrar shall send a certified copy of the civil marriage certificate;

424.7 (7) the full names the parties will have after the civil marriage is entered into and the
424.8 parties' Social Security numbers. The Social Security numbers must be collected for the
424.9 application but must not appear on the civil marriage license. If a party listed on a civil
424.10 marriage application does not have a Social Security number, the party must certify on the
424.11 application, or a supplement to the application, that the party does not have a Social Security
424.12 number;

424.13 (8) if one ~~or both of the parties~~ party to the civil marriage license has a felony conviction
424.14 under Minnesota law or the law of another state or federal jurisdiction, the ~~parties shall~~
424.15 ~~provide to the county proof of service upon the prosecuting authority and, if applicable, the~~
424.16 ~~attorney general, as required by~~ party may not change the party's name through the marriage
424.17 application process and must follow the process in section 259.13 to change the party's
424.18 name; and

424.19 (9) notice that a party who has a felony conviction under Minnesota law or the law of
424.20 another state or federal jurisdiction may not use a different name after a civil marriage
424.21 except as authorized by section 259.13, and that doing so is a gross misdemeanor.

424.22 Sec. 26. Minnesota Statutes 2022, section 517.08, subdivision 1b, is amended to read:

424.23 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
424.24 examine upon oath the parties applying for a license relative to the legality of the
424.25 contemplated civil marriage. Both parties must present proof of age to the local registrar.
424.26 If one party is unable to appear in person, the party appearing may complete the absent
424.27 applicant's information. The local registrar shall provide a copy of the civil marriage
424.28 application to the party who is unable to appear, who must verify the accuracy of the
424.29 appearing party's information in a notarized statement. The verification statement must be
424.30 accompanied by a copy of proof of age of the party. The civil marriage license must not be
424.31 released until the verification statement and proof of age has been received by the local
424.32 registrar. If the local registrar is satisfied that there is no legal impediment to it, including
424.33 the restriction contained in section 259.13, the local registrar shall issue the license,

425.1 containing the full names of the parties before and after the civil marriage, and county and
425.2 state of residence, with the county seal attached, and make a record of the date of issuance.
425.3 The license shall be valid for a period of six months. Except as provided in paragraph (b),
425.4 the local registrar shall collect from the applicant a fee of \$115 for administering the oath,
425.5 issuing, recording, and filing all papers required, and preparing and transmitting to the state
425.6 registrar of vital records the reports of civil marriage required by this section. If the license
425.7 should not be used within the period of six months due to illness or other extenuating
425.8 circumstances, it may be surrendered to the local registrar for cancellation, and in that case
425.9 a new license shall issue upon request of the parties of the original license without fee. A
425.10 local registrar who knowingly issues or signs a civil marriage license in any manner other
425.11 than as provided in this section shall pay to the parties aggrieved an amount not to exceed
425.12 \$1,000.

425.13 (b) The civil marriage license fee for parties who have completed at least 12 hours of
425.14 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
425.15 submit at the time of applying for the civil marriage license a statement that is signed, dated,
425.16 and notarized or marked with a church seal from the person who provided the premarital
425.17 education on their letterhead confirming that it was received. The premarital education must
425.18 be provided by a licensed or ordained minister or the minister's designee, a person authorized
425.19 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
425.20 and family therapy under section 148B.33. The education must include the use of a premarital
425.21 inventory and the teaching of communication and conflict management skills.

425.22 (c) The statement from the person who provided the premarital education under paragraph
425.23 (b) must be in the following form:

425.24 "I, (name of educator), confirm that (names of both
425.25 parties) received at least 12 hours of premarital education that included the use of a premarital
425.26 inventory and the teaching of communication and conflict management skills. I am a licensed
425.27 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
425.28 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
425.29 Minnesota Statutes, section 148B.33."

425.30 The names of the parties in the educator's statement must be identical to the legal names
425.31 of the parties as they appear in the civil marriage license application. Notwithstanding
425.32 section 138.17, the educator's statement must be retained for seven years, after which time
425.33 it may be destroyed.

426.1 ~~(d) If section 259.13 applies to the request for a civil marriage license, the local registrar~~
426.2 ~~shall grant the civil marriage license without the requested name change. Alternatively, the~~
426.3 ~~local registrar may delay the granting of the civil marriage license until the party with the~~
426.4 ~~conviction:~~

426.5 ~~(1) certifies under oath that 30 days have passed since service of the notice for a name~~
426.6 ~~change upon the prosecuting authority and, if applicable, the attorney general and no~~
426.7 ~~objection has been filed under section 259.13; or~~

426.8 ~~(2) provides a certified copy of the court order granting it. The parties seeking the civil~~
426.9 ~~marriage license shall have the right to choose to have the license granted without the name~~
426.10 ~~change or to delay its granting pending further action on the name change request.~~

426.11 Sec. 27. Minnesota Statutes 2022, section 518.191, subdivision 1, is amended to read:

426.12 Subdivision 1. **Abbreviated judgment and decree.** If real estate is described in a
426.13 judgment and decree of dissolution, the court ~~may~~ shall direct either of the parties or their
426.14 legal counsel to prepare and submit to the court a proposed summary real estate disposition
426.15 judgment. Upon approval by the court and filing of the summary real estate disposition
426.16 judgment with the court administrator, the court administrator shall provide to any party
426.17 upon request certified copies of the summary real estate disposition judgment.

426.18 Sec. 28. Minnesota Statutes 2022, section 518.191, subdivision 3, is amended to read:

426.19 Subd. 3. **Court order.** An order or provision in a judgment and decree that provides
426.20 that the judgment and decree must be recorded in the office of the county recorder or filed
426.21 in the office of the registrar of titles means, if a summary real estate disposition judgment
426.22 has been approved by the court, that the summary real estate disposition judgment, rather
426.23 than the judgment and decree, must be recorded in the office of the county recorder or filed
426.24 in the office of the registrar of titles. The recorder or registrar of titles is not responsible for
426.25 determining if a summary real estate disposition judgment has been approved by the court.

426.26 Sec. 29. Minnesota Statutes 2022, section 541.023, subdivision 6, is amended to read:

426.27 Subd. 6. **Limitations; certain titles not affected.** This section shall not affect any rights
426.28 of the federal government; nor increase the effect as notice, actual or constructive, of any
426.29 instrument now of record; nor bar the rights of any person, partnership, state agency or
426.30 department, or corporation in possession of real estate. This section shall not impair the
426.31 record title or record interest, or title obtained by or through any congressional or legislative
426.32 grant, of any railroad corporation or other public service corporation or any trustee or receiver

427.1 thereof or of any educational or religious corporation in any real estate by reason of any
427.2 failure to record further evidence of such title or interest even though the record thereof is
427.3 now or hereafter more than 40 years old; nor shall this section require the recording of any
427.4 notice as provided for in this section as to any undischarged mortgage or deed of trust
427.5 executed by any such corporation or any trustee or receiver thereof or to any claim or action
427.6 founded upon any such undischarged mortgage or deed of trust. The exceptions of this
427.7 subdivision shall not include (1) reservations or exceptions of land for right-of-way or other
427.8 railroad purposes contained in deeds of conveyance made by a railroad company or by
427.9 trustees or receivers thereof, unless said reserved or excepted land shall have been put to
427.10 railroad use within 40 years after the date of said deeds of conveyance, (2) nor any rights
427.11 under any conditions subsequent or restrictions contained in any such deeds of conveyance.

427.12 Sec. 30. Minnesota Statutes 2022, section 550.365, subdivision 2, is amended to read:

427.13 Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks
427.14 properly filled in.

427.15 "TO:(Name of Judgment Debtor)....

427.16 A JUDGMENT WAS ORDERED AGAINST YOU BY(Name of Court).... ON
427.17(Date of Judgment).

427.18 AS A JUDGMENT CREDITOR,(Name of Judgment Creditor).... INTENDS TO
427.19 TAKE ACTION AGAINST THE AGRICULTURAL PROPERTY DESCRIBED
427.20 AS....(Description of Agricultural Property).... TO SATISFY THE JUDGMENT IN THE
427.21 AMOUNT OF(Amount of Debt)....

427.22 YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION.
427.23 IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE
427.24 MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT
427.25 WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY
427.26 ENFORCES THE DEBT.

427.27 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
427.28 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
427.29 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE
427.30 FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION,
427.31 IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND
427.32 OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS

428.1 SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN
428.2 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

428.3 TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A
428.4 MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU
428.5 RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT
428.6 ~~ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
428.7 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

428.8 FROM:(Name and Address of Judgment Creditor)...."

428.9 Sec. 31. Minnesota Statutes 2022, section 559.209, subdivision 2, is amended to read:

428.10 Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks
428.11 properly filled in.

428.12 "TO:(Name of Contract for Deed Purchaser)....

428.13 YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE
428.14 AGRICULTURAL PROPERTY DESCRIBED AS(Size and Reasonable Location of
428.15 Property, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT IS
428.16(Amount of Debt)....

428.17 AS THE CONTRACT FOR DEED VENDOR,(Contract for Deed Vendor)....
428.18 INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE PROPERTY.

428.19 YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT
428.20 REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS
428.21 IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST
428.22 MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF
428.23 THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE
428.24 DEBT.

428.25 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
428.26 ~~AGRICULTURAL MINNESOTA~~ EXTENSION SERVICE WILL PROVIDE AN
428.27 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE
428.28 FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION,
428.29 IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND
428.30 OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS
428.31 SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN
428.32 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

429.1 TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION
429.2 YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14
429.3 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM
429.4 IS AVAILABLE ~~AT ANY COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR
429.5 OF THE MINNESOTA EXTENSION SERVICE.

429.6 FROM:(Name and Address of Contract for Deed Vendor)...."

429.7 Sec. 32. Minnesota Statutes 2022, section 573.01, is amended to read:

429.8 **573.01 SURVIVAL OF CAUSES.**

429.9 A cause of action arising out of an injury to the person ~~dies with the person of the party~~
429.10 ~~in whose favor it exists, except as provided in~~ survives the death of any party in accordance
429.11 with section 573.02. All other causes of action by one against another, whether arising on
429.12 contract or not, survive to the personal representatives of the former and against those of
429.13 the latter.

429.14 **EFFECTIVE DATE.** This section is effective the day following final enactment and
429.15 applies to causes of action pending on or commenced on or after that date.

429.16 Sec. 33. Minnesota Statutes 2022, section 573.02, subdivision 1, is amended to read:

429.17 Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of
429.18 any person or corporation, the trustee appointed as provided in subdivision 3 may maintain
429.19 an action therefor if the decedent might have maintained an action, had the decedent lived,
429.20 for an injury caused by the wrongful act or omission. An action to recover damages for a
429.21 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital
429.22 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall
429.23 be commenced within three years of the date of death, but in no event shall be commenced
429.24 beyond the time set forth in section 541.076. An action to recover damages for a death
429.25 caused by an intentional act constituting murder may be commenced at any time after the
429.26 death of the decedent. Any other action under this section may be commenced within three
429.27 years after the date of death provided that the action must be commenced within six years
429.28 after the act or omission. The recovery in the action is the amount the jury deems fair and
429.29 ~~just in reference to~~ for all damages suffered by the decedent resulting from the injury prior
429.30 to the decedent's death and the pecuniary loss resulting from the death, and shall be for the
429.31 exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary
429.32 loss severally suffered by the death. The court then determines the proportionate pecuniary
429.33 loss of the persons entitled to the recovery and orders distribution accordingly. Funeral

430.1 expenses and any demand for the support of the decedent allowed by the court having
430.2 jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as
430.3 provided in section 549.20.

430.4 If an action for the injury was commenced by the decedent and not finally determined
430.5 while living, it may be continued by the trustee for recovery of all damages for the exclusive
430.6 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally
430.7 suffered by the death. The court on motion shall make an order allowing the continuance
430.8 and directing pleadings to be made and issues framed as in actions begun under this section.

430.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and
430.10 applies to causes of action pending on or commenced on or after that date.

430.11 Sec. 34. Minnesota Statutes 2022, section 573.02, subdivision 2, is amended to read:

430.12 Subd. 2. **Injury action.** When injury is caused to a person by the wrongful act or omission
430.13 of any person or corporation and the person thereafter dies from a cause unrelated to those
430.14 injuries, the trustee appointed in subdivision 3 may maintain an action for ~~special damages~~
430.15 all damages arising out of such injury if the decedent might have maintained an action
430.16 therefor had the decedent lived. An action under this subdivision may be commenced within
430.17 three years after the date of death provided that the action must be commenced within six
430.18 years after the act or omission.

430.19 **EFFECTIVE DATE.** This section is effective the day following final enactment and
430.20 applies to causes of action pending on or commenced on or after that date.

430.21 Sec. 35. **[573.021] PEACETIME EMERGENCY INJURY ACTION; STATUTE OF**
430.22 **LIMITATIONS.**

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

430.25 (b) "Health care provider" means a physician, surgeon, dentist, occupational therapist,
430.26 other health care professional as defined in section 145.61, assisted living facility licensed
430.27 under chapter 144G, long-term care facility licensed under chapter 144A, hospital, or
430.28 treatment facility.

430.29 (c) "Peacetime emergency" means the peacetime emergency declared by the governor
430.30 in an executive order or extended by subsequent orders from March 14, 2020, to July 1,
430.31 2021.

431.1 Subd. 2. **Injury action; statute of limitations.** An action, brought pursuant to section
 431.2 573.02, subdivision 2, that accrued during the peacetime emergency against a health care
 431.3 provider alleging malpractice, error, mistake, or failure to cure regarding treatment,
 431.4 transmission, or vaccination related to the infectious disease that was the subject of the
 431.5 peacetime emergency must be filed within one year from the date of death of the former
 431.6 patient or resident.

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

431.8 Sec. 36. Minnesota Statutes 2022, section 582.039, subdivision 2, is amended to read:

431.9 Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks
 431.10 properly filled in.

431.11 "TO:(Name of Record Owner)...."

431.12 YOU HAVE DEFAULTED ON THE MORTGAGE OF THE AGRICULTURAL
 431.13 PROPERTY DESCRIBED AS(Size and Reasonable Location, Not Legal Description).
 431.14 THE AMOUNT OF THE OUTSTANDING DEBT ON THIS PROPERTY IS(Amount
 431.15 of Debt)....

431.16 AS HOLDER OF THE MORTGAGE,(Name of Holder of Mortgage).... INTENDS
 431.17 TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.

431.18 YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED FOR
 431.19 MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL
 431.20 BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT
 431.21 WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY
 431.22 ENFORCES THE DEBT.

431.23 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE
 431.24 ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN
 431.25 ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE
 431.26 FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION,
 431.27 IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND
 431.28 OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS
 431.29 SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN
 431.30 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

431.31 TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION YOU MUST
 431.32 FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER
 431.33 YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE

432.1 ~~AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE
 432.2 DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

432.3 FROM:(Name and Address of Holder of Mortgage)...."

432.4 Sec. 37. Minnesota Statutes 2022, section 583.25, is amended to read:

432.5 **583.25 VOLUNTARY MEDIATION PROCEEDINGS.**

432.6 A debtor that owns agricultural property or a creditor of the debtor may request mediation
 432.7 of the indebtedness by a farm mediator by applying to the director. The director shall ~~make~~
 432.8 provide voluntary mediation application forms ~~available at the county recorder's and county~~
 432.9 ~~extension office in each county~~ when requested. The director must evaluate each request
 432.10 and may direct a mediator to meet with the debtor and creditor to assist in mediation.

432.11 Sec. 38. Minnesota Statutes 2022, section 583.26, subdivision 2, is amended to read:

432.12 Subd. 2. **Mediation request.** (a) A debtor must file a mediation request form with the
 432.13 director by 14 days after receiving a mediation notice. The debtor must state all known
 432.14 creditors with debts secured for agricultural property and must authorize the director to
 432.15 obtain the debtor's credit report from one or more credit reporting agencies. The mediation
 432.16 request form must include an instruction that the debtor must state all known creditors with
 432.17 debts secured by agricultural property and unsecured creditors that are necessary for the
 432.18 farm operation of the debtor. It is the debtor's discretion as to which unsecured creditors
 432.19 are necessary for the farm operation but the mediation request form must notify the debtor
 432.20 that omission of a significant unsecured creditor could result in a bad-faith determination
 432.21 pursuant to section 583.27, subdivisions 1, paragraph (a), clause (2), and 2. The mediation
 432.22 request must state the date that the notice was served on the debtor. The director shall ~~make~~
 432.23 provide mediation request forms ~~available in the county recorder's and county extension~~
 432.24 ~~office of each county~~ when requested.

432.25 (b) Except as provided in section 583.24, subdivision 4, paragraph (a), clause (3), a
 432.26 debtor who fails to file a timely mediation request waives the right to mediation for that
 432.27 debt under the Farmer-Lender Mediation Act. The director shall notify the creditor who
 432.28 served the mediation notice stating that the creditor may proceed against the agricultural
 432.29 property because the debtor has failed to file a mediation request.

432.30 (c) If a debtor has not received a mediation notice and is subject to a proceeding of a
 432.31 creditor enforcing a debt against agricultural property under chapter 580 or 581 or sections
 432.32 336.9-601 to 336.9-628, terminating a contract for deed to purchase agricultural property

433.1 under section 559.21, or garnishing, levying on, executing on, seizing, or attaching
 433.2 agricultural property, the debtor may file a mediation request with the director. The mediation
 433.3 request form must indicate that the debtor has not received a mediation notice.

433.4 Sec. 39. Minnesota Statutes 2022, section 600.23, is amended to read:

433.5 **600.23 RECORDERS AND COURT ADMINISTRATORS.**

433.6 Subdivision 1. **Deposit of papers.** Every county recorder, upon being paid the legal fees
 433.7 therefor, ~~shall~~ may receive and deposit in the office any instruments or papers which ~~shall~~
 433.8 ~~be~~ are offered for that purpose and, if ~~required~~ requested, shall give to the person depositing
 433.9 the same a receipt therefor.

433.10 Subd. 2. **Endorsed and filed.** Any such instruments or papers so received shall be filed
 433.11 by the officer receiving the same, and so endorsed as to indicate their general nature, the
 433.12 names of the parties thereto, and time when received, and shall be deposited and kept by
 433.13 the officer and successors in office in the same manner as the officer's official papers, but
 433.14 in a place separate therefrom.

433.15 Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be made public or
 433.16 withdrawn from the office except upon the written order of the person depositing the same,
 433.17 or the person's executors or administrators, or on the order of some court for the purpose
 433.18 of being read in the court, and then to be returned to the office.

433.19 Subd. 3a. **Retention and disposal.** Papers and instruments deposited for safekeeping
 433.20 shall be retained, at a minimum, until the earlier of:

433.21 (1) the county recorder learns of the depositor's death, at which time the county recorder
 433.22 may deliver the paper or instrument to the appropriate court, or deliver the paper or instrument
 433.23 to the depositor's executors or administrators; or

433.24 (2) 20 years following the deposit of the paper or instrument, at which time the county
 433.25 recorder shall dispose of the paper or instrument pursuant to its county's retention policy.

433.26 Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer
 433.27 to whom the legal custody of any instrument belongs, stating that the officer has made
 433.28 diligent search for such instrument and that it cannot be found, shall be prima facie evidence
 433.29 of the fact so certified to in all cases, matters, and proceedings.

434.1 Sec. 40. Minnesota Statutes 2022, section 609.5314, subdivision 3, is amended to read:

434.2 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
434.3 seizure and forfeiture under this section, a claimant may file a demand for a judicial
434.4 determination of the forfeiture. The demand must be in the form of a civil complaint and
434.5 must be filed with the court administrator in the county in which the seizure occurred,
434.6 together with proof of service of a copy of the complaint on the prosecuting authority for
434.7 that county. The claimant may serve the complaint on the prosecuting authority by certified
434.8 mail or any means permitted by court rules. If the value of the seized property is \$15,000
434.9 or less, the claimant may file an action in conciliation court for recovery of the seized
434.10 property. A copy of the conciliation court statement of claim may be served personally or
434.11 as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority
434.12 having jurisdiction over the forfeiture within 60 days following service of the notice of
434.13 seizure and forfeiture under this subdivision. The claimant does not have to pay the court
434.14 filing fee. No responsive pleading is required of the prosecuting authority and no court fees
434.15 may be charged for the prosecuting authority's appearance in the matter. The district court
434.16 administrator shall schedule the hearing as soon as practicable after, and in any event no
434.17 later than 90 days following, the conclusion of the criminal prosecution. The proceedings
434.18 are governed by the Rules of Civil Procedure and, where applicable, by the Rules of
434.19 Conciliation Court Procedure.

434.20 (b) The complaint must be captioned in the name of the claimant as plaintiff and the
434.21 seized property as defendant, and must state with specificity the grounds on which the
434.22 claimant alleges the property was improperly seized and the plaintiff's interest in the property
434.23 seized. Notwithstanding any law to the contrary, an action for the return of property seized
434.24 under this section may not be maintained by or on behalf of any person who has been served
434.25 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

434.26 (c) If the claimant makes a timely demand for judicial determination under this
434.27 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,
434.28 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,
434.29 apply to the judicial determination.

434.30 (d) If a demand for judicial determination of an administrative forfeiture is filed under
434.31 this subdivision and the court orders the return of the seized property, the court may order
434.32 sanctions under section 549.211. If the court orders payment of these costs, they must be
434.33 paid from forfeited money or proceeds from the sale of forfeited property from the appropriate
434.34 law enforcement and prosecuting agencies in the same proportion as they would be distributed
434.35 under section 609.5315, subdivision 5.

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

435.2 Sec. 41. Minnesota Statutes 2022, section 611.215, subdivision 1, is amended to read:

435.3 Subdivision 1. **Structure; membership.** (a) The State Board of Public Defense is a part
435.4 of, but is not subject to the administrative control of, the judicial branch of government.

435.5 The State Board of Public Defense shall consist of ~~seven~~ nine members including:

435.6 (1) ~~four~~ five attorneys admitted to the practice of law, well acquainted with the defense
435.7 of persons accused of crime, but not employed as prosecutors, appointed by the supreme
435.8 court, of which one must be a retired or former public defender within the past five years;
435.9 and

435.10 (2) ~~three~~ four public members appointed by the governor.

435.11 The appointing authorities may not appoint a person who is a judge to be a member of
435.12 the State Board of Public Defense, other than as a member of the ad hoc Board of Public
435.13 Defense.

435.14 (b) All members shall demonstrate an interest in maintaining a high quality, independent
435.15 defense system for those who are unable to obtain adequate representation. Appointments
435.16 to the board shall include qualified women and members of minority groups. At least three
435.17 members of the board shall be from judicial districts other than the First, Second, Fourth,
435.18 and Tenth Judicial Districts. The terms, compensation, and removal of members shall be
435.19 as provided in section 15.0575. The chair shall be elected by the members from among the
435.20 membership for a term of two years.

435.21 (c) In addition, the State Board of Public Defense shall consist of a nine-member ad hoc
435.22 board when considering the appointment of district public defenders under section 611.26,
435.23 subdivision 2. The terms of chief district public defenders currently serving shall terminate
435.24 in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

435.25 (d) Meetings of the board are subject to chapter 13D.

435.26 Sec. 42. **REPEALER.**

435.27 (a) Minnesota Statutes 2022, sections 346.02; and 582.14, are repealed.

435.28 (b) Minnesota Statutes 2022, section 504B.305, is repealed.

435.29 **EFFECTIVE DATE.** Paragraph (b) is effective the day following final enactment.

