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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1030**

02/11/2021 Authored by Becker-Finn
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
04/09/2021 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to judiciary; amending law and appropriating money for courts, Guardian

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

1.4 of Public Defense, and human rights; modifying criminal, civil, data practices,

1.5 and forfeiture law; amending Minnesota Statutes 2020, sections 2.722, subdivision

1.6 1; 5B.02; 5B.05; 5B.10, subdivision 1; 13.045, subdivisions 1, 2, 3, 4a; 13.32,

1.7 subdivision 3; 13.552, by adding a subdivision; 13.7931, by adding a subdivision;

1.8 13.82, by adding a subdivision; 13.824, subdivision 6; 13.825, subdivision 9;

1.9 13.856, subdivision 3; 144.225, subdivision 7; 169.99, subdivision 1c, by adding

1.10 a subdivision; 169A.63, subdivisions 1, 7, 8, 9, 10, 13, by adding subdivisions;

1.11 260C.163, subdivision 3; 357.021, subdivisions 1a, 6; 357.17; 359.04; 363A.02,

1.12 subdivision 1; 363A.06, subdivision 1; 363A.08, subdivision 6, by adding a

1.13 subdivision; 363A.09, subdivisions 1, 2, by adding a subdivision; 363A.28,

1.14 subdivisions 1, 6; 363A.31, subdivision 2; 363A.33, subdivision 3; 363A.36,

1.15 subdivisions 1, 2, 3, 4, by adding a subdivision; 363A.44, subdivisions 2, 4, 9;

1.16 477A.03, subdivision 2b; 484.85; 514.977; 517.04; 517.08, subdivision 1b;

1.17 524.2-503; 590.01, subdivision 4; 609.101, subdivision 5; 609.531, subdivision

1.18 1, by adding a subdivision; 609.5311, subdivisions 2, 3, 4; 609.5314, subdivisions

1.19 1, 2, 3, by adding a subdivision; 609.5315, subdivisions 5, 5b, 6; 611.21; 611.27,

1.20 subdivisions 9, 10, 11, 13, 15; Laws 2020, chapter 118, section 4; proposing coding

1.21 for new law in Minnesota Statutes, chapters 3; 13; 62A; 84; 359; 363A; 611A;

1.22 634; repealing Minnesota Statutes 2020, section 609.5317.

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

1.24 **ARTICLE 1**

1.25 **APPROPRIATIONS**

1.26 Section 1. **APPROPRIATIONS.**

1.27 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.28 and for the purposes specified in this article. The appropriations are from the general fund,

1.29 or another named fund, and are available for the fiscal years indicated for each purpose.

1.30 The figures "2022" and "2023" used in this article mean that the appropriations listed under

1.31 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.

2.1 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
 2.2 is fiscal years 2022 and 2023.

2.3		<u>APPROPRIATIONS</u>	
2.4		<u>Available for the Year</u>	
2.5		<u>Ending June 30</u>	
2.6		<u>2022</u>	<u>2023</u>

2.7 **Sec. 2. SUPREME COURT**

2.8	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>61,132,000</u>	<u>\$</u>	<u>61,780,000</u>
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2.9 The amounts that may be spent for each
 2.10 purpose are specified in the following
 2.11 subdivisions.

2.12	<u>Subd. 2. Supreme Court Operations</u>		<u>44,204,000</u>		<u>43,582,000</u>
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2.13 **(a) Contingent Account**

2.14 \$5,000 each year is for a contingent account
 2.15 for expenses necessary for the normal
 2.16 operation of the court for which no other
 2.17 reimbursement is provided.

2.18 **(b) Insurance Cost Increases**

2.19 \$306,000 in fiscal year 2022 and \$661,000 in
 2.20 fiscal year 2023 are to fund increases in
 2.21 insurance costs.

2.22 **(c) Increased Compensation**

2.23 \$1,139,000 in fiscal year 2023 is for increased
 2.24 compensation for judges and other employees.

2.25 **(d) Minnesota Court Record Online**

2.26 **Application**

2.27 \$741,000 in fiscal year 2022 is to fund critical
 2.28 improvements to the Minnesota Court Record
 2.29 Online application. This is a onetime
 2.30 appropriation.

2.31 **(e) Cybersecurity Program**

3.1 \$375,000 in fiscal year 2022 is to fund critical
 3.2 improvements to the judiciary branch
 3.3 cybersecurity program. This is a onetime
 3.4 appropriation.

3.5 **(f) Courthouse Safety**

3.6 \$1,000,000 in fiscal year 2022 is for a
 3.7 competitive grant program established by the
 3.8 chief justice for the distribution of safe and
 3.9 secure courthouse fund grants to governmental
 3.10 entities responsible for providing or
 3.11 maintaining a courthouse or other facility
 3.12 where court proceedings are held. Grant
 3.13 recipients must provide a 50 percent nonstate
 3.14 match. This is a onetime appropriation and is
 3.15 available until June 30, 2024.

3.16 **Subd. 3. Civil Legal Services** 16,928,000 18,198,000

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

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

3.29 **(b) Base Adjustment**

3.30 The base appropriation for civil legal services
 3.31 shall be \$18,387,000 in fiscal year 2024 and
 3.32 beyond.

3.33 **Sec. 3. COURT OF APPEALS** **\$ 13,234,000** **\$ 13,634,000**

5.1 \$125,000 each year is for special investigative
 5.2 and hearing costs for major disciplinary
 5.3 actions undertaken by the board. This
 5.4 appropriation does not cancel. Any
 5.5 unencumbered and unspent balances remain
 5.6 available for these expenditures until June 30,
 5.7 2025.

5.8 **Sec. 9. BOARD OF PUBLIC DEFENSE** **\$ 109,770,000 \$ 112,468,000**

5.9 **(a) Public Defense Corporations**

5.10 \$74,000 the first year and \$152,000 the second
 5.11 year are for increases to public defense
 5.12 corporations.

5.13 **(b) Postconviction Relief Petitions**

5.14 \$187,000 in fiscal year 2022 is for contract
 5.15 attorneys to represent individuals who file
 5.16 postconviction relief petitions.

5.17 **Sec. 10. HUMAN RIGHTS** **\$ 5,668,000 \$ 5,768,000**

5.18 **Additional Staffing and Administrative**

5.19 **Costs**

5.20 \$345,000 in fiscal year 2022 and \$350,000 in
 5.21 fiscal year 2023 are for improving caseload
 5.22 processing, costs associated with prohibiting
 5.23 rental discrimination, staff and administrative
 5.24 costs necessary to collect and report on crimes
 5.25 of bias, and to develop training materials with
 5.26 the Board of Peace Officer Standards and
 5.27 Training.

5.28 **Sec. 11. OFFICE OF THE STATE AUDITOR** **\$ 64,000 \$ 30,000**

5.29 **Forfeiture Reporting**

5.30 \$64,000 in fiscal year 2022 and \$30,000 in
 5.31 fiscal year 2023 are for costs associated with
 5.32 forfeiture reporting requirements.

6.1 Sec. 12. DEPARTMENT OF PUBLIC SAFETY \$ 24,000 \$ -0-

6.2 Forfeiture Notices

6.3 \$24,000 in fiscal year 2022 is for costs for
 6.4 technological upgrades required for generating
 6.5 forfeiture notices and property receipts.

6.6 Sec. 13. FEDERAL FUNDS REPLACEMENT; APPROPRIATION.

6.7 Notwithstanding any law to the contrary, the commissioner of management and budget
 6.8 must determine whether the expenditures authorized under this act are eligible uses of federal
 6.9 funding received under the Coronavirus State Fiscal Recovery Fund or any other federal
 6.10 funds received by the state under the American Rescue Plan Act, Public Law 117-2. If the
 6.11 commissioner of management and budget determines an expenditure is eligible for funding
 6.12 under Public Law 117-2, the amount of the eligible expenditure is appropriated from the
 6.13 account where those amounts have been deposited and the corresponding general fund
 6.14 amounts appropriated under this act are canceled to the general fund.

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

6.16 **ARTICLE 2**

6.17 **ACCESS TO COURTS; DISTRIBUTION OF FEES; DEADLINES**

6.18 Section 1. Minnesota Statutes 2020, section 2.722, subdivision 1, is amended to read:

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

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

6.25 2. Ramsey; 26 judges;

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

6.29 4. Hennepin; 60 judges;

6.30 5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood,
 6.31 Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~16~~ 17 judges; and

7.1 permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and
7.2 Mankato;

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

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

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

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

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

7.17 Sec. 2. Minnesota Statutes 2020, section 260C.163, subdivision 3, is amended to read:

7.18 Subd. 3. **Appointment of counsel.** (a) The child, parent, guardian or custodian has the
7.19 right to effective assistance of counsel in connection with a proceeding in juvenile court as
7.20 provided in this subdivision.

