

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		Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act

1.2 relating to state government; amending certain judiciary, public safety, corrections,

1.3 human rights, firearm, and 911 Emergency Communication System statutory policy

1.4 provisions; providing for reports; authorizing rulemaking; appropriating money

1.5 for judiciary, courts, civil legal services, Guardian ad Litem Board, Uniform Laws

1.6 Commission, Board on Judicial Standards, Board of Public Defense, human rights,

1.7 sentencing guidelines, public safety, emergency management, criminal

1.8 apprehension, fire marshal, firefighters, Office of Justice programs, Peace Officer

1.9 Standards and Training Board, Private Detective Board, corrections, incarceration

1.10 and release, probation, juveniles, and Ombudsperson for Corrections; amending

1.11 Minnesota Statutes 2022, sections 13.072, subdivision 1; 13.825, subdivision 3;

1.12 13.871, subdivisions 8, 14; 13A.02, subdivisions 1, 2; 144.6586, subdivision 2;

1.13 145.4712; 152.01, by adding a subdivision; 152.021, subdivisions 1, 2; 152.022,

1.14 subdivisions 1, 2; 152.023, subdivision 2; 152.18, subdivision 1; 181.981,

1.15 subdivision 1; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivision

1.16 1d; 243.05, subdivision 1; 244.03; 244.05, subdivisions 1b, 2, 3, 4, 5, by adding

1.17 a subdivision; 244.101, subdivision 1; 244.19, subdivisions 1, 5; 244.195,

1.18 subdivisions 1, 2, by adding subdivisions; 244.20; 244.21; 297L.06, subdivision

1.19 1; 299A.38; 299A.41, subdivisions 3, 4, by adding a subdivision; 299A.52;

1.20 299A.642, subdivision 15; 299A.73, by adding a subdivision; 299C.10, subdivision

1.21 1; 299C.106, subdivision 3; 299C.11, subdivision 3; 299C.111; 299C.17; 299C.53,

1.22 subdivision 3; 299N.02, subdivision 3; 326.32, subdivision 10; 326.3381,

1.23 subdivision 3; 357.021, subdivision 2; 363A.06, subdivision 1; 401.01; 401.02;

1.24 401.025, subdivision 1; 401.06; 401.09; 401.10; 401.11; 401.14, subdivision 3;

1.25 401.16; 403.02, subdivisions 7, 9a, 11b, 16a, 17, 17c, 18, 19, 19a, 20, 20a, 21, by

1.26 adding subdivisions; 403.025; 403.03, subdivision 2; 403.05; 403.06; 403.07;

1.27 403.08; 403.09, subdivision 2; 403.10, subdivisions 2, 3; 403.11; 403.113; 403.15,

1.28 subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 609.05, by adding a

1.29 subdivision; 609.106, subdivision 2, by adding a subdivision; 609.14, subdivision

1.30 1, by adding a subdivision; 609.2231, subdivision 4; 609.2233; 609.3455,

1.31 subdivisions 2, 5; 609.35; 609.52, subdivision 3; 609.527, subdivision 1, by adding

1.32 a subdivision; 609.582, subdivisions 3, 4; 609.595, subdivisions 1a, 2; 609.749,

1.33 subdivision 3; 609A.01; 609A.02, subdivision 3; 609A.03, subdivisions 5, 7a, 9;

1.34 611.23; 611A.03, subdivision 1; 611A.211, subdivision 1; 611A.31, subdivisions

1.35 2, 3, by adding a subdivision; 611A.32; 626.15; 626.5531, subdivision 1; 626.843,

1.36 by adding a subdivision; 626.8451, subdivision 1; 626.8469, subdivision 1;

1.37 626.8473, subdivision 3; 638.01; 641.15, subdivision 2; 641.155; Laws 2021, First

1.38 Special Session chapter 11, article 1, section 15, subdivision 3; proposing coding

2.1 for new law in Minnesota Statutes, chapters 243; 244; 299A; 299C; 401; 609;
 2.2 609A; 626; 638; repealing Minnesota Statutes 2022, sections 244.18; 244.19,
 2.3 subdivisions 6, 7, 8; 244.22; 244.24; 244.30; 299C.80, subdivision 7; 403.02,
 2.4 subdivision 13; 403.09, subdivision 3; 638.02; 638.03; 638.04; 638.05; 638.06;
 2.5 638.07; 638.075; 638.08.

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

2.7 **ARTICLE 1**

2.8 **APPROPRIATIONS**

2.9 Section 1. **APPROPRIATIONS.**

2.10 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.11 and for the purposes specified in this article. The appropriations are from the general fund,
 2.12 or another named fund, and are available for the fiscal years indicated for each purpose.

2.13 The figures "2024" and "2025" used in this article mean that the appropriations listed under
 2.14 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.

2.15 The figure "2023" used in this article means that the appropriations listed under it are
 2.16 available for the fiscal year ending June 30, 2023. "The first year" is fiscal year 2024. "The
 2.17 second year" is fiscal year 2025. "The biennium" is fiscal years 2024 and 2025.

2.18 Appropriations for fiscal year 2023 are effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2024</u>	<u>2025</u>

2.23 Sec. 2. **SUPREME COURT**

2.24 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>70,971,000</u>	<u>\$</u>	<u>77,372,000</u>
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2.25 The amounts that may be spent for each
 2.26 purpose are specified in the following
 2.27 subdivisions.

2.28 <u>Subd. 2. Supreme Court Operations</u>		<u>46,689,000</u>		<u>49,300,000</u>
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2.29 **(a) Contingent Account**

2.30 \$5,000 each year is for a contingent account
 2.31 for expenses necessary for the normal
 2.32 operation of the court for which no other
 2.33 reimbursement is provided.

2.34 **(b) Justices' Compensation**

3.1 Justices' compensation is increased by nine
 3.2 percent in the first year and six percent in the
 3.3 second year.

3.4 **(c) Extreme Risk Protection Orders**

3.5 \$91,000 the first year and \$182,000 the second
 3.6 year are to implement the provisions of Senate
 3.7 File No. 1117. If this provision or a
 3.8 substantially similar one is not enacted in the
 3.9 2023 legislative session, this appropriation
 3.10 reverts to the general fund.

3.11 **Subd. 3. Civil Legal Services**

24,282,000

28,072,000

3.12 The general fund base is \$29,899,000 in fiscal
 3.13 year 2026 and thereafter.

3.14 **Legal Services to Low-Income Clients in**

3.15 **Family Law Matters**

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

3.26 **Sec. 3. COURT OF APPEALS**

\$

14,606,000

\$

15,410,000

3.27 **Judges' Compensation**

3.28 Judges' compensation is increased by nine
 3.29 percent in the first year and six percent in the
 3.30 second year.

3.31 **Sec. 4. DISTRICT COURTS**

\$

377,862,000

\$

384,027,000

3.32 **(a) Judges' Compensation**

4.1 Judges' compensation is increased by nine
 4.2 percent in the first year and six percent in the
 4.3 second year.

4.4 **(b) Court Case Backlog**

4.5 \$6,545,000 the first year is to fund the judicial
 4.6 branch's court case backlog.

4.7 **(c) Mandated Psychological Services**

4.8 \$1,996,000 each year is for mandated
 4.9 psychological services.

4.10 **(d) New Treatment Courts**

4.11 \$422,000 each year is to fund four new
 4.12 treatment courts.

4.13 **(e) Courtroom Technology Enhancements**

4.14 \$7,400,000 the first year is for courtroom
 4.15 technology enhancements.

4.16 **(f) Law Clerk Salary**

4.17 \$2,033,000 each year is to increase district
 4.18 court law clerks' starting salaries.

4.19 Notwithstanding Minnesota Statutes, section
 4.20 16A.285, the agency must not transfer this
 4.21 appropriation.

4.22 **(g) Interpreter Pay**

4.23 \$200,000 each year is to fund the increase in
 4.24 the hourly fee paid to contract interpreters.

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

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

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

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

4.29 **(a) Availability of Appropriation**

5.1 If the appropriation for either year is
 5.2 insufficient, the appropriation for the other
 5.3 fiscal year is available.

5.4 **(b) Major Disciplinary Actions**

5.5 \$125,000 each year is for special investigative
 5.6 and hearing costs for major disciplinary
 5.7 actions undertaken by the board. This
 5.8 appropriation does not cancel. Any
 5.9 unencumbered and unspent balances remain
 5.10 available for these expenditures until June 30,
 5.11 2027.

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

5.13 This appropriation is contingent on House File
 5.14 No. 90, or a substantially similar bill funding
 5.15 the Board of Public Defense for the 2025-2026
 5.16 fiscal biennium, not being enacted in the 2023
 5.17 legislative session.

5.18 **Sec. 10. SENTENCING GUIDELINES** **\$ 1,549,000 \$ 1,488,000**

5.19 **(a) Analysis of Sentencing-Related Data**

5.20 \$125,000 the first year and \$124,000 the
 5.21 second year are to expand analysis of
 5.22 sentencing-related data.

5.23 **(b) Small Agency Resource Team (SmART)**

5.24 \$50,000 each year is for the commission's
 5.25 accounting, budgeting, and human resources
 5.26 to be provided by the Department of
 5.27 Administration's small agency resource team.

5.28 **(c) Court Information System Integration**

5.29 \$340,000 the first year and \$348,000 the
 5.30 second year are to fully integrate the
 5.31 Sentencing Guidelines information systems
 5.32 with the Minnesota Criminal Information

7.1 of Homeland Security and Emergency
7.2 Management are eligible for grants under this
7.3 paragraph. No additional application shall be
7.4 required for grants under this paragraph, and
7.5 an application for a grant from the federal
7.6 program is also an application for funding
7.7 from the state supplemental program.

7.8 Eligible organizations may receive grants of
7.9 up to \$75,000, except that the total received
7.10 by any individual from both the federal
7.11 nonprofit security grant program and the state
7.12 supplemental nonprofit security grant program
7.13 shall not exceed \$75,000. Grants shall be
7.14 awarded in an order consistent with the
7.15 ranking given to applicants for the federal
7.16 nonprofit security grant program. No grants
7.17 under the state supplemental nonprofit security
7.18 grant program shall be awarded until the
7.19 announcement of the recipients and the
7.20 amount of the grants awarded under the federal
7.21 nonprofit security grant program.

7.22 The commissioner may use up to one percent
7.23 of the appropriation received under this
7.24 paragraph to pay costs incurred by the
7.25 department in administering the supplemental
7.26 nonprofit security grant program. This is a
7.27 onetime appropriation.

7.28 **(b) Emergency Preparedness Staff**
7.29 \$250,000 each year is for two additional
7.30 emergency preparedness staff members.

7.31 **(c) School Safety Center**
7.32 \$150,000 each year is to fund one new school
7.33 safety specialist at the Minnesota School
7.34 Safety Center.

8.1 **(d) Local Government Emergency**
 8.2 **Management**
 8.3 \$1,500,000 each year is to award grants in
 8.4 equal amounts to the emergency management
 8.5 organization of the 87 counties, 11 federally
 8.6 recognized Tribes, and four cities of the first
 8.7 class for reimbursement of planning and
 8.8 preparedness activities, including capital
 8.9 purchases, that are eligible under federal
 8.10 emergency management grant guidelines.
 8.11 Local emergency management organizations
 8.12 must make a request to HSEM for these grants.
 8.13 Current local funding for emergency
 8.14 management and preparedness activities may
 8.15 not be supplanted by these additional state
 8.16 funds. Of this amount, up to one percent may
 8.17 be used for the administrative costs of the
 8.18 agency. Funds appropriated for this purpose
 8.19 do not cancel and are available until expended.
 8.20 Unspent money may be redistributed to
 8.21 eligible local emergency management
 8.22 organizations.
 8.23 By March 15, 2025, the commissioner of
 8.24 public safety must submit a report on the grant
 8.25 awards to the chairs and ranking minority
 8.26 members of the legislative committees with
 8.27 jurisdiction over emergency management and
 8.28 preparedness activities. At a minimum, the
 8.29 report must identify grant recipients and give
 8.30 detailed information on how the grantees used
 8.31 the money received.

8.32 This is a onetime appropriation.

8.33	<u>Subd. 3. Criminal Apprehension</u>	<u>112,699,000</u>	<u>105,547,000</u>
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8.34 Appropriations by Fund

8.35	<u>General</u>	<u>110,263,000</u>	<u>103,111,000</u>
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9.1	<u>State Government</u>		
9.2	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
9.3	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>

9.4 **(a) DWI Lab Analysis; Trunk Highway**

9.5 **Fund**

9.6 Notwithstanding Minnesota Statutes, section
 9.7 161.20, subdivision 3, \$2,429,000 each year
 9.8 is from the trunk highway fund for staff and
 9.9 operating costs for laboratory analysis related
 9.10 to driving-while-impaired cases.

9.11 **(b) Use of Force Investigations Unit**

9.12 \$4,419,000 each year is to fund the Use of
 9.13 Force Investigations Unit.

9.14 **(c) Violent Crime Reduction Strategy;**

9.15 **Violent Crime Support Unit (VCSU)**

9.16 \$2,000,000 each year is for Violent Crime
 9.17 Support Unit forensic staff and equipment.

9.18 **(d) Violent Crime Reduction Strategy;**

9.19 **Criminal Information and Operations**

9.20 **(CIOS)**

9.21 \$2,000,000 each year is for analytical and
 9.22 operational support.

9.23 **(e) Violent Crime Reduction Strategy;**

9.24 **Violent Crime Reduction Strategy Initiative**

9.25 **(VCRSI)**

9.26 \$2,000,000 the first year and \$1,600,000 the
 9.27 second year are to fund partnerships among
 9.28 local, state, and federal agencies. The VCRSI
 9.29 shall work with civilian criminal intelligence
 9.30 analysts and forensic science laboratory
 9.31 personnel to strategically identify those
 9.32 involved in acts of violence or other threats to
 9.33 public safety.

10.1 **(f) Firearm Transfers; Permitting Modified**

10.2 \$70,000 the first year is to implement Senate
10.3 File No. 1116. If this provision or a
10.4 substantially similar one is not enacted in the
10.5 2023 legislative session, this appropriation
10.6 reverts to the general fund.

10.7 **(g) Human Trafficking Response Task**

10.8 **Force**

10.9 \$2,200,000 each year is for staff and operating
10.10 costs to support the Bureau of Criminal
10.11 Apprehension-led Minnesota Human
10.12 Trafficking Investigator's Task Force.

10.13 **(h) FBI Compliance, Critical IT**

10.14 **Infrastructure, and Cybersecurity**

10.15 **Upgrades**

10.16 \$9,910,000 the first year and \$5,097,000 the
10.17 second year are for cybersecurity investments,
10.18 critical infrastructure upgrades, and Federal
10.19 Bureau of Investigation audit compliance. Of
10.20 this amount, \$6,643,000 the first year and
10.21 \$1,830,000 the second year are onetime and
10.22 is available until June 30, 2026. The base in
10.23 fiscal year 2026 and thereafter is \$3,267,000.

10.24 **(i) State Fraud Unit**

10.25 \$870,000 each year is for staff and operating
10.26 costs to create the State Fraud Unit to
10.27 centralize the state's response to activities of
10.28 fraud with an estimated impact of \$100,000
10.29 or more.

10.30 **(j) Decrease Forensic Evidence Turnaround**

10.31 \$3,000,000 the first year and \$2,500,000 the
10.32 second year are to decrease turnaround times
10.33 for forensic processing of evidence in criminal

11.1 investigations for state and local law

11.2 enforcement partners.

11.3 **(k) Expungement-Related Costs**

11.4 \$3,737,000 the first year and \$190,000 the

11.5 second year are for costs associated with the

11.6 changes to expungement law made in this act.

11.7 **(l) Report on Fusion Center Activities**

11.8 \$115,000 each year is for the report required

11.9 under Minnesota Statutes, section 299C.055.

11.10 This is a onetime appropriation.

11.11 **Subd. 4. Fire Marshal**

17,013,000

17,272,000

11.12 Appropriations by Fund

11.13 General 5,184,000 5,190,000

11.14 Special Revenue 11,829,000 12,082,000

11.15 The special revenue fund appropriation is from

11.16 the fire safety account in the special revenue

11.17 fund and is for activities under Minnesota

11.18 Statutes, section 299F.012.

11.19 **(a) Inspections**

11.20 \$300,000 each year is for inspection of nursing

11.21 homes and boarding care facilities.

11.22 **(b) Hazardous Materials and Emergency**

11.23 **Response Teams**

11.24 \$1,695,000 the first year and \$1,595,000 the

11.25 second year are from the fire safety account

11.26 in the special revenue fund for hazardous

11.27 materials and emergency response teams. The

11.28 base for these purposes is \$1,695,000 in the

11.29 first year of future biennia and \$1,595,000 in

11.30 the second year of future biennia.

11.31 **(c) Bomb Squad Reimbursements**

12.1 \$300,000 each year is for reimbursements to
 12.2 local governments for bomb squad services.

12.3 **(d) Nonresponsible Party Reimbursements**

12.4 \$750,000 each year is for the nonresponsible
 12.5 party hazardous material and bomb squad
 12.6 incident reimbursements.

12.7 **(e) Hometown Heroes Assistance Program**

12.8 \$4,000,000 each year is for grants to the
 12.9 Minnesota Firefighter Initiative to fund the
 12.10 hometown heroes assistance program
 12.11 established in Minnesota Statutes, section
 12.12 299A.477.

12.13 **Subd. 5. Firefighter Training and Education**
 12.14 **Board**

7,175,000

7,175,000

12.15 Appropriations by Fund

12.16 <u>General</u>	<u>1,000,000</u>	<u>1,000,000</u>
12.17 <u>Special Revenue</u>	<u>6,175,000</u>	<u>6,175,000</u>

12.18 The special revenue fund appropriation is from
 12.19 the fire safety account in the special revenue
 12.20 fund and is for activities under Minnesota
 12.21 Statutes, section 299F.012.

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

12.23 \$4,500,000 each year from the special revenue
 12.24 fund and \$1,000,000 each year from the
 12.25 general fund is for firefighter training and
 12.26 education. The general fund base for this
 12.27 activity is \$0 in fiscal year 2026 and thereafter.

12.28 **(b) Task Force 1**

12.29 \$1,125,000 each year is for the Minnesota
 12.30 Task Force 1.

12.31 **(c) Task Force 2**

13.1 \$200,000 each year is for Minnesota Task

13.2 Force 2.

13.3 **(d) Air Rescue**

13.4 \$350,000 each year is for the Minnesota Air

13.5 Rescue Team.

13.6 **(e) Firefighter Training and Education**

13.7 \$1,000,000 each year is for firefighter training

13.8 and education. This is a onetime appropriation.

13.9 **(f) Unappropriated Revenue**

13.10 Any additional unappropriated money

13.11 collected in fiscal year 2023 is appropriated

13.12 to the commissioner of public safety for the

13.13 purposes of Minnesota Statutes, section

13.14 299F.012. The commissioner may transfer

13.15 appropriations and base amounts between

13.16 activities in this subdivision.

13.17 **Subd. 6. Alcohol and Gambling**

13.18 **Enforcement**

4,102,000

3,857,000

13.19 Appropriations by Fund

13.20 General 4,032,000 3,787,000

13.21 Special Revenue 70,000 70,000

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

13.23 gambling regulation account in the special

13.24 revenue fund.

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

13.26 second year are for enforcement information

13.27 technology improvements.

13.28 **Subd. 7. Office of Justice Programs**

86,505,000

86,603,000

13.29 Appropriations by Fund

13.30 General 86,409,000 86,507,000

13.31 State Government

13.32 Special Revenue 96,000 96,000

13.33 **(a) Federal Victims of Crime Funding Gap**

14.1 \$11,000,000 each year is to fund services for
14.2 victims of domestic violence, sexual assault,
14.3 child abuse, and other crimes. This is a
14.4 onetime appropriation.

14.5 **(b) Additional Staff**

14.6 \$667,000 each year is for additional Office of
14.7 Justice Program administrative and oversight
14.8 staff.

14.9 **(c) Domestic and Sexual Violence Housing**

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

14.23 **(d) Office for Missing and Murdered**

14.24 **African American Women**

14.25 \$790,000 each year is to establish and
14.26 maintain the Minnesota Office for Missing
14.27 and Murdered African American Women.

14.28 **(e) Office of Missing and Murdered**

14.29 **Indigenous Relatives (MMIR)**

14.30 \$274,000 each year is for increased staff and
14.31 operating costs of the Office and MMIR
14.32 Advisory Board.

14.33 **(f) Reward Account**

15.1 \$110,000 the first year is for deposit into the
15.2 reward account in the special revenue fund
15.3 created in Minnesota Statutes, section
15.4 299A.86.

15.5 **(g) Minnesota Youth Justice Office**

15.6 \$5,000,000 each year is for staff and data
15.7 analysis and evaluation, increased funding for
15.8 youth intervention programs, disparities
15.9 reduction and delinquency prevention
15.10 programming, and to establish a Statewide
15.11 Crossover/Dual Status Youth grant program,
15.12 justice involved youth mental health grant
15.13 program, gang prevention grant program, and
15.14 community based alternatives to incarceration
15.15 grant program. This is a onetime
15.16 appropriation.

15.17 **(h) Community Crime Prevention Grants**

15.18 \$5,000,000 each year is for Community Crime
15.19 Prevention Program grants, authorized under
15.20 Minnesota Statutes, section 299A.296. This
15.21 is a onetime appropriation.

15.22 **(i) Resources for Victims of Crime**

15.23 \$1,000,000 each year is for general crime
15.24 victim grants to meet the needs of victims of
15.25 crime not covered by domestic violence,
15.26 sexual assault, or child abuse services. This is
15.27 a onetime appropriation.

15.28 **(j) Minnesota Heals**

15.29 \$2,800,000 each year is for the Minnesota
15.30 Heals grant program. This is a onetime
15.31 appropriation.

15.32 **(k) Youth Intervention Grants**

16.1 \$5,000,000 each year is for youth intervention
16.2 programs under Minnesota Statutes, section
16.3 299A.73. This is a onetime appropriation.

16.4 **(l) Sexual Assault Exam Costs**

16.5 \$4,000,000 each year is to reimburse qualified
16.6 health care providers for the expenses
16.7 associated with medical examinations
16.8 administered to victims of criminal sexual
16.9 conduct as required under Minnesota Statutes,
16.10 section 609.35.

16.11 **(m) Pathways to Policing**

16.12 \$400,000 each year is for reimbursement
16.13 grants to state and local law enforcement
16.14 agencies that operate pathway to policing
16.15 programs. Applicants for reimbursement
16.16 grants may receive up to 50 percent of the cost
16.17 of compensating and training program
16.18 participants. Reimbursement grants shall be
16.19 proportionally allocated based on the number
16.20 of grant applications approved by the
16.21 commissioner. This is a onetime appropriation.

16.22 **(n) Direct Assistance to Crime Victim**

16.23 **Survivors**

16.24 \$5,000,000 each year is for crime victim
16.25 services for the Office of Justice Programs to
16.26 provide grants for direct services and advocacy
16.27 for victims of sexual assault, general crime,
16.28 domestic violence, and child abuse. Funding
16.29 must support the direct needs of organizations
16.30 serving victims of crime by providing: direct
16.31 client assistance to crime victims; competitive
16.32 wages for direct service staff; hotel stays and
16.33 other housing-related supports and services;
16.34 culturally responsive programming; prevention

17.1 programming, including domestic abuse
17.2 transformation and restorative justice
17.3 programming; and other needs of
17.4 organizations and crime victim survivors.
17.5 Services funded must include services for
17.6 victims of crime in underserved communities
17.7 most impacted by violence and reflect the
17.8 ethnic, racial, economic, cultural, and
17.9 geographic diversity of the state. The office
17.10 shall prioritize culturally specific programs,
17.11 or organizations led and staffed by persons of
17.12 color that primarily serve communities of
17.13 color, when allocating funds.

17.14 **(o) Racially Diverse Youth**

17.15 \$250,000 each year is for grants to
17.16 organizations to address racial disparity of
17.17 youth using shelter services in the Rochester
17.18 and St. Cloud regional areas. Of this amount,
17.19 \$125,000 each year is to address this in the
17.20 Rochester area and \$125,000 each year is to
17.21 address this in the St. Cloud area. A grant
17.22 recipient shall establish and operate a pilot
17.23 program connected to shelter services to
17.24 engage in community intervention outreach,
17.25 mobile case management, family reunification,
17.26 aftercare, and follow up when family members
17.27 are released from shelter services. A pilot
17.28 program must specifically address the high
17.29 number of racially diverse youth that enter
17.30 shelters in the regions. This is a onetime
17.31 appropriation.

17.32 **(p) Violence Prevention Project Research**
17.33 **Center**

17.34 \$500,000 each year is to fund a violence
17.35 prevention project research center that operates

18.1 as a nonprofit, nonpartisan research center
18.2 dedicated to reducing violence in society and
18.3 using data and analysis to improve criminal
18.4 justice-related policy and practice in
18.5 Minnesota. The research center must place an
18.6 emphasis on issues related to gun violence.
18.7 This is a onetime appropriation.

18.8 **(q) Prosecutorial Training Grants**

18.9 \$100,000 each year is for grants to the
18.10 Minnesota County Attorneys Association to
18.11 be used for prosecutorial and law enforcement
18.12 training, including trial school training and
18.13 train-the-trainer courses. This is a onetime
18.14 appropriation.

18.15 **(r) Law Enforcement Mental Health and**
18.16 **Wellness Training Grant**

18.17 \$75,000 each year is for a grant to an
18.18 accredited, nonprofit graduate school that
18.19 trains mental health professionals.
18.20 The grantee must use the grant to develop and
18.21 implement a law enforcement mental health
18.22 and wellness training program to train licensed
18.23 counselors to understand the nuances, culture,
18.24 and stressors of the law enforcement
18.25 profession so that they can provide effective
18.26 and successful treatment to officers in distress.
18.27 The grantee must collaborate with law
18.28 enforcement officers and mental health
18.29 professionals who are familiar with the
18.30 psychological, cultural, and professional issues
18.31 of their field to develop and implement the
18.32 program.
18.33 The grantee may provide the program online.

19.1 The grantee must seek to recruit additional
 19.2 participants from outside the 11-county
 19.3 metropolitan area.

19.4 The grantee must create a resource directory
 19.5 to provide law enforcement agencies with
 19.6 names of counselors who complete the
 19.7 program and other resources to support law
 19.8 enforcement professionals with overall
 19.9 wellness. The grantee shall collaborate with
 19.10 the Department of Public Safety and law
 19.11 enforcement organizations to promote the
 19.12 directory. This is a onetime appropriation.

19.13 **(s) Public Safety Innovation Board**

19.14 \$55,000 each year is for the Public Safety
 19.15 Innovation Board described in Minnesota
 19.16 Statutes, section 299A.625. This is a onetime
 19.17 appropriation.

19.18 **(t) First Responders' Mental Health**

19.19 \$500,000 each year is for a grant to a nonprofit
 19.20 organization that provides nonmedical mental
 19.21 health support for present and former law
 19.22 enforcement officers and first responders
 19.23 facing employment-related mental health
 19.24 issues, utilizing interactive group activity and
 19.25 other methods. This is a onetime
 19.26 appropriation.

19.27 **(u) Administration Costs**

19.28 Up to 2.5 percent of the grant funds
 19.29 appropriated in this subdivision may be used
 19.30 by the commissioner to administer the grant
 19.31 program.

19.32 **Subd. 8. Emergency Communication Networks**

90,274,000

68,597,000

20.1	<u>Appropriations by Fund</u>		
20.2	<u>General</u>	<u>14,945,000</u>	<u>-0-</u>
20.3	<u>911 Fund</u>	<u>75,329,000</u>	<u>68,597,000</u>

20.4 This appropriation is from the state
 20.5 government special revenue fund for 911
 20.6 emergency telecommunications services unless
 20.7 otherwise indicated.

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

20.9 \$28,011,000 the first year and \$28,011,000
 20.10 the second year shall be distributed as
 20.11 provided under Minnesota Statutes, section
 20.12 403.113, subdivision 2.

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

20.14 \$7,000,000 the first year is to support Public
 20.15 Safety Answering Points' transition to Next
 20.16 Generation 911. Funds may be used for
 20.17 planning, cybersecurity, GIS data collection
 20.18 and maintenance, 911 call processing
 20.19 equipment, and new Public Safety Answering
 20.20 Point technology to improve service delivery.
 20.21 Funds shall be distributed by October 1, 2023,
 20.22 as provided in Minnesota Statutes, section
 20.23 403.113, subdivision 2. Funds are available
 20.24 until June 30, 2025, and any unspent funds
 20.25 must be returned to the 911 emergency
 20.26 telecommunications service account. This is
 20.27 a onetime appropriation.

20.28 Each eligible entity receiving these funds must
 20.29 provide a detailed report on how the funds
 20.30 were used to the commissioner of public safety
 20.31 by August 1, 2025.

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

20.33 **Costs**

21.1 \$10,116,000 the first year and \$10,384,000
21.2 the second year are transferred to the
21.3 commissioner of transportation for costs of
21.4 maintaining and operating the statewide radio
21.5 system backbone.

21.6 **(d) Statewide Emergency Communications**

21.7 **Board**

21.8 \$1,000,000 each year is to the Statewide
21.9 Emergency Communications Board. Funds
21.10 may be used for operating costs, to provide
21.11 competitive grants to local units of
21.12 government to fund enhancements to a
21.13 communication system, technology, or support
21.14 activity that directly provides the ability to
21.15 deliver the 911 call between the entry point to
21.16 the 911 system and the first responder, and to
21.17 further the strategic goals set forth by the
21.18 SECB Statewide Communication
21.19 Interoperability Plan.

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

21.21 **Communication System Equipment Grants**

21.22 \$9,945,000 the first year from the general fund
21.23 is for grants to local government units,
21.24 federally recognized Tribal entities, and state
21.25 agencies participating in the statewide Allied
21.26 Radio Matrix for Emergency Response
21.27 (ARMER) public safety radio communication
21.28 system established under Minnesota Statutes,
21.29 section 403.36, subdivision 1e. The grants
21.30 must be used to purchase or upgrade portable
21.31 radios, mobile radios, and related equipment
21.32 that is interoperable with the ARMER system.
21.33 Each local government unit may receive only
21.34 one grant. The grant is contingent upon a
21.35 match of at least five percent from nonstate

22.1 funds. The director of the Department of
 22.2 Public Safety Emergency Communication
 22.3 Networks division, in consultation with the
 22.4 Statewide Emergency Communications Board,
 22.5 must administer the grant program. This
 22.6 appropriation is available until June 30, 2026.

22.7 **Subd. 9. Public Safety Administration** 7,600,000 4,600,000

22.8 **(a) Public Safety Officer Survivor Benefits**

22.9 \$1,500,000 each year is for payment of public
 22.10 safety officer survivor benefits under
 22.11 Minnesota Statutes, section 299A.44. If the
 22.12 appropriation for either year is insufficient,
 22.13 the appropriation for the other year is
 22.14 available.

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

22.16 \$1,000,000 each year is for increases in the
 22.17 base appropriation for soft body armor
 22.18 reimbursements under Minnesota Statutes,
 22.19 section 299A.38. This is a onetime
 22.20 appropriation.

22.21 **(c) Body Camera Grants**

22.22 \$4,500,000 the first year and \$1,500,000 the
 22.23 second year are for grants to local units of
 22.24 government to purchase and maintain portable
 22.25 recording devices for use by licensed peace
 22.26 officers employed by the applicant. Each grant
 22.27 is contingent upon a local match of at least 25
 22.28 percent from nonstate funds. The board must
 22.29 give priority to applicants that do not have a
 22.30 portable recording system program and to
 22.31 applicants with law enforcement departments
 22.32 that employ fewer than 50 licensed peace
 22.33 officers. Up to 2.5 percent of the appropriation
 22.34 is available to be used for administrative costs

23.1 incurred by the commissioner in carrying out
 23.2 the provisions of this paragraph. This is a
 23.3 onetime appropriation.

23.4 **(d) First Responder Wellness Office**

23.5 \$600,000 each year is to establish and
 23.6 administer an office to provide leadership and
 23.7 resources for improving the mental health of
 23.8 emergency and first responders statewide.

23.9 **Sec. 12. PEACE OFFICER STANDARDS AND**
 23.10 **TRAINING (POST) BOARD**

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

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

23.12 \$2,949,000 each year is for reimbursements
 23.13 to local governments for peace officer training
 23.14 costs.

23.15 **(b) Additional Staff**

23.16 \$592,000 the first year and \$593,000 the
 23.17 second year are for additional staff and
 23.18 equipment. The base for this appropriation is
 23.19 \$576,000 in fiscal year 2026 and thereafter.

23.20 **(c) Additional Office Space**

23.21 \$228,000 the first year and \$30,000 the second
 23.22 year are for additional office space.

23.23 **(d) Compliance Reviews and Investigations**

23.24 \$435,000 each year is to hire investigators and
 23.25 additional staff to perform compliance reviews
 23.26 and investigate alleged code of conduct
 23.27 violations, and to obtain or improve equipment
 23.28 for that purpose. This is a onetime
 23.29 appropriation.

23.30 **Sec. 13. PRIVATE DETECTIVE BOARD**

\$ 476,000 \$ 411,000

25.1 \$2,055,000 the first year and \$2,772,000 the
25.2 second year are for state corrections safety
25.3 and security investments. The base for this
25.4 appropriation is \$3,560,000 in fiscal year 2026
25.5 and thereafter.

25.6 **(c) Health Services**

25.7 \$2,348,000 the first year and \$3,723,000 the
25.8 second year are for the health services
25.9 division. Of this amount:

25.10 (1) \$1,072,000 the first year and \$2,542,000
25.11 the second year are for 24-hour nursing
25.12 support to five state correctional facilities;

25.13 (2) \$247,000 each year is for behavioral health
25.14 care at Minnesota Correctional
25.15 Facility-Shakopee;

25.16 (3) \$247,000 each year is for dental care
25.17 equipment, software, and information
25.18 technology support;

25.19 (4) \$225,000 the first year and \$375,000 the
25.20 second year are to establish a disease
25.21 management unit;

25.22 (5) \$75,000 the first year is for a feasibility
25.23 study of creating a private sector nursing home
25.24 for difficult-to-place inmates with significant
25.25 health care needs; and

25.26 (6) \$482,000 the first year and \$312,000 the
25.27 second year are for investments in
25.28 telemedicine. The base for this purpose is
25.29 \$227,000 in fiscal year 2026 and thereafter.

25.30 **(d) Virtual Court Coordination**

25.31 \$500,000 each year is for virtual court
25.32 coordination and modernization.

- 26.1 **(e) Educational Programming and Support**
26.2 **Services**
- 26.3 \$6,806,000 the first year and \$7,631,000 the
26.4 second year are for educational programming
26.5 and support services. Of this amount:
- 26.6 (1) \$2,320,000 the first year and \$3,145,000
26.7 the second year are for increased education
26.8 staffing. The base for this purpose is
26.9 \$2,901,000 in fiscal year 2026 and thereafter;
- 26.10 (2) \$280,000 each year is for increased
26.11 classroom space. The base for this purpose is
26.12 \$285,000 in fiscal year 2026 and thereafter;
- 26.13 (3) \$918,000 each year is for information
26.14 technology education components. The base
26.15 for this purpose is \$779,000 in fiscal year 2026
26.16 and thereafter;
- 26.17 (4) \$650,000 each year is to expand vocational
26.18 training. The base for this purpose is \$50,000
26.19 in fiscal year 2026 and thereafter;
- 26.20 (5) \$200,000 each year is to support Pell
26.21 partnerships in Minnesota correctional
26.22 facilities;
- 26.23 (6) \$310,000 each year to expand cognitive
26.24 processing therapy at Minnesota Correctional
26.25 Facility-Faribault, Minnesota Correctional
26.26 Facility-Lino Lakes, and Minnesota
26.27 Correctional Facility-Red Wing minimum
26.28 security units;
- 26.29 (7) \$128,000 each year is for educational
26.30 supplies; and
- 26.31 (8) \$2,000,000 each year is to expand work
26.32 release, including educational work release.
26.33 This is a onetime appropriation.

27.1 **(f) Successful Re-Entry**

27.2 \$1,000,000 each year is for successful re-entry
27.3 initiatives.

27.4 **(g) Evidence-based Correctional Practices**

27.5 **Unit**

27.6 \$1,000,000 each year is to establish and
27.7 maintain a unit to direct and oversee the use
27.8 of evidence-based correctional practices across
27.9 the department.

27.10 **(h) Family Support Unit**

27.11 \$446,000 each year is to create a family
27.12 support unit to develop strategies and policies
27.13 to support incarcerated individuals and their
27.14 families.

27.15 **(i) Inmate Phone Calls**

27.16 \$2,000,000 each year is to support
27.17 communications infrastructure for incarcerated
27.18 individuals to maintain contact with family
27.19 members and supportive contacts. This is a
27.20 onetime appropriation.

27.21 **(j) Compensation for Program Participation**

27.22 \$1,000,000 each year is to increase
27.23 compensation for incarcerated persons who
27.24 participate in prison programming
27.25 assignments, including work, education, and
27.26 treatment. This is a onetime appropriation.

27.27 **(k) Interstate Compact for Adult**

27.28 **Supervision; Transfer Expense**

27.29 **Reimbursement**

27.30 \$250,000 each year is for reimbursements
27.31 under Minnesota Statutes, section 243.1609.

27.32 **(l) Model Discharge Plans**

28.1 \$80,000 each year is to comply with the model
 28.2 discharge plan requirements under Minnesota
 28.3 Statutes, section 641.155. This is a onetime
 28.4 appropriation.

28.5 **(m) Task Force on Aiding and Abetting**
 28.6 **Felony Murder**

28.7 \$25,000 the first year is for costs associated
 28.8 with the revival of the task force on aiding and
 28.9 abetting felony murder.

28.10 **Subd. 3. Community**
 28.11 **Supervision and Postrelease**
 28.12 **Services**

209,106,000

203,085,000

28.13 **(a) Community Corrections Act**

28.14 \$142,971,000 each year is for community
 28.15 supervision services. This appropriation shall
 28.16 be distributed according to the community
 28.17 corrections aid funding formula in Minnesota
 28.18 Statutes, section 401.10.

28.19 **(b) Tribal Nation Supervision**

28.20 \$2,750,000 each year is for grants to Tribal
 28.21 Nations to provide supervision in tandem with
 28.22 the department.

28.23 **(c) Treatment and Support Grants**

28.24 \$10,000,000 each year is to provide grants to
 28.25 counties and local providers to implement
 28.26 treatment programs, support programs, and
 28.27 innovative supervision practices to reduce the
 28.28 risk of recidivism. The base for this activity
 28.29 is \$8,560,000 in fiscal year 2026 and
 28.30 thereafter.

28.31 **(d) Community Supervision Advisory**
 28.32 **Committee**

29.1 \$75,000 the first year is to fund the community
29.2 supervision advisory committee under
29.3 Minnesota Statutes, section 401.17.

29.4 **(e) Successful Re-Entry**

29.5 \$266,000 each year is for successful re-entry
29.6 initiatives.

29.7 **(f) Community-Based Sex Offender**
29.8 **Treatment**

29.9 \$2,415,000 each year is for additional
29.10 community-based sex offender treatment.

29.11 **(g) Housing Initiatives**

29.12 \$2,130,000 each year is for housing initiatives
29.13 to support stable housing of incarcerated
29.14 individuals upon release. The base for this
29.15 purpose in fiscal year 2026 and thereafter is
29.16 \$1,685,000. Of this amount:

29.17 (1) \$1,000,000 each year is for housing
29.18 stabilization prerelease services and program
29.19 evaluation. The base for this purpose in fiscal
29.20 year 2026 and thereafter is \$760,000;

29.21 (2) \$500,000 each year is for rental assistance
29.22 for incarcerated individuals approaching
29.23 release, on supervised release, or on probation
29.24 who are at risk of homelessness;

29.25 (3) \$405,000 each year is for culturally
29.26 responsive trauma-informed transitional
29.27 housing. The base for this purpose in fiscal
29.28 year 2026 and thereafter is \$200,000; and

29.29 (4) \$225,000 each year is for housing
29.30 coordination activities.

29.31 **(h) Pathways from Prison to Employment**

30.1 \$1,460,000 the first year and \$1,775,000 the
30.2 second year are to establish an economic
30.3 opportunity and public safety unit to support
30.4 job training and connect incarcerated
30.5 individuals with public and private employers,
30.6 trade associations, and community colleges to
30.7 provide stable employment upon release. Of
30.8 this amount:

30.9 (1) \$488,000 the first year and \$625,000 the
30.10 second year are to establish an Economic
30.11 Opportunity and Public Safety (EOPS) unit to
30.12 develop and strengthen relationships in the
30.13 community and between the state and
30.14 employers;

30.15 (2) \$472,000 the first year and \$650,000 the
30.16 second year are for the EMPLOY program to
30.17 increase employment readiness; and

30.18 (3) \$500,000 each year is for
30.19 community-based contracted programming
30.20 and services for prerelease and postrelease
30.21 employment and vocational services.

30.22 **(i) Juvenile Treatment Homes**

30.23 \$5,000,000 the first year is for a grant to
30.24 Ramsey County to establish, with input from
30.25 community stakeholders, including impacted
30.26 youth and families, up to seven intensive
30.27 trauma-informed therapeutic treatment homes
30.28 in Ramsey County that are culturally specific,
30.29 community-based, and can be secured. These
30.30 residential spaces must provide intensive
30.31 treatment and intentional healing for youth as
30.32 ordered by the court as part of the disposition
30.33 of a case in juvenile court.

31.1 **(j) Violence Prevention and Wellness**

31.2 **Support**

31.3 \$2,500,000 the first year is for a grant to
31.4 Ramsey County to award grants to develop
31.5 new and further enhance existing
31.6 community-based organizational support
31.7 through violence prevention and community
31.8 wellness grants. Grantees must use the money
31.9 to:

31.10 (1) create family support groups and resources
31.11 to support families during the time a young
31.12 person is placed out-of-home following a
31.13 juvenile delinquency disposition and support
31.14 the family through the period of post
31.15 placement reentry;

31.16 (2) create community-based respite options
31.17 for conflict or crisis de-escalation to prevent
31.18 incarceration or further systems involvement
31.19 for families; and

31.20 (3) establish additional meaningful
31.21 employment opportunities for
31.22 systems-involved youth.

31.23 **(k) Alternatives to Incarceration; Mower**
31.24 **County**

31.25 \$80,000 each year is for Mower County to
31.26 facilitate access to community treatment
31.27 options under the alternatives to incarceration
31.28 program.

31.29 **Subd. 4. Organizational, Regulatory, and**
31.30 **Administrative Services**

75,165,000

81,185,000

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

31.32 \$22,500,000 each year is for the development
31.33 and management of statewide public safety

32.1 information sharing infrastructure and
32.2 foundation technologies. The department shall
32.3 consult with county correctional supervision
32.4 providers, the Judicial Branch, the Minnesota
32.5 Sheriff's Association, the Minnesota Chiefs
32.6 of Police Association, and the Bureau of
32.7 Criminal Apprehension, among other public
32.8 safety stakeholders, in the development,
32.9 design, and implementation of a statewide
32.10 public safety information sharing
32.11 infrastructure. This is a onetime appropriation.

32.12 **(b) Recruitment and Retention**

32.13 \$4,803,000 the first year and \$7,323,000 the
32.14 second year are for recruitment and retention
32.15 initiatives. The base for this purpose is
32.16 \$4,173,000 in fiscal year 2026 and thereafter.

32.17 Of this amount, \$2,300,000 each year is to
32.18 create a pilot staff wellness program for
32.19 trauma recovery, resiliency, and well-being
32.20 and for the staff support and wellness unit.
32.21 The base for this purpose in fiscal year 2026
32.22 and thereafter is \$300,000.

32.23 **(c) Accountability and Transparency**

32.24 \$1,200,000 each year is for Accountability
32.25 and Transparency Initiatives. Of this amount,
32.26 \$191,000 the first year and \$362,000 the
32.27 second year are for additional financial
32.28 services staff.

32.29 **(d) Supervised Release Board**

32.30 \$40,000 each year is to establish a supervised
32.31 release board as described in Minnesota
32.32 Statutes, section 244.049.

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

33.1 \$190,000 each year is for a continuity of
 33.2 operations plan coordinator and continuity of
 33.3 operations software.

33.4 **(f) Clemency Review Commission**

33.5 \$986,000 each year is for the clemency review
 33.6 commission described in Minnesota Statutes,
 33.7 section 638.09.

33.8 **Sec. 16. OMBUDSPERSON FOR**
 33.9 **CORRECTIONS**

\$ 1,105,000 \$ 1,099,000

33.10 **Sec. 17. COMPETENCY RESTORATION**
 33.11 **BOARD**

\$ 11,350,000 \$ 10,900,000

33.12 **Sec. 18. PUBLIC SAFETY OFFICER SURVIVOR BENEFITS DEFICIENCY;**
 33.13 **FISCAL YEAR 2023 APPROPRIATION.**

33.14 \$1,000,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
 33.15 of public safety to be used for payment of public safety officer survivor benefits under
 33.16 Minnesota Statutes, section 299A.44. This is a onetime appropriation.