436.1

B. CIVIL RIGHTS LAW

436.2 Sec. 43. Minnesota Statutes 2022, section 82B.195, subdivision 3, is amended to read:

436.3 Subd. 3. **Additional requirements.** In addition to the requirements of subdivisions 1
436.4 and 2, an appraiser must:

436.5 (1) not knowingly make any of the following unacceptable appraisal practices:

436.6 (i) include inaccurate or misleading factual data about the subject neighborhood, site,
436.7 improvements, or comparable sales;

436.8 (ii) fail to comment on negative factors with respect to the subject neighborhood, subject
436.9 property, or proximity of the subject property to adverse influences;

436.10 (iii) unless otherwise disclosed in the appraisal report, use comparables in the valuation
436.11 process that the appraiser has not at least personally inspected from the exterior by driving
436.12 by them;

436.13 (iv) select and use inappropriate comparable sales or fail to use comparables that are
436.14 physically and by location the most similar to the subject property;

436.15 (v) use data, particularly comparable sales data, that was provided by parties who have
436.16 a financial interest in the sale or financing of the subject property without the appraiser's
436.17 verification of the information from a disinterested source. For example, it would be
436.18 inappropriate for an appraiser to use comparable sales provided by the builder of the subject
436.19 property or a real estate broker who is handling the sale of the subject property, unless the
436.20 appraiser verifies the accuracy of the data provided through another source. If a signed HUD
436.21 Settlement Statement is used for this verification, the appraiser must also verify the sale
436.22 data with the buyer or county records. The appraiser must also make an independent
436.23 investigation to determine that the comparable sales provided were the best ones available;

436.24 (vi) use adjustments to the comparable sales that do not reflect the market's reaction to
436.25 the differences between the subject property and the comparables, or fail to make adjustments
436.26 when they are clearly indicated;

436.27 (vii) develop a valuation conclusion that is based either partially or completely on factors
436.28 identified in chapter 363A, including race, color, creed, religion, sex, gender identity, marital
436.29 status, status with regard to public assistance, disability, sexual orientation, familial status
436.30 of the owner or occupants of nearby property, or national origin of either the prospective
436.31 owners or occupants of the properties in the vicinity of the subject property; or

436.32 (viii) develop a valuation conclusion that is not supported by available market data;

437.1 (2) provide a resume, current within six months of the date it is provided, to anyone who
437.2 employs the appraiser, indicating all professional degrees and licenses held by the appraiser;
437.3 and

437.4 (3) reject any request by the person who has employed the appraiser that is in conflict
437.5 with the requirements of Minnesota law or this chapter and withdraw from the appraisal
437.6 assignment if the employing party persists in the request.

437.7 Sec. 44. Minnesota Statutes 2022, section 245I.12, subdivision 1, is amended to read:

437.8 Subdivision 1. **Client rights.** A license holder must ensure that all clients have the
437.9 following rights:

437.10 (1) the rights listed in the health care bill of rights in section 144.651;

437.11 (2) the right to be free from discrimination based on age, race, color, creed, religion,
437.12 national origin, sex, gender identity, marital status, disability, sexual orientation, and status
437.13 with regard to public assistance. The license holder must follow all applicable state and
437.14 federal laws including the Minnesota Human Rights Act, chapter 363A; and

437.15 (3) the right to be informed prior to a photograph or audio or video recording being made
437.16 of the client. The client has the right to refuse to allow any recording or photograph of the
437.17 client that is not for the purposes of identification or supervision by the license holder.

437.18 Sec. 45. Minnesota Statutes 2022, section 363A.02, subdivision 1, is amended to read:

437.19 Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to
437.20 secure for persons in this state, freedom from discrimination:

437.21 (1) in employment because of race, color, creed, religion, national origin, sex, gender
437.22 identity, marital status, disability, status with regard to public assistance, sexual orientation,
437.23 familial status, and age;

437.24 (2) in housing and real property because of race, color, creed, religion, national origin,
437.25 sex, gender identity, marital status, disability, status with regard to public assistance, sexual
437.26 orientation, and familial status;

437.27 (3) in public accommodations because of race, color, creed, religion, national origin,
437.28 sex, gender identity, sexual orientation, and disability;

437.29 (4) in public services because of race, color, creed, religion, national origin, sex, gender
437.30 identity, marital status, disability, sexual orientation, and status with regard to public
437.31 assistance; and

438.1 (5) in education because of race, color, creed, religion, national origin, sex, gender
 438.2 identity, marital status, disability, status with regard to public assistance, sexual orientation,
 438.3 and age.

438.4 (b) Such discrimination threatens the rights and privileges of the inhabitants of this state
 438.5 and menaces the institutions and foundations of democracy. It is also the public policy of
 438.6 this state to protect all persons from wholly unfounded charges of discrimination. Nothing
 438.7 in this chapter shall be interpreted as restricting the implementation of positive action
 438.8 programs to combat discrimination.

438.9 Sec. 46. Minnesota Statutes 2022, section 363A.03, subdivision 23, is amended to read:

438.10 Subd. 23. **Local commission.** "Local commission" means an agency of a city, county,
 438.11 or group of counties created pursuant to law, resolution of a county board, city charter, or
 438.12 municipal ordinance for the purpose of dealing with discrimination on the basis of race,
 438.13 color, creed, religion, national origin, sex, gender identity, age, disability, marital status,
 438.14 status with regard to public assistance, sexual orientation, or familial status.

438.15 Sec. 47. Minnesota Statutes 2022, section 363A.03, subdivision 44, is amended to read:

438.16 Subd. 44. **Sexual orientation.** "Sexual orientation" means ~~having or being perceived as~~
 438.17 ~~having an emotional, physical, or sexual attachment to another person without regard to the~~
 438.18 ~~sex of that person or having or being perceived as having an orientation for such attachment,~~
 438.19 ~~or having or being perceived as having a self-image or identity not traditionally associated~~
 438.20 ~~with one's biological maleness or femaleness. "Sexual orientation" does not include a physical~~
 438.21 ~~or sexual attachment to children by an adult~~ to whom someone is, or is perceived of as
 438.22 being, emotionally, physically, or sexually attracted to based on sex or gender identity. A
 438.23 person may be attracted to men, women, both, neither, or to people who are genderqueer,
 438.24 androgynous, or have other gender identities.

438.25 Sec. 48. Minnesota Statutes 2022, section 363A.03, is amended by adding a subdivision
 438.26 to read:

438.27 Subd. 50. **Gender identity.** "Gender identity" means a person's inherent sense of being
 438.28 a man, woman, both, or neither. A person's gender identity may or may not correspond to
 438.29 their assigned sex at birth or to their primary or secondary sex characteristics. A person's
 438.30 gender identity is not necessarily visible to others.

439.1 Sec. 49. Minnesota Statutes 2022, section 363A.04, is amended to read:

439.2 **363A.04 CONSTRUCTION AND EXCLUSIVITY.**

439.3 The provisions of this chapter shall be construed liberally for the accomplishment of the
439.4 purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the
439.5 provisions of the civil rights law or of any other law of this state relating to discrimination
439.6 because of race, creed, color, religion, sex, gender identity, age, disability, marital status,
439.7 status with regard to public assistance, national origin, sexual orientation, or familial status;
439.8 but, as to acts declared unfair by sections 363A.08 to 363A.19, and 363A.28, subdivision
439.9 10, the procedure herein provided shall, while pending, be exclusive.

439.10 Sec. 50. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

440.25 (19) cooperate and consult with the commissioner of labor and industry regarding the
440.26 investigation of violations of, and resolution of complaints regarding section 363A.08,
440.27 subdivision 7.

440.28 In performing these duties, the commissioner shall give priority to those duties in clauses
440.29 (8), (9), and (10) and to the duties in section 363A.36.

440.30 (b) All gifts, bequests, grants, or other payments, public and private, accepted under
440.31 paragraph (a), clause (13), must be deposited in the state treasury and credited to a special

441.1 account. Money in the account is appropriated to the commissioner of human rights to help
441.2 finance activities of the department.

441.3 Sec. 51. Minnesota Statutes 2022, section 363A.07, subdivision 2, is amended to read:

441.4 Subd. 2. **Referral from commissioner.** The commissioner, whether or not a charge has
441.5 been filed under this chapter, may refer a matter involving discrimination because of race,
441.6 color, religion, sex, gender identity, creed, disability, marital status, status with regard to
441.7 public assistance, national origin, age, sexual orientation, or familial status to a local
441.8 commission for study and report.

441.9 Upon referral by the commissioner, the local commission shall make a report and make
441.10 recommendations to the commissioner and take other appropriate action within the scope
441.11 of its powers.

441.12 Sec. 52. Minnesota Statutes 2022, section 363A.08, subdivision 1, is amended to read:

441.13 Subdivision 1. **Labor organization.** Except when based on a bona fide occupational
441.14 qualification, it is an unfair employment practice for a labor organization, because of race,
441.15 color, creed, religion, national origin, sex, gender identity, marital status, status with regard
441.16 to public assistance, familial status, disability, sexual orientation, or age:

441.17 (1) to deny full and equal membership rights to a person seeking membership or to a
441.18 member;

441.19 (2) to expel a member from membership;

441.20 (3) to discriminate against a person seeking membership or a member with respect to
441.21 hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or
441.22 privileges of employment; or

441.23 (4) to fail to classify properly, or refer for employment or otherwise to discriminate
441.24 against a person or member.

441.25 Sec. 53. Minnesota Statutes 2022, section 363A.08, subdivision 2, is amended to read:

441.26 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it is
441.27 an unfair employment practice for an employer, because of race, color, creed, religion,
441.28 national origin, sex, gender identity, marital status, status with regard to public assistance,
441.29 familial status, membership or activity in a local commission, disability, sexual orientation,
441.30 or age to:

442.1 (1) refuse to hire or to maintain a system of employment which unreasonably excludes
442.2 a person seeking employment; or

442.3 (2) discharge an employee; or

442.4 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,
442.5 upgrading, conditions, facilities, or privileges of employment.

442.6 Sec. 54. Minnesota Statutes 2022, section 363A.08, subdivision 3, is amended to read:

442.7 Subd. 3. **Employment agency.** Except when based on a bona fide occupational
442.8 qualification, it is an unfair employment practice for an employment agency, because of
442.9 race, color, creed, religion, national origin, sex, gender identity, marital status, status with
442.10 regard to public assistance, familial status, disability, sexual orientation, or age to:

442.11 (1) refuse or fail to accept, register, classify properly, or refer for employment or
442.12 otherwise to discriminate against a person; or

442.13 (2) comply with a request from an employer for referral of applicants for employment
442.14 if the request indicates directly or indirectly that the employer fails to comply with the
442.15 provisions of this chapter.

442.16 Sec. 55. Minnesota Statutes 2022, section 363A.08, subdivision 4, is amended to read:

442.17 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
442.18 based on a bona fide occupational qualification, it is an unfair employment practice for an
442.19 employer, employment agency, or labor organization, before a person is employed by an
442.20 employer or admitted to membership in a labor organization, to:

442.21 (1) require or request the person to furnish information that pertains to race, color, creed,
442.22 religion, national origin, sex, gender identity, marital status, status with regard to public
442.23 assistance, familial status, disability, sexual orientation, or age; or, subject to section 363A.20,
442.24 to require or request a person to undergo physical examination; unless for the sole and
442.25 exclusive purpose of national security, information pertaining to national origin is required
442.26 by the United States, this state or a political subdivision or agency of the United States or
442.27 this state, or for the sole and exclusive purpose of compliance with the Public Contracts
442.28 Act or any rule, regulation, or laws of the United States or of this state requiring the
442.29 information or examination. A law enforcement agency may, after notifying an applicant
442.30 for a peace officer or part-time peace officer position that the law enforcement agency is
442.31 commencing the background investigation on the applicant, request the applicant's date of
442.32 birth, gender, and race on a separate form for the sole and exclusive purpose of conducting

443.1 a criminal history check, a driver's license check, and fingerprint criminal history inquiry.
443.2 The form shall include a statement indicating why the data is being collected and what its
443.3 limited use will be. No document which has date of birth, gender, or race information will
443.4 be included in the information given to or available to any person who is involved in selecting
443.5 the person or persons employed other than the background investigator. No person may act
443.6 both as background investigator and be involved in the selection of an employee except that
443.7 the background investigator's report about background may be used in that selection as long
443.8 as no direct or indirect references are made to the applicant's race, age, or gender; or

443.9 (2) seek and obtain for purposes of making a job decision, information from any source
443.10 that pertains to the person's race, color, creed, religion, national origin, sex, gender identity,
443.11 marital status, status with regard to public assistance, familial status, disability, sexual
443.12 orientation, or age, unless for the sole and exclusive purpose of compliance with the Public
443.13 Contracts Act or any rule, regulation, or laws of the United States or of this state requiring
443.14 the information; or

443.15 (3) cause to be printed or published a notice or advertisement that relates to employment
443.16 or membership and discloses a preference, limitation, specification, or discrimination based
443.17 on race, color, creed, religion, national origin, sex, gender identity, marital status, status
443.18 with regard to public assistance, familial status, disability, sexual orientation, or age.

443.19 (b) Any individual who is required to provide information that is prohibited by this
443.20 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,
443.21 subdivisions 1 to 9.

443.22 Sec. 56. Minnesota Statutes 2022, section 363A.08, is amended by adding a subdivision
443.23 to read:

443.24 Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history" as used in this
443.25 subdivision means any prior or current wage, salary, earnings, benefits, or any other
443.26 compensation about an applicant for employment.

443.27 (b) An employer, employment agency, or labor organization shall not inquire into,
443.28 consider, or require disclosure from any source the pay history of an applicant for
443.29 employment for the purpose of determining wages, salary, earnings, benefits, or other
443.30 compensation for that applicant. The general prohibition against inquiring into the pay
443.31 history of an applicant does not apply if the job applicant's pay history is a matter of public
443.32 record under federal or state law, unless the employer, employment agency, or labor
443.33 organization sought access to those public records with the intent of obtaining pay history

444.1 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
444.2 compensation for that applicant.

444.3 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
444.4 and without asking, encouraging, or prompting disclosing pay history for the purposes of
444.5 negotiating wages, salary, benefits, or other compensation. If an applicant for employment
444.6 voluntarily and without asking, encouraging, or prompting discloses pay history to a
444.7 prospective employer, employment agency, or labor organization, nothing in this subdivision
444.8 shall prohibit that employer, employment agency, or labor organization from considering
444.9 or acting on that voluntarily disclosed salary history information to support a wage or salary
444.10 higher than initially offered by the employer, employment agency, or labor organization.

444.11 (d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a
444.12 charge, grievance, or any other cause of action alleging wage discrimination because of
444.13 race, color, creed, religion, national origin, sex, gender identity, marital status, status with
444.14 regard to public assistance, familial status, membership or activity in a local commission,
444.15 disability, sexual orientation, or age, as otherwise provided in this chapter.

444.16 (e) Nothing in this subdivision shall be construed to prevent an employer from:

444.17 (1) providing information about the wages, benefits, compensation, or salary offered in
444.18 relation to a position; or

444.19 (2) inquiring about or otherwise engaging in discussions with an applicant about the
444.20 applicant's expectations or requests with respect to wages, salary, benefits, or other
444.21 compensation.

444.22 **EFFECTIVE DATE.** This section is effective January 1, 2024. For employment covered
444.23 by collective bargaining agreements, this section is not effective until the date of
444.24 implementation of the applicable collective bargaining agreement that is after January 1,
444.25 2024.

444.26 Sec. 57. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

444.27 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an
444.28 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent
444.29 of, or other person having the right to sell, rent or lease any real property, or any agent of
444.30 any of these:

444.31 (1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or
444.32 group of persons any real property because of race, color, creed, religion, national origin,

445.1 sex, gender identity, marital status, status with regard to public assistance, disability, sexual
445.2 orientation, or familial status; or

445.3 (2) to discriminate against any person or group of persons because of race, color, creed,
445.4 religion, national origin, sex, gender identity, marital status, status with regard to public
445.5 assistance, disability, sexual orientation, or familial status in the terms, conditions or
445.6 privileges of the sale, rental or lease of any real property or in the furnishing of facilities or
445.7 services in connection therewith, except that nothing in this clause shall be construed to
445.8 prohibit the adoption of reasonable rules intended to protect the safety of minors in their
445.9 use of the real property or any facilities or services furnished in connection therewith; or

445.10 (3) in any transaction involving real property, to print, circulate or post or cause to be
445.11 printed, circulated, or posted any advertisement or sign, or use any form of application for
445.12 the purchase, rental or lease of real property, or make any record or inquiry in connection
445.13 with the prospective purchase, rental, or lease of real property which expresses, directly or
445.14 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
445.15 national origin, sex, gender identity, marital status, status with regard to public assistance,
445.16 disability, sexual orientation, or familial status, or any intent to make any such limitation,
445.17 specification, or discrimination except that nothing in this clause shall be construed to
445.18 prohibit the advertisement of a dwelling unit as available to adults-only if the person placing
445.19 the advertisement reasonably believes that the provisions of this section prohibiting
445.20 discrimination because of familial status do not apply to the dwelling unit.

445.21 Sec. 58. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

445.22 Subd. 2. **Real property interest; action by brokers, agents, and others.** It is an unfair
445.23 discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent
445.24 thereof:

445.25 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property
445.26 to any person or group of persons or to negotiate for the sale, rental, or lease of any real
445.27 property to any person or group of persons because of race, color, creed, religion, national
445.28 origin, sex, gender identity, marital status, status with regard to public assistance, disability,
445.29 sexual orientation, or familial status or represent that real property is not available for
445.30 inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold
445.31 any real property or any facilities of real property to or from any person or group of persons
445.32 because of race, color, creed, religion, national origin, sex, gender identity, marital status,
445.33 status with regard to public assistance, disability, sexual orientation, or familial status; or

446.1 (2) to discriminate against any person because of race, color, creed, religion, national
 446.2 origin, sex, gender identity, marital status, status with regard to public assistance, disability,
 446.3 sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental
 446.4 or lease of real property or in the furnishing of facilities or services in connection therewith;
 446.5 or

446.6 (3) to print, circulate, or post or cause to be printed, circulated, or posted any
 446.7 advertisement or sign, or use any form of application for the purchase, rental, or lease of
 446.8 any real property or make any record or inquiry in connection with the prospective purchase,
 446.9 rental or lease of any real property, which expresses directly or indirectly, any limitation,
 446.10 specification or discrimination as to race, color, creed, religion, national origin, sex, gender
 446.11 identity, marital status, status with regard to public assistance, disability, sexual orientation,
 446.12 or familial status or any intent to make any such limitation, specification, or discrimination
 446.13 except that nothing in this clause shall be construed to prohibit the advertisement of a
 446.14 dwelling unit as available to adults-only if the person placing the advertisement reasonably
 446.15 believes that the provisions of this section prohibiting discrimination because of familial
 446.16 status do not apply to the dwelling unit.

446.17 Sec. 59. Minnesota Statutes 2022, section 363A.09, subdivision 3, is amended to read:

446.18 Subd. 3. **Real property interest; action by financial institution.** It is an unfair
 446.19 discriminatory practice for a person, bank, banking organization, mortgage company,
 446.20 insurance company, or other financial institution or lender to whom application is made for
 446.21 financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair
 446.22 or maintenance of any real property or any agent or employee thereof:

446.23 (1) to discriminate against any person or group of persons because of race, color, creed,
 446.24 religion, national origin, sex, gender identity, marital status, status with regard to public
 446.25 assistance, disability, sexual orientation, or familial status of the person or group of persons
 446.26 or of the prospective occupants or tenants of the real property in the granting, withholding,
 446.27 extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the
 446.28 financial assistance or in the extension of services in connection therewith; or

446.29 (2) to use any form of application for the financial assistance or make any record or
 446.30 inquiry in connection with applications for the financial assistance which expresses, directly
 446.31 or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
 446.32 national origin, sex, gender identity, marital status, status with regard to public assistance,
 446.33 disability, sexual orientation, or familial status or any intent to make any such limitation,
 446.34 specification, or discrimination; or

447.1 (3) to discriminate against any person or group of persons who desire to purchase, lease,
447.2 acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural
447.3 area or any part thereof solely because of the social, economic, or environmental conditions
447.4 of the area in the granting, withholding, extending, modifying, or renewing, or in the rates,
447.5 terms, conditions, or privileges of the financial assistance or in the extension of services in
447.6 connection therewith.

447.7 Sec. 60. Minnesota Statutes 2022, section 363A.09, subdivision 4, is amended to read:

447.8 Subd. 4. **Real property transaction.** It is an unfair discriminatory practice for any real
447.9 estate broker or real estate salesperson, for the purpose of inducing a real property transaction
447.10 from which the person, the person's firm, or any of its members may benefit financially, to
447.11 represent that a change has occurred or will or may occur in the composition with respect
447.12 to race, creed, color, national origin, sex, gender identity, marital status, status with regard
447.13 to public assistance, sexual orientation, or disability of the owners or occupants in the block,
447.14 neighborhood, or area in which the real property is located, and to represent, directly or
447.15 indirectly, that this change will or may result in undesirable consequences in the block,
447.16 neighborhood, or area in which the real property is located, including but not limited to the
447.17 lowering of property values, an increase in criminal or antisocial behavior, or a decline in
447.18 the quality of schools or other public facilities.

447.19 Sec. 61. Minnesota Statutes 2022, section 363A.11, subdivision 1, is amended to read:

447.20 Subdivision 1. **Full and equal enjoyment of public accommodations.** (a) It is an unfair
447.21 discriminatory practice:

447.22 (1) to deny any person the full and equal enjoyment of the goods, services, facilities,
447.23 privileges, advantages, and accommodations of a place of public accommodation because
447.24 of race, color, creed, religion, disability, national origin, marital status, sexual orientation,
447.25 ~~or~~ sex, or gender identity, or for a taxicab company to discriminate in the access to, full
447.26 utilization of, or benefit from service because of a person's disability; or

447.27 (2) for a place of public accommodation not to make reasonable accommodation to the
447.28 known physical, sensory, or mental disability of a disabled person. In determining whether
447.29 an accommodation is reasonable, the factors to be considered may include:

447.30 (i) the frequency and predictability with which members of the public will be served by
447.31 the accommodation at that location;

448.1 (ii) the size of the business or organization at that location with respect to physical size,
448.2 annual gross revenues, and the number of employees;

448.3 (iii) the extent to which disabled persons will be further served from the accommodation;

448.4 (iv) the type of operation;

448.5 (v) the nature and amount of both direct costs and legitimate indirect costs of making
448.6 the accommodation and the reasonableness for that location to finance the accommodation;
448.7 and

448.8 (vi) the extent to which any persons may be adversely affected by the accommodation.

448.9 (b) State or local building codes control where applicable. Violations of state or local
448.10 building codes are not violations of this chapter and must be enforced under normal building
448.11 code procedures.

448.12 Sec. 62. Minnesota Statutes 2022, section 363A.11, subdivision 2, is amended to read:

448.13 Subd. 2. **General prohibitions.** This subdivision lists general prohibitions against
448.14 discrimination on the basis of disability. For purposes of this subdivision, "individual" or
448.15 "class of individuals" refers to the clients or customers of the covered public accommodation
448.16 that enter into the contractual, licensing, or other arrangement.

448.17 (1) It is discriminatory to:

448.18 (i) subject an individual or class of individuals on the basis of a disability of that
448.19 individual or class, directly or through contractual, licensing, or other arrangements, to a
448.20 denial of the opportunity of the individual or class to participate in or benefit from the goods,
448.21 services, facilities, privileges, advantages, or accommodations of an entity;

448.22 (ii) afford an individual or class of individuals on the basis of the disability of that
448.23 individual or class, directly or through contractual, licensing, or other arrangements, with
448.24 the opportunity to participate in or benefit from the goods, services, facilities, privileges,
448.25 advantages, or accommodations that are not equal to those afforded to other individuals;
448.26 ~~and~~

448.27 (iii) provide an individual or class of individuals, on the basis of a disability of that
448.28 individual or class, directly or through contractual, licensing, or other arrangements, with
448.29 goods, services, facilities, privileges, advantages, or accommodations that are different or
448.30 separate from those provided to other individuals, unless the action is necessary to provide
448.31 the individual or class of individuals with goods, services, facilities, privileges, advantages,

449.1 or accommodations, or other opportunities that are as effective as those provided to others;;
449.2 and

449.3 (iv) not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing
449.4 individuals with closed-captioned television when television services are provided to other
449.5 individuals.

449.6 (2) Goods, services, facilities, privileges, advantages, and accommodations must be
449.7 afforded to an individual with a disability in the most integrated setting appropriate to the
449.8 needs of the individual.

449.9 (3) Notwithstanding the existence of separate or different programs or activities provided
449.10 in accordance with sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the individual
449.11 with a disability may not be denied the opportunity to participate in the programs or activities
449.12 that are not separate or different.

449.13 (4) An individual or entity may not, directly or through contractual or other arrangements,
449.14 use standards or criteria and methods of administration:

449.15 (i) that have the effect of discriminating on the basis of disability; or

449.16 (ii) that perpetuate the discrimination of others who are subject to common administrative
449.17 control.

449.18 **EFFECTIVE DATE.** This section is effective August 1, 2024, for all places of public
449.19 accommodation.