7.21 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the
7.22 child desires counsel but is unable to employ it, the court shall appoint counsel to represent
7.23 the child who is ten years of age or older under section 611.14, clause (4), or other counsel
7.24 at public expense.

7.25 (c) ~~Except in proceedings where the sole basis for the petition is habitual truancy, if the~~
7.26 ~~parent, guardian, or custodian desires counsel but is unable to employ it, the court shall~~
7.27 ~~appoint counsel to represent the parent, guardian, or custodian in any case in which it feels~~
7.28 ~~that such an appointment is appropriate if the person would be financially unable to obtain~~
7.29 ~~counsel under the guidelines set forth in section 611.17. In all juvenile protection proceedings~~
7.30 ~~where a child risks removal from the care of the child's parent, guardian, or custodian,~~
7.31 ~~including a child in need of protection or services petition, an action pursuing removal of~~
7.32 ~~a child from the child's home, a termination of parental rights petition, or a petition for any~~
7.33 ~~other permanency disposition under section 260C.515, if the parent, guardian, or custodian~~

8.1 desires counsel and is eligible for counsel under section 611.17, the court shall appoint
8.2 counsel to represent each parent, guardian, or custodian at the first hearing on the petition
8.3 and at all stages of the proceedings. Court appointed counsel shall be at county expense as
8.4 outlined in paragraph (h).

8.5 (d) In any proceeding where the subject of a petition for a child in need of protection or
8.6 services is ten years of age or older, the responsible social services agency shall, within 14
8.7 days after filing the petition or at the emergency removal hearing under section 260C.178,
8.8 subdivision 1, if the child is present, fully and effectively inform the child of the child's
8.9 right to be represented by appointed counsel upon request and shall notify the court as to
8.10 whether the child desired counsel. Information provided to the child shall include, at a
8.11 minimum, the fact that counsel will be provided without charge to the child, that the child's
8.12 communications with counsel are confidential, and that the child has the right to participate
8.13 in all proceedings on a petition, including the opportunity to personally attend all hearings.
8.14 The responsible social services agency shall also, within 14 days of the child's tenth birthday,
8.15 fully and effectively inform the child of the child's right to be represented by counsel if the
8.16 child reaches the age of ten years while the child is the subject of a petition for a child in
8.17 need of protection or services or is a child under the guardianship of the commissioner.

8.18 (e) In any proceeding where the sole basis for the petition is habitual truancy, the child,
8.19 parent, guardian, and custodian do not have the right to appointment of a public defender
8.20 or other counsel at public expense. However, before any out-of-home placement, including
8.21 foster care or inpatient treatment, can be ordered, the court must appoint a public defender
8.22 or other counsel at public expense in accordance with this subdivision.

8.23 (f) Counsel for the child shall not also act as the child's guardian ad litem.

8.24 (g) In any proceeding where the subject of a petition for a child in need of protection or
8.25 services is not represented by an attorney, the court shall determine the child's preferences
8.26 regarding the proceedings, including informing the child of the right to appointed counsel
8.27 and asking whether the child desires counsel, if the child is of suitable age to express a
8.28 preference.

8.29 (h) Court-appointed counsel for the parent, guardian, or custodian under this subdivision
8.30 is at county expense. If the county has contracted with counsel ~~meeting qualifications under~~
8.31 ~~paragraph (i),~~ the court shall appoint the counsel retained by the county, unless a conflict
8.32 of interest exists. If a conflict exists, after consulting with the chief judge of the judicial
8.33 district or the judge's designee, the county shall contract with competent counsel to provide
8.34 the necessary representation. ~~The court may appoint only one counsel at public expense for~~

9.1 ~~the first court hearing to represent the interests of the parents, guardians, and custodians,~~
9.2 ~~unless, at any time during the proceedings upon petition of a party, the court determines~~
9.3 ~~and makes written findings on the record that extraordinary circumstances exist that require~~
9.4 ~~counsel to be appointed to represent a separate interest of other parents, guardians, or~~
9.5 ~~eustodians subject to the jurisdiction of the juvenile court.~~

9.6 ~~(i) Counsel retained by the county under paragraph (h) must meet the qualifications~~
9.7 ~~established by the Judicial Council in at least one of the following: (1) has a minimum of~~
9.8 ~~two years' experience handling child protection cases; (2) has training in handling child~~
9.9 ~~protection cases from a course or courses approved by the Judicial Council; or (3) is~~
9.10 ~~supervised by an attorney who meets the minimum qualifications under clause (1) or (2).~~

9.11 **EFFECTIVE DATE.** This section is effective July 1, 2022, except the amendment
9.12 striking paragraph (i) is effective the day following final enactment.

9.13 Sec. 3. Minnesota Statutes 2020, section 357.021, subdivision 1a, is amended to read:

9.14 Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every
9.15 person, including the state of Minnesota and all bodies politic and corporate, who shall
9.16 transact any business in the district court, shall pay to the court administrator of said court
9.17 the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
9.18 administrator shall transmit the fees monthly to the commissioner of management and budget
9.19 for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in
9.20 a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
9.21 of management and budget in the special revenue fund and is appropriated to the
9.22 commissioner of employment and economic development for the Minnesota Family
9.23 Resiliency Partnership under section 116L.96.

9.24 (b) In a county which has a screener-collector position, fees paid by a county pursuant
9.25 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
9.26 fees first to reimburse the county for the amount of the salary paid for the screener-collector
9.27 position. The balance of the fees collected shall then be forwarded to the commissioner of
9.28 management and budget for deposit in the state treasury and credited to the general fund.
9.29 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
9.30 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
9.31 the commissioner of management and budget for deposit in the state treasury and credited
9.32 to the general fund. A screener-collector position for purposes of this paragraph is an
9.33 employee whose function is to increase the collection of fines and to review the incomes
9.34 of potential clients of the public defender, in order to verify eligibility for that service.

10.1 (c) No fee is required under this section from the public authority or the party the public
10.2 authority represents in an action for:

10.3 (1) child support enforcement or modification, medical assistance enforcement, or
10.4 establishment of parentage in the district court, or in a proceeding under section 484.702;

10.5 (2) civil commitment under chapter 253B;

10.6 (3) the appointment of a public conservator or public guardian or any other action under
10.7 chapters 252A and 525;

10.8 (4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery
10.9 of overpayments of public assistance;

10.10 (5) court relief under chapters 260, 260A, 260B, and 260C;

10.11 (6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

10.12 (7) recovery of amounts issued by political subdivisions or public institutions under
10.13 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
10.14 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

10.15 (8) restitution under section 611A.04; or

10.16 (9) actions seeking monetary relief in favor of the state pursuant to section 16D.14,
10.17 subdivision 5.

10.18 (d) \$20 from each fee collected for child support modifications under subdivision 2,
10.19 clause (13), must be transmitted to the county treasurer for deposit in the county general
10.20 fund and \$35 from each fee shall be credited to the state general fund. The fees must be
10.21 used by the county to pay for child support enforcement efforts by county attorneys.

10.22 (e) No fee is required under this section from any federally recognized Indian Tribe or
10.23 its representative in an action for:

10.24 (1) child support enforcement or modification, medical assistance enforcement, or
10.25 establishment of parentage in the district court or in a proceeding under section 484.702;

10.26 (2) civil commitment under chapter 253B;

10.27 (3) the appointment of a public conservator or public guardian or any other action under
10.28 chapters 252A and 525; or

10.29 (4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

11.1 Sec. 4. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

11.2 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
11.3 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
11.4 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
11.5 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
11.6 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
11.7 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
11.8 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
11.9 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
11.10 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
11.11 ~~year;~~ On or before the first installment date provided in section 477A.015, paragraph (a),
11.12 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner
11.13 of revenue to ~~make reimbursements to the commissioner of management and budget the~~
11.14 Board of Public Defense for ~~payments made~~ the payment of service under section 611.27.
11.15 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~
11.16 ~~counsel under section 611.27.~~ Any ~~retained~~ transferred amounts not ~~used for reimbursement~~
11.17 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense
11.18 to the commissioner of revenue on or before October 1 and shall be included in the next
11.19 distribution certification of county need aid that is certified to the county auditors for the
11.20 purpose of property tax reduction for the next taxes payable year.

11.21 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
11.22 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
11.23 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
11.24 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
11.25 transfer to the commissioner of management and budget \$207,000 annually for the cost of
11.26 preparation of local impact notes as required by section 3.987, and other local government
11.27 activities. The commissioner of revenue shall transfer to the commissioner of education
11.28 \$7,000 annually for the cost of preparation of local impact notes for school districts as
11.29 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
11.30 under this paragraph from the appropriation under this paragraph. The amounts transferred
11.31 are appropriated to the commissioner of management and budget and the commissioner of
11.32 education respectively.