33.17 **Sec. 19. INTENSIVE COMPREHENSIVE PEACE OFFICER EDUCATION AND**
 33.18 **TRAINING PROGRAM; OUTREACH; FISCAL YEAR 2023 APPROPRIATION.**

33.19 \$5,000,000 in fiscal year 2023 is appropriated to the commissioner of public safety from
 33.20 the general fund to implement the intensive comprehensive peace officer education and
 33.21 training program described in Minnesota Statutes, section 626.8516, and conduct outreach
 33.22 to qualified candidates under that section. The commissioner shall use the funds to target
 33.23 and recruit candidates or groups of candidates who meet the program's eligibility
 33.24 requirements with an emphasis placed on reaching candidates from groups that are currently
 33.25 underrepresented in law enforcement and who represent the state's increasingly diverse
 33.26 population. The commissioner shall conduct outreach directly to statewide and national
 33.27 peace officer affinity groups that represent groups that are currently underrepresented in
 33.28 law enforcement. The commissioner shall contract with an agency with proven experience
 33.29 and success in targeting and recruiting candidates for specific professions.

34.1 **Sec. 20. DEPARTMENT OF CORRECTIONS DEFICIENCY; FISCAL YEAR 2023**
34.2 **APPROPRIATION.**

34.3 \$12,643,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
34.4 of corrections for operational expenses. This is a onetime appropriation.

34.5 **Sec. 21. VIOLENT CRIME INVESTIGATION TEAMS; SPECIAL REVENUE**
34.6 **ACCOUNT; APPROPRIATION.**

34.7 (a) The violent crime investigation team account is created in the special revenue fund
34.8 consisting of money deposited, donated, allotted, transferred, or otherwise provided to the
34.9 account. Of the amount in the account, up to \$2,800,000 in each of fiscal years 2024, 2025,
34.10 2026, 2027, and 2028 are appropriated to the commissioner of public safety for violent
34.11 crime investigation teams, organized under Minnesota Statutes, section 299A.642, to increase
34.12 their capacity to conduct forensic and investigatory work to expedite clearance rates.

34.13 (b) The commissioner shall allocate the funds to the violent crime investigation teams
34.14 that have the most acute need for supplemental resources based on the rate of violent crime
34.15 in the team's jurisdiction and the need to improve clearance rates for violent crime
34.16 investigations. The commissioner must consult with and consider recommendations from
34.17 the Violent Crime Coordinating Council created under Minnesota Statutes, section 299A.642,
34.18 prior to awarding grants from this fund.

34.19 (c) As a condition of receiving funds from this account, the lead local unit of government
34.20 of a violent crime investigation team must enter a joint powers agreement with the
34.21 commissioner of public safety under which the commissioner shall provide an investigator
34.22 from the Bureau of Criminal Apprehension to be a member of the team.

34.23 **Sec. 22. VIOLENT CRIME INVESTIGATION TEAM ACCOUNT; TRANSFER.**

34.24 \$14,000,000 in fiscal year 2024 is transferred from the general fund to the violent crime
34.25 investigation team account in the special revenue fund. The base for this appropriation is
34.26 \$0 in fiscal year 2025 and thereafter.

34.27 **Sec. 23. COMMUNITY CRIME AND VIOLENCE PREVENTION GRANTS;**
34.28 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

34.29 (a) The community crime and violence prevention account is created in the special
34.30 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise
34.31 provided to the account. Of the amount in the account, up to \$2,800,000 in each of fiscal
34.32 years 2024, 2025, 2026, 2027, and 2028 are appropriated to the commissioner of public

35.1 safety for grants administered by the Office of Justice Programs to be awarded to community
 35.2 violence prevention and intervention programs.

35.3 (b) Grants may be awarded to community-based nonprofit organizations, local
 35.4 governments, or the governing bodies of federally recognized Indian Tribes. Applicants
 35.5 that are nonprofit organizations must demonstrate the support of the local government or
 35.6 Indian Tribe where the nonprofit will be offering services. Support may be demonstrated
 35.7 by partnerships with the local government or Indian Tribe, or letters or other affirmations
 35.8 of support.

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

35.14 (1) victim services programs, including but not limited to programs that provide services
 35.15 to victims and families that have experienced gun violence;

35.16 (2) re-entry programs that provide support and reintegration services to recently
 35.17 incarcerated individuals;

35.18 (3) homelessness assistance programs;

35.19 (4) restorative justice programs;

35.20 (5) programs that intervene in volatile situations to mediate disputes before they become
 35.21 violent; and

35.22 (6) juvenile diversion programs.

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

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

35.28 **Sec. 24. COMMUNITY CRIME AND VIOLENCE PREVENTION ACCOUNT;**
 35.29 **TRANSFER.**

35.30 \$14,000,000 in fiscal year 2024 is transferred from the general fund to the community
 35.31 crime and violence prevention account in the special revenue fund. The base for this
 35.32 appropriation is \$0 in fiscal year 2025 and thereafter.

36.1 **Sec. 25. CRISIS RESPONSE AND CRIMINAL INVESTIGATION GRANTS;**
 36.2 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

36.3 (a) The crisis response and criminal investigation account is created in the special revenue
 36.4 fund consisting of money deposited, donated, allotted, transferred, or otherwise provided
 36.5 to the account. Of the amount in the account, up to \$2,800,000 in each of fiscal years 2024,
 36.6 2025, 2026, 2027, and 2028 are appropriated to the commissioner of public safety for grants
 36.7 administered by the Office of Justice Programs to be awarded to local law enforcement
 36.8 agencies or local governments to improve responses to situations involving individuals
 36.9 experiencing a mental health crisis and to improve criminal investigations.

36.10 (b) Of the amount appropriated in fiscal year 2024, \$1,120,000 is for grants to local law
 36.11 enforcement agencies to acquire, upgrade, or replace technology or equipment used to
 36.12 investigate crimes or process evidence and \$1,680,000 is for the grants described in paragraph
 36.13 (c).

36.14 (c) \$2,800,000 in fiscal years 2025, 2026, 2027, and 2028 is for grants to local law
 36.15 enforcement agencies and local governments to maintain or expand crisis response teams
 36.16 in which social workers or mental health providers are sent as first responders when calls
 36.17 for service indicate that an individual is having a mental health crisis.

36.18 (d) The Office of Justice Programs may use up to 2.5 percent of the annual appropriation
 36.19 to administer the grants.

36.20 **Sec. 26. CRISIS RESPONSE AND CRIMINAL INVESTIGATION ACCOUNT;**
 36.21 **TRANSFER.**

36.22 \$14,000,000 in fiscal year 2024 is transferred from the general fund to the crisis response
 36.23 and criminal investigation account in the special revenue fund. The base for this appropriation
 36.24 is \$0 in fiscal year 2025 and thereafter.

36.25 **ARTICLE 2**

36.26 **JUDICIARY**

36.27 Section 1. Minnesota Statutes 2022, section 13.072, subdivision 1, is amended to read:

36.28 Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity, the
 36.29 commissioner may give a written opinion on any question relating to public access to
 36.30 government data, rights of subjects of data, or classification of data under this chapter or
 36.31 other Minnesota statutes governing government data practices. Upon request of any person
 36.32 who disagrees with a determination regarding data practices made by a government entity,

37.1 the commissioner may give a written opinion regarding the person's rights as a subject of
37.2 government data or right to have access to government data.

37.3 (b) Upon request of a body subject to chapter 13D, the commissioner may give a written
37.4 opinion on any question relating to the body's duties under chapter 13D. Upon request of a
37.5 person who disagrees with the manner in which members of a governing body perform their
37.6 duties under chapter 13D, the commissioner may give a written opinion on compliance with
37.7 chapter 13D. ~~A governing body or person requesting an opinion under this paragraph must
37.8 pay the commissioner a fee of \$200. Money received by the commissioner under this
37.9 paragraph is appropriated to the commissioner for the purposes of this section.~~

37.10 (c) If the commissioner determines that no opinion will be issued, the commissioner
37.11 shall give the government entity or body subject to chapter 13D or person requesting the
37.12 opinion notice of the decision not to issue the opinion within five business days of receipt
37.13 of the request. Notice must be in writing. For notice by mail, the decision not to issue an
37.14 opinion is effective when placed with the United States Postal Service or with the central
37.15 mail system of the state of Minnesota. If this notice is not given, the commissioner shall
37.16 issue an opinion within ~~20~~ 50 days of receipt of the request.

37.17 (d) ~~For good cause and upon written notice to the person requesting the opinion, the
37.18 commissioner may extend this deadline for one additional 30-day period. The notice must
37.19 state the reason for extending the deadline.~~ The government entity or the members of a body
37.20 subject to chapter 13D must be provided a reasonable opportunity to explain the reasons
37.21 for its decision regarding the data or how they perform their duties under chapter 13D. The
37.22 commissioner or the government entity or body subject to chapter 13D may choose to give
37.23 notice to the subject of the data concerning the dispute regarding the data or compliance
37.24 with chapter 13D.

37.25 (e) This section does not apply to a determination made by the commissioner of health
37.26 under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

37.27 (f) A written, numbered, and published opinion issued by the attorney general shall take
37.28 precedence over an opinion issued by the commissioner under this section.

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

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

37.32 (1) In every civil action or proceeding in said court, including any case arising under
37.33 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,

38.1 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
38.2 action, a fee of \$285, except in marriage dissolution actions the fee is \$315.

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

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

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

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

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

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

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

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

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

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

38.29 (9) Filing and indexing trade name; or recording basic science certificate; or recording
38.30 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
38.31 \$5.

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

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

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

39.3 (13) Filing a motion or response to a motion for modification of child support, a fee of
39.4 \$50.

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

39.7 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
39.8 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
39.9 petition filed in district court to fund the fathers' adoption registry under section 259.52.

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

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

39.14 Sec. 3. Minnesota Statutes 2022, section 611.23, is amended to read:

39.15 **611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.**

39.16 The state public defender is responsible to the State Board of Public Defense. The state
39.17 public defender shall supervise the operation, activities, policies, and procedures of the
39.18 statewide public defender system. When requested by a district public defender or appointed
39.19 counsel, the state public defender may assist the district public defender, appointed counsel,
39.20 or an organization designated in section 611.216 in the performance of duties, including
39.21 trial representation in matters involving legal conflicts of interest or other special
39.22 circumstances, and assistance with legal research and brief preparation. The state public
39.23 defender shall be appointed by the State Board of Public Defense for a term of four years,
39.24 except as otherwise provided in this section, and until a successor is appointed and qualified.
39.25 The state public defender shall be a full-time qualified attorney, licensed to practice law in
39.26 this state, serve in the unclassified service of the state, and be removed only for cause by
39.27 the appointing authority. Vacancies in the office shall be filled by the appointing authority
39.28 for the unexpired term. The salary of the state public defender shall be fixed by the State
39.29 Board of Public Defense ~~but must not exceed the salary of a district court judge.~~ Terms of
39.30 the state public defender shall commence on July 1. The state public defender shall devote
39.31 full time to the performance of duties and shall not engage in the general practice of law.

ARTICLE 3

PUBLIC SAFETY

40.1

40.2

40.3 Section 1. Minnesota Statutes 2022, section 13.825, subdivision 3, is amended to read:

40.4 Subd. 3. **Retention of data.** (a) Portable recording system data that are not active or
40.5 inactive criminal investigative data and are not described in paragraph (b) or (c) must be
40.6 maintained for at least 90 days and destroyed according to the agency's records retention
40.7 schedule approved pursuant to section 138.17.

40.8 (b) Portable recording system data must be maintained for at least one year and destroyed
40.9 according to the agency's records retention schedule approved pursuant to section 138.17
40.10 if:

40.11 (1) the data document (i) the discharge of a firearm by a peace officer in the course of
40.12 duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by
40.13 a peace officer that results in substantial bodily harm; or

40.14 (2) a formal complaint is made against a peace officer related to the incident.

40.15 (c) Portable recording system data that document a peace officer's use of deadly force
40.16 must be maintained indefinitely.

40.17 (d) If a subject of the data submits a written request to the law enforcement agency to
40.18 retain the recording beyond the applicable retention period for possible evidentiary or
40.19 exculpatory use related to the circumstances under which the data were collected, the law
40.20 enforcement agency shall retain the recording for an additional time period requested by
40.21 the subject of up to 180 days and notify the requester that the recording will then be destroyed
40.22 unless a new request is made under this paragraph.

40.23 ~~(d)~~ (e) Notwithstanding paragraph (b) ~~or~~ (c), or (d), a government entity may retain a
40.24 recording for as long as reasonably necessary for possible evidentiary or exculpatory use
40.25 related to the incident with respect to which the data were collected.

40.26 Sec. 2. Minnesota Statutes 2022, section 13A.02, subdivision 1, is amended to read:

40.27 Subdivision 1. **Access by government.** Except as authorized by this chapter, no
40.28 government authority may have access to, or obtain copies of, or the information contained
40.29 in, the financial records of any customer from a financial institution unless the financial
40.30 records are reasonably described and:

40.31 (1) the customer has authorized the disclosure;

41.1 (2) the financial records are disclosed in response to a search warrant;

41.2 (3) the financial records are disclosed in response to a judicial or administrative subpoena;

41.3 (4) the financial records are disclosed to law enforcement, a lead investigative agency
41.4 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating
41.5 financial exploitation of a vulnerable adult in response to a judicial subpoena or
41.6 administrative subpoena under section 388.23; or

41.7 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
41.8 statute or rule.

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

41.10 Sec. 3. Minnesota Statutes 2022, section 13A.02, subdivision 2, is amended to read:

41.11 Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of
41.12 a financial institution, may provide to any government authority access to, or copies of, or
41.13 the information contained in, the financial records of any customer except in accordance
41.14 with the provisions of this chapter.

41.15 Nothing in this chapter shall require a financial institution to inquire or determine that
41.16 those seeking disclosure have duly complied with the requirements of this chapter, provided
41.17 only that the customer authorization, search warrant, subpoena, or written certification
41.18 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
41.19 or rule, served on or delivered to a financial institution shows compliance on its face.

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

41.21 Sec. 4. Minnesota Statutes 2022, section 144.6586, subdivision 2, is amended to read:

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

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

41.29 (2) the victim's rights if the crime is reported to law enforcement, including the victim's
41.30 right to apply for reparations under sections 611A.51 to 611A.68, information on how to

42.1 apply for reparations, and information on how to obtain an order for protection or a
42.2 harassment restraining order; and

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

42.6 Sec. 5. Minnesota Statutes 2022, section 145.4712, is amended to read:

42.7 **145.4712 EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

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

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

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

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

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

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

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

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

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

43.4 Sec. 6. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to
43.5 read:

43.6 Subd. 25. **Fentanyl.** As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl,
43.7 carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02,
43.8 subdivisions 2 and 3.

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

43.11 Sec. 7. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

43.12 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the first
43.13 degree if:

43.14 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
43.15 more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

43.16 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
43.17 more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine
43.18 and:

43.19 (i) the person or an accomplice possesses on their person or within immediate reach, or
43.20 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
43.21 firearm; or

43.22 (ii) the offense involves two aggravating factors;

43.23 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
43.24 more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing
43.25 heroin or fentanyl;

43.26 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
43.27 more mixtures of a total weight of 50 grams or more containing a narcotic drug other than
43.28 cocaine, heroin, fentanyl, or methamphetamine;

43.29 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
43.30 more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine,

44.1 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or
44.2 more dosage units; or

44.3 (6) on one or more occasions within a 90-day period the person unlawfully sells one or
44.4 more mixtures of a total weight of 25 kilograms or more containing marijuana or
44.5 Tetrahydrocannabinols.

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

44.8 Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

44.9 Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in
44.10 the first degree if:

44.11 (1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
44.12 or more containing cocaine or methamphetamine;

44.13 (2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
44.14 or more containing cocaine or methamphetamine and:

44.15 (i) the person or an accomplice possesses on their person or within immediate reach, or
44.16 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
44.17 firearm; or

44.18 (ii) the offense involves two aggravating factors;

44.19 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
44.20 or more, or 100 dosage units or more, containing heroin or fentanyl;

44.21 (4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
44.22 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

44.23 (5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams
44.24 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
44.25 substance is packaged in dosage units, equaling 500 or more dosage units; or

44.26 (6) the person unlawfully possesses one or more mixtures of a total weight of 50
44.27 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or
44.28 more marijuana plants.

44.29 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
44.30 not be considered in measuring the weight of a mixture except in cases where the mixture
44.31 contains four or more fluid ounces of fluid.

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

45.3 Sec. 9. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

45.4 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in the
45.5 second degree if:

45.6 (1) on one or more occasions within a 90-day period the person unlawfully sells one or
45.7 more mixtures of a total weight of ten grams or more containing a narcotic drug other than
45.8 heroin or fentanyl;

45.9 (2) on one or more occasions within a 90-day period the person unlawfully sells one or
45.10 more mixtures of a total weight of three grams or more containing cocaine or
45.11 methamphetamine and:

45.12 (i) the person or an accomplice possesses on their person or within immediate reach, or
45.13 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
45.14 firearm; or

45.15 (ii) the offense involves three aggravating factors;

45.16 (3) on one or more occasions within a 90-day period the person unlawfully sells one or
45.17 more mixtures of a total weight of three grams or more, or 12 dosage units or more,
45.18 containing heroin or fentanyl;

45.19 (4) on one or more occasions within a 90-day period the person unlawfully sells one or
45.20 more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
45.21 or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
45.22 more dosage units;

45.23 (5) on one or more occasions within a 90-day period the person unlawfully sells one or
45.24 more mixtures of a total weight of ten kilograms or more containing marijuana or
45.25 Tetrahydrocannabinols;

45.26 (6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
45.27 under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
45.28 sell the substance; or

45.29 (7) the person unlawfully sells any of the following in a school zone, a park zone, a
45.30 public housing zone, or a drug treatment facility:

45.31 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
45.32 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

- 46.1 (ii) one or more mixtures containing methamphetamine or amphetamine; or
46.2 (iii) one or more mixtures of a total weight of five kilograms or more containing marijuana
46.3 or Tetrahydrocannabinols.

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

46.6 Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

46.7 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
46.8 second degree if:

46.9 (1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams
46.10 or more containing cocaine or methamphetamine;

46.11 (2) the person unlawfully possesses one or more mixtures of a total weight of ten grams
46.12 or more containing cocaine or methamphetamine and:

46.13 (i) the person or an accomplice possesses on their person or within immediate reach, or
46.14 uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
46.15 firearm; or

46.16 (ii) the offense involves three aggravating factors;

46.17 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams
46.18 or more, or 50 dosage units or more, containing heroin or fentanyl;

46.19 (4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
46.20 or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

46.21 (5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams
46.22 or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled
46.23 substance is packaged in dosage units, equaling 100 or more dosage units; or

46.24 (6) the person unlawfully possesses one or more mixtures of a total weight of 25
46.25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or
46.26 more marijuana plants.

46.27 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
46.28 not be considered in measuring the weight of a mixture except in cases where the mixture
46.29 contains four or more fluid ounces of fluid.

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

47.1 Sec. 11. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

47.2 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the
47.3 third degree if:

47.4 (1) on one or more occasions within a 90-day period the person unlawfully possesses
47.5 one or more mixtures of a total weight of ten grams or more containing a narcotic drug other
47.6 than heroin or fentanyl;

47.7 (2) on one or more occasions within a 90-day period the person unlawfully possesses
47.8 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
47.9 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

47.10 (3) on one or more occasions within a 90-day period the person unlawfully possesses
47.11 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals
47.12 50 or more dosage units;

47.13 (4) on one or more occasions within a 90-day period the person unlawfully possesses
47.14 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid
47.15 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
47.16 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,
47.17 or a drug treatment facility;

47.18 (5) on one or more occasions within a 90-day period the person unlawfully possesses
47.19 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
47.20 Tetrahydrocannabinols; or

47.21 (6) the person unlawfully possesses one or more mixtures containing methamphetamine
47.22 or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment
47.23 facility.

47.24 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
47.25 not be considered in measuring the weight of a mixture except in cases where the mixture
47.26 contains four or more fluid ounces of fluid.

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

47.29 Sec. 12. Minnesota Statutes 2022, section 214.10, subdivision 10, is amended to read:

47.30 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**
47.31 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the
47.32 executive director or any member of the Board of Peace Officer Standards and Training

48.1 produces or receives a written statement or complaint that alleges a violation of a statute or
48.2 rule that the board is empowered to enforce, the executive director shall designate the
48.3 appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to
48.4 conduct an inquiry into the complaint's allegations. The investigating agency must complete
48.5 the inquiry and submit a written summary of it to the executive director within 30 days of
48.6 the order for inquiry.

48.7 Sec. 13. Minnesota Statutes 2022, section 297I.06, subdivision 1, is amended to read:

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

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

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

48.23 Sec. 14. Minnesota Statutes 2022, section 299A.38, is amended to read:

48.24 **299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

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

48.26 (a) "Commissioner" means the commissioner of public safety.

48.27 (b) "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving
48.28 a general population within the boundaries of the state.

48.29 ~~(b)~~ (c) "Peace officer" means a person who is licensed under section 626.84, subdivision
48.30 1, paragraph (c).

49.1 (d) "Public safety officer" means a peace officer, firefighter, or qualified emergency
 49.2 medical service provider.

49.3 (e) "Qualified emergency medical service provider" means a person certified under
 49.4 section 144E.28 who is actively employed by a Minnesota licensed ambulance service.

49.5 (e) (f) "Vest" means bullet-resistant soft body armor that is flexible, concealable, and
 49.6 custom fitted to the ~~peace~~ public safety officer to provide ballistic and trauma protection.

49.7 Subd. 2. **State and local reimbursement.** ~~Peace~~ Public safety officers and heads of
 49.8 ~~local law enforcement~~ agencies and entities who buy vests for the use of ~~peace~~ public safety
 49.9 officer employees may apply to the commissioner for reimbursement of funds spent to buy
 49.10 vests. On approving an application for reimbursement, the commissioner shall pay the
 49.11 applicant an amount equal to the lesser of one-half of the vest's purchase price or \$600, as
 49.12 adjusted according to subdivision 2a. The ~~political subdivision~~ agency or entity that employs
 49.13 the ~~peace~~ public safety officer shall pay at least the lesser of one-half of the vest's purchase
 49.14 price or \$600, as adjusted according to subdivision 2a. The ~~political subdivision~~ employer
 49.15 may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar
 49.16 allowance otherwise provided to the ~~peace~~ public safety officer by the ~~law enforcement~~
 49.17 agency employer.

49.18 Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 2006, the
 49.19 commissioner of public safety shall adjust the \$600 reimbursement amounts specified in
 49.20 subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the
 49.21 reimbursement amount applicable immediately preceding that October 1 date. The adjusted
 49.22 rate must reflect the annual percentage change in the Consumer Price Index for all urban
 49.23 consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year
 49.24 period ending on the preceding June 1.

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

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

49.32 (c) The requirement set forth in paragraph (b), clauses (1) and (2), shall not apply to any
 49.33 ~~peace~~ public safety officer who purchases a vest constructed from a zylon-based material,

50.1 provided that the ~~peace~~ public safety officer provides proof of purchase or possession of
50.2 the vest prior to July 1, 2005.

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

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

50.10 Subd. 6. **Right to benefits unaffected.** A ~~peace~~ public safety officer who is reimbursed
50.11 for the purchase of a vest under this section and who suffers injury or death because the
50.12 officer failed to wear the vest, or because the officer wore a vest that was defective or
50.13 deficient, may not lose or be denied a benefit or right, including a benefit under section
50.14 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

50.15 Sec. 15. Minnesota Statutes 2022, section 299A.41, subdivision 3, is amended to read:

50.16 Subd. 3. **Killed in the line of duty.** (a) "Killed in the line of duty" does not include
50.17 deaths from natural causes, except as provided in this subdivision. In the case of a public
50.18 safety officer, killed in the line of duty includes the death of a public safety officer caused
50.19 by accidental means while the public safety officer is acting in the course and scope of
50.20 duties as a public safety officer.

50.21 (b) Killed in the line of duty also means if a public safety officer dies as the direct and
50.22 proximate result of a heart attack, stroke, or vascular rupture, that officer shall be presumed
50.23 to have died as the direct and proximate result of a personal injury sustained in the line of
50.24 duty if:

50.25 (1) that officer, while on duty:

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

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

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

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

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

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

51.3 (3) that officer died as a result of a disabling cancer of a type caused by exposure to
 51.4 heat, radiation, or a known or suspected carcinogen, as defined by the International Agency
 51.5 for Research on Cancer, and the carcinogen is reasonably linked to the disabling cancer;
 51.6 and

51.7 (4) the presumption is not overcome by competent medical evidence to the contrary.

51.8 (c) Killed in the line of duty also means if a public safety officer dies as a result of suicide
 51.9 when:

51.10 (1) a licensed mental health provider previously diagnosed the officer with post-traumatic
 51.11 stress disorder; and

51.12 (2) the officer's mental health provider determined the post-traumatic stress disorder
 51.13 resulted from the officer's work as a public safety officer.

51.14 As used in this paragraph, "public safety officer" includes only the individuals described
 51.15 in subdivision 4, clauses (1) to (4) and (6) to (9).

51.16 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.

51.17 Sec. 16. Minnesota Statutes 2022, section 299A.41, is amended by adding a subdivision
 51.18 to read:

51.19 **Subd. 3a. Post-traumatic stress disorder.** "Post-traumatic stress disorder" means the
 51.20 condition as described in the most recently published edition of the Diagnostic and Statistical
 51.21 Manual of Mental Disorders by the American Psychiatric Association.

51.22 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.

51.23 Sec. 17. Minnesota Statutes 2022, section 299A.41, subdivision 4, is amended to read:

51.24 **Subd. 4. Public safety officer.** Except as provided in subdivision 3, paragraph (c),
 51.25 "public safety officer" includes:

51.26 (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);

51.27 (2) a correction officer employed at a correctional facility and charged with maintaining
 51.28 the safety, security, discipline, and custody of inmates at the facility;

51.29 (3) an individual employed on a full-time basis by the state or by a fire department of a
 51.30 governmental subdivision of the state, who is engaged in any of the following duties:

- 52.1 (i) firefighting;
- 52.2 (ii) emergency motor vehicle operation;
- 52.3 (iii) investigation into the cause and origin of fires;
- 52.4 (iv) the provision of emergency medical services; or
- 52.5 (v) hazardous material responder;
- 52.6 (4) a legally enrolled member of a volunteer fire department or member of an independent
- 52.7 nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- 52.8 (5) a good samaritan while complying with the request or direction of a public safety
- 52.9 officer to assist the officer;
- 52.10 (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision
- 52.11 and authority of a political subdivision;
- 52.12 (7) a driver or attendant with a licensed basic or advanced life-support transportation
- 52.13 service who is engaged in providing emergency care;
- 52.14 (8) a first responder who is certified by the emergency medical services regulatory board
- 52.15 to perform basic emergency skills before the arrival of a licensed ambulance service and
- 52.16 who is a member of an organized service recognized by a local political subdivision to
- 52.17 respond to medical emergencies to provide initial medical care before the arrival of an
- 52.18 ambulance; and
- 52.19 (9) a person, other than a state trooper, employed by the commissioner of public safety
- 52.20 and assigned to the State Patrol, whose primary employment duty is either Capitol security
- 52.21 or the enforcement of commercial motor vehicle laws and regulations.

52.22 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.

52.23 Sec. 18. Minnesota Statutes 2022, section 299A.52, is amended to read:

52.24 **299A.52 RESPONSIBLE PERSON PARTY.**

52.25 Subdivision 1. **Response liability.** A responsible person party, as described in section

52.26 115B.03, is liable for the reasonable and necessary costs, including legal and administrative

52.27 costs, of response to a hazardous materials incident or explosives sweep as defined in section

52.28 299C.063 incurred by a ~~regional~~ hazardous materials response team or local unit of

52.29 government. For the purposes of this section, "hazardous substance" as used in section

52.30 115B.03 means "hazardous material" as defined in section 299A.49.

53.1 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible ~~person~~ party
 53.2 ~~for the regional state bomb disposal unit or hazardous materials response team costs of~~
 53.3 response. The commissioner may bring an action for recovery of unpaid costs, reasonable
 53.4 attorney fees, and any additional court costs. Any funds received by the commissioner under
 53.5 this subdivision are appropriated to the commissioner to pay for costs for which the funds
 53.6 were received. Any remaining funds at the end of the biennium shall be transferred to the
 53.7 ~~Fire Safety Account~~ general fund.

53.8 Subd. 3. **Attempted avoidance of liability.** For purposes of sections 299A.48 to 299A.52
 53.9 and 299K.095, a responsible ~~person~~ party may not avoid liability by conveying any right,
 53.10 title, or interest in real property or by any indemnification, hold harmless agreement, or
 53.11 similar agreement.

53.12 Sec. 19. **[299A.53] NONRESPONSIBLE PARTY FUND.**

53.13 In the event that there is no identified responsible party as defined in section 115B.03,
 53.14 a special account, to be known as the nonresponsible party fund, shall be created in the state
 53.15 treasury. The legislature intends that all money in the nonresponsible party fund be
 53.16 appropriated to the commissioner of public safety to reimburse all reasonable and necessary
 53.17 costs, including legal and administrative costs, of response to a hazardous materials incident
 53.18 or explosives sweep as defined in section 299C.063 when there is no identified responsible
 53.19 party as described in section 299A.52. Any remaining funds at the end of the biennium shall
 53.20 be transferred to the general fund.

53.21 Sec. 20. **[299A.625] PUBLIC SAFETY INNOVATION BOARD.**

53.22 Subdivision 1. **Establishment.** The Public Safety Innovation Board is established in the
 53.23 Office of Justice Programs within the Department of Public Safety. The board has the powers
 53.24 and duties described in this section.

53.25 Subd. 2. **Membership.** (a) The Public Safety Innovation Board is composed of the
 53.26 following members:

53.27 (1) three individuals with experience conducting research in the areas of crime, policing,
 53.28 or sociology while employed by an academic or nonprofit entity, appointed by the governor;

53.29 (2) five individuals appointed by the governor of whom:

53.30 (i) one shall be a victim of a crime or an advocate for victims of crime;

53.31 (ii) one shall be a person impacted by the criminal justice system or an advocate for
 53.32 defendants in criminal cases; and

54.1 (iii) one shall have a background in social work;

54.2 (3) four members representing the community-specific boards established under sections
54.3 3.922 and 15.0145, with one appointment made by each board; and

54.4 (4) three members representing law enforcement, with one appointment by the Minnesota
54.5 Sheriffs' Association, one by the Minnesota Chiefs of Police Association, and one by the
54.6 Minnesota Police and Peace Officers Association.

54.7 (b) The members of the board shall elect one member to serve as chair.

54.8 Subd. 3. **Terms; removal; vacancy.** (a) Members are appointed to serve three-year
54.9 terms following the initial staggered-term lot determination and may be reappointed.

54.10 (b) Initial appointment of members must take place by August 1, 2023. The initial term
54.11 of members appointed under paragraph (a) shall be determined by lot by the secretary of
54.12 state and shall be as follows:

54.13 (1) five members shall serve one-year terms;

54.14 (2) five members shall serve two-year terms; and

54.15 (3) five members shall serve three-year terms.

54.16 (c) A member may be removed by the appointing authority at any time for cause, after
54.17 notice and hearing.

54.18 (d) If a vacancy occurs, the appointing authority shall appoint a new qualifying member
54.19 within 90 days.

54.20 (e) Compensation of board members is governed by section 15.0575.

54.21 Subd. 4. **Powers and duties.** The board shall improve public safety by increasing the
54.22 efficiency, effectiveness, and capacity of public safety providers and has the following
54.23 powers and duties:

54.24 (1) monitoring trends in crime within Minnesota;

54.25 (2) reviewing research on criminal justice and public safety;

54.26 (3) providing information on criminal trends and research to the commissioner,
54.27 municipalities, and the legislature;

54.28 (4) providing advice on awarding grants;

54.29 (5) providing advice on evaluating grant applications to assure compliance with
54.30 evidence-based practices;

55.1 (6) providing advice on assuring an efficient and expeditious distribution of grant funds;
 55.2 and

55.3 (7) working with the Minnesota Statistical Analysis Center to identify appropriate
 55.4 outcomes to track on an annual basis for both programs receiving grants and local
 55.5 communities for the purpose of monitoring trends in public safety and the impact of specific
 55.6 programmatic models.

55.7 Subd. 5. **Meetings.** The board shall meet at least monthly. Meetings of the board are
 55.8 subject to chapter 13D.

55.9 Subd. 6. **Report.** Each year by January 15, the board shall report to the legislative
 55.10 committees and divisions with jurisdiction over public safety on the work of the board
 55.11 conducted pursuant to subdivision 4.

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

55.13 Sec. 21. Minnesota Statutes 2022, section 299A.642, subdivision 15, is amended to read:

55.14 Subd. 15. **Required reports.** By February 1 of each year, the commissioner of public
 55.15 safety shall submit the following reports to the chairs and ranking minority members of the
 55.16 senate and house of representatives committees and divisions having jurisdiction over
 55.17 criminal justice policy and funding:

55.18 (1) a report containing a summary of all audits conducted on multijurisdictional entities
 55.19 under subdivision 4;

55.20 (2) a report on the results of audits conducted on data submitted to the criminal gang
 55.21 investigative data system under section 299C.091; ~~and~~

55.22 (3) a report on the activities and goals of the coordinating council; and

55.23 (4) a report on how the funds in the violent crime investigation team account were
 55.24 distributed and how those funds were used by violent crime investigation teams.

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

55.26 Sec. 22. Minnesota Statutes 2022, section 299A.73, is amended by adding a subdivision
 55.27 to read:

55.28 Subd. 3a. **Report.** On or before March 31 of each year, the Minnesota Youth Intervention
 55.29 Programs Association shall report to the chairs and ranking minority members of the
 55.30 committees and divisions with jurisdiction over public safety policy and finance on the
 55.31 implementation, use, and administration of the grant program created under this section.

- 56.1 The report shall include information sent by agencies administering youth intervention
 56.2 programs to the Minnesota Youth Intervention Programs Association and the Office of
 56.3 Justice Programs. At a minimum, the report must identify:
- 56.4 (1) the grant recipients;
- 56.5 (2) the geographic location of the grant recipients;
- 56.6 (3) the total number of individuals served by all grant recipients, disaggregated by race,
 56.7 ethnicity, and gender;
- 56.8 (4) the total number of individuals served by all grant recipients who successfully
 56.9 completed programming, disaggregated by age, race, ethnicity, and gender;
- 56.10 (5) the total amount of money awarded in grants and the total amount remaining to be
 56.11 awarded from each appropriation;
- 56.12 (6) the amount of money granted to each recipient;
- 56.13 (7) grantee workplan objectives;
- 56.14 (8) how the grant was used based on grantee quarterly narrative reports and financial
 56.15 reports; and
- 56.16 (9) summarized relevant youth intervention program outcome survey data measuring
 56.17 the developmental assets of participants, based on Search Institute's Developmental Assets
 56.18 Framework.

56.19 **Sec. 23. [299A.86] REWARD ACCOUNT FOR INFORMATION ON MISSING**
 56.20 **AND MURDERED INDIGENOUS RELATIVES.**

56.21 Subdivision 1. **Account created.** An account for rewards for information on missing
 56.22 and murdered Indigenous relatives is created in the special revenue fund. Money deposited
 56.23 into the account is appropriated to the commissioner of public safety to pay rewards and
 56.24 for other purposes as authorized under this section.

56.25 Subd. 2. **Reward.** The director of the Office for Missing and Murdered Indigenous
 56.26 Relatives, in consultation with the reward advisory group established under subdivision 3:

56.27 (1) shall determine the eligibility criteria and procedures for granting rewards under this
 56.28 section; and

56.29 (2) is authorized to pay a reward to any person who provides relevant information relating
 56.30 to a missing and murdered Indigenous relative investigation.

57.1 Subd. 3. **Reward advisory group.** (a) The director of the Office for Missing and
57.2 Murdered Indigenous Relatives, in consultation with the stakeholder groups described in
57.3 section 299A.85, subdivision 5, shall appoint an advisory group to make recommendations
57.4 on paying rewards under this section. The advisory group shall consist of the following
57.5 individuals:

57.6 (1) a representative from the Office for Missing and Murdered Indigenous Relatives;

57.7 (2) a representative from a Tribal, statewide, or local organization that provides legal
57.8 services to Indigenous women and girls;

57.9 (3) a representative from a Tribal, statewide, or local organization that provides advocacy
57.10 or counseling for Indigenous women and girls who have been victims of violence;

57.11 (4) a representative from a Tribal, statewide, or local organization that provides services
57.12 to Indigenous women and girls;

57.13 (5) a Tribal peace officer who works for or resides on a federally recognized American
57.14 Indian reservation in Minnesota; and

57.15 (6) a representative from the Minnesota Human Trafficking Task Force.

57.16 (b) Members serve a term of four years. The advisory group shall meet as necessary but
57.17 at a minimum twice per year to carry out its duties. The group shall elect a chair from among
57.18 its members. The chair shall serve a term of two years. The director shall provide necessary
57.19 office space and administrative support to the group. Members of the group serve without
57.20 compensation but shall receive expense reimbursement as provided in section 15.059.

57.21 (c) The representative from the Office for Missing and Murdered Indigenous Relatives
57.22 may fully participate in the advisory group's activities but may not vote on issues before
57.23 the group.

57.24 Subd. 4. **Advertising.** The director of the Office for Missing and Murdered Indigenous
57.25 Relatives, in consultation with the reward advisory group, may spend up to four percent of
57.26 available funds on an advertising or public relations campaign to increase public awareness
57.27 on the availability of rewards under this section.

57.28 Subd. 5. **Grants; donations.** The director of the Office for Missing and Murdered
57.29 Indigenous Relatives, in consultation with the reward advisory group, may apply for and
57.30 accept grants and donations from the public and from public and private entities to implement
57.31 this section. The commissioner of public safety shall deposit any grants or donations received
57.32 under this subdivision into the account established under subdivision 1.

58.1 Subd. 6. **Definition.** As used in this section, "missing and murdered Indigenous relatives"
58.2 means missing and murdered Indigenous people from or descended from one of the United
58.3 States' federally recognized American Indian Tribes.

58.4 Sec. 24. **[299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN**
58.5 **AND GIRLS.**

58.6 Subdivision 1. **Establishment.** The commissioner shall establish and maintain an office
58.7 dedicated to preventing and ending the targeting of Black women and girls within the
58.8 Minnesota Office of Justice Programs.

58.9 Subd. 2. **Director; staff.** (a) The commissioner must appoint a director who is a person
58.10 closely connected to the Black community and who is highly knowledgeable about criminal
58.11 investigations. The commissioner is encouraged to consider candidates for appointment
58.12 who are recommended by members of the Black community.

58.13 (b) The director may select, appoint, and compensate out of available funds assistants
58.14 and employees as necessary to discharge the office's responsibilities.

58.15 (c) The director and full-time staff shall be members of the Minnesota State Retirement
58.16 Association.

58.17 Subd. 3. **Duties.** (a) The office has the following duties:

58.18 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
58.19 mandates identified in the report of the Task Force on Missing and Murdered African
58.20 American Women;

58.21 (2) advocate for state agencies to take actions to facilitate the accomplishment of mandates
58.22 identified in the report of the Task Force on Missing and Murdered African American
58.23 Women;

58.24 (3) develop recommendations for legislative and agency actions to address injustice in
58.25 the criminal justice system's response to cases of missing and murdered Black women and
58.26 girls;

58.27 (4) facilitate research to refine the mandates in the report of the Task Force on Missing
58.28 and Murdered African American Women and to assess the potential efficacy, feasibility,
58.29 and impact of the recommendations;

58.30 (5) collect data on missing person and homicide cases involving Black women and girls,
58.31 including the total number of cases, the rate at which the cases are solved, the length of time

59.1 the cases remain open, and a comparison to similar cases involving different demographic
59.2 groups;

59.3 (6) collect data on Amber Alerts, including the total number of Amber Alerts issued,
59.4 the total number of Amber Alerts that involve Black girls, and the outcome of cases involving
59.5 Amber Alerts disaggregated by the child's race and sex;

59.6 (7) collect data on reports of missing Black girls, including the number classified as
59.7 voluntary runaways, and a comparison to similar cases involving different demographic
59.8 groups;

59.9 (8) analyze and assess the intersection between cases involving missing and murdered
59.10 Black women and girls and labor trafficking and sex trafficking;

59.11 (9) develop recommendations for legislative, agency, and community actions to address
59.12 the intersection between cases involving missing and murdered Black women and girls and
59.13 labor trafficking and sex trafficking;

59.14 (10) analyze and assess the intersection between cases involving murdered Black women
59.15 and girls and domestic violence, including prior instances of domestic violence within the
59.16 family or relationship, whether an offender had prior convictions for domestic assault or
59.17 related offenses, and whether the offender used a firearm in the murder or any prior instances
59.18 of domestic assault;

59.19 (11) develop recommendations for legislative, agency, and community actions to address
59.20 the intersection between cases involving murdered Black women and girls and domestic
59.21 violence;

59.22 (12) develop tools and processes to evaluate the implementation and impact of the efforts
59.23 of the office;

59.24 (13) track and collect Minnesota data on missing and murdered Black women and girls,
59.25 and provide statistics upon public or legislative inquiry;

59.26 (14) facilitate technical assistance for local and Tribal law enforcement agencies during
59.27 active cases involving missing and murdered Black women and girls;

59.28 (15) conduct case reviews and report on the results of case reviews for the following
59.29 types of cases involving missing and murdered Black women and girls: cold cases for
59.30 missing Black women and girls and death investigation review for cases of Black women
59.31 and girls ruled as suicide or overdose under suspicious circumstances;

60.1 (16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
60.2 committed a violent or exploitative crime against a Black woman or girl. These case reviews
60.3 must identify those cases where the perpetrator is a repeat offender;

60.4 (17) prepare draft legislation as necessary to allow the office access to the data necessary
60.5 for the office to conduct the reviews required in this section and advocate for passage of
60.6 that legislation;

60.7 (18) review sentencing guidelines for crimes related to missing and murdered Black
60.8 women and girls, recommend changes if needed, and advocate for consistent implementation
60.9 of the guidelines across Minnesota courts;

60.10 (19) develop and maintain communication with relevant divisions in the Department of
60.11 Public Safety, including but not limited to the Bureau of Criminal Apprehension, regarding
60.12 any cases involving missing and murdered Black women and girls and on procedures for
60.13 investigating cases involving missing and murdered Black women and girls;

60.14 (20) consult with the Council for Minnesotans of African Heritage established in section
60.15 15.0145; and

60.16 (21) coordinate, as relevant, with federal efforts, and efforts in neighboring states and
60.17 Canada.

60.18 (b) As used in this subdivision:

60.19 (1) "labor trafficking" has the meaning given in section 609.281, subdivision 5; and

60.20 (2) "sex trafficking" has the meaning given in section 609.321, subdivision 7a.

60.21 Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may
60.22 coordinate, as useful, with stakeholder groups that were represented on the Task Force on
60.23 Missing and Murdered African American Women and state agencies that are responsible
60.24 for the systems that play a role in investigating, prosecuting, and adjudicating cases involving
60.25 violence committed against Black women and girls; those who have a role in supporting or
60.26 advocating for missing or murdered Black women and girls and the people who seek justice
60.27 for them; and those who represent the interests of Black people. This includes the following
60.28 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
60.29 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
60.30 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
60.31 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
60.32 Coast Guard; state agencies, including the Departments of Health, Human Services,
60.33 Education, Corrections, and Public Safety; service providers who offer legal services,

61.1 advocacy, and other services to Black women and girls; Black women and girls who are
61.2 survivors; and organizations and leadership from urban and statewide Black communities.

61.3 Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its
61.4 statutory duties, along with specific objectives and outcome measures proposed for the
61.5 following year. The report must include data and statistics on missing and murdered Black
61.6 women and girls in Minnesota, including names, dates of disappearance, and dates of death,
61.7 to the extent the data is publicly available. The office must submit the report by January 15
61.8 each year to the chairs and ranking minority members of the legislative committees with
61.9 primary jurisdiction over public safety.

61.10 Subd. 6. **Acceptance of gifts and receipt of grants.** (a) A missing and murdered Black
61.11 women and girls account is established in the special revenue fund. Money in the account,
61.12 including interest earned, is appropriated to the office for the purposes of carrying out the
61.13 office's duties, including but not limited to issuing grants to community-based organizations.

61.14 (b) Notwithstanding sections 16A.013 to 16A.016, the office may accept funds
61.15 contributed by individuals and may apply for and receive grants from public and private
61.16 entities. The funds accepted or received under this subdivision must be deposited in the
61.17 missing and murdered Black women and girls account created under paragraph (a).

61.18 Subd. 7. **Grants to organizations.** (a) The commissioner in consultation with the office
61.19 shall issue grants to community-based organizations that provide services designed to prevent
61.20 or end the targeting of Black women or girls, or to provide assistance to victims of offenses
61.21 that targeted Black women or girls.

61.22 (b) Grant recipients must use money to:

61.23 (1) provide services designed to reduce or prevent crimes or other negative behaviors
61.24 that target Black women or girls;

61.25 (2) provide training to the community about how to handle situations and crimes involving
61.26 the targeting of Black women and girls, including but not limited to training for law
61.27 enforcement officers, county attorneys, city attorneys, judges, and other criminal justice
61.28 partners; or

61.29 (3) provide services to Black women and girls who are victims of crimes or other offenses,
61.30 or to the family members of missing and murdered Black women and girls.

61.31 (c) Applicants must apply in a form and manner established by the commissioner in
61.32 consultation with the office.

61.33 (d) Grant recipients must provide an annual report to the office that includes:

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

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

62.3 (3) any other information required by the office.

62.4 (e) On or before February 1 of each year, the office shall report to the legislative
62.5 committees and divisions with jurisdiction over public safety on the work of grant recipients,
62.6 including a description of the number of entities awarded grants, the amount of those grants,
62.7 and the number of individuals served by the grantees.