449.20 Sec. 63. Minnesota Statutes 2022, section 363A.12, subdivision 1, is amended to read:

449.21 Subdivision 1. **Access to public service.** It is an unfair discriminatory practice to
449.22 discriminate against any person in the access to, admission to, full utilization of or benefit
449.23 from any public service because of race, color, creed, religion, national origin, disability,
449.24 sex, gender identity, sexual orientation, or status with regard to public assistance or to fail
449.25 to ensure physical and program access for disabled persons unless the public service can
449.26 demonstrate that providing the access would impose an undue hardship on its operation. In
449.27 determining whether providing physical and program access would impose an undue
449.28 hardship, factors to be considered include:

449.29 (1) the type and purpose of the public service's operation;

449.30 (2) the nature and cost of the needed accommodation;

449.31 (3) documented good faith efforts to explore less restrictive or less expensive alternatives;
449.32 and

450.1 (4) the extent of consultation with knowledgeable disabled persons and organizations.

450.2 Physical and program access must be accomplished within six months of June 7, 1983,
450.3 except for needed architectural modifications, which must be made within two years of June
450.4 7, 1983.

450.5 Sec. 64. Minnesota Statutes 2022, section 363A.13, subdivision 1, is amended to read:

450.6 Subdivision 1. **Utilization; benefit or services.** It is an unfair discriminatory practice
450.7 to discriminate in any manner in the full utilization of or benefit from any educational
450.8 institution, or the services rendered thereby to any person because of race, color, creed,
450.9 religion, national origin, sex, gender identity, age, marital status, status with regard to public
450.10 assistance, sexual orientation, or disability, or to fail to ensure physical and program access
450.11 for disabled persons. For purposes of this subdivision, program access includes but is not
450.12 limited to providing taped texts, interpreters or other methods of making orally delivered
450.13 materials available, readers in libraries, adapted classroom equipment, and similar auxiliary
450.14 aids or services. Program access does not include providing attendants, individually
450.15 prescribed devices, readers for personal use or study, or other devices or services of a
450.16 personal nature.

450.17 Sec. 65. Minnesota Statutes 2022, section 363A.13, subdivision 2, is amended to read:

450.18 Subd. 2. **Exclude, expel, or selection.** It is an unfair discriminatory practice to exclude,
450.19 expel, or otherwise discriminate against a person seeking admission as a student, or a person
450.20 enrolled as a student because of race, color, creed, religion, national origin, sex, gender
450.21 identity, age, marital status, status with regard to public assistance, sexual orientation, or
450.22 disability.

450.23 Sec. 66. Minnesota Statutes 2022, section 363A.13, subdivision 3, is amended to read:

450.24 Subd. 3. **Admission form or inquiry.** It is an unfair discriminatory practice to make or
450.25 use a written or oral inquiry, or form of application for admission that elicits or attempts to
450.26 elicit information, or to make or keep a record, concerning the creed, religion, gender identity,
450.27 sexual orientation, or disability of a person seeking admission, except as permitted by rules
450.28 of the department.

450.29 Sec. 67. Minnesota Statutes 2022, section 363A.13, subdivision 4, is amended to read:

450.30 Subd. 4. **Purpose for information and record.** It is an unfair discriminatory practice
450.31 to make or use a written or oral inquiry or form of application that elicits or attempts to

451.1 elicit information, or to keep a record concerning the race, color, national origin, sex, gender
451.2 identity, sexual orientation, age, or marital status of a person seeking admission, unless the
451.3 information is collected for purposes of evaluating the effectiveness of recruitment,
451.4 admissions, and other educational policies, and is maintained separately from the application.

451.5 Sec. 68. Minnesota Statutes 2022, section 363A.15, is amended to read:

451.6 **363A.15 REPRISALS.**

451.7 It is an unfair discriminatory practice for any individual who participated in the alleged
451.8 discrimination as a perpetrator, employer, labor organization, employment agency, public
451.9 accommodation, public service, educational institution, or owner, lessor, lessee, sublessee,
451.10 assignee or managing agent of any real property, or any real estate broker, real estate
451.11 salesperson, or employee or agent thereof to intentionally engage in any reprisal against
451.12 any person because that person:

451.13 (1) opposed a practice forbidden under this chapter or has filed a charge, testified,
451.14 assisted, or participated in any manner in an investigation, proceeding, or hearing under
451.15 this chapter; or

451.16 (2) associated with a person or group of persons who are disabled or who are of different
451.17 race, color, creed, religion, gender identity, sexual orientation, or national origin.

451.18 A reprisal includes, but is not limited to, any form of intimidation, retaliation, or
451.19 harassment. It is a reprisal for an employer to do any of the following with respect to an
451.20 individual because that individual has engaged in the activities listed in clause (1) or (2):
451.21 refuse to hire the individual; depart from any customary employment practice; transfer or
451.22 assign the individual to a lesser position in terms of wages, hours, job classification, job
451.23 security, or other employment status; or inform another employer that the individual has
451.24 engaged in the activities listed in clause (1) or (2).

451.25 Sec. 69. Minnesota Statutes 2022, section 363A.16, subdivision 1, is amended to read:

451.26 Subdivision 1. **Personal or commercial credit.** It is an unfair discriminatory practice
451.27 to discriminate in the extension of personal or commercial credit to a person, or in the
451.28 requirements for obtaining credit, because of race, color, creed, religion, disability, national
451.29 origin, sex, gender identity, sexual orientation, or marital status, or due to the receipt of
451.30 federal, state, or local public assistance including medical assistance.

452.1 Sec. 70. Minnesota Statutes 2022, section 363A.17, is amended to read:

452.2 **363A.17 BUSINESS DISCRIMINATION.**

452.3 It is an unfair discriminatory practice for a person engaged in a trade or business or in
452.4 the provision of a service:

452.5 (1) to refuse to do business with or provide a service to a woman based on her use of
452.6 her current or former surname; or

452.7 (2) to impose, as a condition of doing business with or providing a service to a woman,
452.8 that a woman use her current surname rather than a former surname; or

452.9 (3) to intentionally refuse to do business with, to refuse to contract with, or to discriminate
452.10 in the basic terms, conditions, or performance of the contract because of a person's race,
452.11 national origin, color, sex, gender identity, sexual orientation, or disability, unless the alleged
452.12 refusal or discrimination is because of a legitimate business purpose.

452.13 Nothing in this section shall prohibit positive action plans.

452.14 Sec. 71. Minnesota Statutes 2022, section 363A.21, subdivision 1, is amended to read:

452.15 Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

452.16 (1) rooms in a temporary or permanent residence home run by a nonprofit organization,
452.17 if the discrimination is by sex; or

452.18 (2) the rental by a resident owner or occupier of a one-family accommodation of a room
452.19 or rooms in the accommodation to another person or persons if the discrimination is by sex,
452.20 gender identity, marital status, status with regard to public assistance, sexual orientation,
452.21 or disability. Except as provided elsewhere in this chapter or other state or federal law, no
452.22 person or group of persons selling, renting, or leasing property is required to modify the
452.23 property in any way, or exercise a higher degree of care for a person having a disability
452.24 than for a person who does not have a disability; nor shall this chapter be construed to relieve
452.25 any person or persons of any obligations generally imposed on all persons regardless of any
452.26 disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid
452.27 distinctions based on the inability to fulfill the terms and conditions, including financial
452.28 obligations of the lease, agreement, or contract; ~~or.~~

452.29 ~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two~~
452.30 ~~units, if the discrimination is on the basis of sexual orientation.~~

453.1 Sec. 72. **REPEALER.**

453.2 Minnesota Statutes 2022, sections 363A.20, subdivision 3; and 363A.27, are repealed.

453.3

C. DATA

453.4 Sec. 73. Minnesota Statutes 2022, section 13.072, subdivision 1, is amended to read:

453.5 Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity, the
453.6 commissioner may give a written opinion on any question relating to public access to
453.7 government data, rights of subjects of data, or classification of data under this chapter or
453.8 other Minnesota statutes governing government data practices. Upon request of any person
453.9 who disagrees with a determination regarding data practices made by a government entity,
453.10 the commissioner may give a written opinion regarding the person's rights as a subject of
453.11 government data or right to have access to government data.

453.12 (b) Upon request of a body subject to chapter 13D, the commissioner may give a written
453.13 opinion on any question relating to the body's duties under chapter 13D. Upon request of a
453.14 person who disagrees with the manner in which members of a governing body perform their
453.15 duties under chapter 13D, the commissioner may give a written opinion on compliance with
453.16 chapter 13D. ~~A governing body or person requesting an opinion under this paragraph must
453.17 pay the commissioner a fee of \$200. Money received by the commissioner under this
453.18 paragraph is appropriated to the commissioner for the purposes of this section.~~

453.19 (c) If the commissioner determines that no opinion will be issued, the commissioner
453.20 shall give the government entity or body subject to chapter 13D or person requesting the
453.21 opinion notice of the decision not to issue the opinion within five business days of receipt
453.22 of the request. Notice must be in writing. For notice by mail, the decision not to issue an
453.23 opinion is effective when placed with the United States Postal Service or with the central
453.24 mail system of the state of Minnesota. If this notice is not given, the commissioner shall
453.25 issue an opinion within ~~20~~ 50 days of receipt of the request.

453.26 (d) ~~For good cause and upon written notice to the person requesting the opinion, the
453.27 commissioner may extend this deadline for one additional 30-day period. The notice must
453.28 state the reason for extending the deadline.~~ The government entity or the members of a body
453.29 subject to chapter 13D must be provided a reasonable opportunity to explain the reasons
453.30 for its decision regarding the data or how they perform their duties under chapter 13D. The
453.31 commissioner or the government entity or body subject to chapter 13D may choose to give
453.32 notice to the subject of the data concerning the dispute regarding the data or compliance
453.33 with chapter 13D.

454.1 (e) This section does not apply to a determination made by the commissioner of health
454.2 under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

454.3 (f) A written, numbered, and published opinion issued by the attorney general shall take
454.4 precedence over an opinion issued by the commissioner under this section.

454.5 Sec. 74. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA.

454.6 (a) The following data submitted to a political subdivision by a person seeking to obtain
454.7 a license are classified as private data on individuals or nonpublic data:

454.8 (1) a tax return, as defined by section 270B.01, subdivision 2; and

454.9 (2) a bank account statement.

454.10 (b) Notwithstanding section 138.17, data collected by a political subdivision as part of
454.11 a license application and classified under paragraph (a) must be destroyed no later than 90
454.12 days after a final decision on the license application.

454.13 **EFFECTIVE DATE.** This section is effective the day following final enactment. Data
454.14 which a political subdivision collected or created before the effective date of this section,
454.15 and which would otherwise be subject to the destruction requirement in paragraph (b), must
454.16 be destroyed no later than 90 days following final enactment.

454.17 Sec. 75. Minnesota Statutes 2022, section 13.32, subdivision 3, is amended to read:

454.18 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
454.19 5, educational data is private data on individuals and shall not be disclosed except as follows:

454.20 (a) pursuant to section 13.05;

454.21 (b) pursuant to a valid court order;

454.22 (c) pursuant to a statute specifically authorizing access to the private data;

454.23 (d) to disclose information in health, including mental health, and safety emergencies
454.24 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I), and Code
454.25 of Federal Regulations, title 34, section 99.36;

454.26 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
454.27 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
454.28 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

454.29 (f) to appropriate health authorities to the extent necessary to administer immunization
454.30 programs and for bona fide epidemiologic investigations which the commissioner of health

455.1 determines are necessary to prevent disease or disability to individuals in the public
455.2 educational agency or institution in which the investigation is being conducted;

455.3 (g) when disclosure is required for institutions that participate in a program under title
455.4 IV of the Higher Education Act, United States Code, title 20, section 1092;

455.5 (h) to the appropriate school district officials to the extent necessary under subdivision
455.6 6, annually to indicate the extent and content of remedial instruction, including the results
455.7 of assessment testing and academic performance at a postsecondary institution during the
455.8 previous academic year by a student who graduated from a Minnesota school district within
455.9 two years before receiving the remedial instruction;

455.10 (i) to appropriate authorities as provided in United States Code, title 20, section
455.11 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
455.12 system to effectively serve, prior to adjudication, the student whose records are released;
455.13 provided that the authorities to whom the data are released submit a written request for the
455.14 data that certifies that the data will not be disclosed to any other person except as authorized
455.15 by law without the written consent of the parent of the student and the request and a record
455.16 of the release are maintained in the student's file;

455.17 (j) to volunteers who are determined to have a legitimate educational interest in the data
455.18 and who are conducting activities and events sponsored by or endorsed by the educational
455.19 agency or institution for students or former students;

455.20 (k) to provide student recruiting information, from educational data held by colleges
455.21 and universities, as required by and subject to Code of Federal Regulations, title 32, section
455.22 216;

455.23 (l) to the juvenile justice system if information about the behavior of a student who poses
455.24 a risk of harm is reasonably necessary to protect the health or safety of the student or other
455.25 individuals;

455.26 (m) with respect to Social Security numbers of students in the adult basic education
455.27 system, to Minnesota State Colleges and Universities and the Department of Employment
455.28 and Economic Development for the purpose and in the manner described in section 124D.52,
455.29 subdivision 7;

455.30 (n) to the commissioner of education for purposes of an assessment or investigation of
455.31 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
455.32 by the commissioner of education, data that are relevant to a report of maltreatment and are

456.1 from charter school and school district investigations of alleged maltreatment of a student
 456.2 must be disclosed to the commissioner, including, but not limited to, the following:

456.3 (1) information regarding the student alleged to have been maltreated;

456.4 (2) information regarding student and employee witnesses;

456.5 (3) information regarding the alleged perpetrator; and

456.6 (4) what corrective or protective action was taken, if any, by the school facility in response
 456.7 to a report of maltreatment by an employee or agent of the school or school district;

456.8 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
 456.9 of a crime of violence or nonforcible sex offense to the extent authorized under United
 456.10 States Code, title 20, section 1232g(b)(6)(A) and (B), and Code of Federal Regulations,
 456.11 title 34, sections 99.31(a)(13) and (14);

456.12 (p) when the disclosure is information provided to the institution under United States
 456.13 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
 456.14 under United States Code, title 20, section 1232g(b)(7); ~~or~~

456.15 (q) when the disclosure is to a parent of a student at an institution of postsecondary
 456.16 education regarding the student's violation of any federal, state, or local law or of any rule
 456.17 or policy of the institution, governing the use or possession of alcohol or of a controlled
 456.18 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
 456.19 Code of Federal Regulations, title 34, section 99.31(a)(15), and provided the institution has
 456.20 an information release form signed by the student authorizing disclosure to a parent. The
 456.21 institution must notify parents and students about the purpose and availability of the
 456.22 information release forms. At a minimum, the institution must distribute the information
 456.23 release forms at parent and student orientation meetings; or

456.24 (r) a student's name, home address, telephone number, email address, or other personal
 456.25 contact information may be disclosed to a public library for purposes of issuing a library
 456.26 card to the student.

456.27 Sec. 76. Minnesota Statutes 2022, section 13.32, subdivision 5, is amended to read:

456.28 Subd. 5. **Directory information.** ~~Information~~ (a) Educational data designated as directory
 456.29 information is public data on individuals to the extent required under federal law. Directory
 456.30 information must be designated pursuant to the provisions of:

456.31 (1) this subdivision; and

457.1 (2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title
457.2 34, section 99.37, which ~~are~~ were in effect on January 3, 2012, ~~is public data on individuals,~~
457.3 to the extent required under federal law.

457.4 (b) When conducting the directory information designation and notice process required
457.5 by federal law, an educational agency or institution shall give parents and students notice
457.6 of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about
457.7 the student as directory information. This notice may be given by any means reasonably
457.8 likely to inform the parents and students of the right.

457.9 (c) An educational agency or institution may not designate a student's home address,
457.10 telephone number, email address, or other personal contact information as directory
457.11 information under this subdivision. This paragraph does not apply to a postsecondary
457.12 institution.

457.13 (d) When requested, educational agencies or institutions must share personal student
457.14 contact information and directory information, whether public or private, with the Minnesota
457.15 Department of Education, as required for federal reporting purposes.

457.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.
457.17 Beginning upon the effective date of this section, a student's personal contact information
457.18 subject to this section must be treated by an educational agency or institution as private
457.19 educational data under Minnesota Statutes, section 13.32, regardless of whether that contact
457.20 information was previously designated as directory information under Minnesota Statutes,
457.21 section 13.32, subdivision 5.

457.22 Sec. 77. Minnesota Statutes 2022, section 13.643, subdivision 6, is amended to read:

457.23 Subd. 6. **Animal premises data.** (a) Except for farmed Cervidae premises location data
457.24 collected and maintained under section 35.155, the following data collected and maintained
457.25 by the Board of Animal Health related to registration and identification of premises and
457.26 animals under chapter 35, are classified as private or nonpublic:

457.27 (1) the names and addresses;

457.28 (2) the location of the premises where animals are kept; and

457.29 (3) the identification number of the premises or the animal.

457.30 (b) Except as provided in section 347.58, subdivision 5, data collected and maintained
457.31 by the Board of Animal Health under sections 347.57 to 347.64 are classified as private or
457.32 nonpublic.

458.1 (c) The Board of Animal Health may disclose data collected under paragraph (a) or (b)
458.2 to any person, agency, or to the public if the board determines that the access will aid in the
458.3 law enforcement process or the protection of public or animal health or safety.

458.4 Sec. 78. Minnesota Statutes 2022, section 13.72, subdivision 19, is amended to read:

458.5 Subd. 19. **Transit customer data.** (a) The following data on applicants, users, and
458.6 customers of public transit are private data on individuals: (1) data collected by or through
458.7 a government entity's personalized web services or the Metropolitan Council's regional fare
458.8 collection system ~~are private data on individuals~~; and (2) data collected by telephone or
458.9 through a third-party software program for the purposes of booking and using public transit
458.10 services. As used in this subdivision, the following terms have the meanings given ~~them~~:

458.11 (1) "regional fare collection system" means the fare collection system created and
458.12 administered by the council that is used for collecting fares or providing fare cards or passes
458.13 for transit services which includes:

458.14 (i) regular route bus service within the metropolitan area and paratransit service, whether
458.15 provided by the council or by other providers of regional transit service;

458.16 (ii) light rail transit service within the metropolitan area;

458.17 (iii) rideshare programs administered by the council;

458.18 (iv) special transportation services provided under section 473.386; and

458.19 (v) commuter rail service;

458.20 (2) "personalized web services" means services for which transit service applicants,
458.21 users, and customers must establish a user account; ~~and~~

458.22 (3) "metropolitan area" means the area defined in section 473.121, subdivision 2; and

458.23 (4) "third-party software program" means a software program that is proprietary to a
458.24 third party, including a third-party software program commonly known as a mobile app,
458.25 that collects and uses a public transit customer's name and other personally identifiable
458.26 information, pick-up and drop-off locations, and other trip data for the purposes of booking
458.27 and using public transit services.

458.28 (b) A government entity may disseminate data on user and customer transaction history
458.29 and fare card use to government entities, organizations, school districts, educational
458.30 institutions, and employers that subsidize or provide fare cards to their clients, students, or
458.31 employees. "Data on user and customer transaction history and fare card use" means:

459.1 (1) the date a fare card was used;

459.2 (2) the time a fare card was used;

459.3 (3) the mode of travel;

459.4 (4) the type of fare product used; and

459.5 (5) information about the date, time, and type of fare product purchased.

459.6 Government entities, organizations, school districts, educational institutions, and employers

459.7 may use customer transaction history and fare card use data only for purposes of measuring

459.8 and promoting fare card use and evaluating the cost-effectiveness of their fare card programs.

459.9 If a user or customer requests in writing that the council limit the disclosure of transaction

459.10 history and fare card use, the council may disclose only the card balance and the date a card

459.11 was last used.

459.12 (c) A government entity may disseminate transit service applicant, user, and customer

459.13 data to another government entity to prevent unlawful intrusion into government electronic

459.14 systems, or as otherwise provided by law.

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

459.16 Sec. 79. Minnesota Statutes 2022, section 13.72, is amended by adding a subdivision to

459.17 read:

459.18 **Subd. 20. Transit assistance program data.** (a) Data on applicants and users of

459.19 Metropolitan Council programs established under section 473.387, subdivision 4, are

459.20 classified as private data on individuals under section 13.02, subdivision 12.

459.21 (b) The council may disclose transit assistance program data to public or private agencies

459.22 or organizations for the purposes of administering and coordinating human services programs

459.23 and other support services for the applicants or users.

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

459.25 Sec. 80. Minnesota Statutes 2022, section 473.387, subdivision 4, is amended to read:

459.26 **Subd. 4. Transit disadvantaged.** The council shall establish a program and policies to

459.27 reduce transportation costs for persons who are, because of limited incomes, age, disability,

459.28 or other reasons, especially dependent on public transit for common mobility. Data on

459.29 applicants and users of council programs under this subdivision are classified as private

459.30 data on individuals under section 13.72, subdivision 20.

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

460.2 **D. CIVIL MARRIAGES**

460.3 Sec. 81. Minnesota Statutes 2022, section 517.04, is amended to read:

460.4 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

460.5 Civil marriages may be solemnized throughout the state by an individual who has attained
 460.6 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
 460.7 a court administrator, a retired court administrator with the approval of the chief judge of
 460.8 the judicial district, a former court commissioner who is employed by the court system or
 460.9 is acting pursuant to an order of the chief judge of the commissioner's judicial district, the
 460.10 residential school superintendent of the Minnesota State Academy for the Deaf and the
 460.11 Minnesota State Academy for the Blind, a licensed or ordained minister of any religious
 460.12 denomination, an individual who registers as a civil marriage officiant with a local registrar
 460.13 in a county of this state, or by any mode recognized in section 517.18. For purposes of this
 460.14 section, a court of record includes the Office of Administrative Hearings under section
 460.15 14.48.

460.16 **E. HEALTH CARE MEDIATION**

460.17 Sec. 82. **[145.685] COMMUNICATION AND RESOLUTION AFTER A HEALTH**
 460.18 **CARE ADVERSE INCIDENT.**

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

460.21 (b) "Health care adverse incident" means an objective and definable outcome arising
 460.22 from or related to patient care that results in the death or physical injury of a patient.

460.23 (c) "Health care provider" means a person who is licensed, certified, or registered, or
 460.24 otherwise permitted by state law, to administer health care in the ordinary course of business
 460.25 or in the practice of a profession and practices at a health facility.

460.26 (d) "Health facility" means a hospital or outpatient surgical center licensed under sections
 460.27 144.50 to 144.56; a medical, dental, or health care clinic; a diagnostic laboratory; or a
 460.28 birthing center licensed under section 144.615. The definition of health facility includes
 460.29 any corporation, professional corporation, partnership, limited liability company, limited
 460.30 liability partnership, or other entity comprised of health facilities or health care providers.

460.31 (e) "Open discussion" means all communications that are made during an open discussion
 460.32 process under this section and includes memoranda, work product, documents, and other

461.1 materials that are prepared for or submitted in the course of or in connection with
461.2 communications made under this section. Open discussion does not include any
461.3 communication, memoranda, work product, or other materials that would otherwise be
461.4 subject to discovery and were not prepared specifically for use in an open discussion pursuant
461.5 to this section.

461.6 (f) "Patient" means a person who receives health care from a health care provider. If the
461.7 patient is under 18 years of age and is not an emancipated minor, the definition of patient
461.8 includes the patient's legal guardian or parent. If the patient is deceased or incapacitated,
461.9 the definition of patient includes the patient's legal representative.

461.10 Subd. 2. **Engaging in an open discussion.** (a) If a health care adverse incident occurs,
461.11 a health care provider involved in the health care adverse incident, the health facility involved
461.12 in the health care adverse incident, or both jointly may provide the patient with written
461.13 notice of their desire to enter into an open discussion with the patient to discuss potential
461.14 outcomes following a health care adverse incident in accordance with this section. A health
461.15 facility may designate a person or class of persons who has the authority to provide the
461.16 notice on behalf of the health facility. The patient involved in the health care adverse incident
461.17 may provide oral notice to the health care provider, the health facility involved in the health
461.18 care adverse incident, or both, of the patient's desire to enter into an open discussion with
461.19 either the health care provider, or the health care provider and health facility jointly, to
461.20 discuss potential outcomes following a health care adverse incident in accordance with this
461.21 section.