12.1 Sec. 5. Minnesota Statutes 2020, section 484.85, is amended to read:

12.2 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
12.3 **RAMSEY COUNTY DISTRICT COURT.**

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

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

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

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

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

12.22 (1) a city contracts with the county attorney for prosecutorial services under section
12.23 484.87, subdivision 3; or

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

12.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.

12.27 Sec. 6. Minnesota Statutes 2020, section 590.01, subdivision 4, is amended to read:

12.28 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
12.29 two years after the later of:

12.30 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

12.31 (2) an appellate court's disposition of petitioner's direct appeal.

13.1 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
13.2 if:

13.3 (1) the petitioner establishes that a physical disability or mental disease precluded a
13.4 timely assertion of the claim;

13.5 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
13.6 evidence, that could not have been ascertained by the exercise of due diligence by the
13.7 petitioner or petitioner's attorney within the two-year time period for filing a postconviction
13.8 petition, and the evidence is not cumulative to evidence presented at trial, is not for
13.9 impeachment purposes, and establishes by a clear and convincing standard that the petitioner
13.10 is innocent of the offense or offenses for which the petitioner was convicted;

13.11 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
13.12 law by either the United States Supreme Court or a Minnesota appellate court and the
13.13 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
13.14 case;

13.15 (4) the petition is brought pursuant to subdivision 3; ~~or~~

13.16 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
13.17 and is in the interests of justice; or

13.18 (6) the petitioner is either placed into immigration removal proceedings, or detained for
13.19 the purpose of removal from the United States, or received notice to report for removal, as
13.20 a result of a conviction that was obtained by relying on incorrect advice or absent advice
13.21 from counsel on immigration consequences.

13.22 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
13.23 two years of the date the claim arises.

13.24 Sec. 7. Minnesota Statutes 2020, section 611.21, is amended to read:

13.25 **611.21 SERVICES OTHER THAN COUNSEL.**

13.26 (a) Counsel appointed by the court for an indigent defendant, or representing a defendant
13.27 who, at the outset of the prosecution, has an annual income not greater than 125 percent of
13.28 the poverty line established under United States Code, title 42, section 9902(2), may file
13.29 an ex parte application requesting investigative, expert, interpreter, or other services necessary
13.30 to an adequate defense in the case. Upon finding, after appropriate inquiry in an ex parte
13.31 proceeding, that the services are necessary and that the defendant is financially unable to
13.32 obtain them, the court shall authorize counsel to obtain the services on behalf of the

14.1 defendant. The court may establish a limit on the amount which may be expended or promised
14.2 for such services. The court may, in the interests of justice, and upon a finding that timely
14.3 procurement of necessary services could not await prior authorization, ratify such services
14.4 after they have been obtained, but such ratification shall be given only in unusual situations.
14.5 The court shall determine reasonable compensation for the services and direct payment by
14.6 the county in which the prosecution originated, to the organization or person who rendered
14.7 them, upon the filing of a claim for compensation supported by an affidavit specifying the
14.8 time expended, services rendered, and expenses incurred on behalf of the defendant, and
14.9 the compensation received in the same case or for the same services from any other source.

14.10 (b) The compensation to be paid to a person for such service rendered to a defendant
14.11 under this section, or to be paid to an organization for such services rendered by an employee,
14.12 may not exceed \$1,000, exclusive of reimbursement for expenses reasonably incurred,
14.13 unless payment in excess of that limit is certified by the court as necessary to provide fair
14.14 compensation for services of an unusual character or duration and the amount of the excess
14.15 payment is approved by the chief judge of the district. The chief judge of the judicial district
14.16 may delegate approval authority to an active district judge.

14.17 (c) If the court denies authorizing counsel to obtain services on behalf of the defendant,
14.18 the court shall make written findings of fact and conclusions of law that state the basis for
14.19 determining that counsel may not obtain services on behalf of the defendant. When the court
14.20 issues an order denying counsel the authority to obtain services, the defendant may appeal
14.21 immediately from that order to the court of appeals and may request an expedited hearing.

14.22 Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

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

14.27 Sec. 9. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

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

15.1 Sec. 10. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

15.2 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
15.3 provision of adequate legal representation, including associated services, is beyond the
15.4 ability of the district public defender to provide, the ~~court shall order~~ state public defender
15.5 may approve counsel to be appointed, with compensation and expenses to be paid under
15.6 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
15.7 by the chief district public defender. ~~If the court issues an order denying the request, the~~
15.8 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~
15.9 ~~district public defender may immediately appeal the order denying the request to the court~~
15.10 ~~of appeals and may request an expedited hearing.~~

15.11 Sec. 11. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

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

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

15.26 Sec. 12. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

15.27 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
15.28 appellate public defender's office does not have sufficient funds to pay for transcripts and
15.29 other necessary expenses because it has spent or committed all of the transcript funds in its
15.30 annual budget, the ~~state public defender may forward to the commissioner of management~~
15.31 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~
15.32 Board of Public Defense may pay for these transcripts and other necessary expenses from

16.1 county program aid ~~retained~~ transferred by the commissioner of revenue for that purpose
16.2 under section 477A.03, subdivision 2b, paragraph (a).

16.3 ARTICLE 3

16.4 VICTIMS; CRIMINAL DEFENDANTS

16.5 Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

16.6 5B.02 DEFINITIONS.

16.7 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
16.8 definitions in this section have the meanings given them.

16.9 (b) "Address" means an individual's work address, school address, or residential street
16.10 address, as specified on the individual's application to be a program participant under this
16.11 chapter.

16.12 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
16.13 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
16.14 524.5-102.

16.15 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
16.16 paragraph (a), and includes a threat of such acts committed against an individual in a domestic
16.17 situation, regardless of whether these acts or threats have been reported to law enforcement
16.18 officers.

16.19 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
16.20 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
16.21 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
16.22 person fears for the person's safety, the safety of another person who resides in the same
16.23 household, or the safety of persons on whose behalf the application is made. An individual
16.24 must reside in Minnesota in order to be an eligible person. A person registered or required
16.25 to register as a predatory offender under section 243.166 or 243.167, or the law of another
16.26 jurisdiction, is not an eligible person.

16.27 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
16.28 including priority, express, and certified mail, and excluding ~~packages, parcels, (1)~~
16.29 ~~periodicals, and catalogues, and (2) packages and parcels~~ unless they are clearly identifiable
16.30 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal
16.31 government or a state or county government agency of the continental United States, Hawaii,
16.32 District of Columbia, or United States territories.

17.1 (g) "Program participant" means an individual certified as a program participant under
17.2 section 5B.03.

17.3 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
17.4 includes a threat of such acts committed against an individual, regardless of whether these
17.5 acts or threats have been reported to law enforcement officers.

17.6 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

17.7 **5B.05 USE OF DESIGNATED ADDRESS.**

17.8 (a) When a program participant presents the address designated by the secretary of state
17.9 to any person or entity, that address must be accepted as the address of the program
17.10 participant. The person may not require the program participant to submit any address that
17.11 could be used to physically locate the participant either as a substitute or in addition to the
17.12 designated address, or as a condition of receiving a service or benefit, unless the service or
17.13 benefit would be impossible to provide without knowledge of the program participant's
17.14 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
17.15 physical location, the person or entity must use the program participant's designated address
17.16 for all mail correspondence with the program participant.

17.17 (b) A program participant may use the address designated by the secretary of state as
17.18 the program participant's work address.

17.19 (c) The Office of the Secretary of State shall forward all mail sent to the designated
17.20 address to the proper program participants.

17.21 (d) If a program participant has notified a person in writing, on a form prescribed by the
17.22 program, that the individual is a program participant and of the requirements of this section,
17.23 the person must not knowingly disclose the program participant's name, home address, work
17.24 address, or school address, unless the person to whom the address is disclosed also lives,
17.25 works, or goes to school at the address disclosed, or the participant has provided written
17.26 consent to disclosure of the participant's name, home address, work address, or school
17.27 address for the purpose for which the disclosure will be made. This paragraph applies to
17.28 the actions and reports of guardians ad litem, except that guardians ad litem may disclose
17.29 the program participant's name. This paragraph does not apply to records of the judicial
17.30 branch governed by rules adopted by the supreme court or government entities governed
17.31 by section 13.045.

18.1 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

18.2 Subdivision 1. **Display by landlord.** If a program participant has notified the program
18.3 participant's landlord in writing that the individual is a program participant and of the
18.4 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display
18.5 of, and the landlord shall not display, the program participant's name at an address otherwise
18.6 protected under this chapter.