62.8 (f) The office shall enter into agreements with the Office of Justice Programs for the
62.9 administration of grants issued under this subdivision.

62.10 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access
62.11 to corrections and detention data and medical data maintained by an agency and classified
62.12 as private data on individuals or confidential data on individuals to the extent the data is
62.13 necessary for the office to perform its duties under this section.

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

62.15 Sec. 25. **[299C.055] LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.**

62.16 (a) The superintendent must prepare an annual report for the public and the legislature
62.17 on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC;
62.18 the types of activities it monitors; the scale of information it collects; the local, state, and
62.19 federal agencies with which it shares information; and the quantifiable benefits it produces.
62.20 None of the reporting requirements in this section supersede chapter 13 or any other state
62.21 or federal law. The superintendent must report on activities for the preceding calendar year
62.22 unless another time period is specified. The report must include the following information,
62.23 to the extent allowed by other law:

62.24 (1) the MNFC's operating budget for the current biennium, number of staff, and staff
62.25 duties;

62.26 (2) the number of publications generated and an overview of the type of information
62.27 provided in the publications, including products such as law enforcement briefs, partner
62.28 briefs, risk assessments, threat assessments, and operational reports;

62.29 (3) a summary of audit findings for the MNFC and what corrective actions were taken
62.30 pursuant to audits;

62.31 (4) the number of data requests received by the MNFC and a general description of those
62.32 requests;

63.1 (5) the types of surveillance and data analysis technologies utilized by the MNFC, such
 63.2 as artificial intelligence or social media analysis tools;

63.3 (6) a description of the commercial and governmental databases utilized by the MNFC
 63.4 to the extent permitted by law;

63.5 (7) the number of suspicious activity reports (SARs) received and processed by the
 63.6 MNFC;

63.7 (8) the number of SARs received and processed by the MNFC that were converted into
 63.8 Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of
 63.9 Investigation, or that were referred to local law enforcement agencies;

63.10 (9) the number of SARs received and processed by the MNFC that involve an individual
 63.11 on the Terrorist Screening Center watchlist;

63.12 (10) the number of requests for information (RFIs) that the MNFC received from law
 63.13 enforcement agencies and the number of responses to federal requests for RFIs;

63.14 (11) the names of the federal agencies the MNFC received data from or shared data
 63.15 with;

63.16 (12) the names of the agencies that submitted SARs;

63.17 (13) a summary description of the MNFC's activities with the Joint Terrorism Task
 63.18 Force; and

63.19 (14) the number of investigations aided by the MNFC's use of SARs and RFIs.

63.20 (b) The report shall be provided to the chairs and ranking minority members of the
 63.21 committees of the house of representatives and senate with jurisdiction over data practices
 63.22 and public safety issues, and shall be posted on the MNFC website by February 15 each
 63.23 year beginning on February 15, 2024.

63.24 **Sec. 26. [299C.061] STATE FRAUD UNIT.**

63.25 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 63.26 meanings provided.

63.27 (1) "Fraud" includes any violation of sections 609.466, 609.611, 609.651, 609.7475, or
 63.28 609.821.

63.29 (2) "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
 63.30 (c).

63.31 (3) "State agency" has the meaning given in section 13.02, subdivision 17.

64.1 (4) "Superintendent" means the superintendent of the Bureau of Criminal Apprehension.

64.2 (5) "Unit" means the State Fraud Unit housed at the Bureau of Criminal Apprehension.

64.3 Subd. 2. **State Fraud Unit.** The superintendent shall form a State Fraud Unit within the
64.4 Bureau of Criminal Apprehension to conduct investigations into fraud involving state-funded
64.5 programs or services subject to availability of funds.

64.6 Subd. 3. **Mandatory referral; duty to investigate.** A state agency shall refer all
64.7 suspected fraudulent activity under the provisions noted within subdivision 1, clause (1),
64.8 equaling \$100,000 or more, to the unit for evaluation and investigation or appropriate
64.9 referral. Upon receipt of this referral, the unit shall review and, where appropriate, conduct
64.10 criminal investigations into such allegations. The unit has sole discretion as to which
64.11 allegations are investigated further, referred back to the reporting agency for appropriate
64.12 regulatory investigation, or referred to another law enforcement agency with appropriate
64.13 jurisdiction.

64.14 Subd. 4. **Discretionary referral.** (a) A state agency may refer suspected fraudulent
64.15 activity related to any state-funded programs or services equaling less than \$100,000 to the
64.16 unit for investigation. Upon referral, the unit shall:

64.17 (1) accept the referral and, where appropriate, conduct criminal investigations into the
64.18 allegations and make appropriate referrals for criminal prosecution; or

64.19 (2) redirect the referral to another appropriate law enforcement agency or civil
64.20 investigative authority, offering assistance where appropriate.

64.21 Subd. 5. **State agency reporting.** By January 15 of each year, each state agency must
64.22 report all suspected fraudulent activities equaling \$10,000 or more to the unit to be
64.23 summarized in the report under subdivision 6.

64.24 Subd. 6. **State Fraud Unit annual report.** By February 1 of each odd-numbered year,
64.25 the superintendent shall report to the commissioner, the governor, and the chairs and ranking
64.26 minority members of the legislative committees with jurisdiction over public safety finance
64.27 and policy the following information about the unit:

64.28 (1) the number of investigations initiated;

64.29 (2) the number of allegations investigated;

64.30 (3) the outcomes or current status of each investigation;

64.31 (4) the charging decisions made by the prosecuting authority of incidents investigated
64.32 by the unit;

65.1 (5) the number of plea agreements reached in incidents investigated by the unit;

65.2 (6) the number of reports received under subdivision 5; and

65.3 (7) any other information relevant to the unit's mission.

65.4 **EFFECTIVE DATE.** Referrals to the unit under subdivisions 3 and 4 may begin on
65.5 January 1, 2024.

65.6 Sec. 27. Minnesota Statutes 2022, section 299C.106, subdivision 3, is amended to read:

65.7 Subd. 3. **Submission and storage of sexual assault examination kits.** (a) Within 60
65.8 days of receiving an unrestricted sexual assault examination kit, a law enforcement agency
65.9 shall submit the kit for testing to a forensic laboratory. The testing laboratory shall return
65.10 unrestricted sexual assault examination kits to the submitting agency for storage after testing
65.11 is complete. The submitting agency must store unrestricted sexual assault examination kits
65.12 indefinitely.

65.13 (b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or
65.14 a law enforcement agency receiving a restricted sexual assault examination kit from a
65.15 hospital, the hospital or the agency shall submit the kit to ~~the Bureau of Criminal~~
65.16 ~~Apprehension~~ a forensic laboratory. The ~~bureau~~ laboratory shall store all restricted sexual
65.17 assault examination kits collected by hospitals or law enforcement agencies in the state.
65.18 The ~~bureau~~ laboratory shall retain a restricted sexual assault examination kit for at least 30
65.19 months from the date the ~~bureau~~ laboratory receives the kit.

65.20 (c) The receiving forensic laboratory must test the sexual assault examination kit within
65.21 90 days of receipt from a hospital or law enforcement agency. Upon completion of testing,
65.22 the forensic laboratory will update the kit-tracking database to indicate that testing is
65.23 complete. The forensic laboratory must notify the submitting agency when any kit testing
65.24 does not meet the 90-day deadline and provide an estimated time frame for testing
65.25 completion.

65.26 Sec. 28. Minnesota Statutes 2022, section 299C.53, subdivision 3, is amended to read:

65.27 Subd. 3. **Missing and endangered persons.** The Bureau of Criminal Apprehension
65.28 must operate a missing person alert program. If the Bureau of Criminal Apprehension
65.29 receives a report from a law enforcement agency indicating that a person is missing and
65.30 endangered, the superintendent must originate an alert. The superintendent may assist the
65.31 law enforcement agency in conducting the preliminary investigation, offer resources, and
65.32 assist the agency in helping implement the investigation policy with particular attention to

66.1 the need for immediate action. The law enforcement agency shall promptly notify all
 66.2 appropriate law enforcement agencies in the state and is required to issue a missing person
 66.3 alert utilizing the Crime Alert Network as prescribed in section 299A.61 and, if deemed
 66.4 appropriate, law enforcement agencies in adjacent states or jurisdictions of any information
 66.5 that may aid in the prompt location and safe return of a missing and endangered person.
 66.6 The superintendent shall provide guidance on issuing alerts using this system and provide
 66.7 the system for law enforcement agencies to issue these alerts. The Bureau of Criminal
 66.8 Apprehension may provide assistance to agencies in issuing missing person alerts as required
 66.9 by this section.

66.10 Sec. 29. Minnesota Statutes 2022, section 299N.02, subdivision 3, is amended to read:

66.11 Subd. 3. **Powers and duties.** (a) The board shall:

66.12 (1) review fire service training needs and make recommendations on training to Minnesota
 66.13 fire service organizations;

66.14 (2) establish standards for educational programs for the fire service and develop
 66.15 procedures for continuing oversight of the programs;

66.16 (3) establish qualifications for fire service training instructors in programs established
 66.17 under clause (2);

66.18 (4) maintain a list of instructors that have met the qualifications established under clause
 66.19 (3), subject to application procedures and requirements established by the board; and

66.20 (5) license full-time firefighters and volunteer firefighters under this chapter.

66.21 (b) The board may:

66.22 (1) hire or contract for technical or professional services according to section 15.061;

66.23 (2) pay expenses necessary to carry out its duties;

66.24 (3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity
 66.25 may make to the board for the purposes of this chapter and may use any money given to it
 66.26 consistent with the terms and conditions under which the money was received and for the
 66.27 purposes stated;

66.28 (4) accept funding from the fire safety account and allocate funding to Minnesota fire
 66.29 departments in the form of reimbursements that are consistent with the board's
 66.30 recommendations and the Department of Public Safety firefighter training;

67.1 (5) accept funding from the general fund and allocate funding to Minnesota Board of
 67.2 Firefighter Training and Education for reimbursements that are consistent with the board's
 67.3 recommendations and the Department of Public Safety firefighter training;

67.4 ~~(5)~~ (6) set guidelines regarding how the allocated reimbursement funds must be disbursed;

67.5 ~~(6)~~ (7) set and make available to the fire service standards governing the use of funds
 67.6 reimbursed under this section;

67.7 ~~(7)~~ (8) make recommendations to the legislature to improve the quality of firefighter
 67.8 training;

67.9 ~~(8)~~ (9) collect and provide data, subject to section 13.03;

67.10 ~~(9)~~ (10) conduct studies and surveys and make reports; and

67.11 ~~(10)~~ (11) conduct other activities necessary to carry out its duties.

67.12 Sec. 30. Minnesota Statutes 2022, section 326.32, subdivision 10, is amended to read:

67.13 Subd. 10. **License holder.** "License holder" means any individual, partnership as defined
 67.14 in section 323A.0101, clause (8), or corporation licensed to perform the duties of a private
 67.15 detective or a protective agent.

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

67.17 Sec. 31. Minnesota Statutes 2022, section 326.3381, subdivision 3, is amended to read:

67.18 Subd. 3. **Disqualification.** (a) No person is qualified to hold a license who has:

67.19 (1) been convicted of (i) a felony by the courts of this or any other state or of the United
 67.20 States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault;
 67.21 theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving
 67.22 stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using,
 67.23 possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or
 67.24 distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in
 67.25 Minnesota, would be a felony or would be any of the other offenses provided in this clause
 67.26 and for which a full pardon or similar relief has not been granted;

67.27 (2) made any false statement in an application for a license or any document required
 67.28 to be submitted to the board; or

67.29 (3) failed to demonstrate to the board good character, honesty, and integrity.

68.1 (b) Upon application for a license, the applicant shall submit, as part of the application,
68.2 a full set of fingerprints and the applicant's written consent that their fingerprints shall be
68.3 submitted to the Bureau of Criminal Apprehension (BCA) and the Federal Bureau of
68.4 Investigation (FBI) to determine whether that person has a criminal record. The BCA shall
68.5 promptly forward the fingerprints to the FBI and request that the FBI conduct a criminal
68.6 history check of each prospective licensee. The Minnesota Board of Private Detective and
68.7 Protective Agents Services shall determine if the FBI report indicates that the prospective
68.8 licensee or licensee was convicted of a disqualifying offense. The submission to the FBI
68.9 shall be coordinated through the BCA. The results of the criminal record check shall be
68.10 provided to the board who will determine if the applicant is disqualified from holding a
68.11 license under this subdivision.

68.12 Sec. 32. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70.1 substantial part because of the victim's or another's actual or perceived race, color, ethnicity,
 70.2 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
 70.3 origin, or disability as defined in section 363A.03, or because of the victim's actual or
 70.4 perceived association with another person or group of a certain actual or perceived race,
 70.5 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 70.6 age, national origin, or disability as defined in section 363A.03, and compile data in the
 70.7 aggregate on the nature and extent of such incidents and include summary data as defined
 70.8 by section 13.02, subdivision 19, on this information in the report required under clause
 70.9 (12), disaggregated by the type of incident and the actual or perceived characteristic for
 70.10 which the person was targeted. The commissioner shall provide information on the
 70.11 department's website about when and how a victim can report criminal conduct to a law
 70.12 enforcement agency. Data collected and maintained under this clause are private data on
 70.13 individuals as defined in section 13.02, subdivision 12.

70.14 In performing these duties, the commissioner shall give priority to those duties in clauses
 70.15 (8), (9), and (10) and to the duties in section 363A.36.

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

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

70.21 Sec. 33. Minnesota Statutes 2022, section 609.2231, subdivision 4, is amended to read:

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

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

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

71.3 Sec. 34. Minnesota Statutes 2022, section 609.2233, is amended to read:

71.4 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
 71.5 **STATUTORY MAXIMUM SENTENCE.**

71.6 A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial
 71.7 part because of the victim's or another person's actual or perceived race, color, ethnicity,
 71.8 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
 71.9 origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the
 71.10 victim's actual or perceived association with another person or group of a certain actual or
 71.11 perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
 71.12 gender expression, age, national origin, or disability as defined in section 363A.03, is subject
 71.13 to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise
 71.14 applicable.

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

71.17 Sec. 35. Minnesota Statutes 2022, section 609.35, is amended to read:

71.18 **609.35 COSTS OF MEDICAL EXAMINATION.**

71.19 (a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical
 71.20 facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other
 71.21 licensed health care provider for the examination of a victim of criminal sexual conduct
 71.22 when the examination is performed for the purpose of gathering evidence that occurred in
 71.23 the state shall be paid by the county in which the criminal sexual conduct occurred state.
 71.24 These costs include, but are not limited to, the full cost of the ~~rape kit~~ medical forensic
 71.25 examination, associated tests and treatments relating to the complainant's sexually transmitted
 71.26 disease status infection, and pregnancy status, including emergency contraception. A hospital,
 71.27 emergency medical facility, or health care provider shall submit the costs for examination
 71.28 and any associated tests and treatment to the Office of Justice Programs for payment. Upon
 71.29 receipt of the costs, the commissioner shall provide payment to the facility or health care
 71.30 provider. Reimbursement for an examination and any associated test and treatments shall
 71.31 not exceed \$1,400. Beginning on January 1, 2024, the maximum amount of an award shall
 71.32 be adjusted annually by the inflation rate.

72.1 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
 72.2 liabilities of any insurer, whether public or private. ~~However, a county~~ The hospital or other
 72.3 licensed health care provider performing the examination may seek insurance reimbursement
 72.4 from the victim's insurer only if authorized by the victim. This authorization may only be
 72.5 sought after the examination is performed. When seeking this authorization, the ~~county~~
 72.6 hospital or other licensed health care provider shall inform the victim that if the victim does
 72.7 not authorize this, the ~~county~~ state is required by law to pay for the examination and that
 72.8 the victim is in no way liable for these costs or obligated to authorize the reimbursement.

72.9 (c) The applicability of this section does not depend upon whether the victim reports
 72.10 the offense to law enforcement or the existence or status of any investigation or prosecution.

72.11 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to any
 72.12 examination that occurs on or after that date.

72.13 Sec. 36. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

72.15 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
 72.16 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
 72.17 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
 72.18 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

72.19 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
 72.20 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
 72.21 property stolen was an article representing a trade secret, an explosive or incendiary device,
 72.22 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
 72.23 exception of marijuana; or

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

72.26 (a) the value of the property or services stolen is more than \$1,000 but not more than
 72.27 \$5,000; or

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

72.30 (c) the value of the property or services stolen is more than \$500 but not more than
 72.31 \$1,000 and the person has been convicted within the preceding five years for an offense
 72.32 under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582,

73.1 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
73.2 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
73.3 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
73.4 that was stayed under section 609.135 if the offense to which a plea was entered would
73.5 allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

73.18 (4) to imprisonment for not more than one year or to payment of a fine of not more than
73.19 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
73.20 more than \$1,000; or

73.21 (5) in all other cases where the value of the property or services stolen is \$500 or less,
73.22 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
73.23 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
73.24 (4), (13), and (19), the value of the money or property or services received by the defendant
73.25 in violation of any one or more of the above provisions within any six-month period may
73.26 be aggregated and the defendant charged accordingly in applying the provisions of this
73.27 subdivision; provided that when two or more offenses are committed by the same person
73.28 in two or more counties, the accused may be prosecuted in any county in which one of the
73.29 offenses was committed for all of the offenses aggregated under this paragraph.

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

74.1 Sec. 37. **[609.522] ORGANIZED RETAIL THEFT.**

74.2 Subdivision 1. Definitions. (a) As used in this section, the terms in this subdivision have
74.3 the meanings given.

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

74.7 (c) "Organized retail theft enterprise" means an ongoing criminal enterprise having retail
74.8 theft as one of its goals in which two or more individuals participate. The term does not
74.9 require that the same individuals participate in each offense.

74.10 (d) "Retailer" means a person or entity that sells retail merchandise.

74.11 (e) "Retail merchandise" means all forms of tangible property, without limitation, held
74.12 out for sale by a retailer.

74.13 (f) "Value" means the retail market value at the time of the theft or, if the retail market
74.14 value cannot be ascertained, the cost of replacement of the property within a reasonable
74.15 time after the theft.

74.16 Subd. 2. Organized retail theft. (a) Whoever, while acting as a participant in an
74.17 organized retail theft enterprise, steals or fraudulently obtains retail merchandise from a
74.18 retailer commits organized retail theft and may be sentenced as provided in subdivision 3
74.19 if the actor:

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

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

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

74.23 (iv) steals retail merchandise within five years of a conviction under this section; and

74.24 (2) has, while acting as a participant in an organized retail theft enterprise, committed
74.25 an act described in clause (1) or in paragraph (b), or a combination of the two, on at least
74.26 two occasions in the preceding six months.

74.27 (b) Whoever, while acting as a participant in an organized retail theft enterprise, receives,
74.28 purchases, or possesses retail merchandise knowing or having reason to know the retail
74.29 merchandise was stolen from a retailer and with the intent to resell that merchandise may
74.30 be sentenced as provided in subdivision 3 if the person has, while acting as a participant in
74.31 an organized retail theft enterprise, committed an act described in this paragraph or an act

75.1 described in paragraph (a), clause (1), or a combination of the two, on at least two occasions
75.2 in the preceding six months.

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

75.4 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
75.5 \$35,000, or both, if the value of the property stolen exceeds \$5,000;

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

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

75.9 (ii) the value of the property is more than \$500 but not more than \$1,000 and the person
75.10 commits the offense within ten years of the first of two or more convictions under this
75.11 section;

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

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

75.15 (ii) the value of the property is \$500 or less and the person commits the offense within
75.16 ten years of a previous conviction under this section; or

75.17 (4) to imprisonment of not more than one year or to payment of a fine of not more than
75.18 \$3,000, or both, if the value of the property stolen is \$500 or less.

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

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

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

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

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

76.3 Sec. 38. Minnesota Statutes 2022, section 609.527, subdivision 1, is amended to read:

76.4 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 76.5 meanings given them in this subdivision.

76.6 (b) "Direct victim" means any person or entity described in section 611A.01, paragraph
 76.7 (b), whose identity has been transferred, used, or possessed in violation of this section.

76.8 (c) "False pretense" means any false, fictitious, misleading, or fraudulent information
 76.9 or pretense or pretext depicting or including or deceptively similar to the name, logo, website
 76.10 address, email address, postal address, telephone number, or any other identifying information
 76.11 of a for-profit or not-for-profit business or organization or of a government agency, to which
 76.12 the user has no legitimate claim of right.

76.13 (d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

76.14 (e) "Identity" means any name, number, or data transmission that may be used, alone or
 76.15 in conjunction with any other information, to identify a specific individual or entity, including
 76.16 any of the following:

76.17 (1) a name, Social Security number, date of birth, official government-issued driver's
 76.18 license or identification number, government passport number, or employer or taxpayer
 76.19 identification number;

76.20 (2) unique electronic identification number, address, account number, or routing code;

76.21 or

76.22 (3) telecommunication identification information or access device.

76.23 ~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01,
 76.24 paragraph (b), other than a direct victim.

76.25 ~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
 76.26 (3), and expenses incurred by a direct or indirect victim as a result of a violation of this
 76.27 section.

76.28 ~~(g)~~ (h) "Unlawful activity" means:

76.29 (1) any felony violation of the laws of this state or any felony violation of a similar law
 76.30 of another state or the United States; and

77.1 (2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
77.2 forgery, fraud, or giving false information to a public official, or any nonfelony violation
77.3 of a similar law of another state or the United States.

77.4 ~~(h)~~ (i) "Scanning device" means a scanner, reader, or any other electronic device that is
77.5 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
77.6 information encoded on a computer chip or magnetic strip or stripe of a payment card,
77.7 driver's license, or state-issued identification card.

77.8 ~~(i)~~ (j) "Reencoder" means an electronic device that places encoded information from the
77.9 computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
77.10 identification card, onto the computer chip or magnetic strip or stripe of a different payment
77.11 card, driver's license, or state-issued identification card, or any electronic medium that
77.12 allows an authorized transaction to occur.

77.13 ~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card
77.14 that:

77.15 (1) is issued to an authorized card user; and

77.16 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or
77.17 anything of value.

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

77.19 Sec. 39. Minnesota Statutes 2022, section 609.527, is amended by adding a subdivision
77.20 to read:

77.21 **Subd. 8. Release of limited account information to law enforcement authorities.** (a)
77.22 A financial institution may release the information described in paragraph (b) to a law
77.23 enforcement or prosecuting authority that certifies in writing that it is investigating or
77.24 prosecuting a crime of identity theft under this section. The certification must describe with
77.25 reasonable specificity the nature of the suspected identity theft that is being investigated or
77.26 prosecuted, including the dates of the suspected criminal activity.

77.27 (b) This subdivision applies to requests for the following information relating to a
77.28 potential victim's account:

77.29 (1) the name of the account holder or holders; and

77.30 (2) the last known home address and telephone numbers of the account holder or holders.

78.1 (c) A financial institution may release the information requested under this subdivision
78.2 that it possesses within a reasonable time after the request. The financial institution may
78.3 not impose a fee for furnishing the information.

78.4 (d) A financial institution is not liable in a criminal or civil proceeding for releasing
78.5 information in accordance with this subdivision.

78.6 (e) Release of limited account information to a law enforcement agency under this
78.7 subdivision is criminal investigative data under section 13.82, subdivision 7.

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

78.9 Sec. 40. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

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

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

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

78.24 (2) the person has been convicted within the preceding five years for an offense under
78.25 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625,
78.26 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign
78.27 jurisdiction, in conformity with any of those sections, and the person received a felony
78.28 sentence for the offense or a sentence that was stayed under section 609.135 if the offense
78.29 to which a plea was entered would allow imposition of a felony sentence.

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

79.1 Sec. 41. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

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

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

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

79.17 Sec. 42. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

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

79.24 (1) was committed in whole or in substantial part because of the property owner's or
 79.25 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
 79.26 gender identity, gender expression, age, national origin, or disability as defined in section
 79.27 363A.03;

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

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

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

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

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

80.11 Sec. 43. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

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

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

80.25 (1) was committed in whole or in substantial part because of the property owner's or
 80.26 another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation,
 80.27 gender identity, gender expression, age, national origin, or disability as defined in section
 80.28 363A.03;

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

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

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

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

81.13 Sec. 44. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

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

81.17 (1) commits any offense described in subdivision 2 in whole or in substantial part because
 81.18 of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender,
 81.19 sexual orientation, gender identity, gender expression, age, national origin, or disability as
 81.20 defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or
 81.21 perceived association with another person or group of a certain actual or perceived race,
 81.22 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 81.23 age, national origin, or disability as defined in section 363A.03;

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

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

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

81.32 (5) commits any offense described in subdivision 2 against a victim under the age of
 81.33 18, if the actor is more than 36 months older than the victim.

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

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

82.8 Sec. 45. Minnesota Statutes 2022, section 611A.211, subdivision 1, is amended to read:

82.9 Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs
 82.10 which provide support services or emergency shelter and housing supports as defined by
 82.11 section 611A.31 to victims of sexual assault. The commissioner shall also award grants for
 82.12 training, technical assistance, and the development and implementation of education programs
 82.13 to increase public awareness of the causes of sexual assault, the solutions to preventing and
 82.14 ending sexual assault, and the problems faced by sexual assault victims.

82.15 Sec. 46. Minnesota Statutes 2022, section 611A.31, subdivision 2, is amended to read:

82.16 Subd. 2. ~~Battered woman~~ **Domestic abuse victim.** ~~"Battered woman"~~ "Domestic abuse
 82.17 victim" means a ~~woman~~ person who is being or has been victimized by domestic abuse as
 82.18 defined in section 518B.01, subdivision 2.

82.19 Sec. 47. Minnesota Statutes 2022, section 611A.31, subdivision 3, is amended to read:

82.20 Subd. 3. **Emergency shelter services.** "Emergency shelter services" include, but are
 82.21 not limited to, secure crisis shelters for ~~battered women~~ domestic abuse victims and housing
 82.22 networks for ~~battered women~~ domestic abuse victims.

82.23 Sec. 48. Minnesota Statutes 2022, section 611A.31, is amended by adding a subdivision
 82.24 to read:

82.25 Subd. 3a. **Housing supports.** "Housing supports" means services and supports used to
 82.26 enable victims to secure and maintain transitional and permanent housing placement. Housing
 82.27 supports include but are not limited to rental assistance and financial assistance to maintain
 82.28 housing stability. Transitional housing placements may take place in communal living,
 82.29 clustered site or scattered site programs, or other transitional housing models.

83.1 Sec. 49. Minnesota Statutes 2022, section 611A.32, is amended to read:

83.2 **611A.32 ~~BATTERED WOMEN~~ DOMESTIC ABUSE PROGRAMS.**

83.3 Subdivision 1. **Grants awarded.** The commissioner shall award grants to programs
 83.4 which provide emergency shelter services to ~~battered women~~, housing supports, and support
 83.5 services to ~~battered women~~ and domestic abuse victims and their children. The commissioner
 83.6 shall also award grants for training, technical assistance, and for the development and
 83.7 implementation of education programs to increase public awareness of the causes of ~~battering~~
 83.8 domestic abuse, the solutions to preventing and ending domestic violence, and the problems
 83.9 faced by ~~battered women~~ and domestic abuse victims. Grants shall be awarded in a manner
 83.10 that ensures that they are equitably distributed to programs serving metropolitan and
 83.11 nonmetropolitan populations. ~~By July 1, 1995, community-based domestic abuse advocacy~~
 83.12 ~~and support services programs must be established in every judicial assignment district.~~

83.13 Subd. 1a. **Program for American Indian ~~women~~ domestic abuse victims.** The
 83.14 commissioner shall establish at least one program under this section to provide emergency
 83.15 shelter services and support services to ~~battered American Indian women~~ domestic abuse
 83.16 victims and their children. The commissioner shall grant continuing operating expenses to
 83.17 the program established under this subdivision in the same manner as operating expenses
 83.18 are granted to programs established under subdivision 1.

83.19 Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the
 83.20 commissioner for a grant to provide emergency shelter services to ~~battered women~~, housing
 83.21 supports, support services, and one or more of these services and supports to domestic abuse
 83.22 victims, ~~or both, to battered women~~ and their children. The application shall be submitted
 83.23 in a form approved by the commissioner by rule adopted under chapter 14 and shall include:

83.24 (1) a proposal for the provision of emergency shelter services ~~for battered women~~,
 83.25 housing supports, support services, and one or more of these services and supports for
 83.26 domestic abuse victims, ~~or both, for battered women~~ and their children;

83.27 (2) a proposed budget;

83.28 (3) the agency's overall operating budget, including documentation on the retention of
 83.29 financial reserves and availability of additional funding sources;

83.30 (4) evidence of an ability to integrate into the proposed program the uniform method of
 83.31 data collection and program evaluation established under section 611A.33;

84.1 (5) evidence of an ability to represent the interests of ~~battered women and~~ domestic
 84.2 abuse victims and their children to local law enforcement agencies and courts, county welfare
 84.3 agencies, and local boards or departments of health;

84.4 (6) evidence of an ability to do outreach to unserved and underserved populations and
 84.5 to provide culturally and linguistically appropriate services; and

84.6 (7) any other content the commissioner may require by rule adopted under chapter 14,
 84.7 ~~after considering the recommendations of the advisory council.~~

84.8 Programs which have been approved for grants in prior years may submit materials
 84.9 which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal
 84.10 funding. Nothing in this subdivision may be construed to require programs to submit
 84.11 complete applications for each year of renewal funding.

84.12 Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives
 84.13 a grant to provide emergency shelter services to ~~battered women and~~, housing supports, or
 84.14 support services to ~~battered women and~~ domestic abuse victims shall comply with all rules
 84.15 of the commissioner related to the administration of the ~~pilot~~ programs.

84.16 Subd. 5. **Classification of data collected by grantees.** Personal history information and
 84.17 other information collected, used or maintained by a grantee from which the identity or
 84.18 location of any victim of domestic abuse may be determined is private data on individuals,
 84.19 as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in
 84.20 accordance with the provisions of chapter 13.

84.21 Sec. 50. Minnesota Statutes 2022, section 626.15, is amended to read:

84.22 **626.15 EXECUTION AND RETURN OF WARRANT; TIME.**

84.23 (a) Except as provided in ~~paragraph~~ paragraphs (b) and (c), a search warrant must be
 84.24 executed and returned to the court which issued it within ten days after its date. After the
 84.25 expiration of this time, the warrant is void unless previously executed.

84.26 (b) A search warrant on a financial institution for financial records is valid for 30 days.

84.27 (c) A district court judge may grant an extension of a warrant on a financial institution
 84.28 for financial records upon an application under oath stating that the financial institution has
 84.29 not produced the requested financial records within ten days the 30-day period and that an
 84.30 extension is necessary to achieve the purposes for which the search warrant was granted.
 84.31 Each extension may not exceed 30 days.

85.1 (d) For the purposes of this ~~paragraph~~ section, "financial institution" has the meaning
 85.2 given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
 85.3 section 13A.01, subdivision 3.

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

85.5 Sec. 51. Minnesota Statutes 2022, section 626.5531, subdivision 1, is amended to read:

85.6 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
 85.7 department every violation of chapter 609 or a local criminal ordinance if the officer has
 85.8 reason to believe, or if the victim alleges, that ~~the offender was motivated to commit the~~
 85.9 ~~act by~~ the act was committed in whole or in substantial part because of the victim's actual
 85.10 or perceived race, color, ethnicity, religion, ~~national origin~~, sex, gender, sexual orientation,
 85.11 gender identity, gender expression, age, national origin, or disability as defined in section
 85.12 363A.03, or ~~characteristics identified as sexual orientation~~ because of the victim's actual or
 85.13 perceived association with another person or group of a certain actual or perceived race,
 85.14 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
 85.15 age, national origin, or disability as defined in section 363A.03. The superintendent of the
 85.16 Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement
 85.17 agencies in making the reports required under this section. The reports must include for
 85.18 each incident all of the following:

85.19 (1) the date of the offense;

85.20 (2) the location of the offense;

85.21 (3) whether the target of the incident is a person, private property, or public property;

85.22 (4) the crime committed;

85.23 (5) the type of bias and information about the offender and the victim that is relevant to
 85.24 that bias;

85.25 (6) any organized group involved in the incident;

85.26 (7) the disposition of the case;

85.27 (8) whether the determination that the offense was motivated by bias was based on the
 85.28 officer's reasonable belief or on the victim's allegation; and

85.29 (9) any additional information the superintendent deems necessary for the acquisition
 85.30 of accurate and relevant data.

86.1 Sec. 52. Minnesota Statutes 2022, section 626.843, is amended by adding a subdivision
86.2 to read:

86.3 Subd. 1c. **Rules governing certain misconduct.** No later than January 1, 2025, the
86.4 board must adopt rules under chapter 14 that permit the board to take disciplinary action
86.5 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,
86.6 whether or not criminal charges have been filed and in accordance with the evidentiary
86.7 standards and civil processes for boards under chapter 214.

86.8 Sec. 53. [626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.

86.9 Subdivision 1. **Training.** A chief law enforcement officer must provide basic training
86.10 to peace officers employed by the chief's agency on:

86.11 (1) identifying persons who are suffering from narcotics overdoses; and

86.12 (2) the proper use of opiate antagonists to treat a narcotics overdose.

86.13 Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient
86.14 supply of opiate antagonists to ensure that officers employed by the chief's agency can
86.15 satisfy the requirements of subdivision 3.

86.16 Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond
86.17 to emergency calls must have at least two unexpired opiate antagonist doses readily available
86.18 when the officer's shift begins. An officer who depletes their supply of opiate antagonists
86.19 during the officer's shift shall replace the expended doses from the officer's agency's supply
86.20 so long as replacing the doses will not compromise public safety.

86.21 Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace
86.22 officers employed by the chief's agency to perform administration of an opiate antagonist
86.23 when an officer believes a person is suffering a narcotics overdose.

86.24 (b) In order to administer opiate antagonists, a peace officer must comply with section
86.25 151.37, subdivision 12, paragraph (b), clause (1).

86.26 Sec. 54. Minnesota Statutes 2022, section 626.8451, subdivision 1, is amended to read:

86.27 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must ~~prepare~~
86.28 ~~a~~ approve a list of training ~~course~~ courses to assist peace officers in identifying ~~and,~~
86.29 responding to, and reporting crimes ~~motivated by~~ committed in whole or in substantial part
86.30 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
86.31 ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression, age,

87.1 national origin, or disability as defined in section 363A.03, or characteristics identified as
 87.2 sexual orientation because of the victim's actual or perceived association with another person
 87.3 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
 87.4 orientation, gender identity, gender expression, age, national origin, or disability as defined
 87.5 in section 363A.03. The course must include material to help officers distinguish bias crimes
 87.6 from other crimes, to help officers in understanding and assisting victims of these crimes,
 87.7 and to ensure that bias crimes will be accurately reported as required under section 626.5531.
 87.8 ~~The course must be updated periodically~~ board must review the approved courses every
 87.9 three years and update the list of approved courses as the board, in consultation with
 87.10 communities most targeted by hate crimes because of their characteristics as described
 87.11 above, organizations with expertise in providing training on hate crimes, and the statewide
 87.12 coalition of organizations representing communities impacted by hate crimes, considers
 87.13 appropriate.

87.14 (b) In updating the list of approved training courses described in paragraph (a), the board
 87.15 must consult and significantly incorporate input from communities most targeted by hate
 87.16 crimes because of their characteristics as described above, organizations with expertise in
 87.17 providing training on hate crimes, and the statewide coalition of organizations representing
 87.18 communities impacted by hate crimes.

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

87.20 Sec. 55. Minnesota Statutes 2022, section 626.8469, subdivision 1, is amended to read:

87.21 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
 87.22 enforcement officer of every state and local law enforcement agency shall provide in-service
 87.23 training in crisis intervention and mental illness crises; conflict management and mediation;
 87.24 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
 87.25 bias training; and training to assist peace officers in identifying, responding to, and reporting
 87.26 incidents committed in whole or in substantial part because of the victim's actual or perceived
 87.27 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
 87.28 expression, age, national origin, or disability as defined in section 363A.03, or because of
 87.29 the victim's actual or perceived association with another person or group of a certain actual
 87.30 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
 87.31 gender expression, age, national origin, or disability as defined in section 363A.03, to every
 87.32 peace officer and part-time peace officer employed by the agency. The training shall comply
 87.33 with learning objectives developed and approved by the board and shall meet board
 87.34 requirements for board-approved continuing education credit. Every three years the board

88.1 shall review the learning objectives and must consult and collaborate with communities
88.2 most targeted by hate crimes because of their characteristics as described above, organizations
88.3 with expertise in providing training on hate crimes, and the statewide coalition of
88.4 organizations representing communities impacted by hate crimes in identifying appropriate
88.5 objectives and training courses related to identifying, responding to, and reporting incidents
88.6 committed in whole or in substantial part because of the victim's or another's actual or
88.7 perceived race, color, ethnicity, religion, national origin, sex, gender, sexual orientation,
88.8 gender identity, gender expression, age, national origin, or disability as defined in section
88.9 363A.03, or because of the victim's actual or perceived association with another person or
88.10 group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
88.11 orientation, gender identity, gender expression, age, national origin, or disability as defined
88.12 in section 363A.03. The training shall consist of at least 16 continuing education credits
88.13 within an officer's three-year licensing cycle. Each peace officer with a license renewal date
88.14 after June 30, 2018, is not required to complete this training until the officer's next full
88.15 three-year licensing cycle.

88.16 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
88.17 by an approved entity. The board shall create a list of approved entities and training courses
88.18 and make the list available to the chief law enforcement officer of every state and local law
88.19 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
88.20 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
88.21 is not required to receive this training by an approved entity until the officer's next full
88.22 three-year licensing cycle.

88.23 (c) For every peace officer and part-time peace officer with a license renewal date of
88.24 June 30, 2022, or later, the training mandated under paragraph (a) must:

88.25 (1) include a minimum of six hours for crisis intervention and mental illness crisis
88.26 training that meets the standards established in subdivision 1a; and

88.27 (2) include a minimum of four hours to ensure safer interactions between peace officers
88.28 and persons with autism in compliance with section 626.8474.

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

88.30 Sec. 56. Minnesota Statutes 2022, section 626.8473, subdivision 3, is amended to read:

88.31 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state
88.32 and local law enforcement agency that uses or proposes to use a portable recording system
88.33 must establish and enforce a written policy governing its use. In developing and adopting

89.1 the policy, the law enforcement agency must provide for public comment and input as
 89.2 provided in subdivision 2. Use of a portable recording system without adoption of a written
 89.3 policy meeting the requirements of this section is prohibited. The written policy must be
 89.4 posted on the agency's website, if the agency has a website.

89.5 (b) At a minimum, the written policy must incorporate and require compliance with the
 89.6 following:

89.7 (1) the requirements of section 13.825 and other data classifications, access procedures,
 89.8 retention policies, and data security safeguards that, at a minimum, meet the requirements
 89.9 of chapter 13 and other applicable law;

89.10 (2) prohibit altering, erasing, or destroying any recording made with a peace officer's
 89.11 portable recording system or data and metadata related to the recording prior to the expiration
 89.12 of the applicable retention period under section 13.825, subdivision 3;

89.13 (3) mandate that a portable recording system be:

89.14 (i) worn where it affords an unobstructed view, and above the mid-line of the waist;

89.15 (ii) activated during all contacts with citizens in the performance of official duties other
 89.16 than community engagement, to the extent practical without compromising officer safety;
 89.17 and

89.18 (iii) activated when the officer arrives on scene of an incident and remain active until
 89.19 the conclusion of the officer's duties at the scene of the incident;

89.20 (4) mandate that officers assigned a portable recording system wear and operate the
 89.21 system in compliance with the agency's policy adopted under this section while performing
 89.22 law enforcement activities under the command and control of another chief law enforcement
 89.23 officer or federal law enforcement official;

89.24 (5) procedures for testing the portable recording system to ensure adequate functioning;

89.25 ~~(3)~~ (6) procedures to address a system malfunction or failure, including requirements
 89.26 for documentation by the officer using the system at the time of a malfunction or failure;

89.27 ~~(4)~~ (7) circumstances under which recording is mandatory, prohibited, or at the discretion
 89.28 of the officer using the system;

89.29 ~~(5)~~ (8) circumstances under which a data subject must be given notice of a recording;

89.30 ~~(6)~~ (9) circumstances under which a recording may be ended while an investigation,
 89.31 response, or incident is ongoing;

90.1 ~~(7)~~ (10) procedures for the secure storage of portable recording system data and the
 90.2 creation of backup copies of the data; and

90.3 ~~(8)~~ (11) procedures to ensure compliance and address violations of the policy, which
 90.4 must include, at a minimum, supervisory or internal audits and reviews, and the employee
 90.5 discipline standards for unauthorized access to data contained in section 13.09.

90.6 (c) The board has authority to inspect state and local law enforcement agency policies
 90.7 to ensure compliance with this section. The board may conduct this inspection based upon
 90.8 a complaint it receives about a particular agency or through a random selection process.
 90.9 The board may impose licensing sanctions and seek injunctive relief under section 214.11
 90.10 for an agency's or licensee's failure to comply with this section.

90.11 **Sec. 57. [626.8516] INTENSIVE COMPREHENSIVE PEACE OFFICER**
 90.12 **EDUCATION AND TRAINING PROGRAM.**

90.13 Subdivision 1. **Establishment; title.** A program is established within the Department
 90.14 of Public Safety to fund the intensive comprehensive law enforcement education and training
 90.15 of college degree holders. The program shall be known as the intensive comprehensive
 90.16 peace officer education and training program.

90.17 Subd. 2. **Purpose.** The program is intended to address the critical shortage of peace
 90.18 officers in the state. The program shall reimburse law enforcement agencies that recruit,
 90.19 educate, and train highly qualified college graduates to become licensed peace officers in
 90.20 the state.

90.21 Subd. 3. **Eligibility for reimbursement grant; grant cap.** (a) The chief law enforcement
 90.22 officer of a law enforcement agency may apply to the commissioner for reimbursement of
 90.23 the cost of educating, training, paying, and insuring an eligible peace officer candidate until
 90.24 the candidate is licensed by the board as a peace officer.

90.25 (b) The commissioner must reimburse an agency for the actual cost of educating, training,
 90.26 paying, and insuring an eligible peace officer candidate up to \$50,000.

90.27 (c) The commissioner shall not award a grant under this section until the candidate has
 90.28 been licensed by the board.

90.29 Subd. 4. **Eligibility for retention bonus reimbursement grant.** (a) The chief law
 90.30 enforcement officer of a law enforcement agency may apply to the commissioner for a
 90.31 onetime reimbursement grant for a retention bonus awarded to an eligible peace officer
 90.32 candidate after the candidate has worked for a minimum of two years as a licensed peace
 90.33 officer for the applicant's agency.

91.1 (b) The commissioner must reimburse an agency for the actual cost of an eligible retention
91.2 bonus up to \$10,000.

91.3 Subd. 5. **Eligibility for student loan reimbursement grant.** (a) An eligible peace officer
91.4 candidate, after serving for consecutive years as a licensed peace officer in good
91.5 standing for a law enforcement agency, may apply to the commissioner for a grant to cover
91.6 student loan debt incurred by the applicant in earning the applicant's four-year degree.

91.7 (b) The commissioner shall reimburse the applicant for the amount of the applicant's
91.8 student loan debt up to \$20,000.

91.9 Subd. 6. **Forms.** The commissioner must prepare the necessary grant application forms
91.10 and make them available on the agency's public website.

91.11 Subd. 7. **Intensive education and skills training program.** No later than February 1,
91.12 2024, the commissioner, in consultation with the executive director of the board and the
91.13 institutions designated as education providers under subdivision 8, shall develop an intensive
91.14 comprehensive law enforcement education and skills training curriculum that will provide
91.15 eligible peace officer candidates with the law enforcement education and skills training
91.16 needed to be licensed as a peace officer. The curriculum must be designed to be completed
91.17 in eight months or less and shall be offered at the institutions designated under subdivision
91.18 8. The curriculum may overlap, coincide with, or draw upon existing law enforcement
91.19 education and training programs at institutions designated as education providers under
91.20 subdivision 8. The commissioner may designate existing law enforcement education and
91.21 training programs that are designed to be completed in eight months or less as intensive
91.22 comprehensive law enforcement education and skills training programs for purposes of this
91.23 section.

91.24 Subd. 8. **Education providers; sites.** (a) No later than September 1, 2023, the Board
91.25 of Trustees of the Minnesota State Colleges and Universities shall designate at least two
91.26 regionally diverse system campuses to provide the required intensive comprehensive law
91.27 enforcement education and skills training to eligible peace officer candidates.

91.28 (b) In addition to the campuses designated under paragraph (a), the commissioner may
91.29 designate private, nonprofit postsecondary institutions to provide the required intensive
91.30 comprehensive law enforcement education and skills training to eligible peace officer
91.31 candidates.

91.32 Subd. 9. **Definitions.** (a) For purposes of this section, the following terms have the
91.33 meanings given.

92.1 (b) "Commissioner" means the commissioner of public safety.

92.2 (c) "Eligible peace officer candidate" means a person who:

92.3 (1) holds a four-year degree from an accredited college or university;

92.4 (2) is a citizen of the United States;

92.5 (3) passed a thorough background check, including searches by local, state, and federal
92.6 agencies, to disclose the existence of any criminal record or conduct which would adversely
92.7 affect the candidate's performance of peace officer duties;

92.8 (4) possesses a valid Minnesota driver's license or, in case of residency therein, a valid
92.9 driver's license from another state, or eligibility to obtain either license; and

92.10 (5) is sponsored by a state or local law enforcement agency.