461.22 (b) If a health care provider or health facility decides to enter into an open discussion
461.23 as specified in this section, the written notice must be sent to the patient within 365 days
461.24 from the date the health care provider or the health facility knew, or through the use of
461.25 diligence should have known, of the health care adverse incident. The notice must include:

461.26 (1) the health care provider, health facility, or both jointly desire to pursue an open
461.27 discussion in accordance with this section;

461.28 (2) the patient's right to receive a copy of the medical records related to the health care
461.29 adverse incident and the patient's right to authorize the release of the patient's medical
461.30 records related to the health care adverse incident to a third party;

461.31 (3) the patient's right to seek legal counsel and to have legal counsel present throughout
461.32 the open discussion process;

462.1 (4) a copy of section 541.076 with notice that the time for a patient to bring a lawsuit is
462.2 limited under section 541.076 and will not be extended by engaging in an open discussion
462.3 under this section unless all parties agree in writing to an extension;

462.4 (5) that if the patient chooses to engage in an open discussion with the health care
462.5 provider, health facility, or jointly with both, all communications made during the course
462.6 of the open discussion process, including communications regarding the initiation of an
462.7 open discussion are:

462.8 (i) privileged and confidential;

462.9 (ii) not subject to discovery, subpoena, or other means of legal compulsion for release;
462.10 and

462.11 (iii) not admissible as evidence in a proceeding arising directly out of the health care
462.12 adverse incident, including a judicial, administrative, or arbitration proceeding; and

462.13 (6) that any communications, memoranda, work product, documents, or other material
462.14 that are otherwise subject to discovery and not prepared specifically for use in an open
462.15 discussion under this section are not confidential.

462.16 (c) If the patient agrees to engage in an open discussion with a health care provider,
462.17 health facility, or jointly with both, the agreement must be in writing and must state that
462.18 the patient has received the notice described in paragraph (b).

462.19 (d) Upon agreement to engage in an open discussion, the patient, health care provider,
462.20 or health facility may include other persons in the open discussion process. All other persons
462.21 included in the open discussion must be advised of the parameters of communications made
462.22 during the open discussion process specified under paragraph (b), clauses (5) and (6).

462.23 (e) If a health care provider or health facility decides to engage in an open discussion,
462.24 the health care provider or health facility may:

462.25 (1) investigate how the health care adverse incident occurred, including gathering
462.26 information regarding the medical care or treatment and disclose the results of the
462.27 investigation to the patient;

462.28 (2) openly communicate to the patient the steps the health care provider or health facility
462.29 will take to prevent future occurrences of the health care adverse incident; and

462.30 (3) determine that no offer of compensation for the health care adverse incident is
462.31 warranted or that an offer of compensation for the health care adverse incident is warranted.

463.1 (f) If a health care provider or health facility determines that no offer of compensation
463.2 is warranted, the health care provider or health facility shall orally communicate that decision
463.3 to the patient.

463.4 (g) If a health care provider or a health facility determines that an offer of compensation
463.5 is warranted, the health care provider or health facility shall provide the patient with a written
463.6 offer of compensation. If an offer of compensation is made under this paragraph, and the
463.7 patient is not represented by legal counsel, the health care provider or health facility shall:

463.8 (1) advise the patient of the patient's right to seek legal counsel regarding the offer of
463.9 compensation and encourage the patient to seek legal counsel; and

463.10 (2) provide notice to the patient that the patient may be legally required to repay medical
463.11 and other expenses that were paid by a third party on the patient's behalf, including private
463.12 health insurance, Medicaid, or Medicare, along with an itemized statement from the health
463.13 provider showing all charges and third-party payments.

463.14 (h) Except for an offer of compensation made under paragraph (g), open discussions
463.15 between the health care provider or health facility and the patient about compensation shall
463.16 not be in writing.

463.17 **Subd. 3. Confidentiality of open discussions and offers of compensation.** (a) Open
463.18 discussion communications made under this section, including offers of compensation made
463.19 under subdivision 2:

463.20 (1) do not constitute an admission of liability;

463.21 (2) are privileged and confidential and shall not be disclosed;

463.22 (3) are not admissible as evidence in any subsequent judicial, administrative, or arbitration
463.23 proceeding arising directly out of the health care adverse incident, except as provided in
463.24 paragraph (b);

463.25 (4) are not subject to discovery, subpoena, or other means of legal compulsion for release;
463.26 and

463.27 (5) shall not be disclosed by any party in any subsequent judicial, administrative, or
463.28 arbitration proceeding arising directly out of the health care adverse incident.

463.29 (b) A party may move the court or other decision maker in a subsequent proceeding to
463.30 adjudicate the matter to admit as evidence a communication made during an open discussion
463.31 that contradicts a statement made during the proceeding. The court or other decision maker
463.32 shall allow a communication made during an open discussion that contradicts a statement

464.1 made at a subsequent proceeding to adjudicate the matter into evidence only if the
464.2 communication made during an open discussion is material to the claims presented in the
464.3 subsequent proceeding.

464.4 (c) Communications, memoranda, work product, documents, and other materials that
464.5 are otherwise subject to discovery and that were not prepared specifically for use in an open
464.6 discussion under this section are not confidential.

464.7 (d) The limitation on disclosure imposed by this subdivision includes disclosure during
464.8 any discovery conducted as part of a subsequent adjudicatory proceeding, and a court or
464.9 other adjudicatory body shall not compel any person who engages in an open discussion
464.10 under this section to disclose confidential communications or agreements made under this
464.11 section.

464.12 (e) This subdivision does not affect any other law, rule, or requirement with respect to
464.13 confidentiality.

464.14 **Subd. 4. Payment and resolution.** (a) If a patient accepts an offer of compensation
464.15 made pursuant to this section, and payment of compensation is made to a patient as a result,
464.16 the payment to the patient is not payment resulting from:

464.17 (1) a written claim or demand for payment;

464.18 (2) a final judgment, settlement, or arbitration award against a health care institution for
464.19 medical malpractice purposes; or

464.20 (3) a malpractice claim settled or in which judgment is rendered against a health care
464.21 professional for purposes of reporting by malpractice insurance companies under sections
464.22 146A.03, 147.111, 147A.14, 148.102, 148.263, 148B.381, 148F.205, 150A.13, and 153.24.

464.23 (b) A health care provider or health facility may require, as a condition of an offer of
464.24 compensation made pursuant to this section, a patient to execute all documents and obtain
464.25 any necessary court approval to resolve a health care adverse incident. The parties shall
464.26 negotiate the form of the documents to be executed and obtain court approval as necessary.

464.27 **Subd. 5. Sunset.** This section sunsets on June 30, 2031.

464.28 **Subd. 6. Applicability.** This section applies only to health care adverse incidents that
464.29 occur on or after August 1, 2023.

465.1

F. TENANT'S RIGHTS

465.2 Sec. 83. **[504B.114] PET DECLAWING AND DEVOCALIZATION PROHIBITED.**

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

465.5 (b) "Animal" has the meaning given in section 343.20, subdivision 2.

465.6 (c) "Application for occupancy" means all phases of the process of applying for the right
465.7 to occupy a real property, including but not limited to filling out applications, interviewing,
465.8 and submitting references.

465.9 (d) "Claw" means a hardened keratinized modification of the epidermis or a hardened
465.10 keratinized growth that extends from the end of the digits of certain mammals, birds, reptiles,
465.11 and amphibians that is commonly referred to as a claw, talon, or nail.

465.12 (e) "Declawing" means performing, procuring, or arranging for any procedure, such as
465.13 an onychectomy, tendonectomy, or phalangectomy, to remove or prevent the normal function
465.14 of an animal's claw or claws.

465.15 (f) "Devocalizing" means performing, procuring, or arranging for any surgical procedure,
465.16 such as a vocal cordectomy, to remove an animal's vocal cords or to prevent the normal
465.17 function of an animal's vocal cords.

465.18 Subd. 2. **Prohibitions.** A landlord who allows an animal on the premises shall not:

465.19 (1) advertise the availability of a real property for occupancy in a manner designed to
465.20 discourage application for occupancy of that real property because an applicant's animal
465.21 has not been declawed or devocalized;

465.22 (2) refuse to allow the occupancy of a real property, refuse to negotiate the occupancy
465.23 of a real property, or otherwise make unavailable or deny to another person the occupancy
465.24 of a real property because of that person's refusal to declaw or devocalize an animal; or

465.25 (3) require a tenant or occupant of real property to declaw or devocalize an animal
465.26 allowed on the premises.

465.27 Any requirement or lease provision that violates this subdivision is void and unenforceable.

465.28 Subd. 3. **Penalties.** (a) A city attorney, a county attorney, or the attorney general may
465.29 bring an action in district court to obtain injunctive relief for a violation of this section and
465.30 to enforce the civil penalties provided in this subdivision.

466.1 (b) In addition to any other penalty allowed by law, a violation of subdivision 2, clause
 466.2 (1), shall result in a civil penalty of not more than \$1,000 per advertisement, to be paid to
 466.3 the entity that is authorized to bring the action under this section.

466.4 (c) In addition to any other penalty allowed by law, a violation of subdivision 2, clause
 466.5 (2) or (3), shall result in a civil penalty of not more than \$1,000 per animal, to be paid to
 466.6 the entity that is authorized to bring the action under this section.

466.7 Sec. 84. [504B.120] PROHIBITED FEES.

466.8 Subdivision 1. Disclosure of fees. A landlord must disclose all nonoptional fees in the
 466.9 lease agreement. The sum total of rent and all nonoptional fees must be described as the
 466.10 Total Monthly Payment and be listed on the first page of the lease. A unit advertised for a
 466.11 residential tenancy must disclose the nonoptional fees included with the total amount for
 466.12 rent in any advertisement or posting. In a lease agreement disclosure or unit advertisement,
 466.13 the landlord must disclose whether utilities are included or not included in the rent.

466.14 Subd. 2. Penalties. A landlord who violates this section is liable to the residential tenant
 466.15 for treble damages and the court may award the tenant reasonable attorney fees.

466.16 Sec. 85. Minnesota Statutes 2022, section 504B.178, subdivision 4, is amended to read:

466.17 Subd. 4. **Damages.** Any landlord who fails to:

466.18 (1) provide a written statement within three weeks of termination of the tenancy;

466.19 (2) provide a written statement within five days of the date when the tenant leaves the
 466.20 building or dwelling due to the legal condemnation of the building or dwelling in which the
 466.21 tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant;

466.22 ~~or~~

466.23 (3) transfer or return a deposit as required by subdivision 5; or

466.24 (4) provide the tenant with notice for an initial inspection and move-out inspection as
 466.25 required by section 504B.182, and complete an initial inspection and move-out inspection
 466.26 when requested by the tenant,

466.27 after receipt of the tenant's mailing address or delivery instructions, as required in subdivision
 466.28 3, is liable to the tenant for damages in an amount equal to the portion of the deposit withheld
 466.29 by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition
 466.30 to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

467.1 Sec. 86. **[504B.182] INITIAL AND FINAL INSPECTION REQUIRED.**

467.2 **Subdivision 1. Initial inspection.** (a) At the commencement of a residential tenancy, or
467.3 within 14 days of a residential tenant occupying a unit, the landlord must notify the tenant
467.4 of their option to request an initial inspection of the residential unit for the purposes of
467.5 identifying existing deficiencies in the rental unit to avoid deductions for the security deposit
467.6 of the tenant at a future date. If the tenant requests an inspection, the landlord and tenant
467.7 shall schedule the inspection at a mutually acceptable date and time.

467.8 (b) In lieu of an initial inspection or move-out inspection under subdivision 2, when a
467.9 tenant agrees, a landlord may provide written acknowledgment to the tenant of photos or
467.10 videos of a rental unit and agree to the condition of the rental unit at the start or end of the
467.11 tenancy.

467.12 **Subd. 2. Move-out inspection.** Within a reasonable time after notification of either a
467.13 landlord or residential tenant's intention to terminate the tenancy, or before the end of the
467.14 lease term, the landlord shall notify the tenant in writing of the tenant's option to request a
467.15 move-out inspection and of the tenant's right to be present at the inspection. At a reasonable
467.16 time, but no earlier than five days before the termination or the end of the lease date, or day
467.17 the tenant plans to vacate the unit, the landlord, or an agent of the landlord, shall, upon the
467.18 request of the tenant, make a move-out inspection of the premises. The purpose of the
467.19 move-out inspection shall be to allow the tenant an opportunity to remedy identified
467.20 deficiencies, in a manner consistent with the rights and obligations of the parties under the
467.21 rental agreement, in order to avoid deductions from the security deposit. If a tenant chooses
467.22 not to request a move-out inspection, the duties of the landlord under this subdivision are
467.23 discharged. If an inspection is requested, the parties shall attempt to schedule the inspection
467.24 at a mutually acceptable date and time.

467.25 **Subd. 3. Other requirements under law.** Nothing in this section changes the
467.26 requirements or obligations under any other section of law, including but not limited to
467.27 sections 504B.178, 504B.185, 504B.195, or 504B.271, 504B.375, and 504B.381.

467.28 **Subd. 4. Waiver.** Except as allowed under subdivisions 1 and 2, when a tenant chooses
467.29 not to request an initial or move-out inspection, or alternate inspection under subdivision
467.30 1, paragraph (b), any provision, whether oral or written, of any lease or other agreement,
467.31 whereby any provision of this section is waived by a tenant, is contrary to public policy and
467.32 void.

468.1 Sec. 87. Minnesota Statutes 2022, section 504B.211, subdivision 2, is amended to read:

468.2 Subd. 2. **Entry by landlord.** Except as provided in subdivision 4, a landlord may enter
 468.3 the premises rented by a residential tenant only for a reasonable business purpose and after
 468.4 making a good faith effort to give the residential tenant reasonable notice under the
 468.5 circumstances of not less than 24 hours in advance of the intent to enter. A residential tenant
 468.6 may permit a landlord to enter the rented premises with less than 24 hours notice if desired.
 468.7 The notice must specify a time or anticipated window of time of entry and the landlord may
 468.8 only enter between the hours of 8:00 a.m. and 8:00 p.m. unless the landlord and tenant agree
 468.9 to an earlier or later time. A residential tenant may not waive and the landlord may not
 468.10 require the residential tenant to waive the residential tenant's right to prior notice of entry
 468.11 under this section as a condition of entering into or maintaining the lease.

468.12 Sec. 88. Minnesota Statutes 2022, section 504B.211, subdivision 6, is amended to read:

468.13 Subd. 6. **Penalty.** If a landlord ~~substantially~~ violates ~~subdivision 2~~ this section, the
 468.14 residential tenant is entitled to a penalty which may include a rent reduction up to full
 468.15 rescission of the lease, recovery of any damage deposit less any amount retained under
 468.16 section 504B.178, and up to a ~~\$100~~ \$500 civil penalty for each violation. ~~If a landlord~~
 468.17 ~~violates subdivision 5, the residential tenant is entitled to up to a \$100 civil penalty for each~~
 468.18 ~~violation and reasonable attorney fees.~~ A residential tenant ~~shall~~ may follow the procedures
 468.19 in sections 504B.381, 504B.385, and 504B.395 to 504B.471 to enforce the provisions of
 468.20 this section. A violation of this section by the landlord is a violation of section 504B.161.

468.21 Sec. 89. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF**
 468.22 **LEASE EVICTION ACTIONS.**

468.23 Subdivision 1. **Right to counsel.** A defendant in public housing subject to an eviction
 468.24 action under sections 504B.281 to 504B.371 alleging breach of lease under section 504B.171
 468.25 or 504B.285 who is financially unable to obtain counsel has the right to counsel appointed
 468.26 by the court. The complaint required by section 504B.321 shall include the notice on the
 468.27 first page of the complaint in bold 12-point type: "If financially unable to obtain counsel,
 468.28 the defendant has the right to a court-appointed attorney." At the initial hearing, the court
 468.29 shall ask the defendant if the defendant wants court-appointed counsel and shall explain
 468.30 what such appointed counsel can accomplish for the defendant.

468.31 Subd. 2. **Qualifications.** Counsel appointed by the court must (1) have a minimum of
 468.32 two years' experience handling public housing evictions; (2) have training in handling public

469.1 housing evictions; or (3) be supervised by an attorney who meets the minimum qualifications
469.2 under clause (1) or (2).

469.3 Subd. 3. **Compensation.** By January 15, 2024, and every year thereafter, the chief judge
469.4 of the judicial district, after consultation with public housing attorneys, legal aid attorneys,
469.5 and members of the private bar in the district, shall establish a compensation rate for attorney
469.6 fees and costs associated with representation under subdivision 1. The compensation to be
469.7 paid to an attorney for such service rendered to a defendant under this subdivision may not
469.8 exceed \$5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment
469.9 in excess of that limit is certified by the chief judge of the district as necessary to provide
469.10 fair compensation for services of an unusual character or duration.

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

469.12 Sec. 90. **EFFECTIVE DATE.**

469.13 Sections 83 to 89 are effective January 1, 2024, and apply to leases signed on or after
469.14 that date.

469.15 **G. LEASE COVENANTS AND REPAIRS IN RESIDENTIAL TENANCY**

469.16 Sec. 91. Minnesota Statutes 2022, section 504B.161, subdivision 1, is amended to read:

469.17 Subdivision 1. **Requirements.** (a) In every lease or license of residential premises, the
469.18 landlord or licensor covenants:

469.19 (1) that the premises and all common areas are fit for the use intended by the parties;

469.20 (2) to keep the premises in reasonable repair during the term of the lease or license,
469.21 except when the disrepair has been caused by the willful, malicious, or irresponsible conduct
469.22 of the tenant or licensee or a person under the direction or control of the tenant or licensee;

469.23 (3) to make the premises reasonably energy efficient by installing weatherstripping,
469.24 caulking, storm windows, and storm doors when any such measure will result in energy
469.25 procurement cost savings, based on current and projected average residential energy costs
469.26 in Minnesota, that will exceed the cost of implementing that measure, including interest,
469.27 amortized over the ten-year period following the incurring of the cost; ~~and~~

469.28 (4) to maintain the premises in compliance with the applicable health and safety laws
469.29 of the state, and of the local units of government where the premises are located during the
469.30 term of the lease or license, except when violation of the health and safety laws has been

470.1 caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a
470.2 person under the direction or control of the tenant or licensee; and

470.3 (5) to supply or furnish heat at a minimum temperature of 68 degrees Fahrenheit from
470.4 October 1 through April 30, unless a utility company requires and instructs the heat to be
470.5 reduced.

470.6 (b) The parties to a lease or license of residential premises may not waive or modify the
470.7 covenants imposed by this section.

470.8 Sec. 92. Minnesota Statutes 2022, section 504B.375, subdivision 1, is amended to read:

470.9 Subdivision 1. **Unlawful exclusion or removal.** (a) This section applies to actual or
470.10 constructive removal or exclusion of a residential tenant which may include the termination
470.11 of utilities or the removal of doors, windows, or locks. A residential tenant to whom this
470.12 section applies may recover possession of the premises as described in paragraphs (b) to
470.13 (e).

470.14 (b) The residential tenant shall present a verified petition to the district court of the
470.15 judicial district of the county in which the premises are located that:

470.16 (1) describes the premises and the landlord;

470.17 (2) specifically states the facts and grounds that demonstrate that the exclusion or removal
470.18 was unlawful, including a statement that no writ of recovery of the premises and order to
470.19 vacate has been issued under section 504B.345 in favor of the landlord and against the
470.20 residential tenant and executed in accordance with section 504B.365; and

470.21 (3) asks for possession.

470.22 (c) If it clearly appears from the specific grounds and facts stated in the verified petition
470.23 or by separate affidavit of the residential tenant or the residential tenant's attorney or agent
470.24 that the exclusion or removal was unlawful, the court shall immediately order that the
470.25 residential tenant have possession of the premises.

470.26 (d) The residential tenant shall furnish security, if any, that the court finds is appropriate
470.27 under the circumstances for payment of all costs and damages the landlord may sustain if
470.28 the order is subsequently found to have been obtained wrongfully. In determining the
470.29 appropriateness of security, the court shall consider the residential tenant's ability to afford
470.30 monetary security.

470.31 (e) The court shall direct the order to the sheriff of the county in which the premises are
470.32 located and the sheriff shall execute the order immediately by making a demand for

471.1 possession on the landlord, if found, or the landlord's agent or other person in charge of the
 471.2 premises. If the landlord fails to comply with the demand, the officer shall take whatever
 471.3 assistance may be necessary and immediately place the residential tenant in possession of
 471.4 the premises. If the landlord, the landlord's agent, or other person in control of the premises
 471.5 cannot be found and if there is no person in charge, the officer shall immediately enter into
 471.6 and place the residential tenant in possession of the premises. The officer shall also serve
 471.7 the order and verified petition or affidavit immediately upon the landlord or agent, in the
 471.8 same manner as a summons is required to be served in a civil action in district court.

471.9 (f) The court administrator may charge a filing fee in the amount set for complaints and
 471.10 counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.

471.11 Sec. 93. Minnesota Statutes 2022, section 504B.381, subdivision 1, is amended to read:

471.12 Subdivision 1. **Petition.** A person authorized to bring an action under section 504B.395,
 471.13 subdivision 1, may petition the court for relief ~~in cases of emergency involving the loss of~~
 471.14 ~~running water, hot water, heat, electricity, sanitary facilities, or other essential services or~~
 471.15 ~~facilities that the landlord is responsible for providing.;~~

471.16 (1) when a unit of government has revoked a rental license, issued a condemnation order,
 471.17 issued a notice of intent to condemn, or otherwise deemed the property uninhabitable; or

471.18 (2) in cases of emergency involving the following services and facilities when the landlord
 471.19 is responsible for providing them:

471.20 (i) a serious infestation;

471.21 (ii) the loss of running water;

471.22 (iii) the loss of hot water;

471.23 (iv) the loss of heat;

471.24 (v) the loss of electricity;

471.25 (vi) the loss of sanitary facilities;

471.26 (vii) a nonfunctioning refrigerator;

471.27 (viii) if included in the lease, a nonfunctioning air conditioner;

471.28 (iv) if included in the lease, no functioning elevator;

471.29 (x) any conditions, services, or facilities that pose a serious and negative impact on
 471.30 health or safety; or

472.1 (xi) other essential services or facilities.

472.2 Sec. 94. Minnesota Statutes 2022, section 504B.381, subdivision 5, is amended to read:

472.3 Subd. 5. **Relief; service of petition and order.** Provided proof that the petitioner has
 472.4 given the notice required in subdivision 4 to the landlord, if the court finds based on the
 472.5 petitioner's emergency ex parte motion for relief, affidavit, and other evidence presented
 472.6 that the landlord violated subdivision 1, then the court shall order that the landlord
 472.7 immediately begin to remedy the violation and may order relief as provided in section
 472.8 504B.425. The court and petitioner shall serve the petition and order on the landlord
 472.9 personally or by mail as soon as practicable. The court shall include notice of a hearing and,
 472.10 at the hearing, shall consider evidence of alleged violations, defenses, compliance with the
 472.11 order, and any additional relief available under section 504B.425. The court and petitioner
 472.12 shall serve the notice of hearing on the ex parte petition and emergency order personally or
 472.13 by mail as soon as practicable.

472.14 Sec. 95. Minnesota Statutes 2022, section 504B.381, is amended by adding a subdivision
 472.15 to read:

472.16 Subd. 8. **Filing fee.** The court administrator may charge a filing fee in the amount set
 472.17 for complaints and counterclaims in conciliation court, subject to the filing of an inability
 472.18 to pay affidavit.

472.19 Sec. 96. **EFFECTIVE DATE.**

472.20 Sections 91 to 95 are effective January 1, 2024, and where applicable, apply to petitions
 472.21 filed on or after that date.

472.22 H. LEASE TERMINATION

472.23 Sec. 97. Minnesota Statutes 2022, section 504B.135, is amended to read:

472.24 **504B.135 TERMINATING TENANCY AT WILL.**

472.25 ~~(a)~~ A tenancy at will may be terminated by either party by giving notice in writing. The
 472.26 time of the notice must be at least as long as the interval between the time rent is due or
 472.27 three months, whichever is less.