18.7 Sec. 4. Minnesota Statutes 2020, section 169.99, subdivision 1c, is amended to read:

18.8 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide
18.9 conspicuous notice ~~of the fact~~ that, if convicted, the person to whom it was issued ~~must~~ may
18.10 be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the
18.11 current amount of the required surcharge.

18.12 **EFFECTIVE DATE.** This section is effective August 1, 2022. The changes to the
18.13 uniform traffic ticket described in this section must be reflected on the ticket the next time
18.14 it is revised.

18.15 Sec. 5. Minnesota Statutes 2020, section 169.99, is amended by adding a subdivision to
18.16 read:

18.17 Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons
18.18 on the uniform traffic ticket must include the following, or substantially similar, language:
18.19 "All or part of the cost of this summons may be waived on a showing of indigency or undue
18.20 hardship on you or your family. You may schedule a court appearance to request a waiver
18.21 based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed
18.22 by the Court Payment Center telephone number]. For more information, call the CPC or
18.23 visit www.mncourts.gov/fines."

18.24 **EFFECTIVE DATE.** This section is effective August 1, 2022. The changes to the
18.25 uniform traffic ticket described in this section must be reflected on the ticket the next time
18.26 it is revised.

18.27 Sec. 6. Minnesota Statutes 2020, section 357.021, subdivision 6, is amended to read:

18.28 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this
18.29 ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75
18.30 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
18.31 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
18.32 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more

19.1 than one offense in a case, the surcharge shall be imposed only once in that case. In the
19.2 Second Judicial District, the court shall impose, and the court administrator shall collect,
19.3 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
19.4 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
19.5 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
19.6 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
19.7 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
19.8 is convicted of a petty misdemeanor for which no fine is imposed.

19.9 ~~(b) If the court fails to impose a surcharge as required by this subdivision, the court~~
19.10 ~~administrator shall show the imposition of the surcharge, collect the surcharge, and correct~~
19.11 ~~the record.~~

19.12 ~~(e) (b) The court may not reduce the amount or waive payment of the surcharge required~~
19.13 ~~under this subdivision. Upon on a showing of indigency or undue hardship upon the convicted~~
19.14 ~~person or the convicted person's immediate family, the sentencing court may authorize~~
19.15 ~~payment of the surcharge in installments. Additionally, the court may permit the defendant~~
19.16 ~~to perform community work service in lieu of a surcharge.~~

19.17 ~~(d) (c) The court administrator or other entity collecting a surcharge shall forward it to~~
19.18 ~~the commissioner of management and budget.~~

19.19 ~~(e) (d) If the convicted person is sentenced to imprisonment and has not paid the surcharge~~
19.20 ~~before the term of imprisonment begins, the chief executive officer of the correctional~~
19.21 ~~facility in which the convicted person is incarcerated shall collect the surcharge from any~~
19.22 ~~earnings the inmate accrues from work performed in the facility or while on conditional~~
19.23 ~~release. The chief executive officer shall forward the amount collected to the court~~
19.24 ~~administrator or other entity collecting the surcharge imposed by the court.~~

19.25 ~~(f) (e) A person who enters a diversion program, continuance without prosecution,~~
19.26 ~~continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay~~
19.27 ~~the surcharge described in this subdivision. A surcharge imposed under this paragraph shall~~
19.28 ~~be imposed only once per case.~~

19.29 ~~(g) (f) The surcharge does not apply to administrative citations issued pursuant to section~~
19.30 ~~169.999.~~

19.31 **EFFECTIVE DATE.** This section is effective July 1, 2022.

20.1 Sec. 7. Minnesota Statutes 2020, section 609.101, subdivision 5, is amended to read:

20.2 Subd. 5. **Waiver prohibited; reduction and installment payments.** (a) The court may
20.3 not waive payment of the minimum fine required by this section.

20.4 (b) If the defendant qualifies for the services of a public defender or the court finds on
20.5 the record that the convicted person is indigent or that immediate payment of the fine would
20.6 create undue hardship for the convicted person or that person's immediate family, the court
20.7 may reduce the amount of the minimum fine to not less than \$50. Additionally, the court
20.8 may permit the defendant to perform community work service in lieu of a fine.

20.9 (c) The court also may authorize payment of the fine in installments.

20.10 (d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor,
20.11 or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a
20.12 finding on the record as to indigency or the convicted person's ability to comply with an
20.13 order to pay without undue hardship for the convicted person or that person's immediate
20.14 family. In determining indigency or whether the defendant is able to comply with an order
20.15 to pay a fine, fee, or surcharge without undue hardship to the convicted person or that
20.16 person's immediate family, the court shall consider:

20.17 (1) income;

20.18 (2) dependents;

20.19 (3) financial resources, including assets and liabilities;

20.20 (4) basic living expenses;

20.21 (5) receipt of means-tested public assistance program; and

20.22 (6) any special circumstances that may bear on the person's ability to pay.

20.23 (e) Paragraph (d) shall not apply when a conviction for a violation that is included on
20.24 the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without
20.25 a hearing before the court.

20.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.

20.27 Sec. 8. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**

20.28 Subdivision 1. Definitions. For purposes of this section, the following terms have the
20.29 meanings given:

20.30 (1) "certifying entity" means a state or local law enforcement agency;

21.1 (2) "criminal activity" means qualifying criminal activity pursuant to section
21.2 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,
21.3 conspiracy, or solicitation to commit such crimes; and

21.4 (3) "certification" means any certification or statement required by federal immigration
21.5 law including, but not limited to, the information required by United States Code, title 8,
21.6 section 1184(p), and United States Code, title 8, section 1184(o), including current United
21.7 States Citizenship and Immigration Services Form I-918, Supplement B, and United States
21.8 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

21.9 Subd. 2. **Certification process.** (a) A certifying entity shall process a certification
21.10 requested by a victim of criminal activity or a representative of the victim, including but
21.11 not limited to the victim's attorney, family member, or domestic violence or sexual assault
21.12 violence advocate, within the time period prescribed in paragraph (b).

21.13 (b) A certifying entity shall process the certification within 90 days of request, unless
21.14 the victim is in removal proceedings, in which case the certification shall be processed
21.15 within 14 days of request. Requests for expedited certification must be affirmatively raised
21.16 at the time of the request.

21.17 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
21.18 required for the victim of criminal activity to request and obtain the certification.

21.19 Subd. 3. **Certifying entity; designate agent.** (a) The head of a certifying entity shall
21.20 designate an agent to perform the following responsibilities:

21.21 (1) timely process requests for certification;

21.22 (2) provide outreach to victims of criminal activity to inform them of the entity's
21.23 certification process; and

21.24 (3) keep a written or electronic record of all certification requests and responses.

21.25 (b) All certifying entities shall implement a language access protocol for
21.26 non-English-speaking victims of criminal activity.

21.27 Subd. 4. **Disclosure prohibited; data classification.** (a) A certifying entity is prohibited
21.28 from disclosing the immigration status of a victim of criminal activity or representative
21.29 requesting the certification, except to comply with federal law or legal process, or if
21.30 authorized by the victim of criminal activity or representative requesting the certification.

21.31 (b) Data provided to a certifying entity under this section is classified as private data
21.32 pursuant to section 13.02, subdivision 12.

22.1 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final
22.2 enactment. Subdivision 3 is effective July 1, 2021.

22.3 Sec. 9. **[634.045] JAILHOUSE WITNESSES.**

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

22.6 (b) "Benefit" means any plea bargain, bail consideration, reduction or modification of
22.7 sentence, or any other leniency, immunity, financial payment, reward, or amelioration of
22.8 current or future conditions of incarceration offered or provided in connection with, or in
22.9 exchange for, testimony that is offered or provided by a jailhouse witness.

22.10 (c) "Jailhouse witness" means a person who (1) while incarcerated, claims to have
22.11 obtained information from a defendant in a criminal case or a person suspected to be the
22.12 perpetrator of an offense, and (2) offers or provides testimony concerning statements made
22.13 by that defendant or person suspected to be the perpetrator of an offense. It does not mean
22.14 a codefendant or confidential informant who does not provide testimony against a suspect
22.15 or defendant.

22.16 Subd. 2. **Use of and benefits provided to jailhouse witnesses; data collection.** (a)
22.17 Each county attorney shall report to the attorney general, in a form determined by the attorney
22.18 general:

22.19 (1) the name of the jailhouse witness and the district court file number of the case in
22.20 which that witness testified or planned to testify;

22.21 (2) the substance and use of any testimony of a jailhouse witness against the interest of
22.22 a suspect or defendant, regardless of whether such testimony is presented at trial; and

22.23 (3) the jailhouse witness's agreement to cooperate with the prosecution and any benefit
22.24 that the prosecutor has offered or may offer in the future to the jailhouse witness in connection
22.25 with the testimony.