92.11 (d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
92.12 paragraph (f), clause (1).

92.13 (e) "Program" means the intensive comprehensive peace officer education and training
92.14 program.

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

92.16 Sec. 58. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3,
92.17 is amended to read:

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

92.19 **Philando Castile Memorial Training Fund**

92.20 \$6,000,000 each year is to support and
92.21 strengthen law enforcement training and
92.22 implement best practices, including but not
92.23 limited to reimbursing costs related to training
92.24 courses that qualify for reimbursement under
92.25 Minnesota Statutes, sections 626.8452 (use of
92.26 force), 626.8469 (training in crisis response,
92.27 conflict management, and cultural diversity),
92.28 and 626.8474 (autism training). This funding
92.29 shall be named the "Philando Castile Memorial
92.30 Training Fund."

93.1 Each sponsor of a training course is required
93.2 to include the following in the sponsor's
93.3 application for approval submitted to the
93.4 board: course goals and objectives; a course
93.5 outline including at a minimum a timeline and
93.6 teaching hours for all courses; instructor
93.7 qualifications, including skills and concepts
93.8 such as crisis intervention, de-escalation, and
93.9 cultural competency that are relevant to the
93.10 course provided; and a plan for learning
93.11 assessments of the course and documenting
93.12 the assessments to the board during review.
93.13 Upon completion of each course, instructors
93.14 must submit student evaluations of the
93.15 instructor's teaching to the sponsor.

93.16 The board shall keep records of the
93.17 applications of all approved and denied
93.18 courses. All continuing education courses shall
93.19 be reviewed after the first year. The board
93.20 must set a timetable for recurring review after
93.21 the first year. For each review, the sponsor
93.22 must submit its learning assessments to the
93.23 board to show that the course is teaching the
93.24 learning outcomes that were approved by the
93.25 board.

93.26 A list of licensees who successfully complete
93.27 the course shall be maintained by the sponsor
93.28 and transmitted to the board following the
93.29 presentation of the course and the completed
93.30 student evaluations of the instructors.
93.31 Evaluations are available to chief law
93.32 enforcement officers. The board shall establish
93.33 a data retention schedule for the information
93.34 collected in this section.

94.1 Each year, if funds are available after
94.2 reimbursing all eligible requests for courses
94.3 approved by the board under this subdivision,
94.4 the board may use the funds to reimburse law
94.5 enforcement agencies for other
94.6 board-approved law enforcement training
94.7 courses. The base for this activity is \$0 in
94.8 fiscal year 2026 and thereafter.

94.9 **Sec. 59. EXCEPTION TO TOLLING PERIOD.**

94.10 Notwithstanding Minnesota Statutes, section 299A.47, a claim for benefits may be made
94.11 from the public safety officer's death benefit account by or on behalf of a survivor of a
94.12 public safety officer who died by suicide between January 1, 2017, and June 30, 2023,
94.13 within two years of the effective date of this act if the officer is considered killed in the line
94.14 of duty under the changes made to Minnesota Statutes, section 299A.41, in this act.

94.15 **Sec. 60. INITIAL APPOINTMENT AND FIRST MEETING FOR THE REWARD**
94.16 **ADVISORY GROUP FOR THE OFFICE OF MISSING AND MURDERED**
94.17 **INDIGENOUS RELATIVES.**

94.18 The Director of the Office of Missing and Murdered Indigenous Relatives must appoint
94.19 the first members to the reward advisory group under Minnesota Statutes, section 299A.86,
94.20 subdivision 3, by August 15, 2023, and must convene the first meeting of the group by
94.21 October 1, 2023. The group must elect a chair at its first meeting.

94.22 **Sec. 61. RULES; SOFT BODY ARMOR REIMBURSEMENT.**

94.23 The commissioner of public safety shall amend rules adopted under Minnesota Statutes,
94.24 section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public
94.25 safety officers under that section.

94.26 **Sec. 62. REVISOR INSTRUCTION.**

94.27 The revisor of statutes shall make necessary changes to statutory cross-references to
94.28 reflect the changes made to Minnesota Statutes, section 299A.38, in this act.

94.29 **Sec. 63. REPEALER.**

94.30 Minnesota Statutes 2022, section 299C.80, subdivision 7, is repealed.

95.1

ARTICLE 4

95.2

CORRECTIONS

95.3 Section 1. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

95.4 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
95.5 following powers and duties:

95.6 (a) To accept persons committed to the commissioner by the courts of this state for care,
95.7 custody, and rehabilitation.

95.8 (b) To determine the place of confinement of committed persons in a correctional facility
95.9 or other facility of the Department of Corrections and to prescribe reasonable conditions
95.10 and rules for their employment, conduct, instruction, and discipline within or outside the
95.11 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

95.12 (c) To administer the money and property of the department.

95.13 (d) To administer, maintain, and inspect all state correctional facilities.

95.14 (e) To transfer authorized positions and personnel between state correctional facilities
95.15 as necessary to properly staff facilities and programs.

95.16 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
95.17 beneficial to accomplish the purposes of this section, but not to close the Minnesota
95.18 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
95.19 legislative approval. The commissioner may place juveniles and adults at the same state
95.20 minimum security correctional facilities, if there is total separation of and no regular contact
95.21 between juveniles and adults, except contact incidental to admission, classification, and
95.22 mental and physical health care.

95.23 (g) To organize the department and employ personnel the commissioner deems necessary
95.24 to discharge the functions of the department, including a chief executive officer for each
95.25 facility under the commissioner's control who shall serve in the unclassified civil service
95.26 and may, under the provisions of section 43A.33, be removed only for cause.

95.27 (h) To define the duties of these employees and to delegate to them any of the
95.28 commissioner's powers, duties and responsibilities, subject to the commissioner's control
95.29 and the conditions the commissioner prescribes.

95.30 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
95.31 establish the priorities of the Department of Corrections. This report shall be submitted to

96.1 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
96.2 committees.

96.3 (j) To publish, administer, and award grant contracts with state agencies, local units of
96.4 government, and other entities for correctional programs embodying rehabilitative concepts,
96.5 for restorative programs for crime victims and the overall community, and for implementing
96.6 legislative directives.

96.7 Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 1d, is amended to read:

96.8 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
96.9 facility under this section is revoked or suspended, or use of the facility is restricted for any
96.10 reason under a conditional license order, or a correction order is issued to a facility, the
96.11 commissioner shall post the facility, the status of the facility's license, and the reason for
96.12 the correction order, restriction, revocation, or suspension publicly and on the department's
96.13 website.

96.14 Sec. 3. **[243.1609] INTERSTATE ADULT OFFENDER TRANSFER**
96.15 **TRANSPORTATION EXPENSES.**

96.16 Subject to the amount of money appropriated for this purpose, the commissioner of
96.17 corrections may reimburse sheriffs for transportation expenses related to the return of
96.18 probationers to the state who are being held in custody under section 243.1605.
96.19 Reimbursement shall be based on a fee schedule agreed to by the Department of Corrections
96.20 and the Minnesota Sheriffs' Association. The required return to the state of a probationer
96.21 in custody as a result of a nationwide warrant issued pursuant to the Interstate Compact for
96.22 Adult Supervision shall be arranged and supervised by the sheriff of the county in which
96.23 the court proceedings are to be held and at the expense of the state as provided for in this
96.24 section. This expense offset is not applicable to the transport of individuals from pickup
96.25 locations within 250 miles of the office of the sheriff arranging and supervising the offender's
96.26 return to the state.

96.27 Sec. 4. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to
96.28 read:

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

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

97.4 (c) A "major participant" under paragraph (b) is one who:

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

97.8 (2) was not present at the time of the commission of the underlying felony but coerced
97.9 a participant to undertake actions in furtherance of the underlying felony that proximately
97.10 caused the death, and where it was reasonably foreseeable that such actions would cause
97.11 death or great bodily harm; or

97.12 (3) impeded another person from preventing the death either by physical action or by
97.13 threat of physical action when it was reasonably foreseeable that death or great bodily harm
97.14 would result.

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

97.17 Sec. 5. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:

97.18 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
97.19 pay the costs of medical services provided to prisoners pursuant to this section. The amount
97.20 paid by the county board for a medical service shall not exceed the maximum allowed
97.21 medical assistance payment rate for the service, as determined by the commissioner of
97.22 human services. In the absence of a health or medical insurance or health plan that has a
97.23 contractual obligation with the provider or the prisoner, medical providers shall charge no
97.24 higher than the rate negotiated between the county and the provider. In the absence of an
97.25 agreement between the county and the provider, the provider may not charge an amount
97.26 that exceeds the maximum allowed medical assistance payment rate for the service, as
97.27 determined by the commissioner of human services. The county is entitled to reimbursement
97.28 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
97.29 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
97.30 incur co-payment obligations for health care services provided by a county correctional
97.31 facility. The county board shall determine the co-payment amount. Notwithstanding any
97.32 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
97.33 by the county, to the extent possible. If there is a disagreement between the county and a

98.1 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
 98.2 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
 98.3 If a prisoner is covered by health or medical insurance or other health plan when medical
 98.4 services are provided, the medical provider shall bill that health or medical insurance or
 98.5 other plan. If the county providing the medical services for a prisoner that has coverage
 98.6 under health or medical insurance or other plan, that county has a right of subrogation to
 98.7 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
 98.8 prisoner that are covered by the policy of insurance or health plan, in accordance with the
 98.9 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
 98.10 health plan. The county may maintain an action to enforce this subrogation right. The county
 98.11 does not have a right of subrogation against the medical assistance program. The county
 98.12 shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline,
 98.13 a mental health provider, or calls for the purpose of providing case management or mental
 98.14 health services as defined in section 245.462 to prisoners.

98.15 Sec. 6. Minnesota Statutes 2022, section 641.155, is amended to read:

98.16 **641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT**
 98.17 **MENTAL ILLNESS.**

98.18 Subdivision 1. Discharge plans. The commissioner of corrections shall develop and
 98.19 distribute a model discharge planning process for every offender with a serious and persistent
 98.20 mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been
 98.21 convicted and sentenced to serve three or more months and is being released from a county
 98.22 jail or county regional jail. The commissioner may specify different model discharge plans
 98.23 for prisoners who have been detained pretrial and prisoners who have been sentenced to
 98.24 jail. The commissioner must consult best practices and the most current correctional health
 98.25 care standards from national accrediting organizations. The commissioner must review and
 98.26 update the model process as needed.

98.27 Subd. 2. Discharge plans for people with serious and persistent mental illnesses. An
 98.28 offender A person with a serious and persistent mental illness, as defined in section 245.462,
 98.29 subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more
 98.30 months and is being released from a county jail or county regional jail shall be referred to
 98.31 the appropriate staff in the county human services department at least 60 days before being
 98.32 released. The county human services department ~~may carry out provisions of the model~~
 98.33 ~~discharge planning process such as~~ must complete a discharge plan with the prisoner no
 98.34 less than 14 days before release that may include:

99.1 (1) providing assistance in filling out an application for medical assistance or
 99.2 MinnesotaCare;

99.3 (2) making a referral for case management as outlined under section 245.467, subdivision
 99.4 4;

99.5 (3) providing assistance in obtaining a state photo identification;

99.6 (4) securing a timely appointment with a psychiatrist or other appropriate community
 99.7 mental health providers; and

99.8 (5) providing prescriptions for a 30-day supply of all necessary medications.

99.9 **Subd. 3. Reentry coordination programs.** A county may establish a program to provide
 99.10 services and assist prisoners with reentering the community. Reentry services may include
 99.11 but are not limited to:

99.12 (1) providing assistance in meeting the basic needs of the prisoner immediately after
 99.13 release, including but not limited to provisions for transportation, clothing, food, and shelter;

99.14 (2) providing assistance in filling out an application for medical assistance or
 99.15 MinnesotaCare;

99.16 (3) providing assistance in obtaining a state photo identification;

99.17 (4) providing assistance in obtaining prescriptions for all necessary medications;

99.18 (5) coordinating services with the local county services agency or the social services
 99.19 agency in the county where the prisoner is a resident; and

99.20 (6) coordinating services with a community mental health or substance use disorder
 99.21 provider.

99.22 **Sec. 7. LIABILITY FOR MURDER COMMITTED BY ANOTHER; RETROACTIVE**
 99.23 **APPLICATION.**

99.24 **Subdivision 1. Purpose.** Any person is entitled to petition to have the person's conviction
 99.25 vacated pursuant to this section if the person was:

99.26 (1) charged with aiding and abetting first-degree murder under Minnesota Statutes,
 99.27 section 609.185, paragraph (a), clause (3), and thereafter convicted of a violation of
 99.28 Minnesota Statutes, section 609.185, paragraph (a), clause (3); 609.19, subdivision 1, clause
 99.29 (1); or 609.19, subdivision 2, clause (1); or

99.30 (2) charged with aiding and abetting second-degree unintentional murder under Minnesota
 99.31 Statutes, section 609.19, subdivision 2, clause (1), and thereafter convicted of a violation

100.1 of Minnesota Statutes, section 609.185, paragraph (a), clause (3); 609.19, subdivision 1,
100.2 clause (1); or 609.19, subdivision 2, clause (1).

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

100.7 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
100.8 paragraph (a), clause (3), and did not actually cause the death of a human being or
100.9 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with
100.10 the intent to cause the death of a human being;

100.11 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
100.12 subdivision 2, clause (1), and did not actually cause the death of a human being or was not
100.13 a major participant, as described in Minnesota Statutes, section 609.05, subdivision 2a,
100.14 paragraph (c), in the underlying felony who acted with extreme indifference to human life;
100.15 or

100.16 (3) the person was charged with aiding and abetting first-degree murder under Minnesota
100.17 Statutes, section 609.185, paragraph (a), clause (3), or second-degree unintentional murder
100.18 under Minnesota Statutes, section 609.19, subdivision 2, clause (1), and thereafter convicted
100.19 for a violation of Minnesota Statutes, section 609.19, subdivision 1, clause (1), and did not
100.20 actually cause the death of a human being or was not a major participant, as described in
100.21 Minnesota Statutes, section 609.05, subdivision 2a, paragraph (c), in the underlying felony
100.22 who acted with extreme indifference to human life.

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

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

100.26 Subd. 3. **Preliminary application.** (a) An applicant shall submit a preliminary application
100.27 to the Ramsey County District Court. The preliminary application must contain:

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

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

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

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

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

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

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

101.7 (b) The preliminary application may contain:

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

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

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

101.16 (d) Any person seeking relief under this section must submit a preliminary application
101.17 no later than October 1, 2024. Submission is complete upon mailing.

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

101.20 **Subd. 4. Review of preliminary application.** (a) Upon receipt of a preliminary
101.21 application, the court administrator of the Ramsey County District Court shall immediately
101.22 direct attention of the filing thereof to the chief judge or judge acting on the chief judge's
101.23 behalf who shall promptly assign the matter to a judge in said district.

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

101.26 (c) The reviewing judge shall determine whether, in the discretion of that judge, there
101.27 is a reasonable probability that the applicant is entitled to relief under this section.

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

101.31 (e) The court may summarily deny an application when the applicant was not convicted
101.32 of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3); 609.19,

102.1 subdivision 1, clause (1); or 609.19, subdivision 2, clause (1), before August 1, 2023, or
102.2 the only issues raised in the application are not relevant to the relief available under this
102.3 section.

102.4 (f) If the reviewing judge determines that there is a reasonable probability that the
102.5 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
102.6 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In
102.7 the event the applicant is without counsel, the reviewing judge shall send notice to the state
102.8 public defender and shall advise the applicant of such referral.

102.9 (g) If the reviewing judge determines that there is not a reasonable probability that the
102.10 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's
102.11 attorney, if any. The notice must contain a brief statement explaining the reasons the
102.12 reviewing judge concluded that there is not a reasonable probability that the applicant is
102.13 entitled to relief.

102.14 Subd. 5. **Petition for relief; hearing.** (a) Unless extended for good cause, within 60
102.15 days of receipt of the notice sent pursuant to subdivision 4, paragraph (f), the individual
102.16 seeking relief shall file and serve a petition to vacate the conviction. The petition must be
102.17 filed in the district court of the judicial district in the county where the conviction took place
102.18 and must contain the information identified in subdivision 3, paragraph (a), and a statement
102.19 of why the petitioner is entitled to relief under this section. The petition may contain any
102.20 other relevant information, including police reports, trial transcripts, and plea transcripts
102.21 involving the petitioner or any other person investigated for, charged with, or convicted of
102.22 a crime arising out of the same set of circumstances for which the petitioner was convicted.
102.23 The filing of the petition and any document subsequent thereto and all proceedings thereon
102.24 shall be without costs or any fees charged to the petitioner.

102.25 (b) Upon receipt of the petition, the prosecutor shall make a good faith and reasonable
102.26 effort to notify any person determined to be a victim of the underlying offense that a petition
102.27 has been filed.

102.28 (c) A county attorney representing the prosecutorial office shall respond to the petition
102.29 by answer or motion within 45 days after the filing of the petition pursuant to paragraph
102.30 (a), unless extended for good cause. The response shall be filed with the court administrator
102.31 of the district court and served on the petitioner if unrepresented or on the petitioner's
102.32 attorney. The response may serve notice of the intent to support the petition or include a
102.33 statement explaining why the petitioner is not entitled to relief along with any supporting

103.1 documents. The filing of the response and any document subsequent thereto and all
103.2 proceedings thereon shall be without costs or any fees charged to the county attorney.

103.3 (d) The petitioner may file a reply to the response filed by the county attorney within
103.4 15 days after the petitioner receives the response, unless extended for good cause.

103.5 (e) Within 30 days of receipt of the reply from the petitioner or, if no reply is filed,
103.6 within 30 days of receipt of the response from the county attorney, the court shall:

103.7 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or
103.8 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an
103.9 intent to support the petition;

103.10 (2) issue an order denying the petition without prejudice if additional information or
103.11 submissions establish that there is not a reasonable probability that the applicant is entitled
103.12 to relief under this section and a memorandum identifying the additional information or
103.13 submissions and explaining the reasons why the court concluded that there is not a reasonable
103.14 probability that the applicant is entitled to relief; or

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

103.17 (f) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,
103.18 section 590.04, except that the petitioner must be present at the hearing, unless excused
103.19 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). The prosecutor
103.20 shall make a good faith and reasonable effort to notify any person determined to be a victim
103.21 of the hearing.

103.22 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of
103.23 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
103.24 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

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

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

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

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

104.1 (2) was not a major participant, as described in Minnesota Statutes, section 609.05,
104.2 subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme
104.3 indifference to human life.

104.4 (c) A petitioner who was charged with aiding and abetting first-degree murder under
104.5 Minnesota Statutes, section 609.185, paragraph (a), clause (3), and thereafter convicted of
104.6 a violation of Minnesota Statutes, section 609.19, subdivision 1, clause (1), is entitled to
104.7 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

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

104.9 (2) was not a major participant, as described in Minnesota Statutes, section 609.05,
104.10 subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme
104.11 indifference to human life.

104.12 (d) A petitioner who was charged with aiding and abetting second-degree unintentional
104.13 murder under Minnesota Statutes, section 609.19, subdivision 2, clause (1), and thereafter
104.14 convicted of a violation of Minnesota Statutes, section 609.19, subdivision 1, clause (1), is
104.15 entitled to relief if the petitioner shows by a preponderance of the evidence that the petitioner:

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

104.17 (2) was not a major participant, as described in Minnesota Statutes, section 609.05,
104.18 subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme
104.19 indifference to human life.

104.20 (e) If the court determines that the petitioner does not qualify for relief, the court shall
104.21 issue an order denying the petition. If the court determines that the petitioner is entitled to
104.22 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
104.23 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
104.24 and either:

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

104.27 (2) enter a conviction and impose a sentence for the most serious predicate felony arising
104.28 out of the course of conduct that served as the factual basis for the conviction vacated by
104.29 the court.

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

105.1 (g) The court shall state in writing or on the record the reasons for its decision on the
105.2 petition.

105.3 (h) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
105.4 the court must hold the hearing at a time that allows any victim an opportunity to submit a
105.5 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
105.6 a good faith and reasonable effort to notify any person determined to be a victim of the
105.7 hearing and the right to submit or make a statement. A sentence imposed under this
105.8 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was
105.9 -serving a stayed sentence, increase the period of supervision. A person resentenced under
105.10 this paragraph is entitled to credit for time served in connection with the vacated offense.

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

105.13 (j) Appeals from an order of the court issued under this subdivision may be made pursuant
105.14 to Minnesota Statutes, section 590.06.

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

105.16 **Sec. 8. TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

105.17 (a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3,
105.18 4, and 5, are revived and reenacted on the effective date of this section to expand the focus
105.19 of the task force's duties and work beyond the intersection of felony murder and aiding and
105.20 abetting liability for felony murder to more generally apply to the broader issues regarding
105.21 the state's felony murder doctrine and aiding and abetting liability schemes discussed in
105.22 "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature,
105.23 dated February 1, 2022, "The Task Force's recommendations," number 4.

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

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

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

106.1 **ARTICLE 5**

106.2 **CLEMENCY PROVISIONS**

106.3 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 8, is amended to read:

106.4 Subd. 8. ~~Board of Pardons~~ Clemency Review Commission records. Access to ~~Board~~
106.5 ~~of Pardons~~ records of the Clemency Review Commission is governed by section ~~638.07~~
106.6 638.20.

106.7 Sec. 2. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

106.8 Subd. 3. **Definitions.** For purposes of this section:

106.9 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
106.10 person" does not include:

106.11 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
106.12 chapter 609A;

106.13 (ii) the arrested person's successful completion of a diversion program;

106.14 (iii) an order of discharge under section 609.165; or

106.15 (iv) a pardon granted under ~~section 638.02~~ chapter 638; and

106.16 (2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

106.17 Sec. 3. Minnesota Statutes 2022, section 638.01, is amended to read:

106.18 **~~638.01 BOARD OF PARDONS; HOW CONSTITUTED; POWERS.~~**

106.19 The Board of Pardons ~~shall consist~~ consists of the governor, the chief justice of the
106.20 supreme court, and the attorney general. ~~The board~~ governor in conjunction with the board
106.21 ~~may grant pardons and reprieves and commute the sentence of any person convicted of any~~
106.22 ~~offense against the laws of the state, in the manner and under the conditions and rules~~
106.23 ~~hereinafter prescribed, but not otherwise~~ clemency according to this chapter.

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

106.25 Sec. 4. **[638.011] DEFINITIONS.**

106.26 Subdivision 1. Scope. For purposes of this chapter, the terms defined in this section have
106.27 the meanings given.

106.28 Subd. 2. Board. "Board" means the Board of Pardons under section 638.01.

107.1 Subd. 3. **Clemency.** Unless otherwise provided, "clemency" includes a pardon,
107.2 commutation, and reprieve after conviction for a crime against the state except in cases of
107.3 impeachment.

107.4 Subd. 4. **Commission.** "Commission" means the Clemency Review Commission under
107.5 section 638.09.

107.6 Subd. 5. **Department.** "Department" means the Department of Corrections.

107.7 Subd. 6. **Waiver request.** "Waiver request" means a request to waive a time restriction
107.8 under sections 638.12, subdivisions 2 and 3, and 638.19, subdivision 1.

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

107.10 Sec. 5. **[638.09] CLEMENCY REVIEW COMMISSION.**

107.11 Subdivision 1. **Establishment; duties.** (a) The Clemency Review Commission is
107.12 established to:

107.13 (1) review each eligible clemency application and waiver request that it receives;

107.14 (2) recommend to the board, in writing, whether to grant or deny the application or
107.15 waiver request, with each member's vote reported;

107.16 (3) recommend to the board, in writing, whether the board should conduct a hearing on
107.17 a clemency application, with each member's vote reported; and

107.18 (4) provide victim support services, assistance to applicants, and other assistance as the
107.19 board requires.

107.20 (b) Unless otherwise provided:

107.21 (1) the commission's recommendations under this chapter are nonbinding on the governor
107.22 or the board; and

107.23 (2) chapter 15 applies unless otherwise inconsistent with this chapter.

107.24 Subd. 2. **Composition.** (a) The commission consists of nine members, each serving a
107.25 term coterminous with the governor.

107.26 (b) The governor, the attorney general, and the chief justice of the supreme court must
107.27 each appoint three members to serve on the commission and replace members when the
107.28 members' terms expire. Members serve at the pleasure of their appointing authority.

107.29 Subd. 3. **Appointments to commission.** (a) An appointing authority is encouraged to
107.30 consider the following criteria when appointing a member:

108.1 (1) expertise in law, corrections, victims' services, correctional supervision, mental
108.2 health, and substance abuse treatment; and

108.3 (2) experience addressing systemic disparities, including but not limited to disparities
108.4 based on race, gender, and ability.

108.5 (b) An appointing authority must seek out and encourage qualified individuals to apply
108.6 to serve on the commission, including:

108.7 (1) members of Indigenous communities, Black communities, and other communities
108.8 of color;

108.9 (2) members diverse as to gender identity; and

108.10 (3) members diverse as to age and ability.

108.11 (c) If there is a vacancy, the appointing authority who selected the vacating member
108.12 must make an interim appointment to expire at the end of the vacating member's term.

108.13 (d) A member may continue to serve until the member's successor is appointed, but a
108.14 member may not serve more than eight years in total.

108.15 Subd. 4. **Commission; generally.** (a) The commission must biennially elect one of its
108.16 members as chair and one as vice-chair. The chair serves as the board's secretary.

108.17 (b) Each commission member must be:

108.18 (1) compensated at a rate of \$150 for each day or part of the day spent on commission
108.19 activities; and

108.20 (2) reimbursed for all reasonable expenses actually paid or incurred by the member while
108.21 performing official duties.

108.22 (c) Beginning January 1, 2025, and annually thereafter, the board may set a new per
108.23 diem rate for commission members, not to exceed an amount ten percent higher than the
108.24 previous year's rate.

108.25 Subd. 5. **Executive director.** (a) The board must appoint a commission executive director
108.26 knowledgeable about clemency and criminal justice. The executive director serves at the
108.27 pleasure of the board in the unclassified service as an executive branch employee.

108.28 (b) The executive director's salary is set in accordance with section 15A.0815, subdivision
108.29 3.

108.30 (c) The executive director may obtain office space and supplies and hire administrative
108.31 staff necessary to carry out the commission's official functions, including providing

109.1 administrative support to the board and attending board meetings. Any additional staff serve
109.2 in the unclassified service at the pleasure of the executive director.

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

109.4 Sec. 6. **[638.10] CLEMENCY APPLICATION.**

109.5 Subdivision 1. **Required contents.** A clemency application must:

109.6 (1) be in writing;

109.7 (2) be signed under oath by the applicant; and

109.8 (3) state the clemency sought, state why the clemency should be granted, and contain
109.9 the following information and any additional information that the commission or board
109.10 requires:

109.11 (i) the applicant's name, address, and date and place of birth, and every alias by which
109.12 the applicant is or has been known;

109.13 (ii) the applicant's demographic information, including race, ethnicity, gender, disability
109.14 status, and age, only if voluntarily reported;

109.15 (iii) the name of the crime for which clemency is requested, the date and county of
109.16 conviction, the sentence imposed, and the sentence's expiration or discharge date;

109.17 (iv) the names of the sentencing judge, the prosecuting attorney, and any victims of the
109.18 crime;

109.19 (v) a brief description of the crime and the applicant's age at the time of the crime;

109.20 (vi) the date and outcome of any prior clemency application, including any application
109.21 submitted before July 1, 2024;

109.22 (vii) to the best of the applicant's knowledge, a statement of any past criminal conviction
109.23 and any pending criminal charge or investigation;

109.24 (viii) for an applicant under the department's custody, a statement describing the
109.25 applicant's reentry plan should clemency be granted; and

109.26 (ix) an applicant statement acknowledging and consenting to the disclosure to the
109.27 commission, board, and public of any private data on the applicant in the application or in
109.28 any other record relating to the clemency being sought, including conviction and arrest
109.29 records.

110.1 Subd. 2. **Required form.** (a) An application must be made on a commission-approved
110.2 form or forms and filed with the commission by commission-prescribed deadlines. The
110.3 commission must consult with the board on the forms and deadlines.

110.4 (b) The application must include language informing the applicant that the board and
110.5 the commission will consider any and all past convictions and that the applicant may provide
110.6 information about the convictions.

110.7 Subd. 3. **Reviewing application for completeness.** The commission must review an
110.8 application for completeness. An incomplete application must be returned to the applicant,
110.9 who may then provide the missing information and resubmit the application within a
110.10 commission-prescribed period.

110.11 Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency
110.12 application, the commission must notify the applicant of the scheduled date, time, and
110.13 location that the applicant must appear before the commission for a meeting under section
110.14 638.14.

110.15 Subd. 5. **Equal access to information.** Each board and commission member must have
110.16 equal access to information under this chapter that is used when making a clemency decision.

110.17 Sec. 7. **[638.11] THIRD-PARTY NOTIFICATIONS.**

110.18 Subdivision 1. **Notice to victim; victim rights.** (a) After receiving a clemency
110.19 application, the commission must make all reasonable efforts to locate any victim of the
110.20 applicant's crime.

110.21 (b) At least 30 calendar days before the commission meeting at which the application
110.22 will be heard, the commission must notify any located victim of:

110.23 (1) the application;

110.24 (2) the meeting's scheduled date, time, and location; and

110.25 (3) the victim's right to attend the meeting and submit an oral or written statement to the
110.26 commission.

110.27 (c) The commission must make all reasonable efforts to ensure that a victim can:

110.28 (1) submit an oral or written statement; and

110.29 (2) receive victim support services as necessary to help the victim submit a statement
110.30 and participate in the clemency process.

111.1 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** (a) At least 30 calendar
 111.2 days before the commission meeting at which the application will be heard, the commission
 111.3 must notify the sentencing judge and prosecuting attorney or their successors of the
 111.4 application and solicit the judge's and attorney's written statements on whether to grant
 111.5 clemency.

111.6 (b) Unless otherwise provided in this chapter, "law enforcement agency" includes the
 111.7 sentencing judge and prosecuting attorney or their successors.

111.8 Subd. 3. **Notice to public.** At least 30 calendar days before the commission meeting at
 111.9 which the application will be heard, the commission must publish notice of an application
 111.10 in a qualified newspaper of general circulation in the county in which the applicant's crime
 111.11 occurred.

111.12 **Sec. 8. [638.12] TYPES OF CLEMENCY; ELIGIBILITY AND WAIVER.**

111.13 Subdivision 1. **Types of clemency; requirements.** (a) The board may:

111.14 (1) pardon a criminal conviction imposed under the laws of this state;

111.15 (2) commute a criminal sentence imposed by a court of this state to time served or a
 111.16 lesser sentence; or

111.17 (3) grant a reprieve of a sentence imposed by a court of this state.

111.18 (b) A grant of clemency must be in writing and has no force or effect if the governor or
 111.19 a board majority duly convened opposes the clemency. Every conditional grant of clemency
 111.20 must state the terms and conditions upon which it was granted, and every commutation
 111.21 must specify the terms of the commuted sentence.

111.22 (c) A granted pardon sets aside the conviction and purges the conviction from an
 111.23 individual's criminal record. The individual is not required to disclose the conviction at any
 111.24 time or place other than:

111.25 (1) in a judicial proceeding; or

111.26 (2) during the licensing process for peace officers.

111.27 Subd. 2. **Pardon eligibility; waiver.** (a) An individual convicted of a crime in a court
 111.28 of this state may apply for a pardon of the individual's conviction on or after five years from
 111.29 the sentence's expiration or discharge date.

111.30 (b) An individual may request the board to waive the waiting period if there is a showing
 111.31 of unusual circumstances and special need.

112.1 (c) The commission must review a waiver request and recommend to the board whether
112.2 to grant the request. When considering a waiver request, the commission is exempt from
112.3 the meeting requirements under section 638.14 and chapter 13D.

112.4 (d) The board must grant a waiver request unless the governor or a board majority
112.5 opposes the waiver.

112.6 **Subd. 3. Commutation eligibility.** (a) An individual may apply for a commutation of
112.7 an unexpired criminal sentence imposed by a court of this state, including an individual
112.8 confined in a correctional facility or on probation, parole, supervised release, or conditional
112.9 release. An application for commutation may not be filed until the date that the individual
112.10 has served at least one-half of the sentence imposed or on or after five years from the
112.11 conviction date, whichever is earlier.

112.12 (b) An individual may request the board to waive the waiting period if there is a showing
112.13 of unusual circumstances and special need.

112.14 (c) The commission must review a waiver request and recommend to the board whether
112.15 to grant the request. When considering a waiver request, the commission is exempt from
112.16 the meeting requirements under section 638.14 and chapter 13D.

112.17 (d) The board must grant a waiver request unless the governor or a board majority
112.18 opposes the waiver.

112.19 **Sec. 9. [638.13] ACCESS TO RECORDS; ISSUING SUBPOENA.**

112.20 **Subdivision 1. Access to records.** (a) Notwithstanding chapter 13 or any other law to
112.21 the contrary, upon receiving a clemency application, the board or commission may request
112.22 and obtain any relevant reports, data, and other information from state courts, law
112.23 enforcement agencies, or state agencies. The board and the commission must have access
112.24 to all relevant sealed or otherwise inaccessible court records, presentence investigation
112.25 reports, police reports, criminal history reports, prison records, and any other relevant
112.26 information.

112.27 (b) State courts, law enforcement agencies, and state agencies must promptly respond
112.28 to record requests from the board or the commission.

112.29 **Subd. 2. Issuing subpoena.** The board or the commission may issue a subpoena requiring
112.30 the presence of any person before the commission or board and the production of papers,
112.31 records, and exhibits in any pending matter. When a person is summoned before the
112.32 commission or the board, the person may be allowed compensation for travel and attendance
112.33 as the commission or the board considers reasonable.

113.1 Sec. 10. [638.14] COMMISSION MEETINGS.

113.2 Subdivision 1. **Frequency.** The commission must meet at least four times each year for
113.3 one or more days at each meeting to hear eligible clemency applications and recommend
113.4 appropriate action to the board on each application. One or more of the meetings may be
113.5 held at a department-operated correctional facility.

113.6 Subd. 2. **When open to the public.** All commission meetings are open to the public as
113.7 provided under chapter 13D, but the commission may hold closed meetings:

113.8 (1) as provided under chapter 13D; or

113.9 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
113.10 identity, and (ii) sensitive or confidential victim testimony.

113.11 Subd. 3. **Recording.** When possible, the commission must record its meetings by audio
113.12 or audiovisual means.

113.13 Subd. 4. **Board attendance.** The governor, attorney general, and chief justice, or their
113.14 designees, may attend commission meetings as ex officio nonvoting members, but their
113.15 attendance does not affect whether the commission has a quorum.

113.16 Subd. 5. **Applicant appearance; third-party statements.** (a) An applicant for clemency
113.17 must appear before the commission either in person or through available forms of
113.18 telecommunication.

113.19 (b) The victim of an applicant's crime may appear and speak at the meeting or submit a
113.20 written statement to the commission. The commission may treat a victim's written statement
113.21 as confidential and not disclose the statement to the applicant or the public if there is or has
113.22 been an order for protection, harassment restraining order, or other no-contact order
113.23 prohibiting the applicant from contacting the victim.

113.24 (c) A law enforcement agency's representative may provide the agency's position on
113.25 whether the commission should recommend clemency by:

113.26 (1) appearing and speaking at the meeting; or

113.27 (2) submitting a written statement to the commission.

113.28 (d) The sentencing judge and the prosecuting attorney, or their successors, may provide
113.29 their positions on whether the commission should recommend clemency by:

113.30 (1) appearing and speaking at the meeting; or

113.31 (2) submitting their statements under section 638.11, subdivision 2.

114.1 Sec. 11. **[638.15] COMMISSION RECOMMENDATION.**

114.2 **Subdivision 1. Grounds for recommending clemency.** (a) When recommending whether
114.3 to grant clemency, the commission must consider any factors that the commission deems
114.4 appropriate, including but not limited to:

114.5 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's
114.6 age at the time of the crime; and the time that has elapsed between the crime and the
114.7 application;

114.8 (2) the successful completion or revocation of previous probation, parole, supervised
114.9 release, or conditional release;

114.10 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

114.11 (4) the extent to which the applicant has demonstrated rehabilitation through
114.12 postconviction conduct, character, and reputation;

114.13 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
114.14 and made restitution to victims;

114.15 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
114.16 history and any sentence received by an accomplice and with due regard given to:

114.17 (i) any plea agreement;

114.18 (ii) the sentencing judge's views; and

114.19 (iii) the sentencing ranges established by law;

114.20 (7) whether the applicant's age or medical status indicates that it is in the best interest
114.21 of society that the applicant receive clemency;

114.22 (8) the applicant's asserted need for clemency, including family needs and barriers to
114.23 housing or employment created by the conviction;

114.24 (9) for an applicant under the department's custody, the adequacy of the applicant's
114.25 reentry plan;

114.26 (10) the amount of time already served by the applicant and the availability of other
114.27 forms of judicial or administrative relief;

114.28 (11) the extent to which there is credible evidence indicating that the applicant is or may
114.29 be innocent of the crime for which they were convicted; and

114.30 (12) if provided by the applicant, the applicant's demographic information, including
114.31 race, ethnicity, gender, disability status, and age.

115.1 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
 115.2 the commission or the board must not prejudice an applicant for failing to identify past
 115.3 criminal convictions.

115.4 Subd. 2. **Recommending denial of commutation without hearing.** (a) At a meeting
 115.5 under section 638.14, the commission may recommend denying a commutation application
 115.6 without a board hearing if:

115.7 (1) the applicant is challenging the conviction or sentence through court proceedings;

115.8 (2) the applicant has failed to exhaust all available state court remedies for challenging
 115.9 the sentence; or

115.10 (3) the commission determines that the matter should first be considered by the parole
 115.11 authority.

115.12 (b) A commission recommendation to deny an application under paragraph (a) must be
 115.13 sent to the board along with the application.

115.14 Subd. 3. **Considering public statements.** When making its recommendation on an
 115.15 application, the commission must consider any statement provided by a victim or law
 115.16 enforcement agency.

115.17 Subd. 4. **Commission recommendation; notifying applicant.** (a) Before the board's
 115.18 next meeting at which the clemency application may be considered, the commission must
 115.19 send to the board:

115.20 (1) the application;

115.21 (2) the commission's recommendation;

115.22 (3) any recording of the commission's meeting related to the application; and

115.23 (4) all statements from victims and law enforcement agencies.

115.24 (b) No later than 14 calendar days after its dated recommendation, the commission must
 115.25 notify the applicant in writing of its recommendation.

115.26 Sec. 12. **[638.16] BOARD MEETINGS.**

115.27 Subdivision 1. **Frequency.** (a) The board must meet at least two times each year to
 115.28 consider clemency applications that have received favorable recommendations under section
 115.29 638.09, subdivision 1, paragraph (a), clauses (2) and (3), from the commission and any
 115.30 other applications for which at least one board member seeks consideration.

115.31 (b) Any board member may request a hearing on any application.

116.1 Subd. 2. **When open to the public.** All board meetings are open to the public as provided
 116.2 under chapter 13D, but the board may hold closed meetings:

116.3 (1) as provided under chapter 13D; or

116.4 (2) as necessary to protect sensitive or confidential information, including (i) a victim's
 116.5 identity, and (ii) sensitive or confidential victim testimony.

116.6 Subd. 3. **Executive director; attendance required.** Unless excused by the board, the
 116.7 executive director and the commission's chair or vice-chair must attend all board meetings.

116.8 Subd. 4. **Considering statements.** (a) Applicants, victims, and law enforcement agencies
 116.9 may not submit oral or written statements at a board meeting unless:

116.10 (1) a board member requests a hearing on an application; or

116.11 (2) the commission has recommended a hearing on an application.

116.12 (b) The board must consider any statements provided to the commission when
 116.13 determining whether to consider a clemency application.

116.14 **Sec. 13. [638.17] BOARD DECISION; NOTIFYING APPLICANT.**

116.15 Subdivision 1. **Board decision.** (a) At each meeting, the board must render a decision
 116.16 on each clemency application considered at the meeting or continue the matter to a future
 116.17 board meeting. If the board continues consideration of an application, the commission must
 116.18 notify the applicant in writing and explain why the matter was continued.

116.19 (b) If the commission recommends denying an application and no board member seeks
 116.20 consideration of the recommendation, it is presumed that the board concurs with the adverse
 116.21 recommendation and that the application has been considered and denied on the merits.

116.22 Subd. 2. **Notifying applicant.** The commission must notify the applicant in writing of
 116.23 the board's decision to grant or deny clemency no later than 14 calendar days from the date
 116.24 of the board's decision.

116.25 **Sec. 14. [638.18] FILING COPY OF CLEMENCY; COURT ACTION.**

116.26 Subdivision 1. **Filing with district court.** After clemency has been granted, the
 116.27 commission must file a copy of the pardon, commutation, or reprieve with the district court
 116.28 of the county in which the conviction and sentence were imposed.

116.29 Subd. 2. **Court action; pardon.** For a pardon, the court must:

116.30 (1) order the conviction set aside;

- 117.1 (2) include a copy of the pardon in the court file; and
- 117.2 (3) send a copy of the order and the pardon to the Bureau of Criminal Apprehension.
- 117.3 **Subd. 3. Court action; commutation.** For a commutation, the court must:
- 117.4 (1) amend the sentence to reflect the specific relief granted by the board;
- 117.5 (2) include a copy of the commutation in the court file; and
- 117.6 (3) send a copy of the amended sentencing order and commutation to the commissioner
- 117.7 of corrections and the Bureau of Criminal Apprehension.

117.8 **Sec. 15. [638.19] REAPPLYING FOR CLEMENCY.**

117.9 **Subdivision 1. Time-barred from reapplying; exception.** (a) After the board has

117.10 considered and denied a clemency application on the merits, an applicant may not file a

117.11 subsequent application for five years after the date of the most recent denial.

117.12 (b) An individual may request permission to reapply before the five-year period expires

117.13 based only on new and substantial information that was not and could not have been

117.14 previously considered by the board or commission.

117.15 (c) If a waiver request contains new and substantial information, the commission must

117.16 review the request and recommend to the board whether to waive the time restriction. When

117.17 considering a waiver request, the commission is exempt from the meeting requirements

117.18 under section 638.14 and chapter 13D.

117.19 (d) The board must grant a waiver request unless the governor or a board majority

117.20 opposes the waiver.

117.21 **Subd. 2. Applying for pardon not precluded.** An applicant who is denied or granted

117.22 a commutation is not precluded from later seeking a pardon of the criminal conviction once

117.23 the eligibility requirements of this chapter have been met.

117.24 **Sec. 16. [638.20] COMMISSION RECORD KEEPING.**

117.25 **Subdivision 1. Record keeping.** The commission must keep a record of every application

117.26 received, its recommendation on each application, and the final disposition of each

117.27 application.

117.28 **Subd. 2. When open to public.** The commission's records and files are open to public

117.29 inspection at all reasonable times, except for:

117.30 (1) sealed court records;

118.1 (2) presentence investigation reports;

118.2 (3) Social Security numbers;

118.3 (4) financial account numbers;

118.4 (5) driver's license information;

118.5 (6) medical records;

118.6 (7) confidential Bureau of Criminal Apprehension records;

118.7 (8) the identities of victims who wish to remain anonymous and confidential victim

118.8 statements; and

118.9 (9) any other confidential data on individuals, private data on individuals, not public

118.10 data, or nonpublic data under chapter 13.

118.11 **Sec. 17. [638.21] LANGUAGE ACCESS AND VICTIM SUPPORT.**

118.12 Subdivision 1. **Language access.** The commission and the board must take reasonable

118.13 steps to provide meaningful language access to applicants and victims. Applicants and

118.14 victims must have language access to information, documents, and services under this

118.15 chapter, with each communicated in a language or manner that the applicant or victim can

118.16 understand.

118.17 Subd. 2. **Interpreters.** (a) Applicants and victims are entitled to interpreters as necessary

118.18 to fulfill the purposes of this chapter, including oral or written communication. Sections

118.19 546.42 to 546.44 apply, to the extent consistent with this section.

118.20 (b) The commission or the board may not discriminate against an applicant or victim

118.21 who requests or receives interpretation services.

118.22 Subd. 3. **Victim services.** The commission and the board must provide or contract for

118.23 victim support services as necessary to support victims under this chapter.

118.24 **Sec. 18. [638.22] LEGISLATIVE REPORT.**

118.25 Beginning February 15, 2025, and every February 15 thereafter, the commission must

118.26 submit a written report to the chairs and ranking minority members of the house of

118.27 representatives and senate committees with jurisdiction over public safety, corrections, and

118.28 judiciary that contains at least the following information:

118.29 (1) the number of clemency applications received by the commission during the preceding

118.30 calendar year;

119.1 (2) the number of favorable and adverse recommendations made by the commission for
119.2 each type of clemency;

119.3 (3) the number of applications granted and denied by the board for each type of clemency;

119.4 (4) the crimes for which the applications were granted by the board, the year of each
119.5 conviction, and the individual's age at the time of the crime; and

119.6 (5) summary data voluntarily reported by applicants, including but not limited to
119.7 demographic information on race, ethnicity, gender, disability status, and age, of applicants
119.8 recommended or not recommended for clemency by the commission.

119.9 Sec. 19. [638.23] RULEMAKING.

119.10 (a) The board and commission may jointly adopt rules, including amending Minnesota
119.11 Rules, chapter 6600, to:

119.12 (1) enforce their powers and duties under this chapter and ensure the efficient processing
119.13 of applications; and

119.14 (2) allow for expedited review of applications if there is unanimous support from the
119.15 sentencing judge or successor, the prosecuting attorney or successor, and any victims of the
119.16 crime.