472.28 ~~(b) If a tenant neglects or refuses to pay rent due on a tenancy at will, the landlord may~~
 472.29 ~~terminate the tenancy by giving the tenant 14 days notice to quit in writing.~~

473.1 Sec. 98. **[504B.144] EARLY RENEWAL OF LEASE.**

473.2 A landlord must wait until six months from the expiration of the current lease before
473.3 requiring a tenant to renew the lease, if the lease is for a period of time longer than ten
473.4 months. Nothing prevents a landlord from waiting until closer to the expiration of a lease
473.5 to ask a tenant to renew the lease. Any provision, whether oral or written, of any lease or
473.6 other agreement whereby any provision of this section is waived by a tenant is contrary to
473.7 public policy and void.

473.8 Sec. 99. Minnesota Statutes 2022, section 504B.171, is amended by adding a subdivision
473.9 to read:

473.10 Subd. 2a. **Limitation on crime-free lease provisions.** A residential landlord may not
473.11 impose a penalty on a residential tenant or terminate the lease of a residential tenant for the
473.12 conduct of the residential tenant, household member, or guest occurring off of the premises
473.13 or curtilage of the premises, unless (1) the conduct would constitute a crime of violence
473.14 against another tenant, the tenant's guest, the landlord, or the landlord's employees, regardless
473.15 of whether a charge was brought or a conviction obtained; or (2) the conduct results in a
473.16 conviction of a crime of violence against a person unrelated to the premises. For purposes
473.17 of this subdivision, crime of violence has the meaning given in section 624.712, subdivision
473.18 5, except that it does not include offenses under chapter 152.

473.19 **EFFECTIVE DATE.** This section is effective June 1, 2024.

473.20 Sec. 100. Minnesota Statutes 2022, section 504B.172, is amended to read:

473.21 **504B.172 RECOVERY OF ATTORNEY FEES.**

473.22 If a residential lease specifies an action, circumstances, or an extent to which a landlord,
473.23 directly, or through additional rent, may recover attorney fees in an action between the
473.24 landlord and tenant, the tenant is entitled to attorney fees if the tenant prevails in the same
473.25 type of action, under the same circumstances, or is entitled to costs under section 549.02,
473.26 and to the same extent as specified in the lease for the landlord.

473.27 Sec. 101. **[504B.266] TERMINATION OF LEASE UPON INFIRMITY OF TENANT.**

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

474.1 (b) "Authorized representative" means a person acting as an attorney-in-fact under a
474.2 power of attorney under section 523.24 or a court-appointed conservator or guardian under
474.3 chapter 524.

474.4 (c) "Disability" means any condition or characteristic that is a physical, sensory, or
474.5 mental impairment that materially limits at least one major life activity.

474.6 (d) "Medical care facility" means:

474.7 (1) a nursing home, as defined in section 144A.01, subdivision 5;

474.8 (2) hospice care, as defined in section 144A.75, subdivision 8;

474.9 (3) residential hospice facility, as defined in section 144A.75, subdivision 13;

474.10 (4) boarding care home, as licensed under chapter 144 and regulated by the Department
474.11 of Health under Minnesota Rules, chapter 4655;

474.12 (5) supervised living facility, as licensed under chapter 144;

474.13 (6) a facility providing assisted living, as defined in section 144G.08, subdivision 7;

474.14 (7) an accessible unit, as defined in section 363A.40, subdivision 1, paragraph (b);

474.15 (8) a state facility as defined in section 246.50, subdivision 3;

474.16 (9) a facility providing a foster care for adults program as defined in section 245A.02,
474.17 subdivision 6c; or

474.18 (10) a facility providing intensive residential treatment services as defined in section
474.19 245I.23.

474.20 (e) "Medical professional" means:

474.21 (1) a physician who is currently licensed to practice medicine under section 147.02,
474.22 subdivision 1;

474.23 (2) an advanced practice registered nurse, as defined in section 148.171, subdivision 3;
474.24 or

474.25 (3) a mental health professional as defined in section 245I.04, subdivision 2.

474.26 **Subd. 2. Termination of lease upon infirmity of tenant.** (a) A tenant or the authorized
474.27 representative of the tenant may terminate the lease prior to the expiration of the lease in
474.28 the manner provided in subdivision 3 if the tenant has or, if there is more than one tenant,
474.29 all the tenants have, been found by a medical professional to need to move into a medical
474.30 care facility and:

475.1 (1) require assistance with instrumental activities of daily living or personal activities
475.2 of daily living due to medical reasons or a disability;

475.3 (2) meet one of the nursing facility level of care criteria under section 144.0724,
475.4 subdivision 11; or

475.5 (3) have a disability or functional impairment in three or more of the areas listed in
475.6 section 245.462, subdivision 11a, so that self-sufficiency is markedly reduced because of
475.7 a mental illness.

475.8 (b) When a tenant requires an accessible unit as defined in section 363A.40, subdivision
475.9 1, and the landlord can provide an accessible unit in the same complex where the tenant
475.10 currently resides that is available within two months of the request, then the provisions of
475.11 this section do not apply and the tenant may not terminate the lease.

475.12 Subd. 3. **Notice.** When the conditions in subdivision 2 have been met, the tenant or the
475.13 tenant's authorized representative may terminate the lease by providing at least two months'
475.14 written notice to be effective on the last day of a calendar month. The notice must be either
475.15 hand-delivered or mailed by postage prepaid, first class United States mail. The notice must
475.16 include: (1) a copy of the medical professional's written documentation of the infirmity;
475.17 and (2) documentation showing that the tenant has been accepted as a resident or has a
475.18 pending application at a location where the medical professional has indicated that the tenant
475.19 needs to move. The termination of a lease under this section shall not relieve the eligible
475.20 tenant from liability either for the payment of rent or other sums owed prior to or during
475.21 the notice period, or for the payment of amounts necessary to restore the premises to their
475.22 condition at the commencement of the tenancy, ordinary wear and tear excepted.

475.23 Subd. 4. **Waiver prohibited.** Any waiver of the rights of termination provided by this
475.24 section, including lease provisions or other agreements that require a longer notice period
475.25 than those provided for in this section, shall be void and unenforceable.

475.26 Subd. 5. **Other laws.** Nothing in this section affects the rights or remedies available in
475.27 this chapter or other law, including but not limited to chapter 363A.

475.28 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to leases
475.29 entered into or renewed on or after January 1, 2024. For the purposes of this section, estates
475.30 at will shall be deemed to be renewed at the commencement of each rental period.

475.31 Sec. 102. **EFFECTIVE DATE.**

475.32 Sections 97, 98, and 100 are effective January 1, 2024, and apply to leases entered into
475.33 or renewed on or after January 1, 2024.

476.1

I. RESIDENTIAL EVICTIONS

476.2 Sec. 103. Minnesota Statutes 2022, section 504B.285, subdivision 5, is amended to read:

476.3 Subd. 5. **Combining allegations.** (a) An action for recovery of the premises may combine
476.4 the allegation of nonpayment of rent and the allegation of material violation of the lease,
476.5 which shall be heard as alternative grounds.

476.6 ~~(b) In cases where rent is outstanding, a tenant is not required to pay into court the~~
476.7 ~~amount of rent in arrears, interest, and costs as required under section 504B.291 to defend~~
476.8 ~~against an allegation by the landlord that the tenant has committed a material violation of~~
476.9 ~~the lease.~~

476.10 ~~(e)~~ (b) If the landlord does not prevail in proving material violation of the lease, and the
476.11 landlord has also alleged that rent is due, the tenant shall be permitted to present defenses
476.12 to the court that the rent is not owing. The tenant shall be given up to seven days of additional
476.13 time to pay any rent determined by the court to be due. ~~The court may order the tenant to~~
476.14 ~~pay rent and any costs determined to be due directly to the landlord or to be deposited with~~
476.15 ~~the court.~~

476.16 Sec. 104. Minnesota Statutes 2022, section 504B.291, subdivision 1, is amended to read:

476.17 Subdivision 1. **Action to recover.** (a) A landlord may bring an eviction action for
476.18 nonpayment of rent irrespective of whether the lease contains a right of reentry clause. Such
476.19 an eviction action is equivalent to a demand for the rent. There is a rebuttable presumption
476.20 that the rent has been paid if the tenant produces a copy or copies of one or more money
476.21 orders or produces one or more original receipt stubs evidencing the purchase of a money
476.22 order, if the documents: (i) total the amount of the rent; (ii) include a date or dates
476.23 approximately corresponding with the date rent was due; and (iii) in the case of copies of
476.24 money orders, are made payable to the landlord. This presumption is rebutted if the landlord
476.25 produces a business record that shows that the tenant has not paid the rent. The landlord is
476.26 not precluded from introducing other evidence that rebuts this presumption. In such an
476.27 action, unless the landlord has also sought to evict the tenant by alleging a material violation
476.28 of the lease under section 504B.285, subdivision 5, the tenant may, at any time before
476.29 possession has been delivered, redeem the tenancy and be restored to possession by paying
476.30 to the landlord or bringing to court the amount of the rent that is in arrears, with interest,
476.31 costs of the action, and an attorney's fee not to exceed \$5, and by performing any other
476.32 covenants of the lease. Redemption may be made with a written guarantee from (1) a federal
476.33 agency, state agency, or local unit of government, or (2) any other organization that qualifies

477.1 for tax-exempt status under United States Code, title 26, section 501(c)(3), and that
 477.2 administers a government rental assistance program, has sufficient funds available, and
 477.3 guarantees funds will be provided to the landlord.

477.4 (b) If the tenant has paid to the landlord or brought into court the amount of rent in
 477.5 arrears but is unable to pay the interest, costs of the action, and attorney's fees required by
 477.6 paragraph (a), the court may permit the tenant to pay these amounts into court and be restored
 477.7 to possession within the same period of time, if any, for which the court stays the issuance
 477.8 of the order to vacate under section 504B.345.

477.9 (c) Prior to or after commencement of an action to recover possession for nonpayment
 477.10 of rent, the parties may agree only in writing that partial payment of rent in arrears which
 477.11 is accepted by the landlord prior to issuance of the order granting restitution of the premises
 477.12 pursuant to section 504B.345 may be applied to the balance due and does not waive the
 477.13 landlord's action to recover possession of the premises for nonpayment of rent.

477.14 (d) Rental payments under this subdivision must first be applied to rent claimed as due
 477.15 in the complaint from prior rental periods before applying any payment toward rent claimed
 477.16 in the complaint for the current rental period, unless the court finds that under the
 477.17 circumstances the claim for rent from prior rental periods has been waived.

477.18 Sec. 105. Minnesota Statutes 2022, section 504B.321, is amended to read:

477.19 **504B.321 COMPLAINT AND SUMMONS.**

477.20 Subdivision 1. **Procedure.** (a) To bring an eviction action, the person complaining shall
 477.21 file a complaint with the court, stating the full name and date of birth of the person against
 477.22 whom the complaint is made, unless it is not known, describing the premises of which
 477.23 possession is claimed, stating the facts which authorize the recovery of possession, and
 477.24 asking for recovery thereof.

477.25 (b) The lack of the full name and date of birth of the person against whom the complaint
 477.26 is made does not deprive the court of jurisdiction or make the complaint invalid.

477.27 ~~(e) The court shall issue a summons, commanding the person against whom the complaint~~
 477.28 ~~is made to appear before the court on a day and at a place stated in the summons.~~

477.29 ~~(d)~~ (c) The appearance shall be not less than seven nor more than 14 days from the day
 477.30 of issuing the summons, except as provided by subdivision 2.

477.31 (d) If applicable, the person filing a complaint must attach a copy of the written notice
 477.32 described in subdivision 1a. The court shall dismiss an action without prejudice for failure

478.1 to provide a notice as described in subdivision 1a and grant an expungement of the eviction
478.2 case court file.

478.3 ~~(e) A copy of the complaint shall be attached to the summons, which shall state that the~~
478.4 ~~copy is attached and that the original has been filed.~~

478.5 Subd. 1a. **Written notice.** (a) Before bringing an eviction action alleging nonpayment
478.6 of rent or other unpaid financial obligation in violation of the lease, a landlord must provide
478.7 written notice to the residential tenant specifying the basis for future eviction action. The
478.8 notice must include:

478.9 (1) the total amount due;

478.10 (2) a specific accounting of the amount of the total due from unpaid rent, late fees, and
478.11 other charges under the lease;

478.12 (3) the name and address of the person authorized to receive rent and fees on behalf of
478.13 the landlord;

478.14 (4) the following statement: "You have the right to seek legal help. If you can't afford
478.15 a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org
478.16 to know your rights and find your local Legal Aid office.";

478.17 (5) the following statement: "To apply for financial help, contact your local county or
478.18 Tribal social services office, apply online at MNBenefits.mn.gov or call the United Way
478.19 toll-free information line by dialing 2-1-1 or 800-543-7709"; and

478.20 (6) the following statement: "Your landlord can file an eviction case if you do not pay
478.21 the total amount due or move out within 14 days from the date of this notice. Some local
478.22 governments may have an eviction notice period longer than 14 days.

478.23 (b) The landlord or an agent of the landlord must deliver the notice personally or by first
478.24 class mail to the residential tenant at the address of the leased premises.

478.25 (c) If the residential tenant fails to correct the rent delinquency within 14 days of the
478.26 delivery or mailing of the notice, or the number of days required by a local government rule
478.27 or law if the notice period prior to an eviction required by the local government is longer
478.28 than 14 days, or fails to vacate, then the landlord may bring an eviction action under
478.29 subdivision 1 based on nonpayment of rent.

478.30 Subd. 1b. **Notice constitutes verification of emergency.** (a) Receipt of the notice under
478.31 subdivision 1a shall be deemed by a county or other agency requiring verification of
478.32 emergency to qualify a tenant for assistance to be sufficient demonstration of an emergency

479.1 situation under section 256D.06, subdivision 2, and Minnesota Rules, chapter 9500. For
479.2 purposes of chapter 256J and Minnesota Rules, chapter 9500, a county agency verifies an
479.3 emergency situation by receiving and reviewing a notice under this section.

479.4 (b) When it receives a copy of the notice required by this section, the county must not:

479.5 (1) require a tenant to provide additional verification of the emergency; or

479.6 (2) require additional verification that the landlord will accept the funds demanded in
479.7 the notice required by this section to resolve the emergency.

479.8 Subd. 2. **Expedited procedure.** (a) In an eviction action brought under section 504B.171
479.9 or on the basis that the ~~tenant is causing a nuisance or other illegal behavior that seriously~~
479.10 ~~endangers the safety of other residents, their property, or the landlord's property~~ residential
479.11 tenant engages in behavior that seriously endangers the safety of other residents, or
479.12 intentionally and seriously damages the property of the landlord or a tenant, the person
479.13 filing the complaint shall file an affidavit stating specific facts and instances in support of
479.14 why an expedited hearing is required.

479.15 (b) The complaint and affidavit shall be reviewed by a referee or judge and scheduled
479.16 for an expedited hearing only if sufficient supporting facts are stated and they meet the
479.17 requirements of this paragraph.

479.18 (c) The appearance in an expedited hearing shall be not less than five days nor more
479.19 than seven days from the date the summons is issued. The summons, in an expedited hearing,
479.20 shall be served upon the residential tenant within 24 hours of issuance unless the court
479.21 orders otherwise for good cause shown.

479.22 (d) If the court determines that the person seeking an expedited hearing did so without
479.23 sufficient basis under the requirements of this subdivision, the court shall impose a civil
479.24 penalty of up to \$500 for abuse of the expedited hearing process.

479.25 (e) The court may only consider allegations under paragraph (a) during an expedited
479.26 hearing. The court may not consolidate claims heard under the expedited procedure with
479.27 any additional claims, including but not limited to breach of lease, holding over under section
479.28 504B.285, or nonpayment of rent under section 504B.291.

479.29 Subd. 3. **Contents of complaint.** The person bringing a complaint under this section
479.30 must:

479.31 (1) attach the current written lease, if any, or most recent written lease in existence, and
479.32 any relevant lease addenda;

480.1 (2) if alleging nonpayment of rent, attach a detailed, itemized accounting or statement
480.2 listing the amounts;

480.3 (3) if alleging a breach of lease, identify the clause of the lease which is the basis of the
480.4 allegation, the nature of the conduct constituting the alleged breach of lease, the dates on
480.5 which the alleged conduct took place, and the clause granting the right to evict based on
480.6 the alleged conduct;

480.7 (4) if alleging a violation of section 504B.171, specify the nature of the conduct
480.8 constituting the alleged violation and the dates on which the alleged conduct took place;

480.9 (5) if alleging a violation of section 504B.285, subdivision 1, attach a copy of any notice
480.10 to vacate or notice to quit; and

480.11 (6) state in the complaint whether the tenancy is affected by a federal or state housing
480.12 subsidy program through project-based federal assistance payments; the Section 8 program,
480.13 as defined in section 469.002, subdivision 24; the low-income housing tax credit program;
480.14 or any other similar program, and include the name of the agency that administers the
480.15 housing subsidy program.

480.16 Subd. 4. **Summons.** The court shall issue a summons, commanding the person against
480.17 whom the complaint is made to appear before the court on the day and at the place stated
480.18 in the summons. A copy of the complaint must be attached to the summons. The summons
480.19 must include, at a minimum:

480.20 (1) the full name of the person against whom the complaint is brought;

480.21 (2) the date, time, and location of the hearing;

480.22 (3) information about the methods for participating in the court appearance, including,
480.23 if applicable, information for appearing by telephone or computer and contact information
480.24 for the court regarding remote participation;

480.25 (4) the following statement: "You have the right to seek legal help or request a reasonable
480.26 accommodation from the court for your hearing. Contact the court as soon as possible if
480.27 you need an accommodation. If you can't afford a lawyer, free legal help may be available.
480.28 Contact Legal Aid or visit www.LawHelpMN.org to know your rights and find your local
480.29 Legal Aid office.";

480.30 (5) the following statement: "To apply for financial help, contact your local county or
480.31 Tribal social services office, apply online at MNBenefits.mn.gov, or call the United Way
480.32 toll-free information line by dialing 2-1-1 or 800-543-7709"; and

481.1 (6) notification that a copy of the complaint is attached and has been filed with the court.

481.2 Subd. 5. Defective filing or service. The court must dismiss and expunge the record of
481.3 any action if the person bringing the action fails to comply with this section.

481.4 Sec. 106. Minnesota Statutes 2022, section 504B.331, is amended to read:

481.5 **504B.331 SUMMONS; HOW SERVED.**

481.6 (a) The summons and complaint must be served at least seven days before the date of
481.7 the court appearance specified in section 504B.321, in the manner provided for service of
481.8 a summons in a civil action in district court. ~~It may be served by any person not named a~~
481.9 ~~party to the action.~~

481.10 (b) If the defendant cannot be found in the county, the summons and complaint may be
481.11 served at least seven days before the date of the court appearance by:

481.12 (1) leaving a copy at the defendant's last usual place of abode with a person of suitable
481.13 age and discretion residing there; or

481.14 (2) if the defendant had no place of abode, by leaving a copy at the property described
481.15 in the complaint with a person of suitable age and discretion occupying the premises.

481.16 (c) Failure of the sheriff to serve the defendant is prima facie proof that the defendant
481.17 cannot be found in the county.

481.18 (d) Where the defendant cannot be found in the county, service of the summons and
481.19 complaint may be made upon the defendant by posting the summons in a conspicuous place
481.20 on the property for not less than one week if:

481.21 (1) the property described in the complaint is:

481.22 (i) nonresidential and no person actually occupies the property; or

481.23 (ii) residential and service has been attempted at least twice on different days, with at
481.24 least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.;

481.25 and

481.26 (2) the plaintiff or the plaintiff's attorney has signed and filed with the court an affidavit
481.27 stating that:

481.28 (i) the defendant cannot be found, or that the plaintiff or the plaintiff's attorney believes
481.29 that the defendant is not in the state; ~~and~~

481.30 (ii) a copy of the summons has been mailed to the defendant at the defendant's last known
481.31 address if any is known to the plaintiff; or

482.1 (iii) the plaintiff or plaintiff's attorney has communicated to the defendant that an eviction
482.2 hearing has been scheduled, including the date, time, and place of the hearing specified in
482.3 the summons, by at least one form of written communication the plaintiff regularly uses to
482.4 communicate with the defendant that have a date and time stamp.

482.5 (e) If the defendant or the defendant's attorney does not appear in court on the date of
482.6 the appearance, the trial shall proceed.

482.7 Sec. 107. Minnesota Statutes 2022, section 504B.335, is amended to read:

482.8 **504B.335 ANSWER; TRIAL.**

482.9 (a) At the court appearance specified in the summons, the defendant may answer the
482.10 complaint, ~~and the court shall hear and decide the action, unless it grants a continuance of~~
482.11 ~~the trial as provided in section 504B.341.~~ When scheduling a trial date, the court must select
482.12 a date that allows for a fair, thorough, and timely adjudication of the merits of the case,
482.13 including the complexity of the matter, the need for the parties to obtain discovery, the need
482.14 for the parties to ensure the presence of witnesses, the opportunity for the defendant to seek
482.15 legal counsel and raise affirmative defenses, and any extenuating factors enumerated under
482.16 section 504B.171.

482.17 (b) Either party may demand a trial by jury.

482.18 (c) The proceedings in the action are the same as in other civil actions, except as provided
482.19 in sections 504B.281 to 504B.371.

482.20 (d) The court, in scheduling appearances and hearings under this section, shall give
482.21 priority to any eviction brought under section 504B.171, or on the basis that the ~~defendant~~
482.22 ~~is a tenant and is causing a nuisance or seriously endangers the safety of other residents,~~
482.23 ~~their property, or the landlord's property~~ residential tenant engages in behavior that seriously
482.24 endangers the safety of other residents, or intentionally and seriously damages the property
482.25 of the landlord or a tenant.

482.26 (e) The court may not require the defendant to pay any amount of money into court, post
482.27 a bond, make a payment directly to a landlord, or by any other means post security for any
482.28 purpose prior to final disposition of an action, except if the final disposition of the action
482.29 may be delayed for more than ten days, the court may order the defendant to provide security
482.30 in a form and amount that the court approves, based on the totality of the circumstances,
482.31 provided that the amount of security may not include any amounts allegedly owed prior to
482.32 the date of filing of the action and may not exceed the amount of the monthly or periodic

483.1 rent that accrues during the pendency of the action. Nothing in this paragraph shall affect
 483.2 an appeal bond under section 504B.371, subdivision 3.

483.3 Sec. 108. Minnesota Statutes 2022, section 504B.345, subdivision 1, is amended to read:

483.4 Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall
 483.5 immediately enter judgment that the plaintiff shall have recovery of the premises, and shall
 483.6 tax the costs against the defendant. The court shall issue execution in favor of the plaintiff
 483.7 for the costs and also immediately issue a writ of recovery of premises and order to vacate.

483.8 (b) The court shall give priority in issuing a writ of recovery of premises and order to
 483.9 vacate for an eviction action brought under section 504B.171 or on the basis that the tenant
 483.10 is causing a nuisance or seriously endangers the safety of other residents, their property, or
 483.11 the landlord's property.

483.12 (c) If the court or jury finds for the defendant, then the court:

483.13 (1) ~~the court~~ shall enter judgment for the defendant, tax the costs against the plaintiff,
 483.14 and issue execution in favor of the defendant; and

483.15 (2) ~~the court may~~ shall expunge the records relating to the action under the provisions
 483.16 of section 484.014 or under the court's inherent authority at the time judgment is entered
 483.17 or after that time upon motion of the defendant.

483.18 (d) Except in actions brought: (1) under section 504B.291 ~~as required by section~~
 483.19 ~~609.5317, subdivision 1;~~ (2) under section 504B.171; or (3) on the basis that the residential
 483.20 ~~tenant is causing a nuisance or seriously endangers the safety of other residents, their~~
 483.21 ~~property, or the landlord's property, upon a showing by the defendant that immediate~~
 483.22 ~~restitution of the premises would work a substantial hardship upon the defendant or the~~
 483.23 ~~defendant's family, engages in behavior that seriously endangers the safety of other residents,~~
 483.24 or intentionally and seriously damages the property of the landlord or a tenant, the court
 483.25 shall stay the writ of recovery of premises and order to vacate for a reasonable period, not
 483.26 to exceed seven days.

483.27 Sec. 109. Minnesota Statutes 2022, section 504B.345, is amended by adding a subdivision
 483.28 to read:

483.29 Subd. 3. **Motion to vacate judgment.** Any party may bring a motion to vacate a judgment
 483.30 in an eviction action. An order denying a motion to vacate a judgment is considered a
 483.31 judgment for purposes of appeal under section 504B.371.