22.26 (b) The attorney general shall maintain a statewide database containing the information
22.27 received pursuant to paragraph (a) for 20 years from the date that the jailhouse witness
22.28 information was entered into that statewide record.

22.29 (c) Data collected and maintained pursuant to this subdivision are classified as confidential
22.30 data on individuals, as defined in section 13.02, subdivision 3. Only the attorney general
22.31 may access the statewide record but shall provide all information held on specific jailhouse
22.32 witnesses to a county attorney upon request.

23.1 Subd. 3. Report on jailhouse witnesses. By September 15 of each year, beginning in
23.2 2022, the attorney general shall publish on its website an annual report of the statewide
23.3 record of jailhouse witnesses required under subdivision 2. Information in the report must
23.4 be limited to summary data, as defined in section 13.02, subdivision 19, and must include:

23.5 (1) the total number of jailhouse witnesses tracked in the statewide record; and

23.6 (2) for each county, the number of new reports added pursuant to subdivision 2, paragraph
23.7 (a), over the previous fiscal year.

23.8 Subd. 4. Disclosure of information regarding jailhouse witness. (a) In addition to the
23.9 requirements for disclosures under rule 9 of the Rules of Criminal Procedure, and within
23.10 the timeframes established by that rule, a prosecutor must disclose the following information
23.11 to the defense about any jailhouse witness:

23.12 (1) the complete criminal history of the jailhouse witness, including any charges that
23.13 are pending or were reduced or dismissed as part of a plea bargain;

23.14 (2) any cooperation agreement with the jailhouse witness and any deal, promise,
23.15 inducement, or benefit that the state has made or intends to make in the future to the jailhouse
23.16 witness;

23.17 (3) whether, at any time, the jailhouse witness recanted any testimony or statement
23.18 implicating the suspect or defendant in the charged crime and, if so, the time and place of
23.19 the recantation, the nature of the recantation, and the names of the persons who were present
23.20 at the recantation;

23.21 (4) whether, at any time, the jailhouse witness made a statement implicating any other
23.22 person in the charged crime and, if so, the time and place of the statement, the nature of the
23.23 statement, and the names of the persons who were present at the statement; and

23.24 (5) information concerning other criminal cases in which the jailhouse witness has
23.25 testified, or offered to testify, against a suspect or defendant with whom the jailhouse witness
23.26 was imprisoned or confined, including any cooperation agreement, deal, promise, inducement,
23.27 or benefit that the state has made or intends to make in the future to the jailhouse witness.

23.28 (b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the
23.29 omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor
23.30 discovers additional material, information, or witnesses subject to disclosure under this
23.31 subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the
23.32 defendant is not represented, the defendant, of what was discovered. If the court finds that
23.33 the jailhouse witness was not known or that materials in paragraph (a) could not be discovered

24.1 or obtained by the state within that period with the exercise of due diligence, the court may
24.2 order that disclosure take place within a reasonable period. Upon good cause shown, the
24.3 court may continue the proceedings.

24.4 (c) If the prosecutor files a written certificate with the trial court that disclosing the
24.5 information described in paragraph (a) would subject the jailhouse witness or other persons
24.6 to physical harm or coercion, the court may order that the information must be disclosed to
24.7 the defendant's counsel but may limit disclosure to the defendant in a way that does not
24.8 unduly interfere with the defendant's right to prepare and present a defense, including limiting
24.9 disclosure to nonidentifying information.

24.10 Subd. 5. **Victim notification.** (a) A prosecutor shall make every reasonable effort to
24.11 notify a victim if the prosecutor has decided to offer or provide any of the following to a
24.12 jailhouse witness in exchange for, or as the result of, a jailhouse witness offering or providing
24.13 testimony against a suspect or defendant:

24.14 (1) reduction or dismissal of charges;

24.15 (2) a plea bargain;

24.16 (3) support for a modification of the amount or conditions of bail; or

24.17 (4) support for a motion to reduce or modify a sentence.

24.18 (b) Efforts to notify the victim should include, in order of priority: (1) contacting the
24.19 victim or a person designated by the victim by telephone; and (2) contacting the victim by
24.20 mail. If a jailhouse witness is still in custody, the notification attempt shall be made before
24.21 the jailhouse witness is released from custody.

24.22 (c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct,
24.23 or harassment or stalking under this section, the prosecutor shall also inform the victim of
24.24 the method and benefits of seeking an order for protection under section 518B.01 or a
24.25 restraining order under section 609.748 and that the victim may seek an order without paying
24.26 a fee.

24.27 (d) The notification required under this subdivision is in addition to the notification
24.28 requirements and rights described in sections 611A.03, 611A.0315, 611A.039, and 611A.06.

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

ARTICLE 4

HUMAN RIGHTS LAW

25.1
25.2
25.3 Section 1. Minnesota Statutes 2020, section 13.552, is amended by adding a subdivision
25.4 to read:

25.5 Subd. 8. Certificate of compliance for public contracts. Access to data relating to
25.6 certificates of compliance for public contracts is governed by section 363A.36.

25.7 Sec. 2. [62A.082] NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.

25.8 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
25.9 the meanings given unless the context clearly requires otherwise.

25.10 (b) "Disability" has the meaning given in section 363A.03, subdivision 12.

25.11 (c) "Enrollee" means a natural person covered by a health plan or group health plan and
25.12 includes an insured, policy holder, subscriber, covered person, member, contract holder, or
25.13 certificate holder.

25.14 (d) "Organ transplant" means the transplantation or transfusion of a part of a human
25.15 body into the body of another for the purpose of treating or curing a medical condition.

25.16 Subd. 2. Transplant discrimination prohibited. A health plan or group health plan
25.17 that provides coverage for anatomical gifts, organ transplants, or related treatment and
25.18 services shall not:

25.19 (1) deny coverage to an enrollee based on the enrollee's disability;

25.20 (2) deny eligibility, or continued eligibility, to enroll or to renew coverage under the
25.21 terms of the health plan or group health plan solely for the purpose of avoiding the
25.22 requirements of this section;

25.23 (3) penalize or otherwise reduce or limit the reimbursement of a health care provider,
25.24 or provide monetary or nonmonetary incentives to a health care provider, to induce the
25.25 provider to provide care to a patient in a manner inconsistent with this section; or

25.26 (4) reduce or limit an enrollee's coverage benefits because of the enrollee's disability for
25.27 medical services and other services related to organ transplantation performed pursuant to
25.28 this section as determined in consultation with the enrollee's treating health care provider
25.29 and the enrollee.

25.30 Subd. 3. Collective bargaining. In the case of a group health plan maintained pursuant
25.31 to one or more collective bargaining agreements between employee representatives and one

26.1 or more employers, any plan amendment made pursuant to a collective bargaining agreement
26.2 relating to the plan which amends the plan solely to conform to any requirement imposed
26.3 pursuant to this section shall not be treated as a termination of the collective bargaining
26.4 agreement.

26.5 Subd. 4. **Coverage limitation.** Nothing in this section shall be deemed to require a health
26.6 plan or group health plan to provide coverage for a medically inappropriate organ transplant.

26.7 Sec. 3. Minnesota Statutes 2020, section 363A.02, subdivision 1, is amended to read:

26.8 Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to
26.9 secure for persons in this state, freedom from discrimination:

26.10 (1) in employment because of race, color, creed, religion, national origin, sex, marital
26.11 status, disability, status with regard to public assistance, sexual orientation, familial status,
26.12 and age;

26.13 (2) in housing and real property because of race, color, creed, religion, national origin,
26.14 sex, marital status, disability, status with regard to public assistance, sexual orientation, and
26.15 familial status;

26.16 (3) in public accommodations because of race, color, creed, religion, national origin,
26.17 sex, sexual orientation, and disability;

26.18 (4) in public services because of race, color, creed, religion, national origin, sex, marital
26.19 status, disability, sexual orientation, and status with regard to public assistance; and

26.20 (5) in education because of race, color, creed, religion, national origin, sex, marital status,
26.21 disability, status with regard to public assistance, sexual orientation, and age.

26.22 (b) Such discrimination threatens the rights and privileges of the inhabitants of this state
26.23 and menaces the institutions and foundations of democracy. It is also the public policy of
26.24 this state to protect all persons from wholly unfounded charges of discrimination. Nothing
26.25 in this chapter shall be interpreted as restricting the implementation of positive action
26.26 programs to combat discrimination.