119.17 (b) The time limit to adopt rules under section 14.125 does not apply.

119.18 Sec. 20. TRANSITION PERIOD.

119.19 (a) Beginning August 1, 2023, through March 1, 2024, the Department of Corrections
119.20 must provide the Clemency Review Commission with administrative assistance, technical
119.21 assistance, office space, and other assistance necessary for the commission to carry out its
119.22 duties under sections 4 to 21.

119.23 (b) Beginning July 1, 2024, the Clemency Review Commission must begin reviewing
119.24 applications for pardons, commutations, and reprieves. Applications received after the
119.25 effective date of this section but before July 1, 2024, must be considered according to
119.26 Minnesota Statutes 2022, sections 638.02, subdivisions 2 to 5, and 638.03 to 638.08.

119.27 (c) A pardon, commutation, or reprieve that is granted during the transition period has
119.28 no force or effect if the governor or a board majority duly convened opposes the clemency.

119.29 (d) By July 1, 2024, the Clemency Review Commission must develop application forms
119.30 in consultation with the Board of Pardons.

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

120.2 Sec. 21. **REPEALER.**

120.3 Minnesota Statutes 2022, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
 120.4 638.075; and 638.08, are repealed.

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

120.6 Sec. 22. **EFFECTIVE DATE.**

120.7 Sections 1, 2, and 6 to 19 are effective July 1, 2024.

120.8 **ARTICLE 6**

120.9 **911 EMERGENCY COMMUNICATION SYSTEM**

120.10 Section 1. Minnesota Statutes 2022, section 403.02, subdivision 7, is amended to read:

120.11 Subd. 7. **Automatic location identification.** "Automatic location identification" means
 120.12 the process of electronically identifying and displaying ~~the name of the subscriber and the~~
 120.13 ~~location, where available, of the calling telephone number~~ the name of the subscriber, the
 120.14 communications device's current location, and the callback number to a ~~person~~ public safety
 120.15 telecommunicator answering a 911 emergency call.

120.16 Sec. 2. Minnesota Statutes 2022, section 403.02, subdivision 9a, is amended to read:

120.17 Subd. 9a. **Callback number.** "Callback number" means a telephone number or
 120.18 functionally equivalent Internet address or device identification number used by the public
 120.19 safety answering point to ~~recontact~~ contact the location device from which the 911 call was
 120.20 placed.

120.21 Sec. 3. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
 120.22 read:

120.23 Subd. 10a. **Cost recovery.** "Cost recovery" means costs incurred by
 120.24 commissioner-approved originating service providers specifically for the purpose of providing
 120.25 access to the 911 network for their subscribers or maintenance of 911 customer databases.
 120.26 These costs may be reimbursed to the requesting originating service provider. Recoverable
 120.27 costs include only those costs that the requesting provider would avoid if the provider were
 120.28 not providing access to the 911 network or maintenance of 911 customer databases.

121.1 Sec. 4. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
121.2 read:

121.3 Subd. 10b. **Cybersecurity.** "Cybersecurity" means the prevention of damage to,
121.4 unauthorized use of, exploitation of, and if needed, the restoration of, electronic information
121.5 and communications systems and services and the information contained therein to ensure
121.6 confidentiality, integrity, and availability.

121.7 Sec. 5. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
121.8 read:

121.9 Subd. 10c. **Emergency communications network service provider**
121.10 (ECNSP). "Emergency communications network service provider" or "ECNSP" means a
121.11 service provider, determined by the commissioner to be capable of providing effective and
121.12 efficient components of the 911 network or its management that provides or manages all
121.13 or portions of the statewide 911 emergency communications network. The ECNSP is the
121.14 entity or entities that the state contracts with to provide facilities and services associated
121.15 with operating and maintaining the Minnesota statewide 911 network.

121.16 Sec. 6. Minnesota Statutes 2022, section 403.02, subdivision 11b, is amended to read:

121.17 Subd. 11b. **Emergency response location.** "Emergency response location" means a
121.18 location to which a 911 ~~emergency response team~~ services may be dispatched. The location
121.19 must be specific enough to provide a reasonable opportunity for ~~the emergency response~~
121.20 ~~team to locate~~ a caller to be located anywhere within it.

121.21 Sec. 7. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
121.22 read:

121.23 Subd. 11c. **Emergency services.** "Emergency services" includes but is not limited to
121.24 firefighting, police, ambulance, medical, or other mobile services dispatched, monitored,
121.25 or controlled by a public safety answering point.

121.26 Sec. 8. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
121.27 read:

121.28 Subd. 11d. **Emergency Services Internet (ESInet).** "Emergency Services Internet" or
121.29 "ESInet" means an Internet protocol-based and multipurpose network supporting local,
121.30 regional, and national public safety communications services in addition to 911 services.

122.1 The ESInet is comprised of three network components, including ingress network, next
122.2 generation core services, and egress network.

122.3 Sec. 9. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
122.4 read:

122.5 Subd. 12a. **End user equipment.** "End user equipment" means any device held or
122.6 operated by an employee of a public safety agency, except for public safety
122.7 telecommunicators, for the purpose of receiving voice or data communications outside of
122.8 a public safety answering point. This includes but is not limited to mobile radios, portable
122.9 radios, pagers, mobile computers, tablets, and cellular telephones.

122.10 Sec. 10. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
122.11 read:

122.12 Subd. 13a. **Geographical Information System (GIS).** "Geographical Information
122.13 System" or "GIS" means a system for capturing, storing, displaying, analyzing, and managing
122.14 data and associated attributes that are spatially referenced.

122.15 Sec. 11. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
122.16 read:

122.17 Subd. 14a. **Internet protocol (IP).** "Internet protocol" or "IP" means the method by
122.18 which data are sent from one computer to another on the Internet or other networks.

122.19 Sec. 12. Minnesota Statutes 2022, section 403.02, subdivision 16a, is amended to read:

122.20 Subd. 16a. **Multiline telephone system (MLTS).** "Multiline telephone system" or
122.21 "MLTS" means a ~~private telephone~~ system comprised of common control units, ~~telephones,~~
122.22 ~~and telephone sets,~~ control hardware ~~and,~~ software ~~that share a common interface to the~~
122.23 ~~public switched telephone network,~~ and adjunct systems used to support the capabilities
122.24 outlined in this chapter. This includes network and premises-based systems such as Centrex,
122.25 VoIP, PBX, Hybrid, and Key Telephone Systems, as classified by the Federal
122.26 Communications Commission requirements under Code of Federal Regulations, title 47,
122.27 part 68, and systems owned or leased by governmental agencies ~~and,~~ nonprofit entities, ~~as~~
122.28 well as and for-profit businesses.

123.1 Sec. 13. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
123.2 read:

123.3 Subd. 16c. **Next generation core services (NGCS).** "Next generation core services" or
123.4 "NGCS" means the base set of services needed to process a 911 call on an ESInet. These
123.5 services include but are not limited to the Emergency Services Routing Proxy, Emergency
123.6 Call Routing Function, Location Validation Function, Border Control Function, Bridge,
123.7 Policy Store, Logging Services, and typical IP services such as DNS and DHCP. Next
123.8 generation core services includes only the services and not the network on which they
123.9 operate.

123.10 Sec. 14. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
123.11 read:

123.12 Subd. 16d. **Next generation 911 (NG911).** "Next generation 911" or "NG911" means
123.13 an Internet protocol-based system comprised of managed Emergency Services IP networks,
123.14 functional elements and applications, and databases that replicate the traditional E911
123.15 features and functions and that also provides additional capabilities based on industry
123.16 standards. NG911 is designed to provide access to emergency services from all connected
123.17 communications services and provide multimedia data capabilities for public safety answering
123.18 points and other emergency services organizations.

123.19 Sec. 15. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
123.20 read:

123.21 Subd. 16e. **911 call.** "911 call" means any form of communication requesting any type
123.22 of emergency services by contacting a public safety answering point, including voice or
123.23 nonvoice communications, as well as transmission of any analog or digital data. 911 call
123.24 includes a voice call, video call, text message, or data-only call.

123.25 Sec. 16. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
123.26 read:

123.27 Subd. 16f. **911 network.** "911 network" means:

123.28 (1) a legacy telecommunications network that supports basic and enhanced 911 service;
123.29 or

123.30 (2) the ESInet that is used for 911 calls that can be shared by all public safety answering
123.31 points and that provides the IP transport infrastructure upon which independent public safety

124.1 application platforms and core functional processes can be deployed, including but not
 124.2 limited to those necessary for providing next generation 911 service capability.

124.3 A network may be constructed from a mix of dedicated and shared facilities and may be
 124.4 interconnected at local, regional, state, national, and international levels.

124.5 Sec. 17. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
 124.6 read:

124.7 Subd. 16g. **911 system.** "911 system" means a coordinated system of technologies,
 124.8 networks, hardware, and software applications that a public safety answering point must
 124.9 procure and maintain in order to connect to the state 911 network and provide 911 services.

124.10 Sec. 18. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
 124.11 read:

124.12 Subd. 16h. **Originating service provider (OSP).** "Originating service provider" or
 124.13 "OSP" means an entity that provides the capability for customers to originate 911 calls to
 124.14 public safety answering points, including wire-line communications service providers, Voice
 124.15 over Internet Protocol service providers, and wireless communications service providers.

124.16 Sec. 19. Minnesota Statutes 2022, section 403.02, subdivision 17, is amended to read:

124.17 Subd. 17. **911 service.** "911 service" means a telecommunications service that
 124.18 automatically connects a person dialing the digits 911 to an established public safety
 124.19 answering point. 911 service includes: the emergency response service a public safety
 124.20 answering point provides as a result of processing 911 calls through its 911 system.

124.21 ~~(1) customer data and network components connecting to the common 911 network and~~
 124.22 ~~database;~~

124.23 ~~(2) common 911 network and database equipment, as appropriate, for automatically~~
 124.24 ~~selectively routing 911 calls to the public safety answering point serving the caller's~~
 124.25 ~~jurisdiction; and~~

124.26 ~~(3) provision of automatic location identification if the public safety answering point~~
 124.27 ~~has the capability of providing that service.~~

124.28 Sec. 20. Minnesota Statutes 2022, section 403.02, subdivision 17c, is amended to read:

124.29 Subd. 17c. **911 Public safety telecommunicator.** "911 Public safety telecommunicator"
 124.30 means a person employed by a public safety answering point, an emergency medical dispatch

125.1 service provider, or both, who is qualified to answer incoming emergency telephone calls,
 125.2 text messages, and computer notifications or provide for the appropriate emergency response
 125.3 either directly or through communication with the appropriate public safety answering point.

125.4 Sec. 21. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
 125.5 read:

125.6 Subd. 17e. **Point of interconnection (POI).** "Point of interconnection" or "POI" means
 125.7 the location or locations within the 911 network where OSPs deliver 911 calls on behalf of
 125.8 their users or subscribers for delivery to the appropriate public service answering point.

125.9 Sec. 22. Minnesota Statutes 2022, section 403.02, subdivision 18, is amended to read:

125.10 Subd. 18. **Public safety agency.** "Public safety agency" means ~~a functional division of~~
 125.11 ~~a public agency which provides firefighting, police, medical, or other emergency services,~~
 125.12 ~~or a private entity which provides emergency medical or ambulance services~~ an agency that
 125.13 provides emergency services to the public.

125.14 Sec. 23. Minnesota Statutes 2022, section 403.02, subdivision 19, is amended to read:

125.15 Subd. 19. **Public safety answering point (PSAP).** "Public safety answering point" or
 125.16 "PSAP" means a governmental agency operating a 24-hour communications facility ~~operated~~
 125.17 ~~on a 24-hour basis which~~ that first receives 911 and other emergency calls from persons in
 125.18 ~~a 911 service area and which may, as appropriate,~~ central station notifications, text messages,
 125.19 and computer notifications and directly dispatch public safety dispatches emergency response
 125.20 ~~services or extend, transfer, or relay 911 calls~~ relays communications to appropriate public
 125.21 safety agencies according to a specific operational policy.

125.22 Sec. 24. Minnesota Statutes 2022, section 403.02, subdivision 19a, is amended to read:

125.23 Subd. 19a. **Secondary public safety answering point.** "Secondary public safety
 125.24 answering point" means a communications facility that: ~~(1) is operated on a 24-hour basis,~~
 125.25 ~~in which a minimum of three public safety answering points (PSAPs) route calls for~~
 125.26 ~~postdispatch or prearrival instructions; (2) receives calls directly from medical facilities to~~
 125.27 ~~reduce call volume at the PSAPs; and (3) is able to receive 911 calls routed to it from a~~
 125.28 ~~PSAP when the PSAP is unable to receive or answer 911 calls~~ receives calls transferred
 125.29 from a public safety answering point and is connected to the 911 network.

126.1 Sec. 25. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
126.2 read:

126.3 Subd. 19c. **Public Utilities Commission (PUC).** "Public Utilities Commission" or
126.4 "PUC" means the Minnesota state commission defined in section 216A.03.

126.5 Sec. 26. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
126.6 read:

126.7 Subd. 19d. **Regional board.** "Regional board" means one of the seven emergency
126.8 services and emergency communications boards in this state.

126.9 Sec. 27. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
126.10 read:

126.11 Subd. 19e. **Service user.** "Service user" means any person who initiates a 911 call to
126.12 receive emergency services.

126.13 Sec. 28. Minnesota Statutes 2022, section 403.02, is amended by adding a subdivision to
126.14 read:

126.15 Subd. 19f. **Voice over Internet Protocol (VoIP) service provider.** "Voice over Internet
126.16 Protocol service provider" or "VoIP service provider" means an entity that provides distinct
126.17 packetized voice information in a digital format using the Internet protocol directly or
126.18 through a third party, marketed or sold as either a telephone service or an information service
126.19 interconnected with the PSTN, including both facilities-based service providers and resellers
126.20 of such services.

126.21 Sec. 29. Minnesota Statutes 2022, section 403.02, subdivision 20, is amended to read:

126.22 Subd. 20. **Wire-line ~~telecommunications~~ communications service provider.** "Wire-line
126.23 ~~telecommunications~~ communications service provider" means a person, firm, association,
126.24 corporation, or other legal entity, however organized, or combination of them, authorized
126.25 by state or federal regulatory agencies to furnish ~~telecommunications~~ communications
126.26 service, including local service, over wire-line facilities.

126.27 Sec. 30. Minnesota Statutes 2022, section 403.02, subdivision 20a, is amended to read:

126.28 Subd. 20a. **Wireless ~~telecommunications~~ communications service.** "Wireless
126.29 ~~telecommunications~~ communications service" means a commercial mobile radio service,
126.30 as that term is defined in Code of Federal Regulations, title 47, section 20.3, including all

127.1 broadband personal communication services, wireless radio telephone services, and
 127.2 geographic area specialized mobile radio licensees, that offer real-time, two-way voice
 127.3 service interconnected with the public switched telephone network.

127.4 Sec. 31. Minnesota Statutes 2022, section 403.02, subdivision 21, is amended to read:

127.5 Subd. 21. **Wireless ~~telecommunications~~ communications service provider.** "Wireless
 127.6 ~~telecommunications~~ communications service provider" means a provider of wireless
 127.7 ~~telecommunications~~ communications service.

127.8 Sec. 32. Minnesota Statutes 2022, section 403.025, is amended to read:

127.9 **403.025 911 EMERGENCY ~~TELECOMMUNICATIONS~~ COMMUNICATIONS**
 127.10 **SYSTEM AND SERVICES REQUIRED.**

127.11 ~~Subdivision 1. **General requirement.** Each county shall operate and maintain a 911~~
 127.12 ~~emergency telecommunications system.~~

127.13 Subd. 1a. **Emergency telephone number 911.** The digits 911, so designated by the
 127.14 Federal Communications Commission, must be the primary emergency telephone number
 127.15 within the ~~system~~ 911 network. A public safety agency may maintain a separate secondary
 127.16 backup number for emergency calls and ~~shall~~ must maintain a separate number for
 127.17 nonemergency telephone calls.

127.18 Subd. 1b. **State requirements.** The commissioner must establish, maintain, and make
 127.19 available to all counties a statewide interoperable ESInet backbone 911 network that ensures
 127.20 interoperability between all public safety answering points connected to the network and
 127.21 meets the requirements of counties operating 911 systems that have an approved update to
 127.22 their 911 plans.

127.23 Subd. 1c. **Contractual requirements.** (a) The commissioner must contract with one or
 127.24 more ECNSPs to deliver the 911 network.

127.25 (b) The contract language or subsequent amendments to the contracts between the parties
 127.26 must contain provisions on how the 911 call routing and location validation data provided
 127.27 by the counties will be utilized by the ECNSPs, including how data coordination and quality
 127.28 assurance with the counties will be conducted.

127.29 (c) The contract language or subsequent amendments to contracts between the parties
 127.30 must contain provisions for resolving disputes.

128.1 (d) All data required under this chapter or Minnesota Rules, chapter 7580, to route 911
 128.2 calls, provide caller location, or validate possible 911 caller location information that is
 128.3 utilized or intended to be utilized by the 911 system must be provided by the counties and
 128.4 the state without cost and may be utilized by ECNSPs and OSPs for purposes of performing
 128.5 location data quality assurance, ensuring 911 system performance and statutory compliance.
 128.6 Use of the data is governed by section 403.07 and Minnesota Rules, chapter 7580.

128.7 Subd. 1d. **Intergovernmental agreements.** Intergovernmental agreements may be
 128.8 implemented between the commissioner and counties or regional boards to support 911
 128.9 system plan changes, communicate the network design, and specify cybersecurity standards.
 128.10 The commissioner must develop the master agreement in collaboration with the governmental
 128.11 entity.

128.12 Subd. 1e. **County requirements.** (a) Each county must operate and maintain a 911
 128.13 system and provide 911 services.

128.14 (b) Each county is responsible for creating and maintaining a master street address guide
 128.15 and Geographical Information Systems data necessary to support accurate 911 call routing
 128.16 and location validation required to support the 911 network.

128.17 Subd. 1f. **911 plans.** Each participating county, federal, Tribal, or other organization
 128.18 must maintain and update a 911 plan that accurately documents current operations and 911
 128.19 system configurations within the public safety answering point in accordance with Minnesota
 128.20 Rules, chapter 7580. The commissioner must review 911 system plans for compliance with
 128.21 911 network and cybersecurity standards required under Minnesota Rules, chapter 7580.

128.22 Subd. 1g. **Secondary public safety answering point requirements.** Secondary public
 128.23 safety answering points may be required to engage in agreements with the commissioner
 128.24 regarding network design standards, cybersecurity standards, and 911 fee audits.

128.25 Subd. 2. **Multijurisdictional system.** The 911 network, 911 services, and 911 systems
 128.26 may be multijurisdictional and regional in character provided that design and implementation
 128.27 are preceded by cooperative planning on a county-by-county basis with local public safety
 128.28 agencies. An intergovernmental agreement must be in place between the participating
 128.29 government entities in a multijurisdictional or regional system, and the commissioner must
 128.30 be notified of the 911 plan change in accordance with Minnesota Rules, chapter 7580.

128.31 Subd. 3. **Connected telecommunications originating service provider**
 128.32 requirements. Every owner and operator of a wire-line or wireless circuit-switched or
 128.33 packet-based telecommunications system connected to the public-switched telephone network
 128.34 shall design and maintain the system to dial the 911 number without charge to the caller.

129.1 Every OSP must allow Minnesota customers to access 911 without charge and deliver the
 129.2 request for emergency assistance to the 911 network at a state-designated POI and provide
 129.3 caller location information unless there are circumstances beyond the control of the provider
 129.4 to define a valid caller address, geographic location, and primary place of address.

129.5 Subd. 3a. **Originating service provider contractual requirements.** (a) The state may
 129.6 contract with the appropriate wire-line telecommunications service providers or other entities
 129.7 determined by the commissioner to be eligible for cost recovery for providing access to the
 129.8 911 network for their subscribers.

129.9 (b) The contract language or subsequent amendments to the contract must include a
 129.10 description of the costs that are being reimbursed. The contract language or subsequent
 129.11 amendments must include the terms of compensation based on the effective tariff or price
 129.12 list filed with the Public Utilities Commission or the prices agreed to by the parties.

129.13 (c) The contract language or subsequent amendments to contracts between the parties
 129.14 must contain a provision for resolving disputes.

129.15 ~~Subd. 4. **Wireless requirements.** Every owner and operator of a wireless~~
 129.16 ~~telecommunications system shall design and maintain the system to dial the 911 number~~
 129.17 ~~without charge to the caller.~~

129.18 **Subd. 5. Pay phone requirements.** Every pay phone owner and operator ~~shall~~ must
 129.19 permit dialing of the 911 number without coin and without charge to the caller.

129.20 **Subd. 6. Multistation or PBX system.** Every owner and operator of a multistation or
 129.21 private branch exchange (PBX) multiline telephone system ~~shall~~ must design and maintain
 129.22 the system to dial the 911 number without charge to the caller.

129.23 ~~Subd. 7. **Contractual requirements.** (a) The state shall contract with the county or other~~
 129.24 ~~governmental agencies operating public safety answering points and with the appropriate~~
 129.25 ~~wire-line telecommunications service providers or other entities determined by the~~
 129.26 ~~commissioner to be capable of providing effective and efficient components of the 911~~
 129.27 ~~system for the operation, maintenance, enhancement, and expansion of the 911 system.~~

129.28 ~~(b) The contract language or subsequent amendments to the contract must include a~~
 129.29 ~~description of the services to be furnished to the county or other governmental agencies~~
 129.30 ~~operating public safety answering points. The contract language or subsequent amendments~~
 129.31 ~~must include the terms of compensation based on the effective tariff or price list filed with~~
 129.32 ~~the Public Utilities Commission or the prices agreed to by the parties.~~

130.1 ~~(e) The contract language or subsequent amendments to contracts between the parties~~
130.2 ~~must contain a provision for resolving disputes.~~

130.3 Sec. 33. Minnesota Statutes 2022, section 403.03, subdivision 2, is amended to read:

130.4 Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) ~~On or before July~~
130.5 ~~1, 2021,~~ Every public safety answering point must maintain a telephone cardiopulmonary
130.6 resuscitation program by either:

130.7 (1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation;
130.8 or

130.9 (2) transferring callers to another public safety answering point with 911
130.10 telecommunicators that have received training in cardiopulmonary resuscitation.

130.11 (b) Training in cardiopulmonary resuscitation must, at a minimum, include:

130.12 (1) use of an evidence-based protocol or script for providing cardiopulmonary
130.13 resuscitation instruction that has been recommended by an academic institution or a nationally
130.14 recognized organization specializing in medical dispatch and, if the public safety answering
130.15 point has a medical director, approved by that medical director; and

130.16 (2) appropriate continuing education, as determined by the evidence-based protocol for
130.17 providing cardiopulmonary resuscitation instruction and, if the public safety answering
130.18 point has a medical director, approved by that medical director.

130.19 (c) A public safety answering point that transfers callers to another public safety
130.20 answering point must, at a minimum:

130.21 (1) use an evidence-based protocol for the identification of a person in need of
130.22 cardiopulmonary resuscitation;

130.23 (2) provide each 911 telecommunicator with appropriate training and continuing education
130.24 to identify a person in need of cardiopulmonary resuscitation through the use of an
130.25 evidence-based protocol; and

130.26 (3) ensure that any public safety answering point to which calls are transferred uses 911
130.27 telecommunicators who meet the training requirements under paragraph (b).

130.28 (d) Each public safety answering point shall conduct ongoing quality assurance of its
130.29 telephone cardiopulmonary resuscitation program.

131.1 Sec. 34. Minnesota Statutes 2022, section 403.05, is amended to read:

131.2 **403.05 911 SYSTEM NETWORK OPERATION AND MAINTENANCE.**

131.3 Subdivision 1. **Operate and maintain.** ~~Each county or any other governmental agency~~
 131.4 ~~shall~~ The commissioner must operate and maintain its statewide 911 system to meet
 131.5 network meeting the requirements of governmental agencies whose services are available
 131.6 through the 911 system and to permit future expansion or enhancement of the system. set
 131.7 forth by the commissioner through rules established under chapter 14, including but not
 131.8 limited to network and data performance measures, diversity, redundancy, interoperability,
 131.9 and cybersecurity. Each county, federal, Tribal, or other organization connected to the
 131.10 statewide 911 network must operate and maintain a 911 system that meets the requirements
 131.11 of governmental agencies whose services are available through the 911 network.

131.12 Subd. 1a. **GIS validation and aggregation.** The commissioner must provide geospatial
 131.13 data validation and aggregation tools that counties need in order to share the GIS data
 131.14 required for the 911 network.

131.15 Subd. 2. **Rule requirements for 911 system plans.** ~~Each county or any other~~
 131.16 ~~governmental agency shall maintain and update its 911 system plans as required under~~
 131.17 ~~Minnesota Rules, chapter 7580.~~

131.18 Subd. 2a. **Responsibilities of PSAPs.** (a) Each PSAP connecting to the statewide 911
 131.19 network must comply with state and, where applicable, regional 911 plans. Federal, Tribal,
 131.20 or other governmental organizations operating their own 911 systems must be approved by
 131.21 the commissioner.

131.22 (b) Any PSAP not connected to the state 911 network that desires to interact with a 911
 131.23 system or has an agreement for shared 911 services must be interoperable with the state
 131.24 911 network.

131.25 Subd. 3. **Agreements for service.** ~~Each county or any other governmental agency shall~~
 131.26 ~~contract with the state for the recurring and nonrecurring costs associated with operating~~
 131.27 ~~and maintaining 911 emergency communications systems. If requested by the county or~~
 131.28 ~~other governmental agency, the county or agency is entitled to be a party to any contract~~
 131.29 ~~between the state and any wire-line telecommunications service provider or 911 emergency~~
 131.30 ~~telecommunications service provider providing components of the 911 system within the~~
 131.31 ~~county.~~ The state must contract for facilities and services associated with the operation and
 131.32 maintenance of the statewide 911 network and ESInet. The contract and any subsequent
 131.33 amendments must include a description of the services to be provided and the terms of
 131.34 compensation based on the prices agreed to by the parties.

132.1 Sec. 35. Minnesota Statutes 2022, section 403.06, is amended to read:

132.2 **403.06 COMMISSIONER'S DUTIES.**

132.3 Subdivision 1. **System coordination, improvements, variations, and agreements.** The
 132.4 commissioner ~~shall~~ may coordinate with counties on the management and maintenance of
 132.5 their 911 systems. If requested, the commissioner shall must aid counties in the formulation
 132.6 of ~~concepts, methods,~~ their public safety answering point plans, system design plans,
 132.7 performance and operational requirements, and procedures which will improve the operation
 132.8 and maintenance of their 911 systems. ~~The commissioner shall establish procedures for~~
 132.9 ~~determining and evaluating requests for variations from the established design standards.~~
 132.10 ~~The commissioner shall respond to requests by wireless or wire-line telecommunications~~
 132.11 ~~service providers or by counties or other governmental agencies for system agreements,~~
 132.12 ~~contracts, and tariff language promptly and no later than within 45 days of the request unless~~
 132.13 ~~otherwise mutually agreed to by the parties.~~

132.14 Subd. 1a. **Biennial budget; annual financial report.** The commissioner ~~shall~~ must
 132.15 prepare a biennial budget ~~for maintaining the 911 system.~~ by December 15 of each year,
 132.16 The commissioner ~~shall~~ must submit a report to the legislature detailing the expenditures
 132.17 for maintaining the 911 ~~system~~ network, the 911 fees collected, the balance of the 911 fund,
 132.18 ~~the~~ 911-related administrative expenses of the commissioner, and the most recent forecast
 132.19 of revenues and expenditures for the 911 emergency telecommunications service account,
 132.20 including a separate projection of ~~E911~~ 911 fees from prepaid wireless customers and
 132.21 projections of year-end fund balances. The commissioner is authorized to expend money
 132.22 that has been appropriated to pay for the maintenance, enhancements, and expansion of the
 132.23 911 ~~system~~ network.

132.24 Subd. 1b. **Connection plan required; commissioner review and enforcement.** (a)
 132.25 The commissioner must respond to network and database change requests by OSPs promptly
 132.26 and no later than 45 days after the request unless otherwise mutually agreed to by the parties.
 132.27 All network and location database variances requested by OSPs connecting to the ESInet
 132.28 must comply with Minnesota Rules.

132.29 (b) All OSPs must submit and maintain a plan for connection to the 911 network POIs
 132.30 in accordance with the requirements set forth in Minnesota Rules. The commissioner must
 132.31 review all connection plans to ensure compliance with all 911 network and database design
 132.32 and performance requirements.

132.33 Subd. 2. **Waiver.** Any county, ~~other governmental agency, wireless telecommunications~~
 132.34 ~~service provider, or wire-line telecommunications service provider~~ federal, Tribal, or other

133.1 organization connected to the statewide 911 network or OSP may petition the commissioner
 133.2 for a waiver of all or portions of the requirements. A waiver may be granted upon a
 133.3 demonstration by the petitioner that the requirement is economically infeasible.

133.4 Sec. 36. Minnesota Statutes 2022, section 403.07, is amended to read:

133.5 **403.07 NETWORK STANDARDS ESTABLISHED; DATA PRIVACY.**

133.6 Subdivision 1. **Rules.** The commissioner ~~shall~~ must establish and adopt in accordance
 133.7 with chapter 14, rules for the administration of this chapter and for the development of 911
 133.8 ~~systems~~ network in the state including:

133.9 (1) design and performance standards for the 911 systems ~~incorporating the standards~~
 133.10 ~~adopted pursuant to subdivision 2 for the seven-county metropolitan area~~ network, including
 133.11 but not limited to network, routing, and database standards for counties, OSPs, and ECNSPs;
 133.12 and

133.13 (2) ~~a procedure for determining and evaluating requests for variations from the established~~
 133.14 ~~design standards~~ design and performance standards for the ten-county metropolitan area,
 133.15 incorporating the standards adopted pursuant to subdivision 2.

133.16 Subd. 2. **Design standards for metropolitan area.** The Metropolitan Emergency
 133.17 Services Board ~~shall~~ must establish and adopt design and performance standards for the
 133.18 ~~metropolitan area 911 system and transmit them to the commissioner for incorporation into~~
 133.19 ~~the rules adopted pursuant to this section.~~ 911 network for the ten-county metropolitan area,
 133.20 including but not limited to network design, routing, and database standards for counties,
 133.21 OSP, and ECNSPs operating in the ten-county metropolitan area and provide them to the
 133.22 commissioner in accordance with chapter 14 for incorporation into the rules adopted pursuant
 133.23 to this section. The standards must be interoperable with the statewide 911 network and
 133.24 data standards.

133.25 Subd. 3. **Database Location data.** ~~In 911 systems that have been approved by the~~
 133.26 ~~commissioner for a local location identification database, each wire-line telecommunications~~
 133.27 ~~service provider shall provide current customer names, service addresses, and telephone~~
 133.28 ~~numbers to each public safety answering point within the 911 system and shall update the~~
 133.29 ~~information according to a schedule prescribed by the county 911 plan. Information provided~~
 133.30 ~~under this subdivision must be provided in accordance with the transactional record disclosure~~
 133.31 ~~requirements of the federal Communications Act of 1934, United States Code, title 47,~~
 133.32 ~~section 222, subsection (g).~~ All OSPs must provide to the 911 network, at the time of each
 133.33 911 call, the location of the device making the 911 call, unless there are circumstances

134.1 beyond the control of the provider that prevents the OSP from sharing the location data.

134.2 Any OSP supplying the location of 911 calls in civic address form must prevalidate the

134.3 address to location data supplied by the county accessible through the NGCS.

134.4 Subd. 3a. **Access to data for accuracy.** (a) OSPs must, upon request of the state, a

134.5 region, the ECNSP, or a PSAP, provide a description or copy of subscriber address location

134.6 information or GIS data used by the OSP that is necessary to verify location and routing

134.7 accuracy of 911 calls. Any ECNSP routing 911 calls must, upon request of the state, provide

134.8 a copy of routing files used in determining PSAP selection for the purpose of verifying

134.9 routing accuracy.

134.10 (b) OSPs must, upon request of the state, a region, the ECNSP, or a PSAP, provide a

134.11 copy of subscriber address location information for uses specific to 911 systems. This request

134.12 may carry a cost to the requester.

134.13 Subd. 3b. **Database standards in metropolitan area.** The Metropolitan Emergency

134.14 Services Board must establish and adopt 911 database standards for OSPs operating in the

134.15 ten-county metropolitan area 911 system and provide them to the commissioner for

134.16 incorporation in accordance with chapter 14 into the rules adopted pursuant to this section.

134.17 Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone numbers

134.18 provided to a 911 system under subdivision 3 are private data and may be used only:

134.19 (1) to identify the location or identity, or both, of a person calling a 911 ~~public safety~~

134.20 ~~answering point~~ PSAP; or

134.21 (2) by a ~~public safety answering point~~ PSAP to notify the public of an emergency.

134.22 (b) The information furnished under ~~subdivision 3~~ this chapter and the rules adopted

134.23 pursuant to subdivision 1 may not be used or disclosed by 911 system agencies, their agents,

134.24 or their employees for any other purpose except under a court order.

134.25 ~~(b)~~ (c) For purposes of this subdivision, "emergency" means a situation in which property

134.26 or human life is in jeopardy and the prompt notification of the public by the public safety

134.27 answering point is essential.

134.28 Subd. 5. **Liability.** (a) ~~A wire-line telecommunications service provider~~ An OSP, its

134.29 employees, or its agents are not liable to any person who uses ~~enhanced 911~~

134.30 ~~telecommunications service~~ NG911 services for release of subscriber information required

134.31 under this chapter to any ~~public safety answering point~~ PSAP.

134.32 (b) ~~A wire-line telecommunications service provider~~ An OSP is not liable to any person

134.33 for the good-faith release to emergency communications personnel of information not in

135.1 the public record, including, but not limited to, nonpublished or nonlisted telephone numbers,
 135.2 except for willful or wanton misconduct.

135.3 ~~(c) A wire-line telecommunications service provider, its employees, or its agents are not~~
 135.4 ~~liable to any person for civil damages resulting from or caused by any act or omission in~~
 135.5 ~~the development, design, installation, operation, maintenance, performance, or provision~~
 135.6 ~~of enhanced 911 telecommunications service, except for willful or wanton misconduct.~~

135.7 ~~(d) A multiline telephone system manufacturer, provider, or operator is not liable for~~
 135.8 ~~any civil damages or penalties as a result of any act or omission, except willful or wanton~~
 135.9 ~~misconduct, in connection with developing, designing, installing, maintaining, performing,~~
 135.10 ~~provisioning, adopting, operating, or implementing any plan or system required by section~~
 135.11 ~~403.15.~~

135.12 ~~(e) A telecommunications service provider~~ (c) An OSP that participates in or cooperates
 135.13 with the public safety answering point in notifying the public of an emergency, as authorized
 135.14 under subdivision 4, is immune from liability arising out of the notification except for willful
 135.15 or wanton misconduct.

135.16 Sec. 37. Minnesota Statutes 2022, section 403.08, is amended to read:

135.17 **403.08 WIRELESS TELECOMMUNICATIONS ORIGINATING SERVICE**
 135.18 **PROVIDER PROVIDERS.**

135.19 Subd. 7. **Duties.** ~~Each wireless telecommunications service provider shall cooperate in~~
 135.20 ~~planning and implementing integration with enhanced 911 systems operating in their service~~
 135.21 ~~territories to meet Federal Communications Commission enhanced 911 standards. Each~~
 135.22 ~~wireless telecommunications service provider shall annually develop and provide to the~~
 135.23 ~~commissioner good faith estimates of installation and recurring expenses to integrate wireless~~
 135.24 ~~911 service into the enhanced 911 networks to meet Federal Communications Commission~~
 135.25 ~~phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties~~
 135.26 ~~and affected public safety agency representatives in developing a statewide design and plan~~
 135.27 ~~for implementation.~~ Each originating service provider (OSP) must cooperate in planning
 135.28 and implementing integration with the statewide 911 network to meet Federal
 135.29 Communications Commission and Public Utilities Commission 911 requirements, as
 135.30 applicable.

135.31 Subd. 9. **Scope.** ~~Planning considerations must include cost, degree of integration into~~
 135.32 ~~existing 911 systems, the retention of existing 911 infrastructure, and the potential~~
 135.33 ~~implications of phase 2 of the Federal Communications Commission wireless enhanced~~

136.1 ~~911 standards~~ a plan to interconnect to the 911 network POIs, the retention and reuse of
 136.2 existing 911 infrastructure, and the implications of the Federal Communications
 136.3 Commission's wireless location accuracy requirements.

136.4 Subd. 10. **Plan integration.** ~~Counties shall incorporate the statewide design when~~
 136.5 ~~modifying county 911 plans to provide for integrating wireless 911 service into existing~~
 136.6 ~~county 911 systems.~~ An OSP must annually submit plans to the commissioner detailing
 136.7 how they will connect, or confirming how they already connect, to the statewide 911 network.

136.8 Subd. 11. **Liability.** (a) ~~No wireless enhanced 911 emergency telecommunications~~
 136.9 ~~service provider~~ OSP, its employees, or its agents are liable to any person for civil damages
 136.10 resulting from or caused by any act or omission in the development, design, installation,
 136.11 operation, maintenance, performance, or provision of ~~enhanced~~ 911 wireless service, except
 136.12 for willful or wanton misconduct.

136.13 (b) ~~No wireless carrier, its employees, or its agents are liable to any person who uses~~
 136.14 ~~enhanced 911 wireless service for release of subscriber information required under this~~
 136.15 ~~chapter to any public safety answering point.~~

136.16 (b) A multiline telephone system manufacturer, provider, or operator is not liable for
 136.17 any civil damages or penalties as a result of any act or omission, except willful or wanton
 136.18 misconduct, in connection with developing, designing, installing, maintaining, performing,
 136.19 provisioning, adopting, operating, or implementing any plan or system required by section
 136.20 403.15.

136.21 Subd. 12. **Notification of subscriber.** ~~A provider of wireless telecommunications services~~
 136.22 ~~shall notify its subscribers at the time of initial subscription and four times per year thereafter~~
 136.23 ~~that a 911 emergency call made from a wireless telephone is not always answered by a local~~
 136.24 ~~public safety answering point but may be routed to a State Patrol dispatcher and that,~~
 136.25 ~~accordingly, the caller must provide specific information regarding the caller's location.~~

136.26 Sec. 38. Minnesota Statutes 2022, section 403.09, subdivision 2, is amended to read:

136.27 Subd. 2. **Commission authority.** At the request of the public utilities commission, the
 136.28 attorney general may commence proceedings before the district court pursuant to section
 136.29 237.27, against any ~~wire-line telecommunications~~ originating service provider that falls
 136.30 under the commission's authority and refuses to comply with this chapter.

137.1 Sec. 39. Minnesota Statutes 2022, section 403.10, subdivision 2, is amended to read:

137.2 Subd. 2. **Notice to ~~public safety~~ government agency.** ~~Public safety~~ Government agencies
137.3 with jurisdictional responsibilities ~~shall~~ must in all cases be notified by the public safety
137.4 answering point of a request for service in their jurisdiction.

137.5 Sec. 40. Minnesota Statutes 2022, section 403.10, subdivision 3, is amended to read:

137.6 Subd. 3. **Allocating costs.** Counties, public agencies, operating public safety answering
137.7 points, and other local governmental units may enter into cooperative agreements under
137.8 section 471.59 for the allocation of operational and capital costs attributable to the 911
137.9 system and 911 services.

137.10 Sec. 41. Minnesota Statutes 2022, section 403.11, is amended to read:

137.11 **403.11 911 SYSTEM COST ACCOUNTING REQUIREMENTS; FEE.**

137.12 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
137.13 ~~of a wireless or wire-line switched or packet-based telecommunications~~ an originating
137.14 service provider connected to the public switched telephone network that furnishes service
137.15 capable of originating a 911 emergency telephone call is assessed a fee based upon the
137.16 number of wired or wireless telephone lines, or their equivalent, to provide access to the
137.17 911 network and maintenance of the 911 customer database, or when the only option, to
137.18 cover the costs of ongoing maintenance and related improvements for trunking and central
137.19 office switching equipment and maintenance of 911 customer databases for 911 emergency
137.20 telecommunications service, to offset administrative and staffing costs of the commissioner
137.21 related to managing the 911 emergency telecommunications service program, to make
137.22 distributions provided for in section 403.113, and to offset the costs, including administrative
137.23 and staffing costs, incurred by the State Patrol Division of the Department of Public Safety
137.24 in handling 911 emergency calls made from wireless phones.

137.25 (b) Money remaining in the 911 emergency telecommunications service account after
137.26 all other obligations are paid and defined reserves are met must not cancel and is carried
137.27 forward to subsequent years and may be appropriated ~~from time to time~~ to the commissioner
137.28 to provide financial assistance to ~~counties~~ eligible entities for the improvement of ~~local~~
137.29 ~~emergency telecommunications services~~ 911 systems in compliance with use as designated
137.30 in section 403.113, subdivision 3.

137.31 (c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each
137.32 customer access line or other basic access service, including trunk equivalents as designated

138.1 by the Public Utilities Commission for access charge purposes and including wireless
138.2 telecommunications services. With the approval of the commissioner of management and
138.3 budget, the commissioner of public safety ~~shall~~ must establish the amount of the fee within
138.4 the limits specified and inform the companies and carriers of the amount to be collected.
138.5 ~~When the revenue bonds authorized under section 403.27, subdivision 1, have been fully~~
138.6 ~~paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the~~
138.7 ~~bonds is no longer needed.~~ The commissioner ~~shall~~ must provide companies and carriers a
138.8 minimum of 45 days' notice of each fee change. The fee must be the same for all customers,
138.9 except that the fee imposed under this subdivision does not apply to prepaid wireless
138.10 telecommunications service, which is instead subject to the fee imposed under section
138.11 403.161, subdivision 1, paragraph (a).

138.12 (d) The fee must be collected by each ~~wireless or wire-line telecommunications~~
138.13 originating service provider subject to the fee. Fees are payable to and must be submitted
138.14 to the commissioner monthly before the 25th of each month following the month of
138.15 collection, except that fees may be submitted quarterly if less than \$250 a month is due, or
138.16 annually if less than \$25 a month is due. Receipts must be deposited in the state treasury
138.17 and credited to a 911 emergency telecommunications service account in the special revenue
138.18 fund. The money in the account may only be used for 911 telecommunications services.
138.19 The money in the account may only be used for costs outlined in section 403.113.

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

138.22 Subd. 1a. **Fee collection declaration.** If the commissioner disputes the accuracy of a
138.23 fee submission or if no fees are submitted by a ~~wireless, wire-line, or packet-based~~
138.24 ~~telecommunications service provider, the wireless, wire-line, or packet-based~~
138.25 ~~telecommunications~~ an originating service provider ~~shall~~, the OSP must submit a sworn
138.26 declaration signed by an officer of the company certifying, under penalty of perjury, that
138.27 the information provided with the fee submission is true and correct. The sworn declaration
138.28 must specifically describe and affirm that the 911 fee computation is complete and accurate.
138.29 ~~When a wireless, wire-line, or packet-based telecommunications service provider~~ an OSP
138.30 fails to provide a sworn declaration within 90 days of notice by the commissioner that the
138.31 fee submission is disputed, the commissioner may estimate the amount due from the ~~wireless,~~
138.32 ~~wire-line, or packet-based telecommunications service provider~~ OSP and refer that amount
138.33 for collection under section 16D.04.

138.34 Subd. 1b. **Examination of fees.** If the commissioner determines that an examination is
138.35 necessary to document the fee submission and sworn declaration in subdivision 1a, the

139.1 ~~wireless, wire-line, or packet-based telecommunications service provider~~ OSP must contract
139.2 with an independent certified public accountant to conduct an examination of fees. The
139.3 examination must be conducted in accordance with attestation audit standards.

139.4 Subd. 3. **Method of payment.** (a) Any wireless or wire-line telecommunications service
139.5 provider incurring reimbursable costs under subdivision 1 ~~shall submit an invoice itemizing~~
139.6 ~~rate elements by county or service area to the commissioner for 911 services furnished under~~
139.7 ~~contract. Any wireless or wire-line telecommunications service provider is eligible to receive~~
139.8 ~~payment for 911 services rendered according to the terms and conditions specified in the~~
139.9 ~~contract. The commissioner shall pay the invoice within 30 days following receipt of the~~
139.10 ~~invoice unless the commissioner notifies the service provider that the commissioner disputes~~
139.11 ~~the invoice~~ must be paid in accordance with the amount and terms of their valid cost recovery
139.12 contract as described in section 403.025, subdivision 3a.

139.13 (b) The commissioner ~~shall~~ must estimate the amount required to reimburse 911
139.14 ~~emergency telecommunications service providers and wireless and wire-line~~
139.15 ~~telecommunications service providers~~ the OSP for the state's obligations under subdivision
139.16 1 and the governor ~~shall~~ must include the estimated amount in the biennial budget request.