484.1 Sec. 110. Minnesota Statutes 2022, section 504B.361, subdivision 1, is amended to read:

484.2 Subdivision 1. **Summons and writ.** The state court administrator shall develop a uniform
484.3 form for the summons and writ of recovery of premises and order to vacate. The summons
484.4 shall conform to the requirements enumerated under section 504B.321, subdivision 3. The
484.5 writ for recovery of premises and order to vacate must include:

484.6 (1) the following statement: "You have the right to seek legal help. If you can't afford
484.7 a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org
484.8 to know your rights and find your local Legal Aid office."; and

484.9 (2) the following statement: "To apply for financial help, contact your local county or
484.10 Tribal social services office, apply online at MNBenefits.mn.gov, or call the United Way
484.11 toll-free information line by dialing 2-1-1 or 800-543-7709."

484.12 Sec. 111. Minnesota Statutes 2022, section 504B.371, subdivision 3, is amended to read:

484.13 Subd. 3. **Appeal bond.** If the party appealing remains in possession of the property, that
484.14 party must give a bond that provides that:

484.15 (1) all costs of the appeal will be paid;

484.16 (2) the party will comply with the court's order; and

484.17 (3) ~~all the regular rent and other damages~~ due to the party excluded from possession
484.18 during the pendency of the appeal will be paid as that rent accrues. The court may not require
484.19 a bond including back rent, late fees, disputed charges, or any other amount in excess of
484.20 the regular rent as it accrues each month.

484.21 Sec. 112. Minnesota Statutes 2022, section 504B.371, subdivision 4, is amended to read:

484.22 Subd. 4. **Stay pending appeal.** After the appeal is taken, all further proceedings in the
484.23 case are stayed, ~~except as provided in subdivision 7.~~

484.24 Sec. 113. Minnesota Statutes 2022, section 504B.371, subdivision 5, is amended to read:

484.25 Subd. 5. **Stay of writ issued before appeal.** (a) ~~Except as provided in subdivision 7,~~ If
484.26 the court issues a writ for recovery of premises and order to vacate before an appeal is taken,
484.27 the appealing party may request that the court stay further proceedings and execution of the
484.28 writ for possession of premises and order to vacate, and the court shall grant a stay.

484.29 (b) If the party appealing remains in possession of the premises, that party must give a
484.30 bond under subdivision 3.

485.1 (c) When the officer who has the writ for possession of premises and order to vacate is
485.2 served with the order granting the stay, the officer shall cease all further proceedings. If the
485.3 writ for possession of premises and order to vacate has not been completely executed, the
485.4 defendant shall remain in possession of the premises until the appeal is decided.

485.5 Sec. 114. Minnesota Statutes 2022, section 504B.371, subdivision 7, is amended to read:

485.6 Subd. 7. **Exception.** Subdivisions 1, 4, and 6 do not apply in an action ~~on a lease, against~~
485.7 ~~a tenant holding over after the expiration of the term of the lease, or a termination of the~~
485.8 ~~lease by a notice to quit, where the plaintiff has prevailed on a claim pursuant to section~~
485.9 504B.171, subdivision 2, if the plaintiff gives a bond conditioned to pay all costs and damages
485.10 if on the appeal the judgment of restitution is reversed and a new trial ordered. In such a
485.11 case, the court shall issue a writ for recovery of premises and order to vacate notwithstanding
485.12 the notice of appeal, as if no appeal had been taken, and the appellate court shall issue all
485.13 needful writs and processes to carry out any judgment which may be rendered in the court.

485.14 Sec. 115. **REPEALER.**

485.15 Minnesota Statutes 2022, section 504B.341, is repealed.

485.16 Sec. 116. **EFFECTIVE DATE.**

485.17 Sections 103 to 115 are effective January 1, 2024, and apply to actions filed on or after
485.18 that date.

485.19 J. EVICTION RECORDS

485.20 Sec. 117. Minnesota Statutes 2022, section 484.014, subdivision 2, is amended to read:

485.21 Subd. 2. **Discretionary expungement.** The court may order expungement of an eviction
485.22 case court file ~~only upon motion of a defendant and decision by the court, if the court finds~~
485.23 ~~that the plaintiff's case is sufficiently without basis in fact or law, which may include lack~~
485.24 ~~of jurisdiction over the case, that~~ if the court finds the expungement is clearly in the interests
485.25 of justice and those interests are not outweighed by the public's interest in knowing about
485.26 the record.

485.27 Sec. 118. Minnesota Statutes 2022, section 484.014, subdivision 3, is amended to read:

485.28 Subd. 3. **Mandatory expungement.** Except for clause (6), the court shall, without motion
485.29 by any party, order expungement of an eviction case:

486.1 (1) commenced solely on the grounds provided in section 504B.285, subdivision 1,
 486.2 clause (1), if the court finds that the defendant occupied real property that was subject to
 486.3 contract for deed cancellation or mortgage foreclosure and:

486.4 ~~(1)~~ (i) the time for contract cancellation or foreclosure redemption has expired and the
 486.5 defendant vacated the property prior to commencement of the eviction action; or

486.6 ~~(2)~~ (ii) the defendant was a tenant during the contract cancellation or foreclosure
 486.7 redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b,
 486.8 or 1c, to vacate on a date prior to commencement of the eviction case;

486.9 (2) if the defendant prevailed on the merits;

486.10 (3) if the court dismissed the plaintiff's complaint for any reason;

486.11 (4) if the parties to the action have agreed to an expungement;

486.12 (5) three years after the eviction was ordered; or

486.13 (6) upon motion of a defendant, if the case is settled and the defendant fulfills the terms
 486.14 of the settlement.

486.15 Sec. 119. Minnesota Statutes 2022, section 504B.321, is amended by adding a subdivision
 486.16 to read:

486.17 Subd. 6. **Nonpublic record.** An eviction action is not accessible to the public until the
 486.18 court enters a final judgment, except that parties to the case and licensed attorneys assisting
 486.19 a party in the case, regardless of whether or not they are the attorney of record, shall have
 486.20 access to the eviction action file.

486.21 Sec. 120. **EFFECTIVE DATE.**

486.22 Sections 117 to 119 are effective January 1, 2024.

486.23 **ARTICLE 20**

486.24 **CARJACKING; CONFORMING CHANGES**

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

486.26 **51A.14 INDEMNITY BONDS.**

486.27 All directors, officers, and employees of an association shall, before entering upon the
 486.28 performance of any of their duties, execute their individual bonds with adequate corporate
 486.29 surety payable to the association as an indemnity for any loss the association may sustain
 486.30 of money or other property by or through any fraud, dishonesty, forgery or alteration, larceny,

487.1 theft, embezzlement, robbery, carjacking, burglary, holdup, wrongful or unlawful abstraction,
487.2 misapplication, misplacement, destruction or misappropriation, or any other dishonest or
487.3 criminal act or omission by any such director, officer, employee, or agent. Associations
487.4 which employ collection agents, who for any reason are not covered by a bond as hereinabove
487.5 required, shall provide for the bonding of each such agent in an amount equal to at least
487.6 twice the average monthly collection of such agent. Such agents shall be required to make
487.7 settlement with the association at least monthly. No bond coverage will be required of any
487.8 agent which is a financial institution insured by the Federal Deposit Insurance Corporation
487.9 or by the federal savings and loan insurance corporation. The amounts and form of such
487.10 bonds and sufficiency of the surety thereon shall be approved by the board of directors and
487.11 by the commissioner. In lieu of individual bonds, a blanket bond, protecting the association
487.12 from loss through any such act or acts on the part of any such director, officer, or employee,
487.13 may be obtained. Such bonds shall provide that a cancellation thereof either by the surety
487.14 or by the insured shall not become effective unless and until ten days' notice in writing first
487.15 shall have been given to the commissioner unless the commissioner shall have approved
487.16 such cancellation earlier.

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

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

487.20 Section 609.185 (murder in the first degree); section 609.19 (murder in the second
487.21 degree); section 609.195 (murder in the third degree); section 609.20 (manslaughter in the
487.22 first degree); section 609.205 (manslaughter in the second degree); section 609.25
487.23 (kidnapping); section 609.2661 (murder of an unborn child in the first degree); section
487.24 609.2662 (murder of an unborn child in the second degree); section 609.2663 (murder of
487.25 an unborn child in the third degree); section 609.342 (criminal sexual conduct in the first
487.26 degree); section 609.343 (criminal sexual conduct in the second degree); section 609.344
487.27 (criminal sexual conduct in the third degree); section 609.345 (criminal sexual conduct in
487.28 the fourth degree); section 609.3451 (criminal sexual conduct in the fifth degree); section
487.29 609.3453 (criminal sexual predatory conduct); section 609.352 (solicitation of children to
487.30 engage in sexual conduct); section 609.352 (communication of sexually explicit materials
487.31 to children); section 609.365 (incest); section 609.377 (felony malicious punishment of a
487.32 child); section 609.378 (felony neglect or endangerment of a child); section 609.561 (arson
487.33 in the first degree); section 609.562 (arson in the second degree); section 609.563 (arson in
487.34 the third degree); section 609.749, subdivision 3, 4, or 5 (felony harassment or stalking);
487.35 section 152.021 (controlled substance crimes in the first degree); section 152.022 (controlled

488.1 substance crimes in the second degree); section 152.023 (controlled substance crimes in the
488.2 third degree); section 152.024 (controlled substance crimes in the fourth degree); section
488.3 152.025 (controlled substance crimes in the fifth degree); section 243.166 (violation of
488.4 predatory offender registration law); section 617.23, subdivision 2, clause (1), or subdivision
488.5 3, clause (1) (indecent exposure involving a minor); section 617.246 (use of minors in sexual
488.6 performance); section 617.247 (possession of pornographic work involving minors); section
488.7 609.221 (assault in the first degree); section 609.222 (assault in the second degree); section
488.8 609.223 (assault in the third degree); section 609.2231 (assault in the fourth degree); section
488.9 609.224 (assault in the fifth degree); section 609.2242 (domestic assault); section 609.2247
488.10 (domestic assault by strangulation); section 609.228 (great bodily harm caused by distribution
488.11 of drugs); section 609.23 (mistreatment of persons confined); section 609.231 (mistreatment
488.12 of residents or patients); section 609.2325 (criminal abuse); section 609.233 (criminal
488.13 neglect); section 609.2335 (financial exploitation of a vulnerable adult); section 609.234
488.14 (failure to report); section 609.24 (simple robbery); section 609.245 (aggravated robbery);
488.15 section 609.247 (carjacking); section 609.255 (false imprisonment); section 609.322
488.16 (solicitation, inducement, and promotion of prostitution and sex trafficking); section 609.324,
488.17 subdivision 1 (hiring or engaging minors in prostitution); section 609.465 (presenting false
488.18 claims to a public officer or body); section 609.466 (medical assistance fraud); section
488.19 609.52 (felony theft); section 609.82 (felony fraud in obtaining credit); section 609.527
488.20 (felony identity theft); section 609.582 (felony burglary); section 609.611 (felony insurance
488.21 fraud); section 609.625 (aggravated forgery); section 609.63 (forgery); section 609.631
488.22 (felony check forgery); section 609.66, subdivision 1e (felony drive-by shooting); section
488.23 609.71 (felony riot); section 609.713 (terroristic threats); section 609.72, subdivision 3
488.24 (disorderly conduct by a caregiver against a vulnerable adult); section 609.821 (felony
488.25 financial transaction card fraud); section 609.855, subdivision 5 (shooting at or in a public
488.26 transit vehicle or facility); or aiding and abetting, attempting, or conspiring to commit any
488.27 of the offenses in this subdivision.

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

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

488.33 (b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt,
488.34 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,
488.35 reasonably related to engaging in complementary and alternative health care practices.

489.1 Conviction, as used in this subdivision, includes a conviction of an offense which, if
489.2 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,
489.3 without regard to its designation elsewhere, or a criminal proceeding where a finding or
489.4 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not
489.5 entered.

489.6 (c) Conviction of any crime against a person. For purposes of this chapter, a crime against
489.7 a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20;
489.8 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224;
489.9 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245;
489.10 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342;
489.11 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, subdivision 1, clause
489.12 (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes 2012,
489.13 section 609.21.

489.14 (d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision
489.15 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

492.7 Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under
492.8 section 245C.14 if: (1) regardless of how much time has passed since the discharge of the
492.9 sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of
492.10 the level of the offense, the individual has committed any of the following offenses: sections
492.11 243.166 (violation of predatory offender registration law); 609.185 (murder in the first
492.12 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20
492.13 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony
492.14 offense under 609.221 or 609.222 (assault in the first or second degree); a felony offense
492.15 under sections 609.2242 and 609.2243 (domestic assault), spousal abuse, child abuse or
492.16 neglect, or a crime against children; 609.2247 (domestic assault by strangulation); 609.228
492.17 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.247,
492.18 subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.2661
492.19 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the
492.20 second degree); 609.2663 (murder of an unborn child in the third degree); 609.322
492.21 (solicitation, inducement, and promotion of prostitution); 609.324, subdivision 1 (other
492.22 prohibited acts); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal
492.23 sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree);
492.24 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct
492.25 in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual
492.26 extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest);
492.27 a felony offense under 609.377 (malicious punishment of a child); a felony offense under
492.28 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.66,
492.29 subdivision 1e (drive-by shooting); 609.749, subdivision 3, 4, or 5 (felony-level harassment
492.30 or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility);
492.31 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving
492.32 a minor); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession
492.33 of pictorial representations of minors); or, for a child care background study subject,
492.34 conviction of a crime that would make the individual ineligible for employment under
492.35 United States Code, title 42, section 9858f, except for a felony drug conviction, regardless

493.1 of whether a period of disqualification under subdivisions 2 to 4, would apply if the individual
493.2 were not a child care background study subject.

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

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

493.9 (d) When a disqualification is based on a judicial determination other than a conviction,
493.10 the disqualification period begins from the date of the court order. When a disqualification
493.11 is based on an admission, the disqualification period begins from the date of an admission
493.12 in court. When a disqualification is based on an Alford Plea, the disqualification period
493.13 begins from the date the Alford Plea is entered in court. When a disqualification is based
493.14 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
493.15 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
493.16 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

493.17 (e) If the individual studied commits one of the offenses listed in paragraph (a) that is
493.18 specified as a felony-level only offense, but the sentence or level of offense is a gross
493.19 misdemeanor or misdemeanor, the individual is disqualified, but the disqualification
493.20 look-back period for the offense is the period applicable to gross misdemeanor or
493.21 misdemeanor offenses.

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

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

493.26 Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14
493.27 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any,
493.28 for the offense; and (2) the individual has committed a felony-level violation of any of the
493.29 following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (fraud);
493.30 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.165 (felon ineligible to
493.31 possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury);
493.32 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses
493.33 under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a

494.1 gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of
494.2 a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple
494.3 robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.255 (false
494.4 imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665
494.5 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child
494.6 in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268
494.7 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275
494.8 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender);
494.9 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a
494.10 witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen
494.11 goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535
494.12 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in
494.13 the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611
494.14 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery;
494.15 offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous
494.16 weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration);
494.17 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821
494.18 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat
494.19 offenses under 617.241 (obscene materials and performances; distribution and exhibition
494.20 prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs;
494.21 controlled substance); or Minnesota Statutes 2012, section 609.21; or a felony-level
494.22 conviction involving alcohol or drug use.

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

494.26 (c) An individual is disqualified under section 245C.14 if less than 15 years has passed
494.27 since the termination of the individual's parental rights under section 260C.301, subdivision
494.28 1, paragraph (b), or subdivision 3.

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

494.33 (e) If the individual studied commits one of the offenses listed in paragraph (a), but the
494.34 sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is

495.1 disqualified but the disqualification look-back period for the offense is the period applicable
495.2 to the gross misdemeanor or misdemeanor disposition.

495.3 (f) When a disqualification is based on a judicial determination other than a conviction,
495.4 the disqualification period begins from the date of the court order. When a disqualification
495.5 is based on an admission, the disqualification period begins from the date of an admission
495.6 in court. When a disqualification is based on an Alford Plea, the disqualification period
495.7 begins from the date the Alford Plea is entered in court. When a disqualification is based
495.8 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
495.9 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
495.10 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

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

495.12 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding
495.13 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,
495.14 regardless of how much time has passed, an individual is disqualified under section 245C.14
495.15 if the individual committed an act that resulted in a felony-level conviction for sections:
495.16 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
495.17 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
495.18 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first
495.19 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);
495.20 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense
495.21 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or
495.22 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325
495.23 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245
495.24 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree);
495.25 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child
495.26 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663
495.27 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child
495.28 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);
495.29 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child
495.30 in the second degree); 609.268 (injury or death of an unborn child in the commission of a
495.31 crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex
495.32 trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in,
495.33 hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct
495.34 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
495.35 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);

496.1 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory
496.2 conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious
496.3 punishment of a child); 609.378 (neglect or endangerment of a child); 609.561 (arson in
496.4 the first degree); 609.582, subdivision 1 (burglary in the first degree); 609.746 (interference
496.5 with privacy); 617.23 (indecent exposure); 617.246 (use of minors in sexual performance
496.6 prohibited); or 617.247 (possession of pictorial representations of minors).

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

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

496.12 (2) committed an act that resulted in a gross misdemeanor-level conviction for section
496.13 609.3451 (criminal sexual conduct in the fifth degree);

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

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

496.20 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
496.21 family foster setting, an individual is disqualified under section 245C.14 if fewer than 20
496.22 years have passed since the termination of the individual's parental rights under section
496.23 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of
496.24 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to
496.25 involuntarily terminate parental rights. An individual is disqualified under section 245C.14
496.26 if fewer than 20 years have passed since the termination of the individual's parental rights
496.27 in any other state or country, where the conditions for the individual's termination of parental
496.28 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph
496.29 (b).

496.30 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
496.31 family foster setting, an individual is disqualified under section 245C.14 if fewer than five
496.32 years have passed since a felony-level violation for sections: 152.021 (controlled substance
496.33 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023
496.34 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the

497.1 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing
497.2 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)
497.3 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision
497.4 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies
497.5 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;
497.6 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related
497.7 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while
497.8 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113
497.9 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn
497.10 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal
497.11 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal
497.12 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);
497.13 609.247, subdivision 4 (carjacking in the third degree); 609.322, subdivision 1a (solicitation,
497.14 inducement, and promotion of prostitution; sex trafficking in the second degree); 609.498,
497.15 subdivision 1 (tampering with a witness in the first degree); 609.498, subdivision 1b
497.16 (aggravated first-degree witness tampering); 609.562 (arson in the second degree); 609.563
497.17 (arson in the third degree); 609.582, subdivision 2 (burglary in the second degree); 609.66
497.18 (felony dangerous weapons); 609.687 (adulteration); 609.713 (terroristic threats); 609.749,
497.19 subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting
497.20 at or in a public transit vehicle or facility); or 624.713 (certain people not to possess firearms).

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

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

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

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

497.33 (4) a determination or disposition of the individual's substantiated serious or recurring
497.34 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or

498.1 serious or recurring maltreatment in any other state, the elements of which are substantially
498.2 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet
498.3 the definition of serious maltreatment or recurring maltreatment;

498.4 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in
498.5 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);
498.6 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
498.7 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

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

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

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

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

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

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

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

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

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

499.2 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set
499.3 aside the disqualification of an individual in connection with a license to provide family
499.4 child care for children or foster care or day care services for adults in the provider's home
499.5 if: (1) less than ten years has passed since the discharge of the sentence imposed, if any, for
499.6 the offense; or (2) when disqualified based on a preponderance of evidence determination
499.7 under section 245C.14, subdivision 1, paragraph (a), clause (2), or an admission under
499.8 section 245C.14, subdivision 1, paragraph (a), clause (1), and less than ten years has passed
499.9 since the individual committed the act or admitted to committing the act, whichever is later;
499.10 and (3) the individual has committed a violation of any of the following offenses: sections
499.11 609.165 (felon ineligible to possess firearm); criminal vehicular homicide or criminal
499.12 vehicular operation causing death under 609.2112, 609.2113, or 609.2114 (criminal vehicular
499.13 homicide or injury); 609.215 (aiding suicide or aiding attempted suicide); felony violations
499.14 under 609.223 or 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed
499.15 for benefit of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to
499.16 facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third
499.17 degree); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);
499.18 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a
499.19 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous
499.20 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);
499.21 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled
499.22 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or
499.23 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,
499.24 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);
499.25 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable
499.26 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or
499.27 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a
499.28 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure
499.29 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in
499.30 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,
499.31 second, or third degree); 609.268 (injury or death of an unborn child in the commission of
499.32 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or
499.33 displaying harmful material to minors); a felony-level conviction involving alcohol or drug
499.34 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a
499.35 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross
499.36 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision

500.1 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess
500.2 firearms); or Minnesota Statutes 2012, section 609.21.

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

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

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

500.12 Subd. 4e. **Crime against the person.** "Crime against the person" means a violation of
500.13 or attempt to violate any of the following provisions: sections 609.185 (murder in the first
500.14 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20
500.15 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112,
500.16 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.221
500.17 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the
500.18 third degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.23
500.19 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325
500.20 (criminal abuse); 609.233 (criminal neglect); 609.2335 (financial exploitation of a vulnerable
500.21 adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245
500.22 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false
500.23 imprisonment); 609.265 (abduction); 609.27, subdivision 1, clause (1) or (2) (coercion);
500.24 609.28 (interfering with religious observance) if violence or threats of violence were used;
500.25 609.322, subdivision 1, paragraph (a), clause (2) (solicitation); 609.342 (criminal sexual
500.26 conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344
500.27 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth
500.28 degree); 609.3458 (sexual extortion); 609.365 (incest); 609.498, subdivision 1 (tampering
500.29 with a witness); 609.50, clause (1) (obstructing legal process, arrest, and firefighting);
500.30 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.595 (damage
500.31 to property); and 609.72, subdivision 3 (disorderly conduct by a caregiver); and Minnesota
500.32 Statutes 2012, section 609.21.

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

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

501.4 (b) There is a rebuttable presumption that conduct described in the following provisions
501.5 creates a substantial likelihood that a victim will suffer serious physical or emotional harm:
501.6 section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual
501.7 conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345
501.8 (criminal sexual conduct in the fourth degree), or 609.3458 (sexual extortion). If the conduct
501.9 was motivated by the person's sexual impulses or was part of a pattern of behavior that had
501.10 criminal sexual conduct as a goal, the presumption also applies to conduct described in
501.11 section 609.185 (murder in the first degree), 609.19 (murder in the second degree), 609.195
501.12 (murder in the third degree), 609.20 (manslaughter in the first degree), 609.205 (manslaughter
501.13 in the second degree), 609.221 (assault in the first degree), 609.222 (assault in the second
501.14 degree), 609.223 (assault in the third degree), 609.24 (simple robbery), 609.245 (aggravated
501.15 robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.365
501.16 (incest), 609.498 (tampering with a witness), 609.561 (arson in the first degree), 609.582,
501.17 subdivision 1 (burglary in the first degree), 609.713 (terroristic threats), or 609.749,
501.18 subdivision 3 or 5 (harassment or stalking).

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

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

501.25 (1) that would be a violation of section 609.185 (first-degree murder); 609.19
501.26 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter);
501.27 609.205 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular
501.28 homicide or injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223
501.29 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault);
501.30 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery);
501.31 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342
501.32 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct);
501.33 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual
501.34 conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a

502.1 witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713
502.2 (terroristic threats); or 609.749 (harassment or stalking), if committed by an adult; or
502.3 Minnesota Statutes 2012, section 609.21;

502.4 (2) that would be a violation of section 152.021 (first-degree controlled substance crime);
502.5 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled
502.6 substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree
502.7 controlled substance crime); 152.0261 (importing a controlled substance); 152.0262
502.8 (possession of substances with intent to manufacture methamphetamine); or 152.027 (other
502.9 controlled substance offenses), if committed by an adult; or

502.10 (3) that involved the possession or use of a dangerous weapon as defined in section
502.11 609.02, subdivision 6.

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

502.15 (b) In addition, the juvenile's probation officer may transmit a copy of the court's
502.16 disposition order to the superintendent of the juvenile's school district or the chief
502.17 administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent
502.18 for offenses not listed in paragraph (a) and placed on probation. The probation officer shall
502.19 notify the superintendent or chief administrative officer when the juvenile is discharged
502.20 from probation.