26.27 Sec. 4. Minnesota Statutes 2020, section 363A.06, subdivision 1, is amended to read:

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

- 27.1 (1) exercise leadership under the direction of the governor in the development of human
27.2 rights policies and programs, and make recommendations to the governor and the legislature
27.3 for their consideration and implementation;
- 27.4 (2) establish and maintain a principal office in St. Paul, and any other necessary branch
27.5 offices at any location within the state;
- 27.6 (3) meet and function at any place within the state;
- 27.7 (4) employ attorneys, clerks, and other employees and agents as the commissioner may
27.8 deem necessary and prescribe their duties;
- 27.9 (5) to the extent permitted by federal law and regulation, utilize the records of the
27.10 Department of Employment and Economic Development of the state when necessary to
27.11 effectuate the purposes of this chapter;
- 27.12 (6) obtain upon request and utilize the services of all state governmental departments
27.13 and agencies;
- 27.14 (7) adopt suitable rules for effectuating the purposes of this chapter;
- 27.15 (8) issue complaints, receive and investigate charges alleging unfair discriminatory
27.16 practices, and determine whether or not probable cause exists for hearing;
- 27.17 (9) subpoena witnesses, administer oaths, take testimony, and require the production for
27.18 examination of any books or papers relative to any matter under investigation or in question
27.19 as the commissioner deems appropriate to carry out the purposes of this chapter;
- 27.20 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate
27.21 unfair discriminatory practices as being contrary to the public policy of the state;
- 27.22 (11) develop and conduct programs of formal and informal education designed to
27.23 eliminate discrimination and intergroup conflict by use of educational techniques and
27.24 programs the commissioner deems necessary;
- 27.25 (12) make a written report of the activities of the commissioner to the governor each
27.26 year;
- 27.27 (13) accept gifts, bequests, grants, or other payments public and private to help finance
27.28 the activities of the department;
- 27.29 (14) create such local and statewide advisory committees as will in the commissioner's
27.30 judgment aid in effectuating the purposes of the Department of Human Rights;

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

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

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

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

28.14 (19) cooperate and consult with the commissioner of labor and industry regarding the
28.15 investigation of violations of, and resolution of complaints regarding section 363A.08,
28.16 subdivision 7₂;

28.17 (20) collaborate and consult with the Board of Peace Officer Standards and Training
28.18 regarding the training of peace officers in identifying, responding to, and reporting crimes
28.19 motivated by bias pursuant to sections 626.8451, subdivision 1, and 626.8469, including
28.20 but not limited to the duty of peace officers to report crimes motivated by bias under section
28.21 626.5531; and

28.22 (21) solicit, receive, and compile reports from community organizations, school districts
28.23 and charter schools, and individuals regarding crimes a community member or community
28.24 organization believes are motivated by the victim's or another's actual or perceived race,
28.25 color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression,
28.26 age, national origin, marital status, status with regard to public assistance, familial status,
28.27 or disability as defined in section 363A.03, or because of the victim's actual or perceived
28.28 association with another person or group of a certain actual or perceived race, color, ethnicity,
28.29 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national
28.30 origin, or disability as defined in section 363A.03, and develop data on the nature and extent
28.31 of crimes motivated by bias and include this information in the report required under clause
28.32 (12). The commissioner shall provide information on the department's website about when
28.33 and how a victim reports criminal conduct to a law enforcement agency.

29.1 In performing these duties, the commissioner shall give priority to those duties in clauses
29.2 (8), (9), and (10) and to the duties in section 363A.36.

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

29.7 Sec. 5. Minnesota Statutes 2020, section 363A.08, subdivision 6, is amended to read:

29.8 Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational
29.9 qualification, it is an unfair employment practice for an employer with a number of part-time
29.10 or full-time employees for each working day in each of 20 or more calendar weeks in the
29.11 current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and
29.12 equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor
29.13 organization, not to ~~make provide~~ a reasonable accommodation to the known disability of
29.14 a qualified disabled person or job applicant for a job applicant or qualified employee with
29.15 a disability unless the employer, agency, or organization can demonstrate that the
29.16 accommodation would impose an undue hardship on the business, agency, or organization.
29.17 "Reasonable accommodation" means steps which must be taken to accommodate the known
29.18 physical or mental limitations of a qualified ~~disabled person~~ individual with a disability.
29.19 To determine the appropriate reasonable accommodation the employer, agency, or
29.20 organization shall initiate an informal, interactive process with the individual with a disability
29.21 in need of the accommodation. This process should identify the limitations resulting from
29.22 the disability and any potential reasonable accommodations that could overcome those
29.23 limitations. "Reasonable accommodation" may include but is not limited to, nor does it
29.24 necessarily require: (1) making facilities readily accessible to and usable by ~~disabled persons~~
29.25 individuals with disabilities; and (2) job restructuring, modified work schedules, reassignment
29.26 to a vacant position, acquisition or modification of equipment or devices, and the provision
29.27 of aides on a temporary or periodic basis.

29.28 (b) In determining whether an accommodation would impose an undue hardship on the
29.29 operation of a business or organization, factors to be considered include:

29.30 (1) the overall size of the business or organization with respect to number of employees
29.31 or members and the number and type of facilities;

29.32 (2) the type of the operation, including the composition and structure of the work force,
29.33 and the number of employees at the location where the employment would occur;

30.1 (3) the nature and cost of the needed accommodation;

30.2 (4) the reasonable ability to finance the accommodation at each site of business; and

30.3 (5) documented good faith efforts to explore less restrictive or less expensive alternatives,
30.4 including consultation with the disabled person or with knowledgeable disabled persons or
30.5 organizations.

30.6 A prospective employer need not pay for an accommodation for a job applicant if it is
30.7 available from an alternative source without cost to the employer or applicant.

30.8 Sec. 6. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to
30.9 read:

30.10 Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history" as used in this
30.11 subdivision means any prior or current wage, salary, earnings, benefits, or any other
30.12 compensation about an applicant for employment.

30.13 (b) An employer, employment agency, or labor organization shall not inquire into,
30.14 consider, or require disclosure from any source the pay history of an applicant for
30.15 employment for the purpose of determining wages, salary, earnings, benefits, or other
30.16 compensation for that applicant. There is a rebuttable presumption that use of pay history
30.17 received on an applicant for employment to determine the future wages, salary, earnings,
30.18 benefits, or other compensation for that applicant is an unfair discriminatory employment
30.19 practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay
30.20 history of an applicant does not apply if the job applicant's pay history is a matter of public
30.21 record under federal or state law, unless the employer, employment agency, or labor
30.22 organization sought access to those public records with the intent of obtaining pay history
30.23 of the applicant for the purpose of determining wages, salary, earnings, benefits, or other
30.24 compensation for that applicant.

30.25 (c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily
30.26 and without prompting disclosing pay history for the purposes of negotiating wages, salary,
30.27 benefits, or other compensation. If an applicant for employment voluntarily and without
30.28 prompting discloses pay history to a prospective employer, employment agency, or labor
30.29 organization, nothing in this subdivision shall prohibit that employer, employment agency,
30.30 or labor organization from considering or acting on that voluntarily disclosed salary history
30.31 information to support a wage or salary higher than initially offered by the employer,
30.32 employment agency, or labor organization.

31.1 (d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a
31.2 charge, grievance, or any other cause of action alleging wage discrimination because of
31.3 race, color, creed, religion, national origin, sex, gender identity, marital status, status with
31.4 regard to public assistance, familial status, membership or activity in a local commission,
31.5 disability, sexual orientation, or age, as otherwise provided in this chapter.

31.6 (e) Nothing in this subdivision shall be construed to prevent an employer from:

31.7 (1) providing information about the wages, benefits, compensation, or salary offered in
31.8 relation to a position; or

31.9 (2) inquiring about or otherwise engaging in discussions with an applicant about the
31.10 applicant's expectations or requests with respect to wages, salary, benefits, or other
31.11 compensation.

31.12 **EFFECTIVE DATE.** This section is effective January 1, 2022. For employment covered
31.13 by collective bargaining agreements, this section is not effective until the date of
31.14 implementation of the applicable collective bargaining agreement that is after January 1,
31.15 2022.

31.16 Sec. 7. Minnesota Statutes 2020, section 363A.09, subdivision 1, is amended to read:

31.17 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an
31.18 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent
31.19 of, or other person having the right to sell, rent or lease any real property, or any agent of
31.20 any of these:

31.21 (1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or
31.22 group of persons any real property because of race, color, creed, religion, national origin,
31.23 sex, marital status, status with regard to public assistance, participation in or requirements
31.24 of a public assistance program, disability, sexual orientation, or familial status; or

31.25 (2) to discriminate against any person or group of persons because of race, color, creed,
31.26 religion, national origin, sex, marital status, status with regard to public assistance,
31.27 participation in or requirements of a public assistance program, disability, sexual orientation,
31.28 or familial status in the terms, conditions or privileges of the sale, rental or lease of any real
31.29 property or in the furnishing of facilities or services in connection therewith, except that
31.30 nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended
31.31 to protect the safety of minors in their use of the real property or any facilities or services
31.32 furnished in connection therewith; or

32.1 (3) in any transaction involving real property, to print, circulate or post or cause to be
32.2 printed, circulated, or posted any advertisement or sign, or use any form of application for
32.3 the purchase, rental or lease of real property, or make any record or inquiry in connection
32.4 with the prospective purchase, rental, or lease of real property which expresses, directly or
32.5 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
32.6 national origin, sex, marital status, status with regard to public assistance, participation in
32.7 or requirements of a public assistance program, disability, sexual orientation, or familial
32.8 status, or any intent to make any such limitation, specification, or discrimination except that
32.9 nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as
32.10 available to adults-only if the person placing the advertisement reasonably believes that the
32.11 provisions of this section prohibiting discrimination because of familial status do not apply
32.12 to the dwelling unit.