139.17 Subd. 3a. **Timely invoices.** ~~An invoice for services provided for in the contract with a~~
139.18 ~~wireless or wire-line telecommunications service provider must be submitted to the~~
139.19 ~~commissioner no later than 90 days after commencing a new or additional eligible 911~~
139.20 ~~service. Each applicable contract must provide that, if certified expenses under the contract~~
139.21 ~~deviate from estimates in the contract by more than ten percent, the commissioner may~~
139.22 ~~reduce the level of service without incurring any termination fees.~~

139.23 Subd. 3b. **Declaration.** ~~If the commissioner disputes an invoice, the wireless and~~
139.24 ~~wire-line telecommunications service providers shall submit a declaration under section~~
139.25 ~~16A.41 signed by an officer of the company with the invoices for payment of service~~
139.26 ~~described in the service provider's 911 contract. The sworn declaration must specifically~~
139.27 ~~describe and affirm that the 911 service contracted for is being provided and the costs~~
139.28 ~~invoiced for the service are true and correct. When a wireless or wire-line telecommunications~~
139.29 ~~service provider fails to provide a sworn declaration within 90 days of notice by the~~
139.30 ~~commissioner that the invoice is disputed, the disputed amount of the invoice must be~~
139.31 ~~disallowed.~~

139.32 Subd. 3c. **Audit.** If the commissioner determines that an audit is necessary to document
139.33 ~~the invoice and sworn declaration in subdivision 3b~~ costs eligible for recovery as detailed
139.34 in subdivision 1, the ~~wireless or wire-line telecommunications service provider~~ OSP must

140.1 contract with an independent certified public accountant to conduct the audit. The audit
140.2 must be conducted according to generally accepted accounting principles. The ~~wireless or~~
140.3 ~~wire-line telecommunications service provider~~ OSP is responsible for any costs associated
140.4 with the audit.

140.5 Subd. 3d. **Eligible telecommunications carrier; requirement.** No ~~wireless~~
140.6 ~~communications provider~~ OSP may provide telecommunications services under a designation
140.7 of eligible telecommunications carrier, as provided under Minnesota Rules, part 7811.1400,
140.8 until and unless the commissioner of public safety certifies to the chair of the public utilities
140.9 commission that the wireless telecommunications provider is not in arrears in amounts owed
140.10 to the 911 emergency telecommunications service account in the special revenue fund.

140.11 Subd. 4. **Local recurring costs.** Recurring costs ~~of~~ not covered as part of the state 911
140.12 network contracts for telecommunications equipment and services at public safety answering
140.13 points must be borne by the local governmental agency operating the public safety answering
140.14 point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local
140.15 government electives for services not otherwise addressed under section 403.11 or 403.113
140.16 must be borne by the governmental agency requesting the elective service.

140.17 Subd. 5. **Tariff notification.** Wire-line telecommunications service providers or wireless
140.18 telecommunications service providers holding eligible telecommunications carrier status
140.19 ~~shall~~ must give notice to the commissioner and any other affected governmental agency of
140.20 tariff or price list changes related to 911 service at the same time that the filing is made with
140.21 the public utilities commission.

140.22 Subd. 6. **OSP report.** (a) ~~Beginning Each~~ September 1, 2013, and continuing
140.23 ~~semiannually thereafter and March 1, each wireless telecommunications service provider~~
140.24 ~~shall~~ OSP must report to the commissioner, based on the mobile subscriber's telephone
140.25 number, ~~both~~. Wireless communication providers must include the total number of prepaid
140.26 wireless telecommunications subscribers sourced to Minnesota and the total number of
140.27 wireless telecommunications subscribers sourced to Minnesota. The report must be filed
140.28 on the same schedule as Federal Communications Commission Form 477.

140.29 (b) The commissioner ~~shall~~ must make a standard form available to all wireless
140.30 telecommunications service providers for submitting information required to compile the
140.31 report required under this subdivision.

140.32 (c) The information provided to the commissioner under this subdivision is considered
140.33 trade secret information under section 13.37 and may only be used for purposes of
140.34 administering this chapter.

141.1 Sec. 42. Minnesota Statutes 2022, section 403.113, is amended to read:

141.2 **403.113 ENHANCED 911 SERVICE COSTS; FEE.**

141.3 Subdivision 1. **Fee.** A portion of the fee collected under section 403.11 must be used to
 141.4 fund implementation, operation, maintenance, enhancement, and expansion of ~~enhanced~~
 141.5 the 911 service network, including acquisition of necessary equipment and the costs of the
 141.6 commissioner to administer the program in accordance with Federal Communications
 141.7 Commission rules.

141.8 Subd. 2. **Distribution of money.** (a) After payment of the costs of the commissioner to
 141.9 administer the program, the commissioner ~~shall~~ must distribute the money collected under
 141.10 this section as follows:

141.11 (1) one-half of the amount equally to all qualified counties, and after October 1, 1997,
 141.12 to all qualified counties, existing ten public safety answering points operated by the
 141.13 Minnesota State Patrol, and each governmental entity operating the individual public safety
 141.14 answering points serving the Metropolitan Airports Commission, the Red Lake Indian
 141.15 Reservation, and the University of Minnesota Police Department; and

141.16 (2) the remaining one-half to qualified counties and cities with existing 911 systems
 141.17 based on each county's or city's percentage of the total population of qualified counties and
 141.18 cities. The population of a qualified city with an existing system must be deducted from its
 141.19 county's population when calculating the county's share under this clause if the city seeks
 141.20 direct distribution of its share.

141.21 (b) A county's share under subdivision 1 must be shared pro rata between the county
 141.22 and existing city systems in the county. A county or city or other governmental entity as
 141.23 described in paragraph (a), clause (1), ~~shall~~ must deposit money received under this
 141.24 subdivision in an interest-bearing fund or account separate from the governmental entity's
 141.25 general fund and may use money in the fund or account only for the purposes specified in
 141.26 subdivision 3.

141.27 (c) A county or city or other governmental entity as described in paragraph (a), clause
 141.28 (1), is not qualified to share in the distribution of money for ~~enhanced~~ 911 service if it has
 141.29 not implemented enhanced 911 service before December 31, 1998.

141.30 (d) For the purposes of this subdivision, "existing city system" means a city 911 system
 141.31 that provides at least basic 911 service and that was implemented on or before April 1, 1993.

141.32 Subd. 3. **Local expenditures.** (a) Money distributed under subdivision 2 for ~~enhanced~~
 141.33 911 service systems or services may be spent on ~~enhanced~~ 911 system costs for the purposes

142.1 stated in subdivision 1. ~~In addition, money may be spent to lease, purchase, lease-purchase,~~
 142.2 ~~or maintain enhanced 911 equipment, including telephone equipment; recording equipment;~~
 142.3 ~~computer hardware; computer software for database provisioning, addressing, mapping,~~
 142.4 ~~and any other software necessary for automatic location identification or local location~~
 142.5 ~~identification; trunk lines; selective routing equipment; the master street address guide;~~
 142.6 ~~dispatcher public safety answering point equipment proficiency and operational skills; pay~~
 142.7 ~~for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and~~
 142.8 ~~the equipment necessary within the public safety answering point for community alert~~
 142.9 ~~systems and to notify and communicate with the emergency services requested by the 911~~
 142.10 ~~caller. as well as expenses deemed allowable in accordance with Code of Federal Regulations,~~
 142.11 ~~title 47, section 9.2.~~

142.12 (b) Money distributed for ~~enhanced 911 service systems or services~~ may not be spent
 142.13 on:

142.14 (1) purchasing or leasing of real estate or cosmetic additions to or remodeling of
 142.15 ~~communications centers~~ public safety answering points;

142.16 (2) ~~mobile communications vehicles~~, fire engines, ambulances, law enforcement vehicles,
 142.17 or other emergency vehicles;

142.18 (3) signs, posts, or other markers related to addressing or any costs associated with the
 142.19 installation or maintenance of signs, posts, or markers;

142.20 (4) any purposes prohibited by the Federal Communications Commission;

142.21 (5) the transfer of 911 fees into a state or other jurisdiction's general fund or other fund
 142.22 for non-911 purposes;

142.23 (6) public safety telecommunicator salaries unless associated with training functions;

142.24 and

142.25 (7) the leasing or purchase of end user equipment.

142.26 Subd. 4. **Audits.** (a) Each county and city or other governmental entity federal, Tribal,
 142.27 or other organization connected to the statewide 911 network as described in subdivision
 142.28 2, paragraph (a), clause (1), shall or secondary public safety answering point must conduct
 142.29 an annual audit a compliance report in accordance with Minnesota Rules, chapter 7580, and
 142.30 Code of Federal Regulations, title 47, section 9.25, on the use of funds distributed to it for
 142.31 enhanced 911 service systems or services to ensure the distribution is spent according to
 142.32 subdivision 3. A copy of each audit compliance report must be submitted to the
 142.33 commissioner.

143.1 (b) The commissioner may request a state audit of a county, federal, Tribal, or other
143.2 organization connected to the statewide 911 network which receives 911 funds from the
143.3 state to operate its 911 system or service to ensure compliance with subdivision 3.

143.4 (c) Failure to submit a compliance report may result in a disruption of 911 fee distribution
143.5 until the compliance report is submitted.

143.6 Sec. 43. Minnesota Statutes 2022, section 403.15, subdivision 1, is amended to read:

143.7 Subdivision 1. **Multistation or PBX system.** Except as otherwise provided in this
143.8 section, every owner and operator of a new multistation or private branch exchange (PBX)
143.9 multiline telephone system purchased or upgraded after December 31, 2004, ~~shall~~ must
143.10 design and maintain the system to provide a callback number or ten-digit caller ID and
143.11 emergency response location.

143.12 Sec. 44. Minnesota Statutes 2022, section 403.15, subdivision 2, is amended to read:

143.13 Subd. 2. **Multiline telephone system user dialing instructions.** (a) Each multiline
143.14 telephone system (MLTS) operator must demonstrate or otherwise inform each new telephone
143.15 system user how to call for emergency assistance from that particular multiline telephone
143.16 system.

143.17 (b) MLTS platforms that are manufactured, imported, offered for first sale or lease, first
143.18 sold or leased, or installed after February 16, 2020, must enable users to directly initiate a
143.19 call to 911 from any station equipped with dialing facilities without dialing any additional
143.20 digit, code, prefix, or postfix, including any trunk-access code such as the digit nine,
143.21 regardless of whether the user is required to dial such a digit, code, prefix, or postfix for
143.22 other calls.

143.23 (c) MLTSs that are manufactured, imported, offered for first sale or lease, first sold or
143.24 leased, or installed after February 16, 2020, must be configured so that upon an occurrence
143.25 of a 911 call it will provide a notification that a 911 call has been made to a central location
143.26 at the facility where the system is installed or to another person or organization, regardless
143.27 of location, if the system is able to be configured to provide the notification without an
143.28 improvement to the hardware or software of the system.

143.29 Sec. 45. Minnesota Statutes 2022, section 403.15, subdivision 3, is amended to read:

143.30 Subd. 3. **Shared residential multiline telephone system.** On and after January 1, 2005,
143.31 operators of shared multiline telephone systems, whenever installed, serving residential
143.32 customers ~~shall~~ must ensure that the shared multiline telephone system is connected to the

144.1 public switched network and that 911 calls from the system result in at least one distinctive
144.2 automatic number identification and automatic location identification for each residential
144.3 unit, except those requirements do not apply if the residential facility maintains one of the
144.4 following:

144.5 (1) automatic location identification for each respective emergency response location;

144.6 (2) the ability to direct emergency responders to the 911 caller's location through an
144.7 alternative and adequate means, such as the establishment of a 24-hour private answering
144.8 point operated by the facility; or

144.9 (3) a connection to a switchboard operator, attendant, or other designated on-site
144.10 individual.

144.11 Sec. 46. Minnesota Statutes 2022, section 403.15, subdivision 4, is amended to read:

144.12 Subd. 4. **Hotel or motel multiline telephone system.** Operators of hotel and motel
144.13 multiline telephone systems ~~shall~~ must permit the dialing of 911 and ~~shall~~ must ensure that
144.14 911 calls originating from hotel or motel multiline telephone systems allow the 911 system
144.15 to clearly identify the address and specific location of the 911 caller.

144.16 Sec. 47. Minnesota Statutes 2022, section 403.15, subdivision 5, is amended to read:

144.17 Subd. 5. **Business multiline telephone system.** (a) An operator of business multiline
144.18 telephone systems connected to the public switched telephone network and serving business
144.19 locations of one employer ~~shall~~ must ensure that calls to 911 from any telephone on the
144.20 system result in one of the following:

144.21 (1) automatic location identification for each respective emergency response location;

144.22 (2) an ability to direct emergency responders to the 911 caller's location through an
144.23 alternative and adequate means, such as the establishment of a 24-hour private answering
144.24 point operated by the employer; or

144.25 (3) a connection to a switchboard operator, attendant, or other designated on-site
144.26 individual.

144.27 (b) Except as provided in paragraph (c), providers of multiline telephone systems serving
144.28 multiple employers' business locations ~~shall~~ must ensure that calls to 911 from any telephone
144.29 result in automatic location identification for the respective emergency response location
144.30 of each business location sharing the system.

144.31 (c) Only one emergency response location is required in the following circumstances:

145.1 (1) an employer's work space is less than 40,000 square feet, located on a single floor
145.2 and on a single contiguous property;

145.3 (2) an employer's work space is less than 7,000 square feet, located on multiple floors
145.4 and on a single contiguous property; or

145.5 (3) an employer's work space is a single public entrance, single floor facility on a single
145.6 contiguous property.

145.7 Sec. 48. Minnesota Statutes 2022, section 403.15, subdivision 6, is amended to read:

145.8 Subd. 6. **Schools.** A multiline telephone system operated by a public or private
145.9 educational institution, including a system serving dormitories and other residential
145.10 customers, is subject to this subdivision and is not subject to subdivision 3. The operator
145.11 of the education institution multiline system connected to the public switched network must
145.12 ensure that calls to 911 from any telephone on the system result in one of the following:

145.13 (1) automatic location identification for each respective emergency response location;

145.14 (2) an ability to direct emergency responders to the 911 caller's location through an
145.15 alternative and adequate means, such as the establishment of a 24-hour private answering
145.16 point operated by the educational institution; or

145.17 (3) a connection to a switchboard operator, attendant, or other designated on-site
145.18 individual.

145.19 Sec. 49. Minnesota Statutes 2022, section 403.15, is amended by adding a subdivision to
145.20 read:

145.21 Subd. 9. **MLTS location compliance notification.** Beginning July 1, 2023, all vendors
145.22 of MLTSs or hosted MLTS services in Minnesota must disclose to their customers the 911
145.23 location requirements in this chapter and include 911 location compliant capabilities in the
145.24 systems or services they sell.

145.25 Sec. 50. **RENUMBERING.**

145.26 In Minnesota Statutes, the revisor of statutes shall renumber the subdivisions of Minnesota
145.27 Statutes, section 403.02.

145.28 Sec. 51. **REPEALER.**

145.29 Minnesota Statutes 2022, sections 403.02, subdivision 13; and 403.09, subdivision 3,
145.30 are repealed.

146.1

ARTICLE 7

146.2

MINNESOTA REHABILITATION AND REINVESTMENT PROVISIONS

146.3

Section 1. Minnesota Statutes 2022, section 244.03, is amended to read:

146.4

244.03 REHABILITATIVE PROGRAMS.

146.5

Subdivision 1. Commissioner responsibility. (a) For individuals committed to the

146.6

commissioner's authority, the commissioner shall provide appropriate mental health programs

146.7

and vocational and educational programs with employment-related goals for inmates. The

146.8

selection, design and implementation of programs under this section shall be the sole

146.9

responsibility of the commissioner, acting within the limitations imposed by the funds

146.10

appropriated for such programs. must develop, implement, and provide, as appropriate:

146.11

(1) substance use disorder treatment programs;

146.12

(2) sexual offender treatment programming;

146.13

(3) domestic abuse programming;

146.14

(4) medical and mental health services;

146.15

(5) spiritual and faith-based programming;

146.16

(6) culturally responsive programming;

146.17

(7) vocational, employment and career, and educational programming; and

146.18

(8) other rehabilitative programs.

146.19

(b) While evidence-based programs must be prioritized, selecting, designing, and

146.20

implementing programs under this section are the sole responsibility of the commissioner,

146.21

acting within the limitations imposed by the funds appropriated for the programs under this

146.22

section.

146.23

Subd. 2. Challenge prohibited. No action challenging the level of expenditures for

146.24

rehabilitative programs authorized under this section, nor any action challenging the selection,

146.25

design, or implementation of these programs, including employee assignments, may be

146.26

maintained by an inmate in any court in this state.

146.27

Subd. 3. Disciplinary sanctions. The commissioner may impose disciplinary sanctions

146.28

upon on any inmate who refuses to participate in rehabilitative programs.

147.1 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

147.2 Subd. 1b. **Supervised release; ~~offenders~~ inmates who commit crimes on or after**
147.3 **August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to
147.4 prison for a felony offense committed on or after August 1, 1993, shall serve a supervised
147.5 release term upon completion of the inmate's term of imprisonment and any disciplinary
147.6 confinement period imposed by the commissioner due to the inmate's violation of any
147.7 disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative
147.8 program required under section 244.03. The amount of time the inmate serves on supervised
147.9 release ~~shall be~~ is equal in length to the amount of time remaining in to one-third of the
147.10 inmate's ~~fixed~~ executed sentence after the inmate has served the term of imprisonment and
147.11 any disciplinary confinement period imposed by the commissioner, less any disciplinary
147.12 confinement period imposed by the commissioner and regardless of any earned incentive
147.13 release credit applied toward the individual's term of imprisonment under section 244.44.

147.14 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
147.15 program as required under section 244.03 shall be placed on supervised release until the
147.16 inmate has served the disciplinary confinement period for that disciplinary sanction or until
147.17 the inmate is discharged or released from punitive ~~segregation~~ restrictive-housing
147.18 confinement, whichever is later. The imposition of a disciplinary confinement period shall
147.19 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
147.20 imposing the disciplinary confinement period and the rights of the inmate in the procedure
147.21 shall be those in effect for the imposition of other disciplinary sanctions at each state
147.22 correctional institution.

147.23 (c) For purposes of this subdivision, "earned incentive release credit" has the meaning
147.24 given in section 244.41, subdivision 7.

147.25 Sec. 3. **[244.40] MINNESOTA REHABILITATION AND REINVESTMENT ACT.**

147.26 Sections 244.40 to 244.51 may be cited as the "Minnesota Rehabilitation and
147.27 Reinvestment Act."

147.28 Sec. 4. **[244.41] DEFINITIONS.**

147.29 Subdivision 1. **Scope.** For purposes of the act, the terms defined in this section have the
147.30 meanings given.

147.31 Subd. 2. **Act.** "Act" means the Minnesota Rehabilitation and Reinvestment Act.

147.32 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections.

148.1 Subd. 4. **Correctional facility.** "Correctional facility" means a state facility under the
148.2 direct operational authority of the commissioner but does not include a commissioner-licensed
148.3 local detention facility.

148.4 Subd. 5. **Direct-cost per diem.** "Direct-cost per diem" means the actual nonsalary
148.5 expenditures, including encumbrances as of July 31 following the end of the fiscal year,
148.6 from the Department of Corrections expense budgets for food preparation; food provisions;
148.7 personal support for incarcerated persons, including clothing, linen, and other personal
148.8 supplies; transportation; and professional technical contracted health care services.

148.9 Subd. 6. **Earned compliance credit.** "Earned compliance credit" means a one-month
148.10 reduction from the period during active supervision of the supervised release term for every
148.11 two months that a supervised individual exhibits compliance with the conditions and goals
148.12 of the individual's supervision plan.

148.13 Subd. 7. **Earned incentive release credit.** "Earned incentive release credit" means credit
148.14 that is earned and included in calculating an incarcerated person's term of imprisonment for
148.15 completing objectives established by their individualized rehabilitation plan under section
148.16 244.42.

148.17 Subd. 8. **Earned incentive release savings.** "Earned incentive release savings" means
148.18 the calculation of the direct-cost per diem multiplied by the number of incarcerated days
148.19 saved for the period of one fiscal year.

148.20 Subd. 9. **Executed sentence.** "Executed sentence" means the total period for which an
148.21 incarcerated person is committed to the custody of the commissioner.

148.22 Subd. 10. **Incarcerated days saved.** "Incarcerated days saved" means the number of
148.23 days of an incarcerated person's original term of imprisonment minus the number of actual
148.24 days served, excluding days not served due to death or as a result of time earned in the
148.25 challenge incarceration program under sections 244.17 to 244.173.

148.26 Subd. 11. **Incarcerated person.** "Incarcerated person" has the meaning given "inmate"
148.27 in section 244.01, subdivision 2.

148.28 Subd. 12. **Supervised release.** "Supervised release" means the release of an incarcerated
148.29 person according to section 244.05.

148.30 Subd. 13. **Supervised release term.** "Supervised release term" means the period equal
148.31 to one-third of the individual's fixed executed sentence, less any disciplinary confinement
148.32 period or punitive restrictive-housing confinement imposed under section 244.05, subdivision
148.33 1b.

149.1 Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end
149.2 to active correctional supervision of a supervised individual without effect on the legal
149.3 expiration date of the individual's executed sentence less any earned incentive release credit.

149.4 Subd. 15. **Term of imprisonment.** "Term of imprisonment" has the meaning given in
149.5 section 244.01, subdivision 8.

149.6 Sec. 5. **[244.42] COMPREHENSIVE ASSESSMENT AND INDIVIDUALIZED**
149.7 **REHABILITATION PLAN REQUIRED.**

149.8 Subdivision 1. **Comprehensive assessment.** (a) The commissioner must develop a
149.9 comprehensive assessment process for each person who:

149.10 (1) is committed to the commissioner's custody and confined in a state correctional
149.11 facility on or after January 1, 2025; and

149.12 (2) has 365 or more days remaining until the person's scheduled supervised release date
149.13 or parole eligibility date.

149.14 (b) As part of the assessment process, the commissioner must take into account
149.15 appropriate rehabilitative programs under section 244.03.

149.16 Subd. 2. **Individualized rehabilitation plan.** After completing the assessment process,
149.17 the commissioner must ensure the development of an individualized rehabilitation plan,
149.18 along with identified goals, for every person committed to the commissioner's custody. The
149.19 individualized rehabilitation plan must be holistic in nature by identifying intended outcomes
149.20 for addressing:

149.21 (1) the incarcerated person's needs and risk factors;

149.22 (2) the person's identified strengths; and

149.23 (3) available and needed community supports, including victim safety considerations
149.24 as required under section 244.47, if applicable.

149.25 Subd. 3. **Victim input.** (a) If an individual is committed to the commissioner's custody
149.26 for a crime listed in section 609.02, subdivision 16, the commissioner must make reasonable
149.27 efforts to notify a victim of the opportunity to provide input during the assessment and
149.28 rehabilitation plan process. Victim input may include:

149.29 (1) a summary of victim concerns relative to release;

149.30 (2) concerns related to victim safety during the committed individual's term of
149.31 imprisonment; or

150.1 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
150.2 or supervised release.

150.3 (b) The commissioner must consider all victim input statements when developing an
150.4 individualized rehabilitation plan and establishing conditions governing confinement or
150.5 release.

150.6 Subd. 4. **Transition and release plan.** For an incarcerated person with less than 365
150.7 days remaining until the person's supervised release date, the commissioner, in consultation
150.8 with the incarcerated person, must develop a transition and release plan.

150.9 Subd. 5. **Scope of act.** This act is separate and distinct from other legislatively authorized
150.10 release programs, including the challenge incarceration program, work release, conditional
150.11 medical release, or the program for the conditional release of nonviolent controlled substance
150.12 offenders.

150.13 Sec. 6. **[244.43] EARNED INCENTIVE RELEASE CREDIT.**

150.14 Subdivision 1. **Policy for earned incentive release credit; stakeholder consultation.** (a)
150.15 To encourage and support rehabilitation when consistent with the public interest and public
150.16 safety, the commissioner must establish a policy providing for earned incentive release
150.17 credit as a part of the term of imprisonment. The policy must be established in consultation
150.18 with the following organizations:

150.19 (1) Minnesota County Attorneys Association;

150.20 (2) Minnesota Board of Public Defense;

150.21 (3) Minnesota Association of Community Corrections Act Counties;

150.22 (4) Minnesota Indian Women's Sexual Assault Coalition;

150.23 (5) Violence Free Minnesota;

150.24 (6) Minnesota Coalition Against Sexual Assault;

150.25 (7) Minnesota Alliance on Crime;

150.26 (8) Minnesota Sheriffs' Association;

150.27 (9) Minnesota Chiefs of Police Association;

150.28 (10) Minnesota Police and Peace Officers Association; and

150.29 (11) faith-based organizations that reflect the demographics of the incarcerated population.

150.30 (b) The policy must:

151.1 (1) provide circumstances upon which an incarcerated person may receive earned
 151.2 incentive release credits, including participation in rehabilitative programming under section
 151.3 244.03; and

151.4 (2) address circumstances where:

151.5 (i) the capacity to provide rehabilitative programming in the correctional facility is
 151.6 diminished but the programming is available in the community; and

151.7 (ii) the conditions under which the incarcerated person could be released to the
 151.8 community-based resource but remain subject to commitment to the commissioner and
 151.9 could be considered for earned incentive release credit.

151.10 Subd. 2. **Policy on disparities.** The commissioner must develop a policy establishing a
 151.11 process for assessing and addressing any systemic and programmatic gender and racial
 151.12 disparities that may be identified when awarding earned incentive release credits.

151.13 **Sec. 7. [244.44] APPLYING EARNED INCENTIVE RELEASE CREDIT.**

151.14 Earned incentive release credits are included in calculating the term of imprisonment
 151.15 but are not added to the person's supervised release term, the total length of which remains
 151.16 unchanged. The maximum amount of earned incentive release credit that can be earned and
 151.17 subtracted from the term of imprisonment is 17 percent of the total executed sentence.
 151.18 Earned credit cannot reduce the term of imprisonment to less than one-half of the incarcerated
 151.19 person's executed sentence. Once earned, earned incentive release credits are nonrevocable.

151.20 **Sec. 8. [244.45] INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.**

151.21 The following individuals are ineligible for earned incentive release credit:

151.22 (1) those serving life sentences;

151.23 (2) those given indeterminate sentences for crimes committed on or before April 30,
 151.24 1980; or

151.25 (3) those subject to good time under section 244.04 or similar laws.

151.26 **Sec. 9. [244.46] EARNED COMPLIANCE CREDIT AND SUPERVISION**
 151.27 **ABATEMENT STATUS.**

151.28 Subdivision 1. **Adopting policy for earned compliance credit; supervision abatement**
 151.29 **status.** (a) The commissioner must adopt a policy providing for earned compliance credit.

152.1 (b) Except as otherwise provided in the act, once the time served on active supervision
152.2 plus earned compliance credits equals the total length of the supervised release term, the
152.3 commissioner must place the individual on supervision abatement status for the remainder
152.4 of the supervised release term.

152.5 Subd. 2. **Violating conditions of release; commissioner action.** If an individual violates
152.6 the conditions of release while on supervision abatement status, the commissioner may:

152.7 (1) return the individual to active supervision for the remainder of the supervised release
152.8 term, with or without modifying the conditions of release; or

152.9 (2) revoke the individual's supervised release in accordance with section 244.05,
152.10 subdivision 3.

152.11 Subd. 3. **Supervision abatement status; requirements.** A person who is placed on
152.12 supervision abatement status under this section must not be required to regularly report to
152.13 a supervised release agent or pay a supervision fee but must continue to:

152.14 (1) obey all laws;

152.15 (2) report any new criminal charges; and

152.16 (3) abide by section 243.1605 before seeking written authorization to relocate to another
152.17 state.

152.18 Subd. 4. **Applicability.** This section does not apply to individuals:

152.19 (1) serving life sentences;

152.20 (2) given indeterminate sentences for crimes committed on or before April 30, 1980; or

152.21 (3) subject to good time under section 244.04 or similar laws.

152.22 Sec. 10. **[244.47] VICTIM INPUT.**

152.23 Subdivision 1. **Notifying victim; victim input.** (a) If an individual is committed to the
152.24 custody of the commissioner for a crime listed in section 609.02, subdivision 16, and is
152.25 eligible for earned incentive release credit, the commissioner must make reasonable efforts
152.26 to notify the victim that the committed individual is eligible for earned incentive release
152.27 credit.

152.28 (b) Victim input may include:

152.29 (1) a summary of victim concerns relative to eligibility of earned incentive release credit;

153.1 (2) concerns related to victim safety during the committed individual's term of
153.2 imprisonment; or

153.3 (3) requests for imposing victim safety protocols as additional conditions of imprisonment
153.4 or supervised release.

153.5 Subd. 2. **Victim input statements.** The commissioner must consider victim input
153.6 statements when establishing requirements governing conditions of release. The
153.7 commissioner must provide the name and telephone number of the local victim agency
153.8 serving the jurisdiction of release to any victim providing input on earned incentive release
153.9 credit.

153.10 Sec. 11. **[244.48] VICTIM NOTIFICATION.**

153.11 Nothing in this act limits any victim notification obligations of the commissioner required
153.12 by statute related to a change in custody status, committing offense, end-of-confinement
153.13 review, or notification registration.

153.14 Sec. 12. **[244.49] INTERSTATE COMPACT.**

153.15 (a) This section applies to a person serving a Minnesota sentence while being supervised
153.16 in another state according to the Interstate Compact for Adult Supervision.

153.17 (b) As may be allowed under section 243.1605, a person may be eligible for supervision
153.18 abatement status according to the act only if they meet eligibility criteria for earned
153.19 compliance credit as established under section 244.46.

153.20 Sec. 13. **[244.50] REALLOCATING EARNED INCENTIVE RELEASE SAVINGS.**

153.21 Subdivision 1. **Establishing reallocation revenue account.** The reallocation of earned
153.22 incentive release savings account is established in the special revenue fund in the state
153.23 treasury. Funds in the account are appropriated to the commissioner and must be expended
153.24 in accordance with the allocation established in subdivision 4 after the requirements of
153.25 subdivision 2 are met. Funds in the account are available until expended.

153.26 Subd. 2. **Certifying earned incentive release savings.** On or before the final closeout
153.27 date of each fiscal year, the commissioner must certify to Minnesota Management and
153.28 Budget the earned incentive release savings from the previous fiscal year. The commissioner
153.29 must provide the detailed calculation substantiating the savings amount, including
153.30 accounting-system-generated data where possible, supporting the direct-cost per diem and
153.31 the incarcerated days saved.

154.1 Subd. 3. Savings to be transferred to reallocation revenue account. After the
154.2 certification in subdivision 2 is completed, the commissioner must transfer funds from the
154.3 appropriation from which the savings occurred to the reallocation revenue account according
154.4 to the allocation in subdivision 4. Transfers must occur by September 1 each year.

154.5 Subd. 4. Distributing reallocation funds. The commissioner must distribute funds as
154.6 follows:

154.7 (1) 25 percent must be transferred to the Office of Justice Programs in the Department
154.8 of Public Safety for crime victim services;

154.9 (2) 25 percent must be transferred to the Community Corrections Act subsidy
154.10 appropriation and to the Department of Corrections for supervised release and intensive
154.11 supervision services, based upon a three-year average of the release jurisdiction of supervised
154.12 releasees and intensive supervised releasees across the state;

154.13 (3) 25 percent must be transferred to the Department of Corrections for:

154.14 (i) grants to develop and invest in community-based services that support the identified
154.15 needs of correctionally involved individuals or individuals at risk of becoming involved in
154.16 the criminal justice system; and

154.17 (ii) sustaining the operation of evidence-based programming in state and local correctional
154.18 facilities; and

154.19 (4) 25 percent must be transferred to the general fund.

154.20 **Sec. 14. [244.51] REPORTING REQUIRED.**

154.21 Subdivision 1. Annual report required. (a) Beginning January 15, 2026, and by January
154.22 15 each year thereafter for ten years, the commissioner must provide a report to the chairs
154.23 and ranking minority members of the house of representatives and senate committees and
154.24 divisions with jurisdiction over public safety and judiciary.

154.25 (b) For the 2026 report, the commissioner must report on implementing the requirements
154.26 in this act. Starting with the 2027 report, the commissioner must report on the status of the
154.27 requirements in this act for the previous fiscal year.

154.28 (c) Each report must be provided to the sitting president of the Minnesota Association
154.29 of Community Corrections Act Counties and the executive directors of the Minnesota
154.30 Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition,
154.31 the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against
154.32 Sexual Assault, and the Minnesota County Attorneys Association.

155.1 (d) The report must include but not be limited to:

155.2 (1) a qualitative description of policy development; implementation status; identified
155.3 implementation or operational challenges; strategies identified to mitigate and ensure that
155.4 the act does not create or exacerbate gender, racial, and ethnic disparities; and proposed
155.5 mechanisms for projecting future savings and reallocation of savings;

155.6 (2) the number of persons who were granted earned incentive release credit, the total
155.7 number of days of incentive release earned, a summary of committing offenses for those
155.8 persons who earned incentive release credit, a summary of earned incentive release savings,
155.9 and the demographic data for all persons eligible for earned incentive release credit and the
155.10 reasons and demographic data of those eligible persons for whom earned incentive release
155.11 credit was unearned or denied;

155.12 (3) the number of persons who earned supervision abatement status, the total number
155.13 of days of supervision abatement earned, the committing offenses for those persons granted
155.14 supervision abatement status, the number of revocations for reoffense while on supervision
155.15 abatement status, and the demographic data for all persons eligible for, considered for,
155.16 granted, or denied supervision abatement status and the reasons supervision abatement status
155.17 was unearned or denied;

155.18 (4) the number of persons deemed ineligible to receive earned incentive release credits
155.19 and supervise abatement and the demographic data for the persons; and

155.20 (5) the number of victims who submitted input, the number of referrals to local
155.21 victim-serving agencies, and a summary of the kinds of victim services requested.

155.22 Subd. 2. **Soliciting feedback.** (a) The commissioner must solicit feedback on
155.23 victim-related operational concerns from the Minnesota Indian Women's Sexual Assault
155.24 Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and
155.25 Violence Free Minnesota.

155.26 (b) The feedback should relate to applying earned incentive release credit and supervision
155.27 abatement status options. A summary of the feedback from the organizations must be
155.28 included in the annual report.

155.29 Subd. 3. **Evaluating earned incentive release credit and act.** The commissioner must
155.30 direct the Department of Corrections' research unit to regularly evaluate earned incentive
155.31 release credits and other provisions of the act. The findings must be published on the
155.32 Department of Corrections' website and in the annual report.

156.1 Sec. 15. EFFECTIVE DATE.

156.2 Sections 1 to 14 are effective August 1, 2023.

156.3 **ARTICLE 8**

156.4 **SUPERVISED RELEASE BOARD; CHANGES TO RELEASE DETERMINATIONS**
156.5 **AND ELIGIBILITY FOR CERTAIN OFFENDERS**

156.6 Section 1. [244.049] SUPERVISED RELEASE BOARD.

156.7 Subdivision 1. Establishment; membership. (a) The Supervised Release Board is
156.8 established to review eligible cases and make release and final discharge decisions for:

156.9 (1) inmates serving life sentences with the possibility of parole or supervised release
156.10 under sections 243.05, subdivision 1, and 244.05, subdivision 5;

156.11 (2) inmates serving indeterminate sentences for crimes committed on or before April
156.12 30, 1980; and

156.13 (3) inmates eligible for early supervised release under section 244.05, subdivision 4a.

156.14 (b) The authority to grant discretionary release and final discharge previously vested in
156.15 the commissioner under sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and
156.16 609.12 is transferred to the board.

156.17 (c) The board consists of seven members as follows:

156.18 (1) four individuals appointed by the governor from which each of the majority leaders
156.19 and minority leaders of the house of representatives and senate provide two candidate
156.20 recommendations for consideration;

156.21 (2) two members appointed by the governor who have expertise in the neurological
156.22 development of juveniles; and

156.23 (3) the commissioner, who serves as chair.

156.24 (d) The members defined in paragraph (c), clause (1), must meet the following
156.25 qualifications, at a minimum:

156.26 (1) a law degree or a bachelor's degree in criminology, corrections, social work, or a
156.27 related social science;

156.28 (2) five years of experience in corrections, a criminal justice or community corrections
156.29 field, rehabilitation programming, behavioral health, or criminal law; and

156.30 (3) demonstrated knowledge of victim issues and correctional processes.

157.1 Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered
157.2 terms, but the terms of the initial members are as follows:

157.3 (1) three members must be appointed for terms that expire January 1, 2026; and

157.4 (2) three members must be appointed for terms that expire January 1, 2028.

157.5 (b) An appointed member is eligible for reappointment and a vacancy must be filled
157.6 according to subdivision 1.

157.7 (c) For appointed members, compensation and removal are as provided in section 15.0575.

157.8 Subd. 3. **Quorum; compensation; administrative duties.** (a) Subject to the requirements
157.9 in paragraph (b), the majority of members constitutes a quorum.

157.10 (b) When reviewing cases involving people who were 18 or older at the time of the
157.11 offense, the board must comprise a quorum of the five members identified in subdivision
157.12 1, paragraph (c), clauses (1) and (3). When reviewing cases involving people who were
157.13 under 18 at the time of the offense, the board must comprise a quorum of all seven members
157.14 and include at least one member identified in subdivision 1, paragraph (c), clause (2).

157.15 (c) An appointed board member must visit at least one state correctional facility every
157.16 12 months.

157.17 (d) The commissioner must provide the board with personnel, supplies, equipment,
157.18 office space, and other administrative services necessary and incident to fulfilling the board's
157.19 functions.

157.20 Subd. 4. **Limitation.** Nothing in this section:

157.21 (1) supersedes the commissioner's authority to set conditions of release or revoke an
157.22 inmate's release for violating any of the conditions; or

157.23 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
157.24 case.

157.25 Subd. 5. **Report.** (a) On or before February 15 each year, the board must submit to the
157.26 chairs and ranking minority members of the legislative committees with jurisdiction over
157.27 criminal justice policy a written report that:

157.28 (1) details the number of inmates reviewed;

157.29 (2) identifies inmates granted release or final discharge in the preceding year; and

158.1 (3) provides demographic data of inmates who were granted release or final discharge
158.2 and inmates who were denied release or final discharge, including whether any of the
158.3 individuals were under 18 years of age at the time of committing the offense.

158.4 (b) The report must also include the board's recommendations to the commissioner for
158.5 policy modifications that influence the board's duties.

158.6 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

158.7 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
158.8 **1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison
158.9 for a felony offense committed on or after August 1, 1993, shall serve a supervised release
158.10 term upon completion of the inmate's term of imprisonment and any disciplinary confinement
158.11 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
158.12 adopted by the commissioner or refusal to participate in a rehabilitative program required
158.13 under section 244.03. The amount of time the inmate serves on supervised release shall be
158.14 equal in length to the amount of time remaining in the inmate's executed sentence after the
158.15 inmate has served the term of imprisonment and any disciplinary confinement period imposed
158.16 by the commissioner.

158.17 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
158.18 program as required under section 244.03 shall be placed on supervised release until the
158.19 inmate has served the disciplinary confinement period for that disciplinary sanction or until
158.20 the inmate is discharged or released from punitive segregation confinement, whichever is
158.21 later. The imposition of a disciplinary confinement period shall be considered to be a
158.22 disciplinary sanction imposed upon an inmate, and the procedure for imposing the
158.23 disciplinary confinement period and the rights of the inmate in the procedure shall be those
158.24 in effect for the imposition of other disciplinary sanctions at each state correctional institution.

158.25 Sec. 3. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

158.26 Subd. 2. **Rules.** (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause
158.27 (1), the commissioner of corrections shall adopt by rule standards and procedures for the
158.28 revocation of supervised or conditional release, and shall specify the period of revocation
158.29 for each violation of release except in accordance with subdivision 5, paragraph (l).

158.30 (b) Procedures for ~~the revocation of~~ revoking release shall must provide due process of
158.31 law for the inmate.

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

159.1 Sec. 4. Minnesota Statutes 2022, section 244.05, subdivision 4, is amended to read:

159.2 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
159.3 life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph
159.4 (a), must not be given supervised release under this section.

159.5 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
159.6 under section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004,
159.7 section 609.109, subdivision 3, must not be given supervised release under this section
159.8 without having served a minimum term of 30 years.

159.9 (c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
159.10 under section 609.385 must not be given supervised release under this section without having
159.11 served a minimum term of imprisonment of 17 years.

159.12 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
159.13 or 4, must not be given supervised release under this section without having served the
159.14 minimum term of imprisonment specified by the court in its sentence.

159.15 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
159.16 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
159.17 section without having served a minimum term of imprisonment of 15 years.

159.18 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
159.19 or (c) who was under 18 years of age at the time of the commission of the offense must not
159.20 be given supervised release under this section without having served a minimum term of
159.21 imprisonment of 15 years.

159.22 Sec. 5. Minnesota Statutes 2022, section 244.05, is amended by adding a subdivision to
159.23 read:

159.24 Subd. 4a. **Eligibility for early supervised release; offenders who were under 18 at**
159.25 **the time of offense.** (a) Notwithstanding any other provision of law, any person who was
159.26 under the age of 18 at the time of the commission of an offense is eligible for early supervised
159.27 release if the person is serving an executed sentence that includes a term of imprisonment
159.28 of more than 15 years or separate, consecutive executed sentences for two or more crimes
159.29 that include combined terms of imprisonment that total more than 15 years.

159.30 (b) A person eligible for early supervised release under paragraph (a) must be considered
159.31 for early supervised release pursuant to section 244.049 after serving 15 years of
159.32 imprisonment.

160.1 (c) Where the person is serving separate, consecutive executed sentences for two or
160.2 more crimes, the person may be granted early supervised release on all sentences.

160.3 Sec. 6. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

160.4 Subd. 5. **Supervised release, life sentence and indeterminate sentences.** (a) The
160.5 ~~commissioner of corrections~~ board may, under rules ~~promulgated~~ adopted by the
160.6 commissioner, ~~give~~ grant supervised release or parole as follows:

160.7 (1) to an inmate serving a mandatory life sentence under section 609.185, paragraph (a),
160.8 clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004,
160.9 section 609.109, subdivision 3, after the inmate has served the minimum term of
160.10 imprisonment specified in subdivision 4 or section 243.05, subdivision 1, paragraph (a);

160.11 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
160.12 committed on or before April 30, 1980; or

160.13 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate
160.14 has served the minimum term of imprisonment.

160.15 (b) For cases involving multiple sentences, the board must grant or deny supervised
160.16 release as follows:

160.17 (1) if an inmate is serving multiple sentences that are concurrent to one another, the
160.18 board must grant or deny supervised release on all sentences; and

160.19 (2) notwithstanding any other law to the contrary, if an inmate eligible for early supervised
160.20 release under section 244.05, subdivision 4a, is serving multiple sentences that are
160.21 consecutive to one another, the board may grant or deny supervised release on one or more
160.22 sentences.

160.23 (c) The ~~commissioner shall~~ board must require the preparation of a community
160.24 investigation report and ~~shall~~ consider the findings of the report when making a supervised
160.25 release or parole decision under this subdivision. The report ~~shall~~ must:

160.26 (1) reflect the sentiment of the various elements of the community toward the inmate,
160.27 both at the time of the offense and at the present time. ~~The report shall;~~

160.28 (2) include the views of the sentencing judge, the prosecutor, any law enforcement
160.29 personnel who may have been involved in the case, and any successors to these individuals
160.30 who may have information relevant to the supervised release decision. ~~The report shall also;~~
160.31 and

161.1 (3) include the views of the victim and the victim's family unless the victim or the victim's
 161.2 family chooses not to participate.

161.3 (d) For an individual who was under 18 years of age when they committed their offense,
 161.4 the board must require the preparation of a development report and consider the report's
 161.5 findings when making a supervised release decision under this subdivision. The report must
 161.6 be prepared by a mental health professional under section 245I.04, subdivision 2, clause
 161.7 (1) to (4) or (6), and must address the inmate's cognitive, emotional, and social maturity.
 161.8 The board may use a previous report that was prepared within 12 months immediately
 161.9 preceding the hearing.

161.10 ~~(e)~~ (e) The ~~commissioner shall~~ board must make reasonable efforts to notify the victim,
 161.11 in advance, of the time and place of the inmate's ~~supervised~~ release review hearing. The
 161.12 victim has a right to submit an oral or written statement at the review hearing. The statement
 161.13 may summarize the harm suffered by the victim as a result of the crime and give the victim's
 161.14 recommendation on whether the inmate should be given supervised release at this time. The
 161.15 ~~commissioner~~ board must consider the victim's statement when making the supervised
 161.16 release or parole decision.

161.17 ~~(d)~~ (f) Supervised release or parole must be granted with a majority vote of the board
 161.18 members. When considering whether to give grant supervised release or parole to an inmate
 161.19 -serving a life or indeterminate sentence under section 609.3455, subdivision 3 or 4 or early
 161.20 supervised release to an inmate under subdivision 4a, the commissioner shall board must
 161.21 consider, at a minimum, the following:

161.22 (1) the risk the inmate poses to the community if released;

161.23 (2) the inmate's progress in treatment;

161.24 (3) the inmate's behavior while incarcerated;

161.25 (4) psychological or other diagnostic evaluations of the inmate;

161.26 (5) the inmate's criminal history;

161.27 (6) a victim statement under paragraph (e), if submitted;

161.28 (7) for an inmate who was under 18 years of age when they committed their offense:

161.29 (i) the development report under paragraph (d); and

161.30 (ii) relevant science on the neurological development of juveniles and information on
 161.31 the inmate's maturity and rehabilitation while incarcerated; and

161.32 (8) any other relevant conduct of the inmate while incarcerated or before incarceration.