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

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

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

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

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

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

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

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

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

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

503.13 (5) statistical information as to the number of arrests in the geographical area for violent
503.14 crimes and for crimes involving Schedule I and II controlled substances. "Violent crime"
503.15 includes a violation of or an attempt or conspiracy to violate any of the following laws:
503.16 sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221;
503.17 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.2661;
503.18 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343;
503.19 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1;
503.20 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater
503.21 than ten years; or Minnesota Statutes 2012, section 609.21; and

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

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

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

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

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

504.9 (i) murder under section 609.185, 609.19, or 609.195;

504.10 (ii) manslaughter under section 609.20 or 609.205;

504.11 (iii) assault under section 609.221, 609.222, or 609.223;

504.12 (iv) robbery under section 609.24 ~~or~~, aggravated robbery under section 609.245, or
504.13 carjacking under section 609.247;

504.14 (v) kidnapping under section 609.25;

504.15 (vi) false imprisonment under section 609.255;

504.16 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
504.17 609.3451, subdivision 3, or 609.3453;

504.18 (viii) incest under section 609.365;

504.19 (ix) burglary under section 609.582, subdivision 1; or

504.20 (x) indecent exposure under section 617.23, subdivision 3;

504.21 (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision
504.22 3a; or

504.23 (3) juveniles who have appeared in court and have had a judicial probable cause
504.24 determination on a charge of committing, or juveniles having been adjudicated delinquent
504.25 for committing or attempting to commit, any of the following:

504.26 (i) murder under section 609.185, 609.19, or 609.195;

504.27 (ii) manslaughter under section 609.20 or 609.205;

504.28 (iii) assault under section 609.221, 609.222, or 609.223;

504.29 (iv) robbery under section 609.24 ~~or~~, aggravated robbery under section 609.245, or
504.30 carjacking under section 609.247;

- 505.1 (v) kidnapping under section 609.25;
- 505.2 (vi) false imprisonment under section 609.255;
- 505.3 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
505.4 609.3451, subdivision 3, or 609.3453;
- 505.5 (viii) incest under section 609.365;
- 505.6 (ix) burglary under section 609.582, subdivision 1; or
- 505.7 (x) indecent exposure under section 617.23, subdivision 3.
- 505.8 (b) Unless the superintendent of the bureau requires a shorter period, within 72 hours
505.9 the biological specimen required under paragraph (a) must be forwarded to the bureau in
505.10 such a manner as may be prescribed by the superintendent.
- 505.11 (c) Prosecutors, courts, and probation officers shall attempt to ensure that the biological
505.12 specimen is taken on a person described in paragraph (a).
- 505.13 Sec. 14. Minnesota Statutes 2022, section 299C.67, subdivision 2, is amended to read:
- 505.14 Subd. 2. **Background check crime.** "Background check crime" means:
- 505.15 (a)(1) a felony violation of section 609.185 (first-degree murder); 609.19 (second-degree
505.16 murder); 609.20 (first-degree manslaughter); 609.221 (first-degree assault); 609.222
505.17 (second-degree assault); 609.223 (third-degree assault); 609.25 (kidnapping); 609.342
505.18 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct);
505.19 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual
505.20 conduct); 609.3458 (sexual extortion); 609.561 (first-degree arson); or 609.749 (harassment
505.21 or stalking);
- 505.22 (2) an attempt to commit a crime in clause (1); or
- 505.23 (3) a conviction for a crime in another jurisdiction that would be a violation under clause
505.24 (1) or an attempt under clause (2) in this state; or
- 505.25 (b)(1) a felony violation of section 609.195 (third-degree murder); 609.205
505.26 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide
505.27 or injury); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple
505.28 robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.255 (false imprisonment);
505.29 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a
505.30 nonfelony violation of section 609.749 (harassment); or Minnesota Statutes 2012, section
505.31 609.21;

506.1 (2) an attempt to commit a crime in clause (1); or

506.2 (3) a conviction for a crime in another jurisdiction that would be a violation under clause
506.3 (1) or an attempt under clause (2) in this state.

506.4 Sec. 15. Minnesota Statutes 2022, section 326.3381, subdivision 3, is amended to read:

506.5 Subd. 3. **Disqualification.** No person is qualified to hold a license who has:

506.6 (1) been convicted of (i) a felony by the courts of this or any other state or of the United
506.7 States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault;
506.8 theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying
506.9 or receiving stolen property; using, possessing, manufacturing, or carrying weapons
506.10 unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession,
506.11 production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts
506.12 which, if done in Minnesota, would be a felony or would be any of the other offenses
506.13 provided in this clause and for which a full pardon or similar relief has not been granted;

506.14 (2) made any false statement in an application for a license or any document required
506.15 to be submitted to the board; or

506.16 (3) failed to demonstrate to the board good character, honesty, and integrity.

506.17 Sec. 16. Minnesota Statutes 2022, section 609.1095, subdivision 1, is amended to read:

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

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

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

506.26 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
506.27 the following laws of this state or any similar laws of the United States or any other state:
506.28 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
506.29 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;
506.30 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
506.31 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562;

507.1 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any
507.2 provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable
507.3 by a felony penalty; or any provision of chapter 152 that is punishable by a maximum
507.4 sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

507.5 Sec. 17. Minnesota Statutes 2022, section 609.11, subdivision 9, is amended to read:

507.6 Subd. 9. **Applicable offenses.** The crimes for which mandatory minimum sentences
507.7 shall be served as provided in this section are: murder in the first, second, or third degree;
507.8 assault in the first, second, or third degree; burglary; kidnapping; false imprisonment;
507.9 manslaughter in the first or second degree; aggravated robbery; simple robbery; carjacking
507.10 in the first, second, or third degree; first-degree or aggravated first-degree witness tampering;
507.11 criminal sexual conduct under the circumstances described in sections 609.342, subdivision
507.12 1, and subdivision 1a, clauses (a) to (f) and (i); 609.343, subdivision 1, and subdivision 1a,
507.13 clauses (a) to (f) and (i); and 609.344, subdivision 1, clauses (a) to (c) and (d), under the
507.14 conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii),
507.15 and subdivision 1a, clauses (a) to (e), (h), and (i), under the conditions described in section
507.16 609.341, subdivision 24, clause (2), item (i), (ii), or (iii); escape from custody; arson in the
507.17 first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e;
507.18 harassment under section 609.749, subdivision 3, paragraph (a), clause (3); possession or
507.19 other unlawful use of a firearm or ammunition in violation of section 609.165, subdivision
507.20 1b, or 624.713, subdivision 1, clause (2), a felony violation of chapter 152; or any attempt
507.21 to commit any of these offenses.

507.22 Sec. 18. Minnesota Statutes 2022, section 609.185, is amended to read:

507.23 **609.185 MURDER IN THE FIRST DEGREE.**

507.24 (a) Whoever does any of the following is guilty of murder in the first degree and shall
507.25 be sentenced to imprisonment for life:

507.26 (1) causes the death of a human being with premeditation and with intent to effect the
507.27 death of the person or of another;

507.28 (2) causes the death of a human being while committing or attempting to commit criminal
507.29 sexual conduct in the first or second degree with force or violence, either upon or affecting
507.30 the person or another;

507.31 (3) causes the death of a human being with intent to effect the death of the person or
507.32 another, while committing or attempting to commit burglary, aggravated robbery, carjacking

508.1 in the first or second degree, kidnapping, arson in the first or second degree, a drive-by
508.2 shooting, tampering with a witness in the first degree, escape from custody, or any felony
508.3 violation of chapter 152 involving the unlawful sale of a controlled substance;

508.4 (4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed
508.5 at a Minnesota state or local correctional facility, with intent to effect the death of that person
508.6 or another, while the person is engaged in the performance of official duties;

508.7 (5) causes the death of a minor while committing child abuse, when the perpetrator has
508.8 engaged in a past pattern of child abuse upon a child and the death occurs under
508.9 circumstances manifesting an extreme indifference to human life;

508.10 (6) causes the death of a human being while committing domestic abuse, when the
508.11 perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another
508.12 family or household member and the death occurs under circumstances manifesting an
508.13 extreme indifference to human life; or

508.14 (7) causes the death of a human being while committing, conspiring to commit, or
508.15 attempting to commit a felony crime to further terrorism and the death occurs under
508.16 circumstances manifesting an extreme indifference to human life.

508.17 (b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning
508.18 given in section 609.221, subdivision 2, paragraph (c), clause (4).

508.19 (c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section
508.20 609.221, subdivision 2, paragraph (c), clause (5).

508.21 (d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed
508.22 against a minor victim that constitutes a violation of the following laws of this state or any
508.23 similar laws of the United States or any other state: section 609.221; 609.222; 609.223;
508.24 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

508.25 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

508.26 (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242,
508.27 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or
508.28 any other state; and

508.29 (2) is committed against the victim who is a family or household member as defined in
508.30 section 518B.01, subdivision 2, paragraph (b).

508.31 (f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given
508.32 in section 609.714, subdivision 1.

509.1 Sec. 19. Minnesota Statutes 2022, section 609.2661, is amended to read:

509.2 **609.2661 MURDER OF UNBORN CHILD IN THE FIRST DEGREE.**

509.3 Whoever does any of the following is guilty of murder of an unborn child in the first
509.4 degree and must be sentenced to imprisonment for life:

509.5 (1) causes the death of an unborn child with premeditation and with intent to effect the
509.6 death of the unborn child or of another;

509.7 (2) causes the death of an unborn child while committing or attempting to commit
509.8 criminal sexual conduct in the first or second degree with force or violence, either upon or
509.9 affecting the mother of the unborn child or another; or

509.10 (3) causes the death of an unborn child with intent to effect the death of the unborn child
509.11 or another while committing or attempting to commit burglary, aggravated robbery,
509.12 carjacking in the first or second degree, kidnapping, arson in the first or second degree,
509.13 tampering with a witness in the first degree, or escape from custody.

509.14 Sec. 20. Minnesota Statutes 2022, section 609.341, subdivision 22, is amended to read:

509.15 Subd. 22. **Predatory crime.** "Predatory crime" means a felony violation of section
509.16 609.185 (first-degree murder), 609.19 (second-degree murder), 609.195 (third-degree
509.17 murder), 609.20 (first-degree manslaughter), 609.205 (second-degree manslaughter), 609.221
509.18 (first-degree assault), 609.222 (second-degree assault), 609.223 (third-degree assault),
509.19 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25
509.20 (kidnapping), 609.255 (false imprisonment), 609.498 (tampering with a witness), 609.561
509.21 (first-degree arson), or 609.582, subdivision 1 (first-degree burglary).

509.22 Sec. 21. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

509.24 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
509.25 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
509.26 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
509.27 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

509.28 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
509.29 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
509.30 property stolen was an article representing a trade secret, an explosive or incendiary device,

510.1 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
510.2 exception of marijuana; or

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

510.5 (a) the value of the property or services stolen is more than \$1,000 but not more than
510.6 \$5,000; or

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

510.9 (c) the value of the property or services stolen is more than \$500 but not more than
510.10 \$1,000 and the person has been convicted within the preceding five years for an offense
510.11 under this section, section 256.98; 268.182; 609.24; 609.245; 609.247; 609.53; 609.582,
510.12 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
510.13 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
510.14 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
510.15 that was stayed under section 609.135 if the offense to which a plea was entered would
510.16 allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

510.29 (4) to imprisonment for not more than one year or to payment of a fine of not more than
510.30 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
510.31 more than \$1,000; or

511.1 (5) in all other cases where the value of the property or services stolen is \$500 or less,
511.2 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
511.3 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
511.4 (4), (13), and (19), the value of the money or property or services received by the defendant
511.5 in violation of any one or more of the above provisions within any six-month period may
511.6 be aggregated and the defendant charged accordingly in applying the provisions of this
511.7 subdivision; provided that when two or more offenses are committed by the same person
511.8 in two or more counties, the accused may be prosecuted in any county in which one of the
511.9 offenses was committed for all of the offenses aggregated under this paragraph.

511.10 Sec. 22. Minnesota Statutes 2022, section 609.526, subdivision 2, is amended to read:

511.11 Subd. 2. **Crime described.** Any precious metal dealer or scrap metal dealer or any person
511.12 employed by a dealer, who receives, possesses, transfers, buys, or conceals any stolen
511.13 property or property obtained by robbery or carjacking, knowing or having reason to know
511.14 the property was stolen or obtained by robbery or carjacking, may be sentenced as follows:

511.15 (1) if the value of the property received, bought, or concealed is \$1,000 or more, to
511.16 imprisonment for not more than ten years or to payment of a fine of not more than \$50,000,
511.17 or both;

511.18 (2) if the value of the property received, bought, or concealed is less than \$1,000 but
511.19 more than \$500, to imprisonment for not more than three years or to payment of a fine of
511.20 not more than \$25,000, or both;

511.21 (3) if the value of the property received, bought, or concealed is \$500 or less, to
511.22 imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
511.23 or both.

511.24 Any person convicted of violating this section a second or subsequent time within a
511.25 period of one year may be sentenced as provided in clause (1).

511.26 Sec. 23. Minnesota Statutes 2022, section 609.531, subdivision 1, is amended to read:

511.27 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the
511.28 following terms have the meanings given them.

511.29 (a) "Conveyance device" means a device used for transportation and includes, but is not
511.30 limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment
511.31 attached to it. The term "conveyance device" does not include property which is, in fact,
511.32 itself stolen or taken in violation of the law.

512.1 (b) "Weapon used" means a dangerous weapon as defined under section 609.02,
512.2 subdivision 6, that the actor used or had in possession in furtherance of a crime.

512.3 (c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

512.4 (d) "Contraband" means property which is illegal to possess under Minnesota law.

512.5 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department
512.6 of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the
512.7 Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District
512.8 Department of Public Safety, the Department of Natural Resources Division of Enforcement,
512.9 the University of Minnesota Police Department, the Department of Corrections Fugitive
512.10 Apprehension Unit, a city, metropolitan transit, or airport police department; or a
512.11 multijurisdictional entity established under section 299A.642 or 299A.681.

512.12 (f) "Designated offense" includes:

512.13 (1) for weapons used: any violation of this chapter, chapter 152 or 624;

512.14 (2) for driver's license or identification card transactions: any violation of section 171.22;
512.15 and

512.16 (3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy
512.17 to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
512.18 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.247;
512.19 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, or subdivision 1a,
512.20 clauses (a) to (f) and (i); 609.343, subdivision 1, or subdivision 1a, clauses (a) to (f) and (i);
512.21 609.344, subdivision 1, or subdivision 1a, clauses (a) to (e), (h), or (i); 609.345, subdivision
512.22 1, or subdivision 1a, clauses (a) to (e), (h), and (i); 609.352; 609.42; 609.425; 609.466;
512.23 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
512.24 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
512.25 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
512.26 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section
512.27 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a
512.28 felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

512.29 (g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

512.30 (h) "Prosecuting authority" means the attorney who is responsible for prosecuting an
512.31 offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

512.32 (i) "Asserting person" means a person, other than the driver alleged to have used a vehicle
512.33 in the transportation or exchange of a controlled substance intended for distribution or sale,

513.1 claiming an ownership interest in a vehicle that has been seized or restrained under this
513.2 section.

513.3 Sec. 24. Minnesota Statutes 2022, section 609.631, subdivision 4, is amended to read:

513.4 Subd. 4. **Sentencing.** A person who is convicted under subdivision 2 or 3 may be
513.5 sentenced as follows:

513.6 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
513.7 \$100,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,
513.8 property or services of more than \$35,000 or the aggregate amount of the forged check or
513.9 checks is more than \$35,000;

513.10 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
513.11 \$20,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,
513.12 property or services of more than \$2,500 or the aggregate amount of the forged check or
513.13 checks is more than \$2,500;

513.14 (3) to imprisonment for not more than five years or to payment of a fine of not more
513.15 than \$10,000, or both, if:

513.16 (a) the forged check or checks are used to obtain or in an attempt to obtain, property or
513.17 services of more than \$250 but not more than \$2,500, or the aggregate face amount of the
513.18 forged check or checks is more than \$250 but not more than \$2,500; or

513.19 (b) the forged check or checks are used to obtain or in an attempt to obtain, property or
513.20 services of no more than \$250, or have an aggregate face value of no more than \$250, and
513.21 the person has been convicted within the preceding five years for an offense under this
513.22 section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3;
513.23 609.625; 609.63; or 609.821, or a statute from another state in conformity with any of those
513.24 sections, and the person received a felony or gross misdemeanor sentence for the offense,
513.25 or a sentence that was stayed under section 609.135 if the offense to which a plea was
513.26 entered would allow imposition of a felony or gross misdemeanor sentence; and

513.27 (4) to imprisonment for not more than one year or to payment of a fine of not more than
513.28 \$3,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,
513.29 property or services of no more than \$250, or the aggregate face amount of the forged check
513.30 or checks is no more than \$250.

513.31 In any prosecution under this subdivision, the value of the checks forged or offered by
513.32 the defendant in violation of this subdivision within any six-month period may be aggregated
513.33 and the defendant charged accordingly in applying the provisions of this section. When two

514.1 or more offenses are committed by the same person in two or more counties, the accused
514.2 may be prosecuted in any county in which one of the checks was forged or offered for all
514.3 of the offenses aggregated under this paragraph.

514.4 Sec. 25. Minnesota Statutes 2022, section 609.632, subdivision 4, is amended to read:

514.5 Subd. 4. **Penalty.** (a) A person who is convicted of violating subdivision 1 or 2 may be
514.6 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more
514.7 than \$100,000, or both.

514.8 (b) A person who is convicted of violating subdivision 3 may be sentenced as follows:

514.9 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
514.10 \$100,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain
514.11 property or services having a value of more than \$35,000, or the aggregate face value of
514.12 the counterfeited item is more than \$35,000;

514.13 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
514.14 \$20,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property
514.15 or services having a value of more than \$5,000, or the aggregate face value of the
514.16 counterfeited item is more than \$5,000;

514.17 (3) to imprisonment for not more than five years or to payment of a fine of not more
514.18 than \$10,000, or both, if:

514.19 (i) the counterfeited item is used to obtain or in an attempt to obtain property or services
514.20 having a value of more than \$1,000 or the aggregate face value of the counterfeited item is
514.21 more than \$1,000; or

514.22 (ii) the counterfeited item is used to obtain or in an attempt to obtain property or services
514.23 having a value of no more than \$1,000, or the aggregate face value of the counterfeited item
514.24 is no more than \$1,000, and the person has been convicted within the preceding five years
514.25 for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582,
514.26 subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state or the
514.27 United States in conformity with any of those sections, and the person received a felony or
514.28 gross misdemeanor sentence for the offense, or a sentence that was stayed under section
514.29 609.135 if the offense to which a plea was entered would allow the imposition of a felony
514.30 or gross misdemeanor sentence; or

514.31 (4) to imprisonment for not more than one year or to payment of a fine of not more than
514.32 \$3,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property

515.1 or services having a value of no more than \$1,000, or the aggregate face value of the
515.2 counterfeited item is no more than \$1,000.

515.3 Sec. 26. Minnesota Statutes 2022, section 609.821, subdivision 3, is amended to read:

515.4 Subd. 3. **Sentence.** (a) A person who commits financial transaction card fraud may be
515.5 sentenced as follows:

515.6 (1) for a violation of subdivision 2, clause (1), (2), (5), (8), or (9):

515.7 (i) to imprisonment for not more than 20 years or to payment of a fine of not more than
515.8 \$100,000, or both, if the value of the property the person obtained or attempted to obtain
515.9 was more than \$35,000, or the aggregate amount of the transactions under this subdivision
515.10 was more than \$35,000; or

515.11 (ii) to imprisonment for not more than ten years or to payment of a fine of not more than
515.12 \$20,000, or both, if the value of the property the person obtained or attempted to obtain was
515.13 more than \$2,500, or the aggregate amount of the transactions under this subdivision was
515.14 more than \$2,500; or

515.15 (iii) to imprisonment for not more than five years or to payment of a fine of not more
515.16 than \$10,000, or both, if the value of the property the person obtained or attempted to obtain
515.17 was more than \$250 but not more than \$2,500, or the aggregate amount of the transactions
515.18 under this subdivision was more than \$250 but not more than \$2,500; or

515.19 (iv) to imprisonment for not more than five years or to payment of a fine of not more
515.20 than \$10,000, or both, if the value of the property the person obtained or attempted to obtain
515.21 was not more than \$250, or the aggregate amount of the transactions under this subdivision
515.22 was not more than \$250, and the person has previously been convicted within the preceding
515.23 five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52;
515.24 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.631, or a statute from
515.25 another state in conformity with any of those sections, and the person received a felony or
515.26 gross misdemeanor sentence for the offense, or a sentence that was stayed under section
515.27 609.135 if the offense to which a plea was entered would allow imposition of a felony or
515.28 gross misdemeanor sentence; or

515.29 (v) to imprisonment for not more than one year or to payment of a fine of not more than
515.30 \$3,000, or both, if the value of the property the person obtained or attempted to obtain was
515.31 not more than \$250, or the aggregate amount of the transactions under this subdivision was
515.32 not more than \$250;

516.1 (2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more than
 516.2 three years or to payment of a fine of not more than \$5,000, or both; or

516.3 (3) for a violation of subdivision 2, clause (6) or (7):

516.4 (i) if no property, other than a financial transaction card, has been obtained by the
 516.5 defendant by means of the false statement or false report, to imprisonment for not more
 516.6 than one year or to payment of a fine of not more than \$3,000, or both; or

516.7 (ii) if property, other than a financial transaction card, is so obtained, in the manner
 516.8 provided in clause (1).

516.9 (b) In any prosecution under paragraph (a), clause (1), the value of the transactions made
 516.10 or attempted within any six-month period may be aggregated and the defendant charged
 516.11 accordingly in applying the provisions of this section. When two or more offenses are
 516.12 committed by the same person in two or more counties, the accused may be prosecuted in
 516.13 any county in which one of the card transactions occurred for all of the transactions
 516.14 aggregated under this paragraph.

516.15 Sec. 27. Minnesota Statutes 2022, section 609B.161, is amended to read:

516.16 **609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS**
 516.17 **LICENSE; DISQUALIFICATION.**

516.18 Under section 326.3381, a person is disqualified from holding a private detective or
 516.19 protective agent business license if that person has been convicted of:

516.20 (1) a felony by the courts of this or any other state or of the United States;

516.21 (2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault;
 516.22 theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying
 516.23 or receiving stolen property; using, possessing, manufacturing, or carrying weapons
 516.24 unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession,
 516.25 production, sale, or distribution of narcotics unlawfully; or

516.26 (3) acts in any other country which, if committed in Minnesota, would be a felony or
 516.27 considered as any of the other offenses listed in clause (2) and for which a full pardon or
 516.28 similar relief has not been granted.

517.1 Sec. 28. Minnesota Statutes 2022, section 611A.031, is amended to read:

517.2 **611A.031 VICTIM INPUT REGARDING PRETRIAL DIVERSION.**

517.3 A prosecutor shall make every reasonable effort to notify and seek input from the victim
517.4 prior to referring a person into a pretrial diversion program in lieu of prosecution for a
517.5 violation of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223,
517.6 609.224, 609.2242, 609.24, 609.245, 609.247, 609.25, 609.255, 609.342, 609.343, 609.344,
517.7 609.345, 609.365, 609.498, 609.561, 609.582, subdivision 1, 609.687, 609.713, and 609.749.

517.8 Sec. 29. Minnesota Statutes 2022, section 611A.036, subdivision 7, is amended to read:

517.9 Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt
517.10 to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder
517.11 in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the
517.12 first degree); 609.205 (manslaughter in the second degree); 609.2112, 609.2113, or 609.2114
517.13 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault
517.14 in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth
517.15 degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault);
517.16 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228
517.17 (great bodily harm caused by distribution of drugs); 609.23 (mistreatment of persons
517.18 confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse);
517.19 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24
517.20 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping);
517.21 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child
517.22 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663
517.23 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child
517.24 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);
517.25 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child
517.26 in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268
517.27 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking);
517.28 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342
517.29 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second
517.30 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual
517.31 conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);
517.32 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352
517.33 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a
517.34 child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1 (arson in the

518.1 first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c) (burglary in the first
518.2 degree; occupied dwelling or involving an assault); 609.66, subdivision 1e, paragraph (b)
518.3 (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle);
518.4 or 609.749, subdivision 2 (harassment); or Minnesota Statutes 2012, section 609.21.