32.13 Sec. 8. Minnesota Statutes 2020, section 363A.09, subdivision 2, is amended to read:

32.14 Subd. 2. **Real property interest; action by brokers, agents, and others.** (a) It is an
32.15 unfair discriminatory practice for a real estate broker, real estate salesperson, or employee,
32.16 or agent thereof:

32.17 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property
32.18 to any person or group of persons or to negotiate for the sale, rental, or lease of any real
32.19 property to any person or group of persons because of race, color, creed, religion, national
32.20 origin, sex, marital status, status with regard to public assistance, participation in or
32.21 requirements of a public assistance program, disability, sexual orientation, or familial status
32.22 or represent that real property is not available for inspection, sale, rental, or lease when in
32.23 fact it is so available, or otherwise deny or withhold any real property or any facilities of
32.24 real property to or from any person or group of persons because of race, color, creed, religion,
32.25 national origin, sex, marital status, status with regard to public assistance, participation in
32.26 or requirements of a public assistance program, disability, sexual orientation, or familial
32.27 status; or

32.28 (2) to discriminate against any person because of race, color, creed, religion, national
32.29 origin, sex, marital status, status with regard to public assistance, participation in or
32.30 requirements of a public assistance program, disability, sexual orientation, or familial status
32.31 in the terms, conditions or privileges of the sale, rental or lease of real property or in the
32.32 furnishing of facilities or services in connection therewith; or

32.33 (3) to print, circulate, or post or cause to be printed, circulated, or posted any
32.34 advertisement or sign, or use any form of application for the purchase, rental, or lease of

33.1 any real property or make any record or inquiry in connection with the prospective purchase,
33.2 rental or lease of any real property, which expresses directly or indirectly, any limitation,
33.3 specification or discrimination as to race, color, creed, religion, national origin, sex, marital
33.4 status, status with regard to public assistance, participation in or requirements of a public
33.5 assistance program, disability, sexual orientation, or familial status or any intent to make
33.6 any such limitation, specification, or discrimination except that nothing in this clause shall
33.7 be construed to prohibit the advertisement of a dwelling unit as available to adults-only if
33.8 the person placing the advertisement reasonably believes that the provisions of this section
33.9 prohibiting discrimination because of familial status do not apply to the dwelling unit.

33.10 (b) It is an unfair discriminatory practice for a landlord to furnish credit, services, or
33.11 rental accommodations that discriminate against any individual who is a recipient of federal,
33.12 state, or local public assistance, including medical assistance, or who is a tenant receiving
33.13 federal, state, or local housing subsidies, including rental assistance or rental supplements,
33.14 because the individual is such a recipient, or because of any requirement of such public
33.15 assistance, rental assistance, or housing subsidy program.

33.16 Sec. 9. Minnesota Statutes 2020, section 363A.09, is amended by adding a subdivision to
33.17 read:

33.18 Subd. 2a. **Definition; public assistance program.** For the purposes of this section,
33.19 "public assistance program" means federal, state, or local assistance, including but not
33.20 limited to rental assistance, rent supplements, and housing choice vouchers.

33.21 Sec. 10. Minnesota Statutes 2020, section 363A.28, subdivision 1, is amended to read:

33.22 Subdivision 1. **Actions.** Any person aggrieved by a violation of this chapter may bring
33.23 a civil action as provided in section 363A.33, subdivision 1, or may file a verified charge
33.24 with the commissioner or the commissioner's designated agent. A charge filed with the
33.25 commissioner must be in writing by hand, or electronically with an unsworn declaration
33.26 under penalty of perjury, on a form provided by the commissioner and signed by the charging
33.27 party. The charge must state the name of the person alleged to have committed an unfair
33.28 discriminatory practice and set out a summary of the details of the practice complained of.
33.29 The commissioner may require a charging party to provide the address of the person alleged
33.30 to have committed the unfair discriminatory practice, names of witnesses, documents, and
33.31 any other information necessary to process the charge. The commissioner may dismiss a
33.32 charge when the charging party fails to provide required information. The commissioner
33.33 within ten days of the filing shall serve a copy of the charge and a form for use in responding

34.1 to the charge upon the respondent personally, electronically with the receiving party's
34.2 consent, or by mail. The respondent shall file with the department a written response setting
34.3 out a summary of the details of the respondent's position relative to the charge within ~~20~~
34.4 30 days of receipt of the charge. If the respondent fails to respond with a written summary
34.5 of the details of the respondent's position within 30 days after service of the charge, and
34.6 service was consistent with rule 4 of the Rules of Civil Procedure, the commissioner, on
34.7 behalf of the complaining party, may bring an action for default in district court pursuant
34.8 to rule 55.01 of the Rules of Civil Procedure.

34.9 Sec. 11. Minnesota Statutes 2020, section 363A.28, subdivision 6, is amended to read:

34.10 Subd. 6. **Charge processing.** (a) Consistent with paragraph (h), the commissioner shall
34.11 promptly inquire into the truth of the allegations of the charge. The commissioner shall
34.12 make an immediate inquiry when a charge alleges actual or threatened physical violence.
34.13 The commissioner shall also make an ~~immediate~~ inquiry when it appears that a charge is
34.14 frivolous or without merit and shall dismiss those charges.

34.15 (b) The commissioner shall give priority to investigating and processing those charges,
34.16 in the order below, which the commissioner determines have the following characteristics:

34.17 (1) there is evidence of irreparable harm if immediate action is not taken;

34.18 (2) there is evidence that the respondent has intentionally engaged in a reprisal;

34.19 (3) a significant number of recent charges have been filed against the respondent;

34.20 (4) the respondent is a government entity;

34.21 (5) there is potential for broadly promoting the policies of this chapter; or

34.22 (6) the charge is supported by substantial and credible documentation, witnesses, or
34.23 other evidence.

34.24 The commissioner shall inform charging parties of these priorities and shall tell each
34.25 party if their charge is a priority case or not.

34.26 On other charges the commissioner shall make a determination within 12 months after
34.27 the charge was filed as to whether or not there is probable cause to credit the allegation of
34.28 unfair discriminatory practices.

34.29 (c) If the commissioner determines after investigation that no probable cause exists to
34.30 credit the allegations of the unfair discriminatory practice, the commissioner shall, within
34.31 ten days of the determination, serve upon the charging party and respondent written notice
34.32 of the determination. Within ~~ten~~ 30 days after receipt of notice, the charging party may

35.1 request in writing, on forms prepared by the department, that the commissioner reconsider
35.2 the determination. The request shall contain a brief statement of the reasons for and new
35.3 evidence in support of the request for reconsideration. At the time of submission of the
35.4 request to the commissioner, the charging party shall deliver or mail to the respondent a
35.5 copy of the request for reconsideration. The commissioner shall reaffirm, reverse, or vacate
35.6 and remand for further consideration the determination of no probable cause within 20 days
35.7 after receipt of the request for reconsideration, and shall within ten days notify in writing
35.8 the charging party and respondent of the decision to reaffirm, reverse, or vacate and remand
35.9 for further consideration.

35.10 A decision by the commissioner that no probable cause exists to credit the allegations
35.11 of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant
35.12 to section ~~363A.36~~ 363A.34 or sections 14.63 to 14.68.

35.13 (d) If the commissioner determines after investigation that probable cause exists to credit
35.14 the allegations of unfair discriminatory practices, the commissioner shall serve on the
35.15 respondent and the respondent's attorney if the respondent is represented by counsel, by
35.16 first class mail, or electronically with the receiving party's consent, a notice setting forth a
35.17 short plain written statement of the alleged facts which support the finding of probable cause
35.18 and an enumeration of the provisions of law allegedly violated. Within 30 days after receipt
35.19 of notice, the respondent may request in writing, on forms prepared by the department, that
35.20 the commissioner reconsider the determination. If the commissioner determines that attempts
35.21 to eliminate the alleged unfair practices through conciliation pursuant to subdivision 8 have
35.22 been or would be unsuccessful or unproductive, the commissioner ~~shall~~ may issue a complaint
35.23 and serve on the respondent, by registered or certified mail, or electronically with the
35.24 receiving party's consent, a written notice of hearing together with a copy of the complaint,
35.25 requiring the respondent to answer the allegations of the complaint at a hearing before an
35.26 administrative law judge at a time and place specified in the notice, not less than ten days
35.27 after service of said complaint. A copy of the notice shall be furnished to the charging party
35.28 and the attorney general.