- 162.1 (g) The ~~commissioner~~ board may not ~~give~~ grant supervised release or parole to ~~the~~ an
162.2 inmate unless:
- 162.3 (1) while in prison:
- 162.4 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;
162.5 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
162.6 has successfully completed substance use disorder treatment; and
- 162.7 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
162.8 successfully completed mental health treatment; and
- 162.9 (2) a comprehensive individual release plan is in place for the inmate that:
- 162.10 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
162.11 aftercare and community-based treatment. ~~The comprehensive plan also must include~~; and
- 162.12 (ii) includes a postprison employment or education plan for the inmate.
- 162.13 (h) No earlier than three years before an inmate reaches their minimum term of
162.14 imprisonment, the commissioner must conduct a formal review and make programming
162.15 recommendations relevant to the inmate's release review. The board must conduct a
162.16 supervised release review hearing as soon as practicable before an inmate reaches their
162.17 minimum term of imprisonment. If an inmate is not released after a hearing, the board must
162.18 conduct a subsequent review hearing no more than once every three years.
- 162.19 (i) Within 30 days after a supervised release review hearing, the board must issue a
162.20 decision on granting release, including an explanation for the decision. If the board does
162.21 not grant supervised release, the explanation must identify specific steps that the inmate
162.22 can take to increase the likelihood that release will be granted at a future hearing.
- 162.23 (j) When granting supervised release under this subdivision, the board must set prerelease
162.24 conditions to be followed by the inmate, if time permits, before their actual release or before
162.25 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
162.26 the commissioner may rescind the grant of supervised release without a hearing at any time
162.27 before the inmate's release or before constructive parole becomes effective. A grant of
162.28 constructive parole becomes effective once the inmate begins serving the consecutive
162.29 sentence.
- 162.30 (k) If the commissioner rescinds a grant of supervised release or parole, the board:
- 162.31 (1) must set a release review date that occurs within 90 days of the commissioner's
162.32 rescission; and

163.1 (2) by majority vote, may set a new supervised release date or set another review date.

163.2 (l) If the commissioner revokes supervised release or parole for an inmate serving a life
 163.3 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

163.4 (1) must set a release review date that occurs within one year of the commissioner's final
 163.5 revocation decision; and

163.6 (2) by majority vote, may set a new supervised release date or set another review date.

163.7 (m) The board may, by a majority vote, grant a person on supervised release or parole
 163.8 for a life or indeterminate sentence a final discharge from their sentence in accordance with
 163.9 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
 163.10 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
 163.11 that term.

163.12 (n) For purposes of this subdivision:

163.13 (1) "board" means the Supervised Release Board under section 244.049;

163.14 (2) "constructive parole" means the status of an inmate who has been paroled from an
 163.15 indeterminate sentence to begin serving a consecutive sentence in prison; and

163.16 ~~(e) As used in this subdivision,~~ (3) "victim" means the an individual who has directly
 163.17 suffered loss or harm as a result of the from an inmate's crime or, if the individual is deceased,
 163.18 the deceased's a murder victim's surviving spouse or, next of kin, or family kin.

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

163.20 Sec. 7. Minnesota Statutes 2022, section 244.101, subdivision 1, is amended to read:

163.21 Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision
 163.22 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed
 163.23 on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified
 163.24 minimum term of imprisonment that is equal to two-thirds of the executed sentence; and
 163.25 (2) a specified maximum supervised release term that is equal to one-third of the executed
 163.26 sentence. The amount of time the inmate actually serves in prison and on supervised release
 163.27 is subject to the provisions of section 244.05, subdivision 1b.

163.28 Sec. 8. Minnesota Statutes 2022, section 609.106, subdivision 2, is amended to read:

163.29 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall
 163.30 sentence a person to life imprisonment without possibility of release under the following
 163.31 circumstances:

164.1 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
164.2 clause (1), (2), (4), or (7);

164.3 (2) the person is convicted of committing first-degree murder in the course of a
164.4 kidnapping under section 609.185, paragraph (a), clause (3); or

164.5 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
164.6 clause (3), (5), or (6), and the court determines on the record at the time of sentencing that
164.7 the person has one or more previous convictions for a heinous crime.

164.8 Sec. 9. Minnesota Statutes 2022, section 609.106, is amended by adding a subdivision to
164.9 read:

164.10 Subd. 3. Offender under age 18; life imprisonment. The court shall sentence a person
164.11 who was under 18 years of age at the time of the commission of an offense under the
164.12 circumstances described in subdivision 2 to imprisonment for life.

164.13 Sec. 10. Minnesota Statutes 2022, section 609.3455, subdivision 2, is amended to read:

164.14 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
164.15 **offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum
164.16 penalty otherwise applicable to the offense, the court shall sentence a person convicted
164.17 under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a,
164.18 clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
164.19 (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of
164.20 release if:

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

164.22 (2) the person has a previous sex offense conviction for a violation of section 609.342,
164.23 609.343, 609.344, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines
164.24 that a heinous element exists for the present offense.

164.25 (b) A fact finder may not consider a heinous element if it is an element of the underlying
164.26 specified violation of section 609.342 or 609.343. In addition, when determining whether
164.27 two or more heinous elements exist, the fact finder may not use the same underlying facts
164.28 to support a determination that more than one element exists.

164.29 (c) The court shall sentence a person who was under 18 years of age at the time of the
164.30 commission of an offense described in paragraph (a) to imprisonment for life.

165.1 Sec. 11. Minnesota Statutes 2022, section 609.3455, subdivision 5, is amended to read:

165.2 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
165.3 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
165.4 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
165.5 served before the offender may be considered for supervised release. If the offender was
165.6 under 18 years of age at the time of the commission of the offense, the minimum term of
165.7 imprisonment specified by the court shall not exceed 15 years.

165.8 Sec. 12. **REVISOR INSTRUCTION.**

165.9 When necessary to reflect the transfer under Minnesota Statutes, section 244.049,
165.10 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner
165.11 of corrections" to "Supervised Release Board" or "board" in Minnesota Statutes, sections
165.12 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 and make any other
165.13 necessary grammatical changes.

165.14 Sec. 13. **EFFECTIVE DATE.**

165.15 Sections 2, 4, 5, 7, and 8 to 11 are effective July 1, 2023, and apply to offenders sentenced
165.16 on or after that date and retroactively to offenders:

165.17 (1) sentenced to life imprisonment without possibility of release following a conviction
165.18 under Minnesota Statutes, section 609.185, paragraph (a), for an offense committed when
165.19 the offender was under 18 years of age and when a sentence was imposed pursuant to
165.20 Minnesota Statutes, section 609.106, subdivision 2;

165.21 (2) sentenced to life imprisonment without possibility of release following a conviction
165.22 under Minnesota Statutes, section 609.3455, subdivision 2, for an offense committed when
165.23 the offender was under 18 years of age;

165.24 (3) sentenced to life imprisonment under Minnesota Statutes, section 609.185, paragraph
165.25 (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, for
165.26 an offense committed when the offender was under 18 years of age;

165.27 (4) sentenced to life imprisonment under Minnesota Statutes, section 609.385, for an
165.28 offense committed when the offender was under 18 years of age;

165.29 (5) sentenced to life imprisonment under Minnesota Statutes, section 609.3455,
165.30 subdivision 3 or 4, if the minimum term of imprisonment specified by the court in its sentence
165.31 exceeds 15 years for an offense committed when the offender was under 18 years of age;
165.32 or

166.1 (6) sentenced to an executed sentence that includes a term of imprisonment of more than
166.2 15 years or separate, consecutive executed sentences for two or more crimes that include
166.3 combined terms of imprisonment that total more than 15 years for an offense committed
166.4 when the offender was under 18 years of age.

166.5 ARTICLE 9

166.6 EXPUNGEMENT WITHOUT PETITION

166.7 Section 1. [609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.

166.8 Subdivision 1. Eligibility; dismissal; exoneration. (a) A person who is the subject of
166.9 a criminal record or delinquency record is eligible for a grant of expungement relief without
166.10 the filing of a petition:

166.11 (1) if the person was arrested and all charges were dismissed after a case was filed unless
166.12 dismissal was based on a finding that the defendant was incompetent to proceed;

166.13 (2) upon the dismissal and discharge of proceedings against a person under section
166.14 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
166.15 of a controlled substance; or

166.16 (3) if all pending actions or proceedings were resolved in favor of the person.

166.17 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not
166.18 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is
166.19 resolved in favor of the person if the petitioner received an order under section 590.11
166.20 determining that the person is eligible for compensation based on exoneration.

166.21 Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant
166.22 of expungement relief if the person has successfully completed the terms of a diversion
166.23 program or stay of adjudication for a qualifying offense that is not a felony and has not been
166.24 petitioned or charged with a new offense, other than an offense that would be a petty
166.25 misdemeanor, in Minnesota:

166.26 (1) for one year immediately following completion of the diversion program or stay of
166.27 adjudication; or

166.28 (2) for one year immediately preceding a subsequent review performed pursuant to
166.29 subdivision 6, paragraph (a).

166.30 Subd. 3. Eligibility; pardon. A person is eligible for a grant of expungement relief if
166.31 the person receives a pardon extraordinary under chapter 638.

- 167.1 Subd. 4. Eligibility; certain criminal proceedings. (a) A person is eligible for a grant
167.2 of expungement relief if the person:
- 167.3 (1) was convicted of a qualifying offense;
- 167.4 (2) has not been convicted of a new offense, other than an offense that would be a petty
167.5 misdemeanor, in Minnesota:
- 167.6 (i) during the applicable waiting period immediately following discharge of the disposition
167.7 or sentence for the crime; or
- 167.8 (ii) during the applicable waiting period immediately preceding a subsequent review
167.9 performed pursuant to subdivision 6, paragraph (a); and
- 167.10 (3) is not charged with an offense, other than an offense that would be a petty
167.11 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
167.12 period or at the time of a subsequent review.
- 167.13 (b) As used in this subdivision, "qualifying offense" means a conviction for:
- 167.14 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
167.15 to the operation or parking of motor vehicles;
- 167.16 (2) any misdemeanor offense other than:
- 167.17 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
167.18 while impaired);
- 167.19 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 167.20 (iii) section 609.224 (assault in the fifth degree);
- 167.21 (iv) section 609.2242 (domestic assault);
- 167.22 (v) section 609.748 (violation of a harassment restraining order);
- 167.23 (vi) section 609.78 (interference with emergency call);
- 167.24 (vii) section 609.79 (obscene or harassing phone calls);
- 167.25 (viii) section 617.23 (indecent exposure);
- 167.26 (ix) section 609.746 (interference with privacy); or
- 167.27 (x) section 629.75 (violation of domestic abuse no contact order);
- 167.28 (3) any gross misdemeanor offense other than:
- 167.29 (i) section 169A.25 (second-degree driving while impaired);

- 168.1 (ii) section 169A.26 (third-degree driving while impaired);
- 168.2 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 168.3 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);
- 168.4 (v) section 609.2231 (assault in the fourth degree);
- 168.5 (vi) section 609.224 (assault in the fifth degree);
- 168.6 (vii) section 609.2242 (domestic assault);
- 168.7 (viii) section 609.233 (criminal neglect);
- 168.8 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 168.9 (x) section 609.377 (malicious punishment of child);
- 168.10 (xi) section 609.485 (escape from custody);
- 168.11 (xii) section 609.498 (tampering with witness);
- 168.12 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 168.13 (xiv) section 609.746 (interference with privacy);
- 168.14 (xv) section 609.748 (violation of a harassment restraining order);
- 168.15 (xvi) section 609.749 (harassment; stalking);
- 168.16 (xvii) section 609.78 (interference with emergency call);
- 168.17 (xviii) section 617.23 (indecent exposure);
- 168.18 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 168.19 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 168.20 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 168.21 than:
- 168.22 (i) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 168.23 commitment for mental illness);
- 168.24 (ii) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
- 168.25 violation or minor victim);
- 168.26 (iii) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 168.27 degree); and

169.1 (iv) section 152.024, subdivision 2 (possession of a controlled substance in the fourth
169.2 degree).

169.3 (c) As used in this subdivision, "applicable waiting period" means:

169.4 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

169.5 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
169.6 crime;

169.7 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
169.8 for the crime;

169.9 (4) if the offense was a felony violation of section 152.025, four years since the discharge
169.10 of the sentence for the crime; and

169.11 (5) if the offense was any other felony, five years since discharge of the sentence for the
169.12 crime.

169.13 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
169.14 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
169.15 misdemeanor offenses ineligible for a grant of expungement under this section remain
169.16 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

169.17 Subd. 5. **Notice.** (a) The court shall notify a person who may become eligible for an
169.18 automatic expungement under this section of that eligibility at any hearing where the court
169.19 dismisses and discharges proceedings against a person under section 152.18, subdivision
169.20 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
169.21 substance; concludes that all pending actions or proceedings were resolved in favor of the
169.22 person; grants a person's placement into a diversion program; or sentences a person or
169.23 otherwise imposes a consequence for a qualifying offense.

169.24 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
169.25 coordinators or supervisors of a diversion program shall notify a person who may become
169.26 eligible for an automatic expungement under this section of that eligibility.

169.27 (c) If any party gives notification under this subdivision, the notification shall inform
169.28 the person that:

169.29 (1) a record expunged under this section may be opened for purposes of a background
169.30 study by the Department of Human Services under section 245C.08 and for purposes of a
169.31 background check by the Professional Educator Licensing and Standards Board as required
169.32 under section 122A.18, subdivision 8; and

170.1 (2) the person can file a petition to expunge the record and request that the petition be
170.2 directed to the commissioner of human services and the Professional Educator Licensing
170.3 and Standards Board.

170.4 Subd. 6. Bureau of Criminal Apprehension to identify eligible persons and grant
170.5 expungement relief. (a) The Bureau of Criminal Apprehension shall identify any records
170.6 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,
170.7 2, 3, or 4. The Bureau of Criminal Apprehension shall make an initial determination of
170.8 eligibility within 30 days of the end of the applicable waiting period. If a record is not
170.9 eligible for a grant of expungement at the time of the initial determination, the Bureau of
170.10 Criminal Apprehension shall make subsequent eligibility determinations annually until the
170.11 record is eligible for a grant of expungement.

170.12 (b) In making the determination under paragraph (a), the Bureau of Criminal
170.13 Apprehension shall identify individuals who are the subject of relevant records through the
170.14 use of finger and thumb prints where finger and thumb prints are available. Where finger
170.15 and thumb prints are not available, the Bureau of Criminal Apprehension shall identify
170.16 individuals through the use of the person's name and date of birth. Records containing the
170.17 same name and date of birth shall be presumed to refer to the same individual unless other
170.18 evidence establishes, by a preponderance of the evidence, that they do not refer to the same
170.19 individual. The Bureau of Criminal Apprehension is not required to review any other
170.20 evidence in making a determination.

170.21 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
170.22 persons and seal its own records without requiring an application, petition, or motion.
170.23 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
170.24 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
170.25 information establishes that the records are not eligible for expungement.

170.26 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
170.27 and subject to a grant of expungement relief shall display a notation stating "expungement
170.28 relief granted pursuant to section 609A.015."

170.29 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
170.30 for which expungement relief was granted pursuant to this section. Notification may be
170.31 through electronic means and may be made in real time or in the form of a monthly report.
170.32 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
170.33 indictment or information, trial, verdict, or dismissal and discharge for any case in which

171.1 expungement relief was granted and shall issue any order deemed necessary to achieve this
171.2 purpose.

171.3 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency
171.4 that its records may be affected by a grant of expungement relief. Notification may be
171.5 through electronic means. Each notified law enforcement agency that receives a request to
171.6 produce records shall first contact the Bureau of Criminal Apprehension to determine if the
171.7 records were subject to a grant of expungement under this section. The law enforcement
171.8 agency must not disclose records relating to an arrest, indictment or information, trial,
171.9 verdict, or dismissal and discharge for any case in which expungement relief was granted
171.10 and must maintain the data consistent with the classification in paragraph (g). This paragraph
171.11 does not apply to requests from a criminal justice agency as defined in section 609A.03,
171.12 subdivision 7a, paragraph (f), for the purposes of:

171.13 (1) initiating, furthering, or completing a criminal investigation or prosecution or for
171.14 sentencing purposes or providing probation or other correctional services; or

171.15 (2) evaluating a prospective employee in a criminal justice agency without a court order.

171.16 (g) Data on the person whose offense has been expunged under this subdivision, including
171.17 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
171.18 13.02, subdivision 12.

171.19 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
171.20 expungement under this section in the manner provided in section 611A.03, subdivisions
171.21 1 and 2.

171.22 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
171.23 criminal record may be pleaded and has the same effect as if the relief had not been granted.

171.24 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
171.25 system to provide criminal justice agencies with uniform statewide access to criminal records
171.26 sealed by expungement.

171.27 Subd. 7. **Immunity from civil liability.** Employees of the Bureau of Criminal
171.28 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
171.29 the decision to exercise or the decision to decline to exercise, the powers granted by this
171.30 section or for any act or omission occurring within the scope of the performance of their
171.31 duties under this section.

171.32 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses
171.33 that meet the eligibility criteria on or after that date and retroactively to offenses that met

172.1 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal
172.2 Apprehension's criminal history system as of January 1, 2025.

172.3 **ARTICLE 10**

172.4 **EXPUNGEMENT BY PETITION**

172.5 Section 1. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

172.6 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
172.7 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
172.8 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

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

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

172.17 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor
172.18 or misdemeanor or the sentence imposed was within the limits provided by law for a
172.19 misdemeanor and the petitioner has not been convicted of a new crime for at least two years
172.20 since discharge of the sentence for the crime;

172.21 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor
172.22 or the sentence imposed was within the limits provided by law for a gross misdemeanor
172.23 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since
172.24 discharge of the sentence for the crime; ~~or~~

172.25 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
172.26 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
172.27 of a new crime for at least three years since discharge of the sentence for the crime;

172.28 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
172.29 been convicted of a new crime for at least four years since discharge of the sentence for the
172.30 crime;

172.31 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
172.32 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been

- 173.1 convicted of a new crime for at least five years since discharge of the sentence for the crime;
 173.2 or
- 173.3 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation
 173.4 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
 173.5 ~~five~~ four years since discharge of the sentence for the crime.
- 173.6 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:
- 173.7 (1) section 35.824 (altering livestock certificate);
- 173.8 (2) section 62A.41 (insurance regulations);
- 173.9 (3) section 86B.865, subdivision 1 (certification for title on watercraft);
- 173.10 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
 173.11 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
 173.12 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
 173.13 substance);
- 173.14 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
 173.15 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 173.16 (6) chapter 201; 203B; or 204C (voting violations);
- 173.17 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 173.18 (8) section 256.984 (false declaration in assistance application);
- 173.19 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 173.20 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 173.21 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 173.22 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
 173.23 and solicitations);
- 173.24 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 173.25 (14) section 349.2127; or 349.22 (gambling regulations);
- 173.26 (15) section 588.20 (contempt);
- 173.27 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 173.28 (17) section 609.31 (leaving state to evade establishment of paternity);

- 174.1 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
 174.2 commitment for mental illness);
- 174.3 (19) section 609.49 (failure to appear in court);
- 174.4 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
 174.5 subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced
 174.6 under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk
 174.7 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,
 174.8 clause (3)(a);
- 174.9 (21) section 609.521 (possession of shoplifting gear);
- 174.10 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 174.11 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 174.12 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
 174.13 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
 174.14 check); or 609.529 (mail theft);
- 174.15 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 174.16 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
 174.17 over \$500);
- 174.18 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 174.19 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 174.20 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 174.21 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 174.22 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 174.23 (32) section 609.59 (possession of burglary or theft tools);
- 174.24 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
 174.25 (a) (criminal damage to property);
- 174.26 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 174.27 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
 174.28 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
 174.29 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);

- 175.1 ~~(33)~~(36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
175.2 4, paragraph (a) (lottery fraud);
- 175.3 ~~(34)~~(37) section 609.652 (fraudulent driver's license and identification card);
- 175.4 ~~(35)~~(38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
175.5 or 609.66, subdivision 1b (furnishing firearm to minor);
- 175.6 ~~(36)~~(39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 175.7 ~~(37)~~(40) section 609.686, subdivision 2 (tampering with fire alarm);
- 175.8 ~~(38)~~(41) section 609.746, subdivision 1, paragraph (e) (interference with privacy;
175.9 subsequent violation or minor victim);
- 175.10 ~~(39)~~(42) section 609.80, subdivision 2 (interference with cable communications system);
- 175.11 ~~(40)~~(43) section 609.821, subdivision 2 (financial transaction card fraud);
- 175.12 ~~(41)~~(44) section 609.822 (residential mortgage fraud);
- 175.13 ~~(42)~~(45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 175.14 ~~(43)~~(46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
175.15 transit operator);
- 175.16 ~~(44)~~(47) section 609.88 (computer damage); or 609.89 (computer theft);
- 175.17 ~~(45)~~(48) section 609.893, subdivision 2 (telecommunications and information services
175.18 fraud);
- 175.19 ~~(46)~~(49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 175.20 ~~(47)~~(50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
175.21 property);
- 175.22 ~~(48)~~(51) section 609.896 (movie pirating);
- 175.23 ~~(49)~~(52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
175.24 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
175.25 subdivision 2 (transfer of pistol to ineligible person); or
- 175.26 ~~(50)~~(53) section 624.7181 (rifle or shotgun in public by minor).
- 175.27 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses
175.28 that meet the eligibility criteria on or after that date.

176.1

ARTICLE 11

176.2

EXPUNGEMENT CHANGES; CONFORMING CHANGES

176.3 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

176.4 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
176.5 of data contained in a petition for expungement of a criminal record are included in section
176.6 609A.03.

176.7 (b) Provisions regarding the classification and sharing of data related to automatic
176.8 expungements are included in sections 299C.097 and 609A.015.

176.9 Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

176.10 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
176.11 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
176.12 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
176.13 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
176.14 for possession of a controlled substance, who:

176.15 (1) has not previously participated in or completed a diversion program authorized under
176.16 section 401.065;

176.17 (2) has not previously been placed on probation without a judgment of guilty and
176.18 thereafter been discharged from probation under this section; and

176.19 (3) has not been convicted of a felony violation of this chapter, including a felony-level
176.20 attempt or conspiracy, or been convicted by the United States or another state of a similar
176.21 offense that would have been a felony under this chapter if committed in Minnesota, unless
176.22 ten years have elapsed since discharge from sentence.

176.23 (b) The court must defer prosecution as provided in paragraph (c) for any person found
176.24 guilty of a violation of section 152.025, subdivision 2, who:

176.25 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

176.26 (2) has not previously been convicted of a felony offense under any state or federal law
176.27 or of a gross misdemeanor under section 152.025.

176.28 (c) In granting relief under this section, the court shall, without entering a judgment of
176.29 guilty and with the consent of the person, defer further proceedings and place the person
176.30 on probation upon such reasonable conditions as it may require and for a period, not to
176.31 exceed the maximum sentence provided for the violation. The court may give the person

177.1 the opportunity to attend and participate in an appropriate program of education regarding
177.2 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
177.3 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
177.4 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
177.5 person and discharge the person from probation before the expiration of the maximum
177.6 period prescribed for the person's probation. If during the period of probation the person
177.7 does not violate any of the conditions of the probation, then upon expiration of the period
177.8 the court shall discharge the person and dismiss the proceedings against that person.
177.9 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
177.10 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
177.11 the purpose of use by the courts in determining the merits of subsequent proceedings against
177.12 the person. The not public record may also be opened only upon court order for purposes
177.13 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
177.14 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
177.15 or citing law enforcement agency and direct that agency to seal its records related to the
177.16 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
177.17 shall notify the requesting party of the existence of the not public record and the right to
177.18 seek a court order to open it pursuant to this section. The court shall forward a record of
177.19 any discharge and dismissal under this subdivision to the bureau which shall make and
177.20 maintain the not public record of it as provided under this subdivision. The discharge or
177.21 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
177.22 imposed by law upon conviction of a crime or for any other purpose.

177.23 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
177.24 subdivision 8a.

177.25 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

177.26 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding
177.27 a criminal history record of an employee or former employee may not be introduced as
177.28 evidence in a civil action against a private employer or its employees or agents that is based
177.29 on the conduct of the employee or former employee, if:

177.30 (1) the duties of the position of employment did not expose others to a greater degree
177.31 of risk than that created by the employee or former employee interacting with the public
177.32 outside of the duties of the position or that might be created by being employed in general;

177.33 (2) before the occurrence of the act giving rise to the civil action;

177.34 (i) a court order sealed any record of the criminal case;

178.1 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
178.2 including but not limited to a grant of expungement made pursuant to section 609A.015;
178.3 or

178.4 (iii) the employee or former employee received a pardon;

178.5 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

178.6 (4) the action is based solely upon the employer's compliance with section 364.021.

178.7 **Sec. 4. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**
178.8 **FOR EXPUNGEMENT.**

178.9 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
178.10 computerized data system relating to petty misdemeanor and misdemeanor offenses that
178.11 may become eligible for expungement pursuant to section 609A.015 and which do not
178.12 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
178.13 the criminal history system.

178.14 (b) This data is private data on individuals under section 13.02, subdivision 12.

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

178.16 Sec. 5. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

178.17 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
178.18 corrections agencies operating secure juvenile detention facilities shall take or cause to be
178.19 taken immediately finger and thumb prints, photographs, distinctive physical mark
178.20 identification data, information on any known aliases or street names, and other identification
178.21 data requested or required by the superintendent of the bureau, of the following:

178.22 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
178.23 misdemeanor, or targeted misdemeanor;

178.24 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
178.25 or alleged to have committed felonies or gross misdemeanors as distinguished from those
178.26 committed by adult offenders;

178.27 (3) adults and juveniles admitted to jails or detention facilities;

178.28 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

178.29 (5) persons in whose possession, when arrested, are found concealed firearms or other
178.30 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,

179.1 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
179.2 to be intended for such purposes;

179.3 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
179.4 or gross misdemeanor offense; and

179.5 (7) persons currently involved in the criminal justice process, on probation, on parole,
179.6 or in custody for any offense whom the superintendent of the bureau identifies as being the
179.7 subject of a court disposition record which cannot be linked to an arrest record, and whose
179.8 fingerprints are necessary to reduce the number of suspense files, or to comply with the
179.9 mandates of section 299C.111, relating to the reduction of the number of suspense files.
179.10 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
179.11 shall include the requirement that fingerprints be taken in post-arrest interviews, while
179.12 making court appearances, while in custody, or while on any form of probation, diversion,
179.13 or supervised release.

179.14 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
179.15 of taking the fingerprints and data, the fingerprint records and other identification data
179.16 specified under paragraph (a) must be electronically entered into a bureau-managed
179.17 searchable database in a manner as may be prescribed by the superintendent.

179.18 (c) Prosecutors, courts, and probation officers and their agents, employees, and
179.19 subordinates shall attempt to ensure that the required identification data is taken on a person
179.20 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
179.21 presently on probation.

179.22 (d) Finger and thumb prints must be obtained no later than:

179.23 (1) release from booking; or

179.24 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

179.25 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
179.26 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
179.27 and thumb prints have not been successfully received by the bureau, an individual may,
179.28 upon order of the court, be taken into custody for no more than eight hours so that the taking
179.29 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
179.30 period may be extended upon a showing that additional time in custody is essential for the
179.31 successful taking of prints.

179.32 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
179.33 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224

180.1 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
180.2 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
180.3 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

180.4 Sec. 6. Minnesota Statutes 2022, section 299C.111, is amended to read:

180.5 **299C.111 SUSPENSE FILE REPORTING.**

180.6 The superintendent shall immediately notify the appropriate entity or individual when
180.7 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
180.8 that cannot be linked to an arrest record.

180.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.

180.10 Sec. 7. Minnesota Statutes 2022, section 299C.17, is amended to read:

180.11 **299C.17 REPORT BY COURT ADMINISTRATOR.**

180.12 The superintendent shall require the court administrator of every court which sentences
180.13 a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor,~~ or petty misdemeanor
180.14 to electronically transmit within 24 hours of the disposition of the case a report, in a form
180.15 prescribed by the superintendent providing information required by the superintendent with
180.16 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
180.17 kept on file in the office of the court administrator.

180.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

180.19 Sec. 8. Minnesota Statutes 2022, section 609A.01, is amended to read:

180.20 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

180.21 This chapter provides the grounds and procedures for expungement of criminal records
180.22 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
180.23 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other
180.24 applicable law. The remedy available is limited to a court order or grant of expungement
180.25 under section 609A.015 sealing the records and prohibiting the disclosure of their existence
180.26 or their opening except under court order or statutory authority. Nothing in this chapter
180.27 authorizes the destruction of records or their return to the subject of the records.

180.28 **EFFECTIVE DATE.** This section is effective January 1, 2025.

181.1 Sec. 9. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

181.2 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
181.3 (b), expungement of a criminal record under this section is an extraordinary remedy to be
181.4 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
181.5 commensurate with the disadvantages to the public and public safety of:

181.6 (1) sealing the record; and

181.7 (2) burdening the court and public authorities to issue, enforce, and monitor an
181.8 expungement order.

181.9 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
181.10 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
181.11 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
181.12 whose records would be affected establishes by clear and convincing evidence that the
181.13 interests of the public and public safety outweigh the disadvantages to the petitioner of not
181.14 sealing the record.

181.15 (c) In making a determination under this subdivision, the court shall consider:

181.16 (1) the nature and severity of the underlying crime, the record of which would be sealed;

181.17 (2) the risk, if any, the petitioner poses to individuals or society;

181.18 (3) the length of time since the crime occurred;

181.19 (4) the steps taken by the petitioner toward rehabilitation following the crime;

181.20 (5) aggravating or mitigating factors relating to the underlying crime, including the
181.21 petitioner's level of participation and context and circumstances of the underlying crime;

181.22 (6) the reasons for the expungement, including the petitioner's attempts to obtain
181.23 employment, housing, or other necessities;

181.24 (7) the petitioner's criminal record;

181.25 (8) the petitioner's record of employment and community involvement;

181.26 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
181.27 officials;

181.28 (10) the recommendations of victims or whether victims of the underlying crime were
181.29 minors;

182.1 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
182.2 toward payment, and the measures in place to help ensure completion of restitution payment
182.3 after expungement of the record if granted; and

182.4 (12) other factors deemed relevant by the court.

182.5 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
182.6 issues an expungement order it may require that the criminal record be sealed, the existence
182.7 of the record not be revealed, and the record not be opened except as required under
182.8 subdivision 7. Records must not be destroyed or returned to the subject of the record.

182.9 (e) Information relating to a criminal history record of an employee, former employee,
182.10 or tenant that has been expunged before the occurrence of the act giving rise to the civil
182.11 action may not be introduced as evidence in a civil action against a private employer or
182.12 landlord or its employees or agents that is based on the conduct of the employee, former
182.13 employee, or tenant.

182.14 **EFFECTIVE DATE.** This section is effective January 1, 2025.

182.15 Sec. 10. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

182.16 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
182.17 of an expungement order related to a charge supported by probable cause, the DNA samples
182.18 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
182.19 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
182.20 destroyed.

182.21 (b) Notwithstanding the issuance of an expungement order:

182.22 (1) except as provided in clause (2), an expunged record may be opened, used, or
182.23 exchanged between criminal justice agencies without a court order for the purposes of
182.24 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
182.25 purposes or providing probation or other correctional services;

182.26 (2) when a criminal justice agency seeks access to a record that was sealed under section
182.27 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
182.28 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
182.29 sentencing, the requesting agency must obtain an ex parte court order after stating a
182.30 good-faith basis to believe that opening the record may lead to relevant information;

182.31 (3) an expunged record of a conviction may be opened for purposes of evaluating a
182.32 prospective employee in a criminal justice agency without a court order;

183.1 (4) an expunged record of a conviction may be opened for purposes of a background
183.2 study under section 245C.08 unless the commissioner had been properly served with notice
183.3 of the petition for expungement and the court order for expungement is directed specifically
183.4 to the commissioner of human services;

183.5 (5) an expunged record of a conviction may be opened for purposes of a background
183.6 check required under section 122A.18, subdivision 8, unless the court order for expungement
183.7 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

183.8 (6) the court may order an expunged record opened upon request by the victim of the
183.9 underlying offense if the court determines that the record is substantially related to a matter
183.10 for which the victim is before the court;

183.11 (7) a prosecutor may request, and the district court shall provide, certified records of
183.12 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,
183.13 and the certified records of conviction may be disclosed and introduced in criminal court
183.14 proceedings as provided by the rules of court and applicable law; and

183.15 (8) the subject of an expunged record may request, and the court shall provide, certified
183.16 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
183.17 609A.02, and 609A.025.

183.18 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
183.19 in a manner that provides access to the record by a criminal justice agency under paragraph
183.20 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
183.21 of Criminal Apprehension shall notify the commissioner of human services or the
183.22 Professional Educator Licensing and Standards Board of the existence of a sealed record
183.23 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
183.24 agency or jurisdiction subject to the expungement order shall provide access to the record
183.25 to the commissioner of human services or the Professional Educator Licensing and Standards
183.26 Board under paragraph (b), clause (4) or (5).

183.27 (d) An expunged record that is opened or exchanged under this subdivision remains
183.28 subject to the expungement order in the hands of the person receiving the record.

183.29 (e) A criminal justice agency that receives an expunged record under paragraph (b),
183.30 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
183.31 record to the investigation, prosecution, or sentencing for which it was obtained.

183.32 (f) For purposes of this section, a "criminal justice agency" means a court or government
183.33 agency that performs the administration of criminal justice under statutory authority.

184.1 (g) This subdivision applies to expungement orders subject to its limitations and effective
184.2 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
184.3 2025.

184.4 **EFFECTIVE DATE.** This section is effective January 1, 2025.

184.5 Sec. 11. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

184.6 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
184.7 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
184.8 during the appeal period. A person or an agency or jurisdiction whose records would be
184.9 affected by the order may appeal the order within 60 days of service of notice of filing of
184.10 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
184.11 or supersedeas bond in order to further stay the proceedings or file an appeal.

184.12 **EFFECTIVE DATE.** This section is effective January 1, 2025.

184.13 Sec. 12. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

184.14 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
184.15 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
184.16 make a reasonable and good faith effort to inform the victim of:

184.17 (1) the contents of the plea agreement recommendation, including the amount of time
184.18 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
184.19 ~~and~~

184.20 (2) the right to be present at the sentencing hearing and at the hearing during which the
184.21 plea is presented to the court and to express orally or in writing, at the victim's option, any
184.22 objection to the agreement or to the proposed disposition. If the victim is not present when
184.23 the court considers the recommendation, but has communicated objections to the prosecuting
184.24 attorney, the prosecuting attorney shall make these objections known to the court.; and

184.25 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

184.26 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to plea
184.27 agreements entered into on or after that date.

185.1

ARTICLE 12

185.2

COMMUNITY SUPERVISION

185.3 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1, is amended to read:

185.4 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole
185.5 any person sentenced to confinement in any state correctional facility for adults under the
185.6 control of the commissioner of corrections, provided that:

185.7 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
185.8 than murder committed in violation of clause (1) of section 609.185 who has not been
185.9 previously convicted of a felony shall be paroled without having served 20 years, less the
185.10 diminution that would have been allowed for good conduct had the sentence been for 20
185.11 years;

185.12 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
185.13 has been previously convicted of a felony or though not previously convicted of a felony
185.14 is serving a life sentence for murder in the first degree committed in violation of clause (1)
185.15 of section 609.185 shall be paroled without having served 25 years, less the diminution
185.16 which would have been allowed for good conduct had the sentence been for 25 years;

185.17 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
185.18 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

185.19 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
185.20 corrections which has the effect of postponing eligibility for parole has prospective effect
185.21 only and applies only with respect to persons committing offenses after the effective date
185.22 of the new rule or policy or change.

185.23 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
185.24 under the control of the commissioner, subject at any time to be returned to a facility of the
185.25 Department of Corrections established by law for the confinement or treatment of convicted
185.26 persons and the parole rescinded by the commissioner.

185.27 (c) The written order of the commissioner of corrections, is sufficient authority for any
185.28 peace officer, state correctional investigator, or state parole and probation agent to retake
185.29 and place in actual custody any person on parole or supervised release. In addition, when
185.30 it appears necessary in order to prevent escape or enforce discipline, any state parole and
185.31 probation agent or state correctional investigator may, without order of warrant, take and
185.32 detain a parolee or person on supervised release or work release and bring the person to the
185.33 commissioner for action.

186.1 (d) The written order of the commissioner of corrections is sufficient authority for any
186.2 peace officer, state correctional investigator, or state parole and probation agent to retake
186.3 and place in actual custody any person on probation under the supervision of the
186.4 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
186.5 to prevent escape or enforce discipline, any state parole and probation agent or state
186.6 correctional investigator may, without an order, retake and detain a probationer and bring
186.7 the probationer before the court for further proceedings under section 609.14.

186.8 (e) The written order of the commissioner of corrections is sufficient authority for any
186.9 peace officer, state correctional investigator, or state parole and probation agent to detain
186.10 any person on pretrial release who absconds from pretrial release or fails to abide by the
186.11 conditions of pretrial release.

186.12 (f) Persons conditionally released, and those on probation under the supervision of the
186.13 commissioner of corrections pursuant to section 609.135 may be placed within or outside
186.14 the boundaries of the state at the discretion of the commissioner of corrections or the court,
186.15 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

186.16 (g) Except as otherwise provided in subdivision 1b, in considering applications for
186.17 conditional release or discharge, the commissioner is not required to hear oral argument
186.18 from any attorney or other person not connected with an adult correctional facility of the
186.19 Department of Corrections in favor of or against the parole or release of any inmates. The
186.20 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
186.21 as to the previous history, physical or mental condition, and character of the inmate and, to
186.22 that end, has the authority to require the attendance of the chief executive officer of any
186.23 state adult correctional facility and the production of the records of these facilities, and to
186.24 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
186.25 witnesses for these purposes.

186.26 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
186.27 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
186.28 ~~community work service for violating a condition of probation imposed by the court.~~
186.29 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
186.30 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
186.31 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
186.32 ~~period, beginning with the date on which community work service is first imposed. The~~
186.33 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
186.34 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~

187.1 ~~work service is first imposed. At the time community work service is imposed, parole and~~
187.2 ~~probation agents are required to provide written notice to the offender that states:~~

187.3 ~~(1) the condition of probation that has been violated;~~

187.4 ~~(2) the number of hours of community work service imposed for the violation; and~~

187.5 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
187.6 ~~period.~~

187.7 ~~An offender may challenge the imposition of community work service by filing a petition~~
187.8 ~~in district court. An offender must file the petition within five days of receiving written~~
187.9 ~~notice that community work service is being imposed. If the offender challenges the~~
187.10 ~~imposition of community work service, the state bears the burden of showing, by a~~
187.11 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
187.12 ~~under the circumstances.~~

187.13 ~~Community work service includes sentencing to service.~~

187.14 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~
187.15 ~~based on a technical violation, when the offender does not present a risk to the public and~~
187.16 ~~the offender is amenable to continued supervision in the community, a parole or probation~~
187.17 ~~agent must identify community options to address and correct the violation including, but~~
187.18 ~~not limited to, inpatient substance use disorder treatment. If a probation or parole agent~~
187.19 ~~determines that community options are appropriate, the agent shall seek to restructure the~~
187.20 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~
187.21 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~
187.22 ~~district court containing:~~

187.23 ~~(1) the specific nature of the technical violation of probation;~~

187.24 ~~(2) the recommended restructure to the terms of probation; and~~

187.25 ~~(3) a copy of the offender's signed stipulation indicating that the offender consents to~~
187.26 ~~the restructuring of probation.~~

187.27 ~~The recommended restructuring of probation becomes effective when confirmed by a~~
187.28 ~~judge. The order of the court shall be proof of such confirmation and amend the terms of~~
187.29 ~~the sentence imposed by the court under section 609.135. If a nonviolent controlled substance~~
187.30 ~~offender's parole or probation is revoked, the offender's agent must first attempt to place~~
187.31 ~~the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance~~
187.32 ~~offender" is a person who meets the criteria described under section 244.0513, subdivision~~
187.33 ~~2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order~~

188.1 ~~of probation or a condition of parole, except an allegation of a subsequent criminal act that~~
188.2 ~~is alleged in a formal complaint, citation, or petition.~~

188.3 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

188.4 Subd. 3. **Sanctions for violation.** (a) If an inmate violates the conditions of the inmate's
188.5 supervised release imposed by the commissioner, the commissioner may:

188.6 (1) continue the inmate's supervised release term, with or without:

188.7 (i) modifying or enlarging the conditions imposed on the inmate; or

188.8 (ii) transferring the inmate's case to a specialized caseload; or

188.9 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
188.10 period of time.

188.11 (b) Before revoking an inmate's supervised release because of a technical violation that
188.12 would result in reimprisonment, the commissioner must identify alternative interventions
188.13 to address and correct the violation only if:

188.14 (1) the inmate does not present a risk to the public; and

188.15 (2) the inmate is amenable to continued supervision.

188.16 (c) If alternative interventions are appropriate and available, the commissioner must
188.17 restructure the inmate's terms of release to incorporate the alternative interventions.

188.18 (d) Prior to revoking a nonviolent controlled substance offender's supervised release
188.19 based on a technical violation, when the offender does not present a risk to the public and
188.20 the offender is amenable to continued supervision in the community, the commissioner
188.21 must identify community options to address and correct the violation including, but not
188.22 limited to, inpatient substance use disorder treatment. If the commissioner determines that
188.23 community options are appropriate, the commissioner shall restructure the inmate's terms
188.24 of release to incorporate those options. If a nonviolent controlled substance offender's
188.25 supervised release is revoked, the offender's agent must first attempt to place the offender
188.26 in a local jail. For purposes of this subdivision, "nonviolent controlled substance offender"
188.27 is a person who meets the criteria described under section 244.0513, subdivision 2, clauses
188.28 (1), (2), and (5), and "technical violation" means a violation of a condition of supervised
188.29 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
188.30 citation, or petition.

188.31 (e) The period of time for which a supervised release may be revoked may not exceed
188.32 the period of time remaining in the inmate's sentence, except that if a sex offender is

189.1 sentenced and conditionally released under Minnesota Statutes 2004, section 609.108,
189.2 subdivision 5, the period of time for which conditional release may be revoked may not
189.3 exceed the balance of the conditional release term.

189.4 Sec. 3. Minnesota Statutes 2022, section 244.19, subdivision 1, is amended to read:

189.5 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
189.6 counties has established a human services board pursuant to chapter 402, the district court
189.7 may appoint one or more county probation officers as necessary to perform court services,
189.8 and the human services board shall appoint persons as necessary to provide correctional
189.9 services within the authority granted in chapter 402. In all counties of more than 200,000
189.10 population, which have not organized pursuant to chapter 402, the district court shall appoint
189.11 one or more persons of good character to serve as county probation officers during the
189.12 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
189.13 probation services to district courts in one of the following ways:

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

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

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

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

189.29 (5) ~~all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~
189.30 ~~serve~~ if a county receiving probation services under clause (3) decides to provide the services
189.31 under clause (1) or (2), the probation officers and other employees displaced by the
189.32 changeover shall be employed by the county at no loss of salary. Years of service in the

190.1 state are to be given full credit for future sick leave and vacation accrual purposes in the
 190.2 county or counties they are now serving.

190.3 (b) A county or counties providing probation services under paragraph (a), clause (1)
 190.4 or (2), is designated a "CPO county" for purposes of receiving a subsidy under chapter 401.
 190.5 A county or counties receiving probation services under paragraph (a), clause (3), is not
 190.6 eligible for a subsidy under chapter 401 and the commissioner of corrections is appropriated
 190.7 the county's share of funding for the purpose of providing probation services and authority
 190.8 to seek reimbursement from the county under subdivision 5.

190.9 (c) A county that requests the commissioner of corrections to provide probation services
 190.10 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a
 190.11 comprehensive plan as described in section 401.06.

190.12 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred
 190.13 to state service under paragraph (a), clause (4), in the proper classifications in the classified
 190.14 service. Each employee is appointed without examination at no loss in salary or accrued
 190.15 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
 190.16 may occur until the employee's total accrued vacation or sick leave benefits fall below the
 190.17 maximum permitted by the state for the employee's position. An employee appointed under
 190.18 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
 190.19 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
 190.20 to the commissioner of management and budget, who may uphold the decision, extend the
 190.21 probation period, or certify the employee. The decision of the commissioner of management
 190.22 and budget is final. The state shall negotiate with the exclusive representative for the
 190.23 bargaining unit to which the employees are transferred regarding their seniority. For purposes
 190.24 of computing seniority among those employees transferring from one county unit only, a
 190.25 transferred employee retains the same seniority position as the employee had within that
 190.26 county's probation office.

190.27 Sec. 4. Minnesota Statutes 2022, section 244.19, subdivision 5, is amended to read:

190.28 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~
 190.29 ~~judges of the district court may direct the payment of such salary to probation officers as~~
 190.30 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~
 190.31 ~~necessary expenses incurred in the performance of their official duties.~~ In all counties which
 190.32 obtain probation services from the commissioner of corrections the commissioner shall, out
 190.33 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
 190.34 by the state law or applicable bargaining unit and all necessary expenses, including secretarial

191.1 service, office equipment and supplies, postage, telephone and telegraph services, and travel
191.2 and subsistence. Each county receiving probation services from the commissioner of
191.3 corrections shall reimburse the department of corrections for the total cost and expenses of
191.4 such services as incurred by the commissioner of corrections, excluding the cost and expense
191.5 of services provided under the state's obligation in section 244.20. Total annual costs for
191.6 each county shall be that portion of the total costs and expenses for the services of one
191.7 probation officer represented by the ratio which the county's population bears to the total
191.8 population served by one officer. For the purposes of this section, the population of any
191.9 county shall be the most recent estimate made by the Department of Health. At least every
191.10 six months the commissioner of corrections shall bill for the total cost and expenses incurred
191.11 by the commissioner on behalf of each county which has received probation services. The
191.12 commissioner of corrections shall notify each county of the cost and expenses and the county
191.13 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
191.14 shall be ~~deposited in the general fund~~ used to provide services for each county according
191.15 to their reimbursement amount. Objections by a county to all allocation of such cost and
191.16 expenses shall be presented to and determined by the commissioner of corrections. Each
191.17 county providing probation services under this section is hereby authorized to use unexpended
191.18 funds and to levy additional taxes for this purpose.