518.5 Sec. 30. Minnesota Statutes 2022, section 611A.08, subdivision 6, is amended to read:

518.6 Subd. 6. **Violent crime; definition.** For purposes of this section, "violent crime" means
518.7 an offense named in sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222;
518.8 609.223; 609.2231; 609.24; 609.245; 609.247; 609.25; 609.255; 609.342; 609.343; 609.344;
518.9 609.345; 609.3458; 609.561; 609.562; 609.563; and 609.582, or an attempt to commit any
518.10 of these offenses. "Violent crime" includes crimes in other states or jurisdictions which
518.11 would have been within the definition set forth in this subdivision if they had been committed
518.12 in this state.

518.13 Sec. 31. Minnesota Statutes 2022, section 624.712, subdivision 5, is amended to read:

518.14 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
518.15 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the
518.16 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
518.17 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding
518.18 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
518.19 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);
518.20 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic
518.21 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235
518.22 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
518.23 robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322
518.24 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal
518.25 sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree);
518.26 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in
518.27 the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or
518.28 endangerment of a child); 609.486 (commission of crime while wearing or possessing a
518.29 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a
518.30 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first
518.31 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the
518.32 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully
518.33 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
518.34 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a

519.1 public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an
519.2 attempt to commit any of these offenses.

519.3 Sec. 32. Minnesota Statutes 2022, section 626A.05, subdivision 2, is amended to read:

519.4 Subd. 2. **Offenses for which interception of wire or oral communication may be**
519.5 **authorized.** A warrant authorizing interception of wire, electronic, or oral communications
519.6 by investigative or law enforcement officers may only be issued when the interception may
519.7 provide evidence of the commission of, or of an attempt or conspiracy to commit, any of
519.8 the following offenses:

519.9 (1) a felony offense involving murder, manslaughter, assault in the first, second, and
519.10 third degrees, aggravated robbery, carjacking in the first or second degree, kidnapping,
519.11 criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury,
519.12 escape from custody, theft, receiving stolen property, embezzlement, burglary in the first,
519.13 second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction
519.14 card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222,
519.15 609.223, 609.2231, 609.245, 609.247, subdivision 2 or 3, 609.25, 609.321 to 609.324,
519.16 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, paragraph (a), clause
519.17 (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

519.18 (2) an offense relating to gambling or controlled substances, as punishable under section
519.19 609.76 or chapter 152; or

519.20 (3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or
519.21 2, as punishable under section 325D.56, subdivision 2.

519.22 Sec. 33. Minnesota Statutes 2022, section 629.361, is amended to read:

519.23 **629.361 PEACE OFFICERS RESPONSIBLE FOR CUSTODY OF STOLEN**
519.24 **PROPERTY.**

519.25 A peace officer arresting a person charged with committing or aiding in the committing
519.26 of a robbery, aggravated robbery, carjacking, or theft shall use reasonable diligence to secure
519.27 the property alleged to have been stolen. After seizure of the property, the officer shall be
519.28 answerable for it while it remains in the officer's custody. The officer shall annex a schedule
519.29 of the property to the return of the warrant. Upon request of the county attorney, the law
519.30 enforcement agency that has custody of the property alleged to have been stolen shall deliver
519.31 the property to the custody of the county attorney for use as evidence at an omnibus hearing
519.32 or at trial. The county attorney shall make a receipt for the property and be responsible for

520.1 the property while it is in the county attorney's custody. When the offender is convicted,
520.2 whoever has custody of the property shall turn it over to the owner.

520.3 Sec. 34. **EFFECTIVE DATE.**

520.4 This article is effective August 1, 2023.

152.092 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

(a) It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.

(b) A person who violates paragraph (a) and has previously violated paragraph (a) on two or more occasions has committed a crime and may be sentenced to imprisonment for up to 90 days or to payment of a fine up to \$1,000, or both.

241.272 FEE COLLECTION.

Subdivision 1. **Definition.** (a) As used in this section, the following terms have the meanings given them.

(b) "Correctional fees" include fees for the following correctional services:

(1) community service work placement and supervision;

(2) restitution collection;

(3) supervision;

(4) court-ordered investigations; or

(5) any other service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections.

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

Subd. 2. **Correctional fees established.** To defray costs associated with correctional services, the commissioner of corrections may establish a schedule of correctional fees to charge persons convicted of a crime and supervised by the commissioner. The correctional fees on the schedule must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.

Subd. 3. **Fee collection.** (a) The commissioner of corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.

(b) The commissioner may use any available civil means of debt collection in collecting a correctional fee.

Subd. 4. **Exemption from fee.** The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to perform community work service as a means of paying the fee.

Subd. 5. **Restitution payment priority.** If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.

Subd. 6. **Use of fees.** Excluding correctional fees collected from offenders supervised by department agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), all correctional fees collected under this section go to the general fund. Fees collected by agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), shall go to the county treasurer in the county where supervision is provided. These fees may only be used in accordance with section 244.18, subdivision 6.

Subd. 7. **Annual report.** Beginning January 15, 2001, the commissioner shall submit an annual report on the implementation of this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report shall include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

Subd. 8. **Sex offender treatment fee.** The commissioner of corrections may authorize sex offender treatment providers to charge and collect treatment co-pays from all offenders in their treatment program. The amount of treatment co-pay assessed to each offender is based upon a fee

schedule approved by the commissioner. Fees collected under this authority are used by the treatment provider to fund the cost of treatment.

244.14 INTENSIVE COMMUNITY SUPERVISION; BASIC ELEMENTS.

Subdivision 1. **Requirements.** This section governs the intensive community supervision programs established under section 244.13. The commissioner shall operate the programs in conformance with this section. The commissioner shall administer the programs to further the following goals:

(1) to punish the offender;

(2) to protect the safety of the public;

(3) to facilitate employment of the offender during the intensive community supervision and afterward; and

(4) to require the payment of restitution ordered by the court to compensate the victims of the offender's crime.

Subd. 2. **Good time not available.** An offender serving a sentence on intensive community supervision for a crime committed before August 1, 1993, does not earn good time, notwithstanding section 244.04.

Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions for violating the conditions of an intensive community supervision program. The commissioner shall provide for revocation of intensive community supervision of an offender who:

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any misdemeanor, gross misdemeanor, or felony offense; or

(3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The revocation of intensive community supervision is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender whose intensive community supervision is revoked shall be imprisoned for a time period equal to the offender's term of imprisonment, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

Subd. 4. **All phases.** Throughout all phases of an intensive community supervision program, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, or premises by an intensive supervision agent. If the offender received a restitution order as part of the sentence, the offender shall make weekly payments as scheduled by the agent until the full amount is paid.

244.15 INTENSIVE COMMUNITY SUPERVISION; PHASES I TO IV.

Subdivision 1. **Duration.** Phase I of an intensive community supervision program is six months, or one-half the time remaining in the offender's term of imprisonment, whichever is less. Phase II lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase II. Phase III lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase III. Phase IV continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever occurs first. If an offender successfully completes the intensive community supervision program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence.

Subd. 2. **Random drug testing.** (a) During phase I, the offender will be subjected at least weekly to urinalysis and breath tests to detect the presence of controlled substances or alcohol. The tests will be random and unannounced.

(b) During phase II, the tests will be done at least twice monthly.

(c) During phases III and IV, the tests will be done at random at the frequency determined by the intensive supervision agent.

Subd. 3. **House arrest.** (a) During phase I, the offender will be under house arrest in a residence approved by the offender's intensive supervision agent and may not move to another residence

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without permission. "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned agent.

(b) During phase II, modified house arrest is imposed.

(c) During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

Subd. 4. Face-to-face contacts. (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.

Subd. 5. Work required. During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the commissioner. An offender may not spend more than six months in a residential treatment program that does not require the offender to spend at least 40 hours a week performing approved work or undertaking constructive activity designed to obtain employment.

Subd. 6. Electronic surveillance. (a) During any phase, the offender may be placed on electronic surveillance if the intensive supervision agent so directs. If electronic surveillance is directed during phase I, the commissioner must require that the inmate be kept in custody, or that the inmate's intensive supervised release agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

(b) It is the responsibility of the inmate placed on electronic surveillance to ensure that the inmate's residence is properly equipped and the inmate's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of an intensive supervised release agent. An inmate who fails to comply with this paragraph may be found in violation of the inmate's conditions of release after a revocation hearing.

Subd. 7. Other requirements. The commissioner may include any other conditions in the various phases of the intensive community supervision program that the commissioner finds necessary and appropriate.

244.196 DEFINITIONS.

Subdivision 1. **Definitions.** As used in sections 244.196 to 244.199, the following terms have the meanings given them.

Subd. 2. Probation. "Probation" has the meaning given in section 609.02, subdivision 15.

Subd. 3. Probation violation sanction. "Probation violation sanction" includes, but is not limited to, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, substance use disorder or mental health treatment or counseling, community work service, remote electronic alcohol monitoring, random drug testing, and participation in an educational or restorative justice program. A probation violation sanction does not include any type of custodial sanction, including, but not limited to, detention and incarceration.

Subd. 4. Sanctions conference. "Sanctions conference" means a voluntary conference at which the county probation officer, offender, and, if appropriate, other interested parties meet to discuss the probation violation sanction for the offender's technical violation of probation.

Subd. 5. Sanctions conference form. "Sanctions conference form" means a form developed by the chief executive officer of a local corrections agency with the approval of the district court that explains the sanctions conference and the offender's option to elect to participate in the sanctions conference or to proceed to a judicial hearing.

Subd. 6. Technical violation. "Technical violation" means any violation of a court order of probation, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

244.22 PROBATION SERVICE PROVIDERS; CASELOAD REDUCTION GRANT MONEY.

(a) The commissioner of corrections shall review the planned expenditures of probation service providers before allocating probation caseload reduction grants appropriated by the legislature. The review must determine whether the planned expenditures comply with applicable law.

(b) In counties where probation services are provided by both county and Department of Corrections employees, a collaborative plan addressing the local needs shall be developed. The commissioner of corrections shall specify the manner in which probation caseload reduction grant money shall be distributed between the providers according to the approved plan.

244.32 ALTERNATIVES TO INCARCERATION PILOT PROGRAM.

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

(b) The Department of Corrections shall issue annual funding of \$160,000 to each recipient.

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

(1) the community services accessed as a result of the funding;

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

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

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

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

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

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

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

299C.80 INDEPENDENT USE OF FORCE INVESTIGATIONS UNIT.

Subd. 7. **Expiration.** The independent Use of Force Investigations Unit expires August 1, 2024.

346.02 FINDER TO GIVE NOTICE; PENALTY.

A person who finds an estray and knows who owns it shall notify the owner within seven days after finding the estray and request the owner to pay all reasonable charges and take such estray away. A finder who does not know who owns the estray shall within ten days file a notice with the town clerk. The clerk shall transmit a copy thereof to the county recorder, who shall record the same in a book designated "estrays book." The finder shall give posted notice of the finding of the estray in said town. The notice shall briefly describe the estray, giving its marks, natural and artificial, as nearly as practicable, naming the residence of the finder, and specifying the town, section, and time when taken up. For failure to give such notice, the finder shall be liable to the owner of the estray in double the amount of damages sustained by the owner thereby.

363A.20 EXEMPTION BASED ON EMPLOYMENT.

Subd. 3. **Nonpublic service organization.** The provisions of section 363A.08 shall not apply to a nonpublic service organization whose primary function is providing occasional services to minors, such as youth sports organizations, scouting organizations, boys' or girls' clubs, programs providing friends, counselors, or role models for minors, youth theater, dance, music or artistic organizations, agricultural organizations for minors, including 4-H clubs, and other youth organizations, with respect to qualifications of employees or volunteers based on sexual orientation.

363A.27 CONSTRUCTION OF LAW.

Nothing in this chapter shall be construed to:

(1) mean the state of Minnesota condones homosexuality or bisexuality or any equivalent lifestyle;

(2) authorize or permit the promotion of homosexuality or bisexuality in education institutions or require the teaching in education institutions of homosexuality or bisexuality as an acceptable lifestyle;

(3) authorize or permit the use of numerical goals or quotas, or other types of affirmative action programs, with respect to homosexuality or bisexuality in the administration or enforcement of the provisions of this chapter; or

(4) authorize the recognition of or the right of marriage between persons of the same sex.

401.07 EXISTING SINGLE JURISDICTION COUNTIES OR GROUPS.

In any county or group of counties where correctional services are currently being provided by a single jurisdiction within that county, nothing in sections 401.01 to 401.16 shall be interpreted as requiring a change of authority.

504B.305 NOTICE OF SEIZURE PROVISION.

Landlords shall give written notice to tenants of the provision relating to seizures in section 504B.301. Failure to give such notice does not subject the landlord to criminal or civil liability and is not a defense under section 609.5317, subdivision 3.

504B.341 CONTINUANCE OF TRIAL.

(a) In an eviction action, the court, in its discretion, may grant a continuance of the trial for no more than six days unless all parties consent to longer continuance.

(b) However, in all actions brought under section 504B.285, other than actions on a written lease signed by both parties, the court shall continue the trial as necessary but for no more than three months if the defendant or the defendant's agent or attorney:

(1) states under oath that the defendant cannot proceed to trial because a material witness is not present;

(2) names the witness;

(3) states under oath that the defendant has made due exertion to obtain the witness;

(4) states the belief that if the continuance is allowed the defendant will be able to procure the attendance of the witness at the trial or to obtain the witness's deposition; and

(5) gives a bond that the plaintiff will be paid all rent that accrues during the pendency of the action and all costs and damages that accrue due to the adjournment.

518B.02 DOMESTIC ABUSE COUNSELING PROGRAM OR EDUCATIONAL PROGRAM REQUIRED.

Subd. 3. **Program accountability.** The Office of Justice Programs in the Department of Public Safety will consult with domestic abuse counseling and educational programs, the court, probation departments, and the interagency task force on the prevention of domestic and sexual abuse on acceptable measures to ensure program accountability. By December 30, 2001, the center shall make recommendations to the house of representatives and senate committees and divisions with jurisdiction over criminal justice policy and funding on agreed-upon accountability measures including outcome studies.

582.14 LIMITATION ON OLD FORECLOSURE ACTIONS.

No action or proceeding to foreclose a real estate mortgage executed prior to November 1, 1909, shall be maintained after January 1, 1946, unless prior to said date the owner of said mortgage shall have filed in the office of the county recorder of the county in which is located the real estate covered thereby, a notice setting forth the name of the claimant, a description of said real estate and of said mortgage including the volume and page at which it is of record and a statement of the amount claimed to be due thereon. Such notices may be discharged in the same manner as notices of lis pendens, and, so discharged, shall, together with all information included therein, cease to constitute either actual or constructive notice.

609.293 SODOMY.

Subdivision 1. **Definition.** "Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 5. **Consensual acts.** Whoever, in cases not coming within the provisions of sections 609.342 or 609.344, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

609.34 FORNICATION.

When any man and single woman have sexual intercourse with each other, each is guilty of fornication, which is a misdemeanor.

609.36 ADULTERY.

Subdivision 1. **Acts constituting.** When a married woman has sexual intercourse with a man other than her husband, whether married or not, both are guilty of adultery and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 2. **Limitations.** No prosecution shall be commenced under this section except on complaint of the husband or the wife, except when such husband or wife lacks the mental capacity, nor after one year from the commission of the offense.

Subd. 3. **Defense.** It is a defense to violation of this section if the marital status of the woman was not known to the defendant at the time of the act of adultery.

617.20 DRUGS TO PRODUCE MISCARRIAGE.

Whoever shall manufacture, give, or sell an instrument, drug, or medicine, or any other substance, with intent that the same may be unlawfully used in producing the miscarriage of a woman, shall be guilty of a felony.

617.201 INDECENT ARTICLES AND INFORMATION.

Every person who shall sell, lend, or give away, or in any manner exhibit, or offer to sell, lend, or give away, or have in possession with intent to sell, lend, give away, or advertise or offer for sale, loan, or distribution, any instrument or article, or any drug or medicine for causing unlawful abortion; or shall write or print, or cause to be written or printed, a card, circular, pamphlet, advertisement, or notice of any kind, or shall give oral information, stating when, where, how, or whom, or by what means such article or medicine can be obtained or who manufactures it, shall be guilty of a gross misdemeanor and punished by imprisonment in the county jail for not more than one year or by a fine of not more than \$3,000, or by both.

617.202 SALE OF ARTICLES RELATING TO PREVENTION OF CONCEPTION OR DISEASE.

Instruments, articles, drugs or medicines for the prevention of conception or disease may be sold, offered for sale, distributed or dispensed only by persons or organizations recognized as dealing primarily with health or welfare. Anyone convicted of violation of this section shall be guilty of a gross misdemeanor and punished by imprisonment not to exceed one year or by a fine of not more than \$3,000 or both.

617.21 EVIDENCE.

In any prosecution for abortion or attempting abortion, no person shall be excused from testifying as a witness on the ground that the person's testimony would tend to criminate the person.

617.28 CERTAIN MEDICAL ADVERTISEMENTS.

Subdivision 1. **Placing advertisement; penalty.** Any person who shall advertise, in the person's own name or in the name of another person, firm or pretended firm, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, or other written or printed paper, or the owner, publisher, or manager of any newspaper or periodical who shall permit to be inserted or published in any newspaper or periodical owned or controlled by the owner, publisher, or manager, the treatment or curing of venereal diseases, the restoration of "lost virility" or "lost vitality," or shall advertise in any manner that the person is a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse, or excessive sexual indulgence, or in any disease of like causes, or who shall advertise in any manner any medicine, drug compound, appliance or any means whatever whereby it is claimed that sexual diseases of men and women may be cured or relieved, or miscarriage or abortion produced, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$3,000 or by imprisonment in the county jail for not more than six months.

Subd. 2. **Publication; penalty.** Any person publishing, distributing, or causing to be distributed or circulated, any of the advertising matter hereinabove prohibited, shall be guilty of a misdemeanor and punished as prescribed in subdivision 1.

617.29 EVIDENCE.

The production of any advertisement or advertising matter published or distributed contrary to the provisions of this section and section 617.28 shall be of itself prima facie evidence of the guilt of the person advertising to cure any such disease hereinabove mentioned, or of the publishers who publish any matter such as is herein prohibited.

626.93 LAW ENFORCEMENT AUTHORITY; TRIBAL PEACE OFFICERS.

Subd. 7. **Exception; Prairie Island Indian Community.** Notwithstanding any contrary provision in subdivision 3 or 4, the Prairie Island Indian Community of the Mdewakanton Dakota tribe has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the community's reservation to enforce state criminal law if the requirements of subdivision 2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered into.

638.02 PARDONS.

Subdivision 1. **Absolute or conditional pardons; commutation of sentences.** The Board of Pardons may grant an absolute or a conditional pardon, but every conditional pardon shall state the terms and conditions on which it was granted. Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless granted by a unanimous vote of the board duly convened.

Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the Board of Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:

(1) if the person was convicted of a crime of violence as defined in section 624.712, subdivision 5, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and

(2) if the person was convicted of any crime not included within the definition of crime of violence under section 624.712, subdivision 5, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.

If the Board of Pardons determines that the person is of good character and reputation, the board may, in its discretion, grant the person a pardon extraordinary. The pardon extraordinary, when granted, has the effect of setting aside and nullifying the conviction and of purging the person of it, and the person shall never after that be required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

The application for a pardon extraordinary, the proceedings to review an application, and the notice requirements are governed by the statutes and the rules of the board in respect to other proceedings before the board. The application shall contain any further information that the board may require.

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Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, and the court shall order the conviction set aside and include a copy of the pardon in the court file. The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension.

Subd. 4. **Grandfather provision.** Any person granted a pardon extraordinary by the Board of Pardons prior to April 12, 1974 may apply to the district court of the county in which the conviction occurred for an order setting aside the conviction as set forth in subdivision 3.

Subd. 5. **Records.** The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, trial, appeal, dismissal and discharge, which relate to the conviction for which the pardon extraordinary has been granted.

638.03 WARRANT; RETURN.

The Board of Pardons may issue its warrant, under its seal, to any proper officers to carry into effect any pardon, commutation, or reprieve. As soon as may be after the execution of the warrant, the officer to whom it is directed shall make return thereof, under hand, with the doings thereon, to the governor. Such officer shall also file with the court administrator in which the offender was convicted an attested copy of the warrant and return, a brief abstract of which such court administrator shall subjoin to the record of the conviction.

638.04 MEETINGS.

The Board of Pardons shall hold meetings at least twice each year and shall hold a meeting whenever it takes formal action on an application for a pardon or commutation of sentence. All board meetings shall be open to the public as provided in chapter 13D.

The victim of an applicant's crime has a right to submit an oral or written statement at the meeting. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the application for a pardon or commutation should be granted or denied. In addition, any law enforcement agency may submit an oral or written statement at the meeting, giving its recommendation on whether the application should be granted or denied. The board must consider the victim's and the law enforcement agency's statement when making its decision on the application.

638.05 APPLICATION FOR PARDON.

Every application for relief by the Pardon Board shall be in writing, addressed to the Board of Pardons, signed under oath by the convict or someone in the convict's behalf, shall state concisely the grounds upon which the relief is sought, and in addition shall contain the following facts:

- (1) the name under which the convict was indicted, and every alias by which the convict is or was known;
- (2) the date and terms of sentence, and the names of the offense for which it was imposed;
- (3) the name of the trial judge and the county attorney who participated in the trial of the convict, together with that of the county of trial;
- (4) a succinct statement of the evidence adduced at the trial, with the endorsement of the judge or county attorney who tried the case that the statement is substantially correct. If this statement and endorsement are not furnished, the reason for failing to furnish them shall be stated;
- (5) the age, birthplace, and occupation and residence of the convict during five years immediately preceding conviction;
- (6) a statement of other arrests, indictments, and convictions, if any, of the convict.

Every application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the relief is sought. In addition, if the applicant resided in another state after the sentence was discharged, the application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any data concerning the applicant that was collected or maintained by the foreign state relating to the grounds on which the relief is sought, including disclosure of criminal arrest and conviction records.

638.06 ACTION ON APPLICATION.

Every application for relief by the Pardon Board shall be filed with the secretary of the Board of Pardons not less than 60 days before the meeting of the board at which consideration of the application is desired. If an application for a pardon or commutation has been once heard and denied on the merits, no subsequent application shall be filed without the consent of two members of the board endorsed on the application. Immediately on receipt of any application, the secretary to the board shall mail notice of the application, and of the time and place of hearing on it, to the judge of the court where the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or a successor in office. Additionally, the secretary shall publish notice of an application for a pardon extraordinary in the local newspaper of the county where the crime occurred. The secretary shall also make all reasonable efforts to locate any victim of the applicant's crime. The secretary shall mail notice of the application and the time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board as provided in section 638.04.

638.07 RECORDS; SECRETARY.

The Board of Pardons shall keep a record of every petition received, and of every pardon, reprieve, or commutation of sentence granted or refused, and the reasons assigned therefor, and shall have a seal, with which every pardon, reprieve, or commutation of sentence shall be attested. It may adopt such additional necessary and proper rules as are not inconsistent herewith. The commissioner of corrections or a designee shall be the secretary of the board. The commissioner shall have charge of and keep its records and perform such other duties as the board may from time to time direct. The commissioner is hereby authorized and empowered to serve subpoenas and other writs or processes necessary to return parole violators to prison, and to bring before the board witnesses to be heard in matters pending before it. The records and all the files shall be kept and preserved by the secretary, and shall be open to public inspection at all reasonable times.

638.075 ANNUAL REPORTS TO LEGISLATURE.

By February 15 of each year, the Board of Pardons shall file a written report with the legislature containing the following information:

- (1) the number of applications received by the board during the preceding calendar year for pardons, pardons extraordinary, and commutations of sentence;
- (2) the number of applications granted by the board for each category; and
- (3) the crimes for which the applications were granted by the board, the year of each conviction, and the age of the offender at the time of the offense.

638.08 ISSUANCE OF PROCESS; WITNESSES; STANDING APPROPRIATION.

The Board of Pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matter pending, and may take such reasonable steps in the matter as it may deem necessary to a proper determination thereof. When any person is summoned before the board by its authority, the person may be allowed such compensation for travel and attendance as it may deem reasonable.