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

191.23 Sec. 5. Minnesota Statutes 2022, section 244.195, subdivision 1, is amended to read:

191.24 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to
191.25 244.1995, the following terms have the meanings given them.

191.26 (b) "Commissioner" means the commissioner of corrections.

191.27 (c) "Conditional release" means parole, supervised release, conditional release as
191.28 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
191.29 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
191.30 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
191.31 any other authorized temporary release from a correctional facility.

191.32 (d) "Court services director" means the director or designee of a county probation agency
191.33 that is not organized under section 244.19 or an agency organized under chapter 401.

192.1 (e) "Detain" means to take into actual custody, including custody within a local
192.2 correctional facility.

192.3 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
192.4 1.

192.5 (g) "Probation agency" means the Department of Corrections field office or a probation
192.6 agency organized under section 244.19 or chapter 401.

192.7 (h) "Probation officer" means a court services director, county probation officer, or any
192.8 other community supervision officer employed by the commissioner or by a probation
192.9 agency organized under section 244.19 or chapter 401.

192.10 (i) "Release" means to release from actual custody.

192.11 Sec. 6. Minnesota Statutes 2022, section 244.195, subdivision 2, is amended to read:

192.12 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
192.13 or to prevent a person on conditional release from escaping or absconding from supervision,
192.14 a court services director has the authority to issue a written order directing any peace officer
192.15 or any probation officer in the state serving the district and juvenile courts to detain and
192.16 bring the person before the court or the commissioner, whichever is appropriate, for
192.17 disposition. If the person on conditional release commits a violation described in section
192.18 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
192.19 belief that the order is necessary to prevent the person from escaping or absconding from
192.20 supervision or that the continued presence of the person in the community presents a risk
192.21 to public safety before issuing a written order. This written order is sufficient authority for
192.22 the peace officer or probation officer to detain the person for not more than 72 hours,
192.23 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
192.24 commissioner.

192.25 Sec. 7. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision to
192.26 read:

192.27 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
192.28 probation officer may require a person committed to the officer's care by the court to perform
192.29 community work service for violating a condition of probation imposed by the court.
192.30 Community work service may be imposed for the purpose of protecting the public, aiding
192.31 the person's rehabilitation, or both. A probation officer may impose up to eight hours of
192.32 community work service for each violation and up to a total of 24 hours per person per

193.1 12-month period, beginning on the date on which community work service is first imposed.
193.2 The court services director or probation agency may authorize an additional 40 hours of
193.3 community work service, for a total of 64 hours per person per 12-month period, beginning
193.4 with the date on which community work service is first imposed. At the time community
193.5 work service is imposed, probation officers are required to provide written notice to the
193.6 person that states:

193.7 (1) the condition of probation that has been violated;
193.8 (2) the number of hours of community work service imposed for the violation; and
193.9 (3) the total number of hours of community work service imposed to date in the 12-month
193.10 period.

193.11 (b) A person on supervision may challenge the imposition of community work service
193.12 by filing a petition in district court within five days of receiving written notice that
193.13 community work service is being imposed. If the person challenges the imposition of
193.14 community work service, the state bears the burden of showing, by a preponderance of the
193.15 evidence, that the imposition of community work service is reasonable under the
193.16 circumstances.

193.17 (c) Community work service includes sentencing to service.

193.18 Sec. 8. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision to
193.19 read:

193.20 Subd. 7. **Contacts.** Supervision contacts may be conducted over videoconference
193.21 technology in accordance with the probation agency's established policy.

193.22 Sec. 9. Minnesota Statutes 2022, section 244.20, is amended to read:

193.23 **244.20 PROBATION SUPERVISION.**

193.24 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
193.25 Department of Corrections shall have exclusive responsibility for providing probation
193.26 services for adult felons in counties that do not take part in the Community Corrections Act.
193.27 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~
193.28 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
193.29 ~~be discharged according to local judicial policy.~~

194.1 Sec. 10. Minnesota Statutes 2022, section 244.21, is amended to read:

194.2 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

194.3 Subdivision 1. **Collection of information by probation service providers; report**
 194.4 **required.** By January 1, 1998, probation service providers shall begin collecting and
 194.5 maintaining information on offenders under supervision. The commissioner of corrections
 194.6 shall specify the nature and extent of the information to be collected. By April 1 of every
 194.7 year, each probation service provider shall report a summary of the information collected
 194.8 to the commissioner as a condition of state subsidy funding under chapter 401.

194.9 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2024, the
 194.10 commissioner of corrections shall report to the chairs of the ~~senate crime prevention and~~
 194.11 ~~house of representatives judiciary~~ legislative committees with jurisdiction over public safety
 194.12 and finance on recommended methods of coordinating the exchange of information collected
 194.13 on offenders under subdivision 1: (1) between probation service providers; and (2) between
 194.14 probation service providers and the Department of Corrections, ~~without requiring service~~
 194.15 ~~providers to acquire uniform computer software.~~

194.16 Sec. 11. Minnesota Statutes 2022, section 401.01, is amended to read:

194.17 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS SUBSIDIES.**

194.18 Subdivision 1. **Grants Subsidies.** For the purpose of more effectively protecting society
 194.19 and to promote efficiency and economy in the delivery of correctional services, the
 194.20 commissioner is authorized to ~~make grants to assist~~ subsidize counties in the development,
 194.21 implementation, and operation of community-based corrections programs including
 194.22 preventive or diversionary correctional programs, conditional release programs, community
 194.23 corrections centers, and facilities for the detention or confinement, care and treatment of
 194.24 persons convicted of crime or adjudicated delinquent. ~~The commissioner may authorize the~~
 194.25 ~~use of a percentage of a grant for the operation of an emergency shelter or make a separate~~
 194.26 ~~grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring~~
 194.27 ~~the facility into compliance with state and local laws pertaining to health, fire, and safety,~~
 194.28 ~~and to provide security.~~

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

194.31 (b) "CCA county" means a county that participates in the Community Corrections Act.

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

195.1 (d) "Conditional release" means parole, supervised release, conditional release as
 195.2 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
 195.3 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
 195.4 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
 195.5 any other authorized temporary release from a correctional facility.

195.6 (e) "County probation officer" means a probation officer appointed under section 244.19.

195.7 (f) "CPO county" means a county that participates in funding under this act by providing
 195.8 local corrections service for all juveniles and individuals on probation for misdemeanors,
 195.9 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

195.10 (g) "Detain" means to take into actual custody, including custody within a local
 195.11 correctional facility.

195.12 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

195.13 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
 195.14 1.

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

195.17 ~~(j)~~ (k) "Release" means to release from actual custody.

195.18 (l) "Tribal government" means one of the federally recognized Tribes described in section
 195.19 3.922.

195.20 Sec. 12. Minnesota Statutes 2022, section 401.02, is amended to read:

195.21 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

195.22 Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more
 195.23 counties, ~~having an aggregate population of 30,000 or more persons,~~ Tribal governments
 195.24 may qualify for a ~~grant as provided in~~ subsidy under section 401.01 by ~~the enactment of~~
 195.25 ~~appropriate resolutions creating and establishing a corrections advisory board,~~ designating
 195.26 the officer or agency to be responsible for administering ~~grant funds~~ subsidies, and providing
 195.27 for the preparation of a comprehensive plan for the development, implementation and
 195.28 operation of the correctional services described in ~~section~~ sections 401.01 and 401.11,
 195.29 including the assumption of those correctional services, other than the operation of state
 195.30 facilities, presently provided in such counties by the Department of Corrections, and
 195.31 providing for centralized administration and control of those correctional services described

196.1 in section 401.01. Counties participating as a CCA county must also enact the appropriate
196.2 resolutions creating and establishing a corrections advisory board.

196.3 Where counties or Tribal governments combine as authorized in this section, they shall
196.4 comply with the provisions of section 471.59.

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

196.7 (c) If a county or Tribal government withdraws from the subsidy program as outlined
196.8 in subdivision 1 and asks the commissioner of corrections or the legislature mandates the
196.9 commissioner of corrections to furnish probation services to the county, the probation
196.10 officers and other employees displaced by the changeover shall be employed by the
196.11 commissioner of corrections at no loss of salary. Years of service in the county probation
196.12 department are to be given full credit for future sick leave and vacation accrual purposes.

196.13 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
196.14 which have complied with the provisions of subdivision 1 and require financial aid to defray
196.15 all or a part of the expenses incurred by corrections advisory board members in discharging
196.16 their official duties pursuant to section 401.08, the commissioner may designate counties
196.17 as "planning counties", and, upon receipt of resolutions by the governing boards of the
196.18 counties certifying the need for and inability to pay the expenses described in this subdivision,
196.19 advance to the counties an amount not to exceed five percent of the maximum quarterly
196.20 subsidy for which the counties are eligible. The expenses described in this subdivision shall
196.21 be paid in the same manner and amount as for state employees.

196.22 Subd. 3. **Establishment and reorganization of administrative structure.** Any county
196.23 or group of counties which have qualified for participation in the ~~community corrections~~
196.24 subsidy program provided by this chapter may establish, organize, and reorganize an
196.25 administrative structure and provide for the budgeting, staffing, and operation of court
196.26 services and probation, construction or improvement to juvenile detention and juvenile
196.27 correctional facilities and adult detention and correctional facilities, and other activities
196.28 required to conform to the purposes of this chapter. No contrary general or special statute
196.29 divests any county or group of counties of the authority granted by this subdivision.

196.30 Subd. 5. ~~Intermediate sanctions.~~ Unless the district court directs otherwise, county
196.31 ~~probation officers may require a person committed to the officer's care by the court to~~
196.32 ~~perform community work service for violating a condition of probation imposed by the~~
196.33 ~~court. Community work service may be imposed for the purpose of protecting the public,~~
196.34 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~

197.1 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
197.2 ~~12-month period, beginning on the date on which community work service is first imposed.~~
197.3 ~~The chief executive officer of a community corrections agency may authorize an additional~~
197.4 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
197.5 ~~period, beginning with the date on which community work service is first imposed. At the~~
197.6 ~~time community work service is imposed, probation officers are required to provide written~~
197.7 ~~notice to the offender that states:~~

197.8 ~~(1) the condition of probation that has been violated;~~

197.9 ~~(2) the number of hours of community work service imposed for the violation; and~~

197.10 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
197.11 ~~period.~~

197.12 ~~An offender may challenge the imposition of community work service by filing a petition~~
197.13 ~~in district court. An offender must file the petition within five days of receiving written~~
197.14 ~~notice that community work service is being imposed. If the offender challenges the~~
197.15 ~~imposition of community work service, the state bears the burden of showing, by a~~
197.16 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
197.17 ~~under the circumstances.~~

197.18 ~~Community work service includes sentencing to service.~~

197.19 Sec. 13. Minnesota Statutes 2022, section 401.025, subdivision 1, is amended to read:

197.20 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When
197.21 it appears necessary to enforce discipline or to prevent a person on conditional release from
197.22 escaping or absconding from supervision, the chief executive officer or designee of a
197.23 community corrections agency in a CCA county has the authority to issue a written order
197.24 directing any peace officer or any probation officer in the state serving the district and
197.25 juvenile courts to detain and bring the person before the court or the commissioner, whichever
197.26 is appropriate, for disposition. If the person on conditional release commits a violation
197.27 described in section 609.14, subdivision 1a, paragraph (a), the chief executive officer or
197.28 designee must have a reasonable belief that the order is necessary to prevent the person
197.29 from escaping or absconding from supervision or that the continued presence of the person
197.30 in the community presents a risk to public safety before issuing a written order. This written
197.31 order is sufficient authority for the peace officer or probation officer to detain the person
197.32 for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing
197.33 before the court or the commissioner.

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

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

198.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
198.14 that occur on or after that date.

198.15 Sec. 14. Minnesota Statutes 2022, section 401.06, is amended to read:

198.16 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
198.17 **COMPLIANCE.**

198.18 Subdivision 1. **Commissioner approval required.** (a) No county or group of counties
198.19 or Tribal government or group of Tribal governments electing to provide correctional
198.20 services pursuant to sections 401.01 to 401.16 shall be under this chapter is eligible for the
198.21 subsidy herein provided unless and until its comprehensive plan shall have has been approved
198.22 by the commissioner. A comprehensive plan must comply with commissioner-developed
198.23 standards and reporting requirements and must sufficiently address community needs and
198.24 supervision standards.

198.25 (b) If the commissioner provides supervision to a county that elects not to provide the
198.26 supervision, the commissioner must prepare a comprehensive plan for the county and present
198.27 it to the local county board of commissioners. The Department of Corrections is subject to
198.28 all the standards and requirements under this chapter and supervision standards and policies.

198.29 (c) A comprehensive plan is valid for four years and a corrections advisory board must
198.30 review and update the plan two years after the plan has been approved or two years after
198.31 submitted to the commissioner, whichever is earlier.

198.32 (d) All approved comprehensive plans, including updated plans, must be made publicly
198.33 available on the Department of Corrections website.

199.1 Subd. 2. Rulemaking. The commissioner ~~shall~~ must, ~~pursuant to~~ in accordance with
199.2 the Administrative Procedure Act, ~~promulgate~~ adopt rules establishing standards of eligibility
199.3 for CCA and CPO counties and Tribal governments to receive funds under ~~sections 401.01~~
199.4 ~~to 401.16~~ this chapter.

199.5 Subd. 3. Substantial compliance required. (a) To remain eligible for the subsidy,
199.6 counties ~~shall~~ and Tribal governments must maintain substantial compliance with the
199.7 minimum standards established ~~pursuant~~ according to sections 401.01 to 401.16 this chapter
199.8 and the policies and procedures governing the services ~~described in~~ under section 401.025
199.9 as prescribed by the commissioner.

199.10 (b) Counties shall also must:

199.11 (1) be in substantial compliance with other correctional operating standards permitted
199.12 by law and established by the commissioner; and

199.13 ~~shall~~ (2) report statistics required by the commissioner, including but not limited to
199.14 information on individuals convicted as an extended jurisdiction juvenile ~~identified in~~ under
199.15 section 241.016, subdivision 1, paragraph (c).

199.16 Subd. 4. Commissioner review. (a) The commissioner ~~shall~~ must review annually the
199.17 comprehensive plans submitted by participating counties and Tribal governments, including
199.18 the facilities and programs operated under the plans. The commissioner is ~~hereby authorized~~
199.19 ~~to~~ may enter upon any facility operated under the plan, and inspect books and records, for
199.20 purposes of recommending needed changes or improvements.

199.21 ~~When~~ (b) If the commissioner ~~shall determine~~ determines that there are reasonable
199.22 grounds to believe that a county or group of counties or Tribal government or group of
199.23 Tribal governments is not in substantial compliance with minimum standards, the
199.24 commissioner must provide at least 30 days' notice ~~shall be given~~ to the county or counties
199.25 ~~and~~ or Tribal government or Tribal governments of a commissioner-conducted hearing
199.26 ~~conducted by the commissioner~~ to ascertain whether there is substantial compliance or
199.27 satisfactory progress being made toward compliance.

199.28 Subd. 5. Noncompliance with comprehensive plan. (a) After a hearing, the
199.29 commissioner may sanction a county or group of counties or Tribal government or group
199.30 of Tribal governments under this subdivision if the commissioner determined that the agency
199.31 is not maintaining substantial compliance with minimum standards or that satisfactory
199.32 progress toward compliance has not been made.

200.1 (b) The commissioner may suspend all or a portion of any subsidy until the required
 200.2 standard of operation has been met without issuing a corrective action plan.

200.3 (c) The commissioner may issue a corrective action plan, which must:

200.4 (1) be in writing;

200.5 (2) identify all deficiencies;

200.6 (3) detail the corrective action required to remedy the deficiencies; and

200.7 (4) provide a deadline to:

200.8 (i) correct each deficiency; and

200.9 (ii) report to the commissioner progress toward correcting the deficiency.

200.10 (d) After the deficiency has been corrected, documentation must be submitted to the
 200.11 commissioner detailing compliance with the corrective action plan. If the commissioner
 200.12 determines that the county or group of counties or Tribal government or group of Tribal
 200.13 governments has not complied with the plan, the commissioner may suspend all or a portion
 200.14 of the subsidy.

200.15 Sec. 15. Minnesota Statutes 2022, section 401.09, is amended to read:

200.16 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

200.17 Failure of a county or group of counties to elect to come within the provisions of sections
 200.18 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for
 200.19 correctional purposes otherwise provided by law. Any comprehensive plan submitted
 200.20 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional
 200.21 services from the state by contract, including the temporary detention and confinement of
 200.22 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate
 200.23 state facility as otherwise provided by law. The commissioner shall annually determine the
 200.24 costs of the purchase of services under this section and deduct them from the subsidy due
 200.25 and payable to the county or counties concerned; provided that no contract shall exceed in
 200.26 cost the amount of subsidy to which the participating county or counties are eligible.

200.27 Sec. 16. Minnesota Statutes 2022, section 401.10, is amended to read:

200.28 **401.10 COMMUNITY CORRECTIONS AID.**

200.29 Subdivision 1. ~~Aid calculations~~ Funding formula. ~~To determine the community~~
 200.30 ~~corrections aid amount to be paid to each participating county, the commissioner of~~
 200.31 ~~corrections must apply the following formula:~~

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

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

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

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

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

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

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

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

201.23 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
201.24 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
201.25 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
201.26 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
201.27 ~~87 counties.~~

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

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

202.1 ~~(6) Each participating county's weighted need percent must be added to the weighted~~
202.2 ~~need percent of each other participating county to yield the "total weighted need percent~~
202.3 ~~for participating counties."~~

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

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

202.14 ~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts~~
202.15 ~~for all participating counties. If a county that participated under this section chooses not to~~
202.16 ~~participate in any given year, then the aggregate base funding amount must be reduced by~~
202.17 ~~that county's base funding amount. If a county that did not participate under this section in~~
202.18 ~~fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base~~
202.19 ~~funding amount must be increased by the amount of aid that the county would have received~~
202.20 ~~had it participated in fiscal year 1995 plus the estimated amount it would have received in~~
202.21 ~~caseload or workload reduction, felony caseload reduction, and sex offender supervision~~
202.22 ~~grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount~~
202.23 ~~of increase shall be that county's base funding amount.~~

202.24 ~~(10) In any given year, the total amount appropriated for this purpose first must be~~
202.25 ~~allocated to participating counties in accordance with each county's base funding amount.~~
202.26 ~~Then, any remaining amount in excess of the aggregate base funding amount must be~~
202.27 ~~allocated to participating counties in proportion to each county's share percent, and is referred~~
202.28 ~~to as the county's "formula amount."~~

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

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

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

203.4 (a) Beginning in fiscal year 2024, the subsidy paid to each county and Tribal government
203.5 and the commissioner of corrections for supervision in counties or Tribal jurisdictions served
203.6 by the department shall equal the sum of:

203.7 (1) a base funding amount equal to \$200,000, plus:

203.8 (i) ten percent of the total for all appropriations to the commissioner for community
203.9 supervision and postrelease services during the fiscal year prior to the fiscal year for which
203.10 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
203.11 total population as determined by the most recent census; and

203.12 (ii) ten percent of the total for all appropriations to the commissioner for community
203.13 supervision and postrelease services during the fiscal year prior to the fiscal year for which
203.14 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
203.15 total geographic area; and

203.16 (2) a community supervision formula equal to the sum of:

203.17 (i) for felony cases, a felony per diem rate of \$5.33 multiplied by the sum of the county's
203.18 adult felony population, adult supervised release and parole populations, and juvenile
203.19 supervised release and parole populations as reported in the most recent probation survey
203.20 published by the commissioner and then, multiplied by 365; and

203.21 (ii) for gross misdemeanor, misdemeanor, and juvenile probation cases, the felony per
203.22 diem rate used in item (i) multiplied by 0.5 and then multiplied by the sum of the county's
203.23 gross misdemeanor, misdemeanor, and juvenile populations as reported in the most recent
203.24 probation survey published by the commissioner, multiplied by 365.

203.25 (b) Each participating county's "community corrections aid amount" equals the sum of
203.26 (1) the county's base funding amount, and (2) the county's formula amount.

203.27 (c) If in any year the total amount appropriated for the purpose of this section is more
203.28 than or less than the total of base funding plus community supervision formula funding for
203.29 all counties, then the sum of each county's base funding plus community supervision formula
203.30 funding shall be adjusted by the ratio of amounts appropriated for this purpose divided by
203.31 the total of base funding plus community supervision formula funding for all counties.

203.32 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
203.33 of corrections, after notifying the committees on finance of the senate and ways and means

204.1 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
 204.2 funds, including funds available due the withdrawal of a county under section 401.16, in
 204.3 any appropriation to the Department of Corrections to the appropriation under sections
 204.4 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
 204.5 of sections 401.01 to 401.16.

204.6 Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~
 204.7 ~~over community corrections funding decisions in the house of representatives and the senate,~~
 204.8 ~~in consultation with the Department of Corrections and any interested county organizations,~~
 204.9 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
 204.10 ~~its continuation, modification, replacement, or discontinuation.~~ For fiscal year 2025 and
 204.11 subsequent fiscal years, the commissioner shall make a funding recommendation based
 204.12 upon the commissioner's workload study and the caseload data collected by the commissioner.

204.13 Subd. 4. **Report; supervision fees.** (a) The commissioner must collect annual summary
 204.14 expenditure data and funding from each community supervision provider in the state.

204.15 (b) On January 15, 2025, and every year thereafter, the commissioner must submit a
 204.16 report to the chairs and ranking minority members of the legislative committees and divisions
 204.17 with jurisdiction over public safety finance and policy on the data collected under paragraph
 204.18 (a). The report may be made in conjunction with reporting under section 244.21.

204.19 Sec. 17. Minnesota Statutes 2022, section 401.11, is amended to read:

204.20 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

204.21 Subdivision 1. **Items.** The comprehensive plan submitted to the commissioner for
 204.22 approval shall ~~must~~ include those items prescribed by ~~rule~~ policy of the commissioner,
 204.23 which may require the inclusion of the following including but not limited to:

204.24 ~~(a)~~ (1) the manner in which presentence and postsentence investigations and reports for
 204.25 the district courts and social history reports for the juvenile courts will be made;

204.26 ~~(b)~~ (2) the manner in which conditional release services to the courts and persons under
 204.27 jurisdiction of the commissioner ~~of corrections~~ will be provided;

204.28 ~~(c)~~ (3) a program for ~~the detention, supervision, and treatment of~~ detaining, supervising,
 204.29 and treating persons under pretrial detention or under commitment;

204.30 ~~(d)~~ (4) delivery of other local correctional services ~~defined in section 401.01;~~

204.31 ~~(e)~~ (5) proposals for new programs, which proposals must demonstrate a need for the
 204.32 program, its and the program's purpose, objective, administrative structure, staffing pattern,

205.1 staff training, financing, evaluation process, degree of community involvement, client
 205.2 participation, and duration of program; and

205.3 (6) outcome and output data, expenditures, and costs.

205.4 Subd. 2. Review. ~~In addition to the foregoing requirements made by this section,~~ Each
 205.5 participating CCA county or group of counties shall must develop and implement a procedure
 205.6 for ~~the review of grant~~ reviewing subsidy applications made to the corrections advisory
 205.7 board and for the manner in which corrections advisory board action will be taken on ~~them~~
 205.8 the applications. A description of ~~this~~ the procedure must be made available to members of
 205.9 the public upon request.

205.10 Sec. 18. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

205.11 Subd. 3. Installment payments. The commissioner of corrections shall make payments
 205.12 for community corrections services to each county in 12 installments per year. The
 205.13 commissioner shall ensure that the pertinent payment of the allotment for each month is
 205.14 made to each county on the first working day after the end of each month of the calendar
 205.15 year, except for the last month of the calendar year. The commissioner shall ensure that
 205.16 each county receives its payment of the allotment for that month no later than the last
 205.17 working day of that month. ~~The payment described in this subdivision for services rendered~~
 205.18 ~~during June 1985 shall be made on the first working day of July 1985.~~

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

205.20 **401.16 WITHDRAWAL FROM PROGRAM.**

205.21 Any participating county or Tribal government may, at the beginning of any calendar
 205.22 quarter, by resolution of its board of commissioners or Tribal government leaders, notify
 205.23 the commissioner of its intention to withdraw from the subsidy program established by
 205.24 sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the ~~last month~~
 205.25 ~~of the quarter~~ in third quarter after which the notice was given. ~~Upon withdrawal, the~~
 205.26 ~~unexpended balance of moneys allocated to the county, or that amount necessary to reinstate~~
 205.27 ~~state correctional services displaced by that county's participation, including complement~~
 205.28 ~~positions, may, upon approval of the legislative advisory commission, be transferred to the~~
 205.29 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~
 205.30 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

206.1 Sec. 20. **[401.17] COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

206.2 **Subdivision 1. Establishment; members.** (a) The commissioner must establish a
206.3 Community Supervision Advisory Committee to develop and make recommendations to
206.4 the commissioner on standards for probation, supervised release, and community supervision.

206.5 The committee consists of 16 members as follows:

206.6 (1) two directors appointed by the Minnesota Association of Community Corrections
206.7 Act Counties;

206.8 (2) two probation directors appointed by the Minnesota Association of County Probation
206.9 Officers;

206.10 (3) three county commissioner representatives appointed by the Association of Minnesota
206.11 Counties;

206.12 (4) two behavioral health, treatment, or programming providers who work directly with
206.13 individuals on correctional supervision, one appointed by the Department of Human Services
206.14 and one appointed by the Minnesota Association of County Social Service Administrators;

206.15 (5) two representatives appointed by the Minnesota Indian Affairs Council;

206.16 (6) one commissioner-appointed representative from the Department of Corrections;

206.17 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;

206.18 (8) three individuals who have been supervised, either individually or collectively, under
206.19 each of the state's three community supervision delivery systems appointed by the
206.20 commissioner in consultation with the Minnesota Association of County Probation Officers
206.21 and the Minnesota Association of Community Corrections Act Counties; and

206.22 (9) an advocate for victims of crime appointed by the commissioner.

206.23 (b) When an appointing authority selects an individual for membership on the committee,
206.24 the authority must make reasonable efforts to reflect geographic diversity and to appoint
206.25 qualified members of protected groups, as defined under section 43A.02, subdivision 33.

206.26 (c) The commissioner must convene the first meeting of the committee on or before July
206.27 15, 2024.

206.28 **Subd. 2. Terms; removal; reimbursement.** (a) If there is a vacancy, the appointing
206.29 authority must appoint an individual to fill the vacancy. Committee members must elect
206.30 any officers and create any subcommittees necessary for the efficient discharge of committee
206.31 duties.

207.1 (b) A member may be removed by the appointing authority at any time at the pleasure
207.2 of the appointing authority.

207.3 (c) Each committee member must be reimbursed for all reasonable expenses actually
207.4 paid or incurred by that member in the performance of official duties in the same manner
207.5 as other employees of the state. The public members of the committee must be compensated
207.6 at the rate of \$55 for each day or part of the day spent on committee activities.

207.7 Subd. 3. **Duties; committee.** (a) The committee must comply with section 401.10.

207.8 (b) By June 30, 2024, the committee must provide written advice and recommendations
207.9 to the commissioner on developing policy on:

207.10 (1) developing statewide supervision standards and definitions to be applied to community
207.11 supervision provided by CPO counties, CCA counties, the Department of Corrections, and
207.12 Tribal governments;

207.13 (2) requiring community supervision agencies to use the same agreed-upon risk screener
207.14 and risk and needs assessment tools as the main supervision assessment methods or a
207.15 universal five-level matrix allowing for consistent supervision levels and that all tools in
207.16 use be validated on Minnesota's community supervision population and revalidated every
207.17 five years;

207.18 (3) requiring the use of assessment-driven, formalized collaborative case planning to
207.19 focus case planning goals on identified criminogenic and behavioral health need areas for
207.20 moderate- and high-risk individuals;

207.21 (4) limiting standard conditions required for all people on supervision across all
207.22 supervision systems and judicial districts, ensuring that conditions of supervision are directly
207.23 related to the offense of the person on supervision, and tailoring special conditions to people
207.24 on supervision identified as high-risk and high-need;

207.25 (5) providing gender-responsive, culturally appropriate services and trauma-informed
207.26 approaches;

207.27 (6) developing a statewide incentives and sanctions grid to guide responses to client
207.28 behavior while under supervision to be reviewed and updated every five years to maintain
207.29 alignment with national best practices;

207.30 (7) developing performance indicators for supervision success as well as recidivism;

207.31 (8) developing a statewide training, coaching, and quality assurance system overseen
207.32 by an evidence-based practices coordinator; and

208.1 (9) devising a plan, by December 1, 2024, to eliminate the financial penalty incurred by
208.2 a jurisdiction that successfully discharges an offender from supervision before the offender's
208.3 term of supervision concludes.

208.4 (c) By December 1, 2024, and every six years thereafter, the committee must review
208.5 and reassess the existing workload study published by the commissioner under subdivision
208.6 4 and make recommendations to the commissioner based on the committee's review.

208.7 (d) By June 30, 2024, the committee must submit a report on supervision fees to the
208.8 commissioner and the chairs and ranking minority members of the legislative committees
208.9 with jurisdiction over corrections policy and funding. The committee must collect data on
208.10 supervision fees and include the data in the report.

208.11 Subd. 4. **Duties; commissioner.** The commissioner, in consultation with the committee,
208.12 must complete a workload study by December 1, 2024, to develop a capitated rate for
208.13 equitably funding community supervision throughout the state. The study must be updated
208.14 every six years after the initial study is completed.

208.15 Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in
208.16 consultation with the Minnesota Counties Computer Cooperative, must create a method to
208.17 (1) standardize data classifications across the three delivery systems, and (2) collect data
208.18 for the commissioner to publish in an annual report to the chairs and ranking minority
208.19 members of the legislative committees and divisions with jurisdiction over public safety
208.20 finance and policy.

208.21 (b) The advisory committee's method, at a minimum, must provide for collecting the
208.22 following data:

208.23 (1) the number of offenders placed on probation each year;

208.24 (2) the offense levels and offense types for which offenders are placed on probation;

208.25 (3) violation and revocation rates and the identified grounds for the violations and
208.26 revocations, including final disposition of the violation action such as execution of the
208.27 sentence, imposition of new conditions, or a custodial sanction;

208.28 (4) the number of offenders granted early discharge from probation;

208.29 (5) the number of offenders restructured on supervision, including imposition of new
208.30 conditions of release; and

208.31 (6) the number of offenders revoked from supervision and the identified grounds for
208.32 revocation.

209.1 (c) On February 1, 2025, and every year thereafter, the commissioner must prepare a
209.2 report that contains the data collected under the method established by the committee under
209.3 this subdivision. The report must provide an analysis of the collected data by race, gender,
209.4 and county.

209.5 (d) Nothing in this section overrides the commissioner's authority to require additional
209.6 data be provided under sections 241.065, 401.06, 401.10, and 401.11.

209.7 Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations,
209.8 the commissioner must respond in writing to the committee's advice and recommendations
209.9 under subdivision 3. The commissioner's response must explain:

209.10 (1) whether the agency will adopt policy changes based on the recommendations;

209.11 (2) the timeline for adopting policy changes; and

209.12 (3) why the commissioner will not or cannot include any individual recommendations
209.13 of the committee in the agency's policy.

209.14 (b) The commissioner must submit the advice and recommendations of the committee
209.15 to the chairs and ranking minority members of the legislative committees with jurisdiction
209.16 over public safety and finance.

209.17 Subd. 7. **Staff; meeting room; office equipment.** The commissioner must provide the
209.18 committee with a committee administrator, staff support, a meeting room, and access to
209.19 office equipment and services.

209.20 Sec. 21. Minnesota Statutes 2022, section 609.14, subdivision 1, is amended to read:

209.21 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
209.22 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
209.23 which warrants the imposing or execution of sentence, the court may without notice revoke
209.24 the stay and direct that the defendant be taken into immediate custody. Revocation should
209.25 only be used as a last resort when rehabilitation has failed.

209.26 (b) When it appears that the defendant violated any of the conditions of probation during
209.27 the term of the stay, but the term of the stay has since expired, the defendant's probation
209.28 officer or the prosecutor may ask the court to initiate probation revocation proceedings
209.29 under the Rules of Criminal Procedure at any time within six months after the expiration
209.30 of the stay. The court also may initiate proceedings under these circumstances on its own
209.31 motion. If proceedings are initiated within this six-month period, the court may conduct a

210.1 revocation hearing and take any action authorized under rule 27.04 at any time during or
210.2 after the six-month period.

210.3 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
210.4 proceedings to revoke the stay have been initiated by a court order revoking the stay and
210.5 directing either that the defendant be taken into custody or that a summons be issued in
210.6 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
210.7 the summary hearing provided by subdivision 2 may be conducted after the expiration of
210.8 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
210.9 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
210.10 term of the stay or after the six-month period. The ability or inability to locate or apprehend
210.11 the defendant prior to the expiration of the stay or during or after the six-month period shall
210.12 not preclude the court from conducting the summary hearing unless the defendant
210.13 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
210.14 advantage.

210.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
210.16 that occur on or after that date.

210.17 Sec. 22. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
210.18 read:

210.19 Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional
210.20 treatment is better provided through a community resource than through confinement, it
210.21 would not unduly depreciate the seriousness of the violation if probation was not revoked,
210.22 and the policies favoring probation outweigh the need for confinement if a person has not
210.23 previously violated a condition of probation or intermediate sanction and does any of the
210.24 following in violation of a condition imposed by the court:

210.25 (1) fails to abstain from the use of controlled substances without a valid prescription,
210.26 unless the person is under supervision for a violation of section:

210.27 (i) 169A.20;

210.28 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

210.29 (iii) 609.2113, subdivision 1, clauses (2) to (6), 2, clauses (2) to (6), or 3, clauses (2) to
210.30 (6);

210.31 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
210.32 violation of section:

- 211.1 (i) 169A.20;
- 211.2 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or
- 211.3 (iii) 609.2113, subdivision 1, clauses (2) to (6), 2, clauses (2) to (6), or 3, clauses (2) to
- 211.4 (6);
- 211.5 (3) possesses drug paraphernalia in violation of section 152.092;
- 211.6 (4) fails to obtain or maintain employment;
- 211.7 (5) fails to pursue a course of study or vocational training;
- 211.8 (6) fails to report a change in employment, unless the person is prohibited from having
- 211.9 contact with minors and the employment would involve such contact;
- 211.10 (7) violates a curfew;
- 211.11 (8) fails to report contact with a law enforcement agency, unless the person was charged
- 211.12 with a misdemeanor, gross misdemeanor, or felony; or
- 211.13 (9) commits any offense for which the penalty is a petty misdemeanor.
- 211.14 (b) A violation by a person described in paragraph (a) does not warrant the imposition
- 211.15 or execution of sentence and the court may not direct that the person be taken into immediate
- 211.16 custody unless the court receives a written report, signed under penalty of perjury pursuant
- 211.17 to section 358.116, showing probable cause to believe the person violated probation and
- 211.18 establishing by a preponderance of the evidence that the continued presence of the person
- 211.19 in the community would present a risk to public safety. If the court does not direct that the
- 211.20 person be taken into custody, the court may request a supplemental report from the
- 211.21 supervising agent containing:
- 211.22 (1) the specific nature of the violation;
- 211.23 (2) the response of the person under supervision to the violation, if any; and
- 211.24 (3) the actions the supervising agent has taken or will take to address the violation.
- 211.25 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
- 211.26 that occur on or after that date.
- 211.27 **Sec. 23. LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.**
- 211.28 By August 1, 2025, each local correctional agency under Minnesota Statutes, section
- 211.29 244.18, must provide a plan for phasing out local correctional fees. A copy of the plan must

212.1 be provided to all individuals under supervision by the agency. Local correctional fees must
212.2 not increase from the effective date of this section through August 1, 2025.

212.3 Sec. 24. **COMMUNITY SUPERVISION ADVISORY COMMITTEE; REPORT.**

212.4 (a) By January 15, 2025, the committee must submit a report to the chairs and ranking
212.5 minority members of the legislative committees with jurisdiction over public safety policy
212.6 and finance on progress toward developing standards and recommendations under Minnesota
212.7 Statutes, section 401.17, subdivision 3.

212.8 (b) By January 15, 2026, the committee must submit a final report to the chairs and
212.9 ranking minority members of the legislative committees with jurisdiction over public safety
212.10 policy and finance on the standards and recommendations developed according to Minnesota
212.11 Statutes, section 401.17, subdivision 3. At a minimum, the recommendations must include
212.12 a proposed state-level Community Supervision Advisory Board with a governance structure
212.13 and duties for the board.

212.14 Sec. 25. **REPEALER.**

212.15 (a) Minnesota Statutes 2022, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
212.16 and 244.30, are repealed.

212.17 (b) Minnesota Statutes 2022, section 244.18, is repealed.

212.18 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2023, and paragraph (b) is
212.19 effective August 1, 2025.

244.18 LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.

Subdivision 1. **Definition.** As used in this section, "local correctional fees" include fees for the following correctional services:

- (1) community service work placement and supervision;
- (2) restitution collection;
- (3) supervision;
- (4) court ordered investigations;
- (5) any other court ordered service;
- (6) postprison supervision or other form of release; or

(7) supervision or other services provided to probationers or parolees under section 243.1605 to be provided by a local probation and parole agency established under section 244.19 or community corrections agency established under chapter 401.

Subd. 2. **Local correctional fees.** A local correctional agency may establish a schedule of local correctional fees to charge persons under the supervision and control of the local correctional agency to defray costs associated with correctional services. The local correctional fees on the schedule must be reasonably related to defendants' abilities to pay and the actual cost of correctional services.

Subd. 3. **Fee collection.** The chief executive officer of a local correctional agency may impose and collect local correctional fees. The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. A local probation and parole agency established under section 244.19 or community corrections agency established under section 401.02 may not impose a fee under this section if the offender is supervised by the commissioner of corrections and the commissioner of corrections imposes and collects a fee under section 241.272. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Subd. 4. **Exemption from fee.** The chief executive officer of the local correctional agency may waive payment of the fee if the officer determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the local correctional agency may require the offender to perform community work service as a means of paying the fee.

Subd. 5. **Restitution payment priority.** If a defendant has been ordered by a court to pay restitution, the defendant shall be obligated to pay the restitution ordered before paying the local correctional fee. However, if the defendant is making reasonable payments to satisfy the restitution obligation, the local correctional agency may also collect a local correctional fee.

Subd. 6. **Use of fees.** The local correctional fees shall be used by the local correctional agency to pay the costs of local correctional services. Local correctional fees may not be used to supplant existing local funding for local correctional services.

244.19 PROBATION OFFICERS.

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

officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.

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

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

244.22 PROBATION SERVICE PROVIDERS; CASELOAD REDUCTION GRANT MONEY.

(a) The commissioner of corrections shall review the planned expenditures of probation service providers before allocating probation caseload reduction grants appropriated by the legislature. The review must determine whether the planned expenditures comply with applicable law.

(b) In counties where probation services are provided by both county and Department of Corrections employees, a collaborative plan addressing the local needs shall be developed. The commissioner of corrections shall specify the manner in which probation caseload reduction grant money shall be distributed between the providers according to the approved plan.

244.24 CLASSIFICATION SYSTEM FOR ADULT OFFENDERS.

By February 1, 1998, all probation agencies shall adopt written policies for classifying adult offenders. The commissioner of corrections shall assist probation agencies in locating organizations that may provide training and technical assistance to the agencies concerning methods to develop and implement effective, valid classification systems.

244.30 CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.

(a) If the commissioner revokes the supervised release of a person whose release on the current offense has not previously been revoked, the commissioner may order the person to be incarcerated for no more than 90 days or until the expiration of the person's sentence, whichever is less.

(b) This section does not apply to offenders on supervised release for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

(c) The commissioner may order a person described in this section to be incarcerated for more than 90 days if the commissioner determines that substantial and compelling reasons exist to believe that the longer incarceration period is necessary to protect the public.

299C.80 INDEPENDENT USE OF FORCE INVESTIGATIONS UNIT.

Subd. 7. **Expiration.** The independent Use of Force Investigations Unit expires August 1, 2024.

403.02 DEFINITIONS.

Subd. 13. **Enhanced 911 service.** "Enhanced 911 service" means the use of automatic location identification or local location identification as part of local 911 service provided by an enhanced 911 system consisting of a common 911 network and database and customer data and network components connecting to the common 911 network and database.

403.09 ENFORCEMENT.

Subd. 3. **Dispute resolution.** Disputes between parties must be resolved pursuant to section 403.025, subdivision 7, paragraph (c).

638.02 PARDONS.

Subdivision 1. **Absolute or conditional pardons; commutation of sentences.** The Board of Pardons may grant an absolute or a conditional pardon, but every conditional pardon shall state the terms and conditions on which it was granted. Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless granted by a unanimous vote of the board duly convened.

Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the Board of Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:

(1) if the person was convicted of a crime of violence as defined in section 624.712, subdivision 5, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and

(2) if the person was convicted of any crime not included within the definition of crime of violence under section 624.712, subdivision 5, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.

If the Board of Pardons determines that the person is of good character and reputation, the board may, in its discretion, grant the person a pardon extraordinary. The pardon extraordinary, when granted, has the effect of setting aside and nullifying the conviction and of purging the person of it, and the person shall never after that be required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

The application for a pardon extraordinary, the proceedings to review an application, and the notice requirements are governed by the statutes and the rules of the board in respect to other proceedings before the board. The application shall contain any further information that the board may require.

Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, and the court shall order the conviction set aside and include a copy of the pardon in the court file. The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension.

Subd. 4. **Grandfather provision.** Any person granted a pardon extraordinary by the Board of Pardons prior to April 12, 1974 may apply to the district court of the county in which the conviction occurred for an order setting aside the conviction as set forth in subdivision 3.

Subd. 5. **Records.** The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, trial, appeal, dismissal and discharge, which relate to the conviction for which the pardon extraordinary has been granted.

638.03 WARRANT; RETURN.

The Board of Pardons may issue its warrant, under its seal, to any proper officers to carry into effect any pardon, commutation, or reprieve. As soon as may be after the execution of the warrant, the officer to whom it is directed shall make return thereof, under hand, with the doings thereon, to the governor. Such officer shall also file with the court administrator in which the offender was convicted an attested copy of the warrant and return, a brief abstract of which such court administrator shall subjoin to the record of the conviction.

638.04 MEETINGS.

The Board of Pardons shall hold meetings at least twice each year and shall hold a meeting whenever it takes formal action on an application for a pardon or commutation of sentence. All board meetings shall be open to the public as provided in chapter 13D.

The victim of an applicant's crime has a right to submit an oral or written statement at the meeting. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the application for a pardon or commutation should be granted or denied. In addition, any law enforcement agency may submit an oral or written statement at the meeting, giving its recommendation on whether the application should be granted

or denied. The board must consider the victim's and the law enforcement agency's statement when making its decision on the application.

638.05 APPLICATION FOR PARDON.

Every application for relief by the Pardon Board shall be in writing, addressed to the Board of Pardons, signed under oath by the convict or someone in the convict's behalf, shall state concisely the grounds upon which the relief is sought, and in addition shall contain the following facts:

- (1) the name under which the convict was indicted, and every alias by which the convict is or was known;
- (2) the date and terms of sentence, and the names of the offense for which it was imposed;
- (3) the name of the trial judge and the county attorney who participated in the trial of the convict, together with that of the county of trial;
- (4) a succinct statement of the evidence adduced at the trial, with the endorsement of the judge or county attorney who tried the case that the statement is substantially correct. If this statement and endorsement are not furnished, the reason for failing to furnish them shall be stated;
- (5) the age, birthplace, and occupation and residence of the convict during five years immediately preceding conviction;
- (6) a statement of other arrests, indictments, and convictions, if any, of the convict.

Every application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the relief is sought. In addition, if the applicant resided in another state after the sentence was discharged, the application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any data concerning the applicant that was collected or maintained by the foreign state relating to the grounds on which the relief is sought, including disclosure of criminal arrest and conviction records.

638.06 ACTION ON APPLICATION.

Every application for relief by the Pardon Board shall be filed with the secretary of the Board of Pardons not less than 60 days before the meeting of the board at which consideration of the application is desired. If an application for a pardon or commutation has been once heard and denied on the merits, no subsequent application shall be filed without the consent of two members of the board endorsed on the application. Immediately on receipt of any application, the secretary to the board shall mail notice of the application, and of the time and place of hearing on it, to the judge of the court where the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or a successor in office. Additionally, the secretary shall publish notice of an application for a pardon extraordinary in the local newspaper of the county where the crime occurred. The secretary shall also make all reasonable efforts to locate any victim of the applicant's crime. The secretary shall mail notice of the application and the time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board as provided in section 638.04.

638.07 RECORDS; SECRETARY.

The Board of Pardons shall keep a record of every petition received, and of every pardon, reprieve, or commutation of sentence granted or refused, and the reasons assigned therefor, and shall have a seal, with which every pardon, reprieve, or commutation of sentence shall be attested. It may adopt such additional necessary and proper rules as are not inconsistent herewith. The 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:

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(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.