35.29 (e) If, at any time after the filing of a charge, the commissioner has reason to believe
35.30 that a respondent has engaged in any unfair discriminatory practice, the commissioner may
35.31 file a petition in the district court in a county in which the subject of the complaint occurs,
35.32 or in a county in which a respondent resides or transacts business, seeking appropriate
35.33 temporary relief against the respondent, pending final determination of proceedings under
35.34 this chapter, including an order or decree restraining the respondent from doing or procuring
35.35 an act tending to render ineffectual an order the commissioner may enter with respect to

36.1 the complaint. The court shall have power to grant temporary relief or a restraining order
36.2 as it deems just and proper, but no relief or order extending beyond ten days shall be granted
36.3 except by consent of the respondent or after hearing upon notice to the respondent and a
36.4 finding by the court that there is reasonable cause to believe that the respondent has engaged
36.5 in a discriminatory practice. Except as modified by subdivisions 1 to 9 and section 363A.06,
36.6 subdivision 4, the Minnesota Rules of Civil Procedure shall apply to an application, and
36.7 the district court shall have authority to grant or deny the relief sought on conditions as it
36.8 deems just and equitable. All hearings under subdivisions 1 to 9 and section 363A.06,
36.9 subdivision 4, shall be given precedence as nearly as practicable over all other pending civil
36.10 actions.

36.11 (f) If a lessor, after engaging in a discriminatory practice defined in section 363A.09,
36.12 subdivision 1, clause (1), leases or rents a dwelling unit to a person who has no knowledge
36.13 of the practice or of the existence of a charge with respect to the practice, the lessor shall
36.14 be liable for actual damages sustained by a person by reason of a final order as provided in
36.15 subdivisions 1 to 9 and section 363A.06, subdivision 4, requiring the person to be evicted
36.16 from the dwelling unit.

36.17 (g) In any complaint issued under subdivisions 1 to 9 and section 363A.06, subdivision
36.18 4, the commissioner may seek relief for a class of individuals affected by an unfair
36.19 discriminatory practice occurring on or after a date one year prior to the filing of the charge
36.20 from which the complaint originates.

36.21 (h) The commissioner may adopt policies to determine which charges are processed and
36.22 the order in which charges are processed based on their particular social or legal significance,
36.23 administrative convenience, difficulty of resolution, or other standard consistent with the
36.24 provisions of this chapter.

36.25 (i) The chief administrative law judge shall adopt policies to provide sanctions for
36.26 intentional and frivolous delay caused by any charging party or respondent in an investigation,
36.27 hearing, or any other aspect of proceedings before the department under this chapter.

36.28 Sec. 12. Minnesota Statutes 2020, section 363A.31, subdivision 2, is amended to read:

36.29 Subd. 2. **Rescission of waiver.** A waiver or release of rights or remedies secured by this
36.30 chapter which purports to apply to claims arising out of acts or practices prior to, or
36.31 concurrent with, the execution of the waiver or release may be rescinded within 15 calendar
36.32 days of its execution, except that a waiver or release given in settlement of a claim filed
36.33 with the department or with another administrative agency or judicial body is valid and final
36.34 upon execution. A waiving or releasing party shall be informed in writing of the right to

37.1 rescind the waiver or release. To be effective, the rescission must be in writing and delivered
37.2 to the waived or released party ~~either~~ by hand, electronically with the receiving party's
37.3 consent, or by mail within the 15-day period. If delivered by mail, the rescission must be:

- 37.4 (1) postmarked within the 15-day period;
- 37.5 (2) properly addressed to the waived or released party; and
- 37.6 (3) sent by certified mail return receipt requested.

37.7 Sec. 13. Minnesota Statutes 2020, section 363A.33, subdivision 3, is amended to read:

37.8 Subd. 3. **Summons and complaints in a civil action.** A charging party bringing a civil
37.9 action shall mail by registered or certified mail, or electronically with the receiving party's
37.10 consent, a copy of the summons and complaint to the commissioner, and upon their receipt
37.11 the commissioner shall terminate all proceedings in the department relating to the charge.
37.12 No charge shall be filed or reinstated with the commissioner after a civil action relating
37.13 to the same unfair discriminatory practice has been brought unless the civil action has been
37.14 dismissed without prejudice.

37.15 Sec. 14. Minnesota Statutes 2020, section 363A.36, subdivision 1, is amended to read:

37.16 Subdivision 1. **Scope of application.** (a) ~~For all contracts for goods and services in~~
37.17 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~
37.18 ~~for a contract or agreement from any business having more than 40 full-time employees~~
37.19 ~~within this state on a single working day during the previous 12 months, unless the~~
37.20 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~
37.21 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~
37.22 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~
37.23 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~
37.24 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~
37.25 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~
37.26 No department, agency of the state, the Metropolitan Council, or agency subject to section
37.27 473.143, subdivision 1, shall execute a contract for goods or services in excess of \$100,000
37.28 with a business that has 40 or more full-time employees in this state or a state where the
37.29 business has its primary place of business on a single day during the prior 12 months, unless
37.30 the business has a workforce certificate from the commissioner of human rights or has
37.31 certified in writing that it is exempt. Determinations of exempt status shall be made by the
37.32 commissioner of human rights. A certificate is valid for four years. A municipality as defined
37.33 in section 466.01, subdivision 1, that receives state money for any reason is encouraged to

38.1 prepare and implement an affirmative action plan for the employment of ~~minority persons,~~
38.2 people with disabilities, people of color, and women, and the qualified disabled and
38.3 submit the plan to the commissioner.

38.4 ~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to~~
38.5 ~~be entered into between a department or agency of the state and a business that is not subject~~
38.6 ~~to paragraph (a), but that has more than 40 full-time employees on a single working day~~
38.7 ~~during the previous 12 months in the state where the business has its primary place of~~
38.8 ~~business. A department or agency of the state may not execute a contract or agreement with~~
38.9 ~~a business covered by this paragraph unless the business has a certificate of compliance~~
38.10 ~~issued by the commissioner under paragraph (a) or the business certifies that it is in~~
38.11 ~~compliance with federal affirmative action requirements.~~

38.12 ~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of
38.13 Investment for investment options under section 356.645.

38.14 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within
38.15 15 days of the application submitted by the business or firm.

38.16 **EFFECTIVE DATE.** This section is effective June 1, 2021, and applies to contracts
38.17 entered into on or after that date.

38.18 Sec. 15. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

38.19 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a \$150
38.20 \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's
38.21 designated agent. The proceeds of the fee must be deposited in a human rights fee special
38.22 revenue account. Money in the account is appropriated to the commissioner to fund the cost
38.23 of issuing certificates and investigating grievances.

38.24 Sec. 16. Minnesota Statutes 2020, section 363A.36, subdivision 3, is amended to read:

38.25 Subd. 3. ~~Revocation of certificate~~ **Violations; remedies.** Certificates of compliance
38.26 may be suspended or revoked by the commissioner if a holder of a certificate has not made
38.27 a good faith effort to implement an affirmative action plan that has been approved by the
38.28 commissioner. If a contractor does not effectively implement an affirmative action plan
38.29 approved by the commissioner pursuant to subdivision 1, or fails to make a good faith effort
38.30 to do so, the commissioner may refuse to approve subsequent plans submitted by that firm
38.31 or business. The commissioner may impose fines or actions as follows:

38.32 (1) issue fines up to \$5,000 per violation; and

39.1 (2) suspend or revoke a certificate of compliance until the contractor has paid all
39.2 outstanding fines and otherwise complies with this section.

39.3 **EFFECTIVE DATE.** This section is effective July 1, 2021, for all current and future
39.4 certificate holders.

39.5 Sec. 17. Minnesota Statutes 2020, section 363A.36, subdivision 4, is amended to read:

39.6 Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the
39.7 state, the Metropolitan Council, or an agency subject to section 473.143, subdivision 1, may
39.8 be terminated or abridged by the ~~department or agency~~ awarding entity because of suspension
39.9 or revocation of a certificate based upon a contractor's failure to implement or make a good
39.10 faith effort to implement an affirmative action plan approved by the commissioner under
39.11 this section. If a contract is awarded to a person who does not have a contract compliance
39.12 certificate required under subdivision 1, the commissioner may void the contract on behalf
39.13 of the state.

39.14 **EFFECTIVE DATE.** This section is effective June 1, 2021, and applies to contracts
39.15 entered into on or after that date.

39.16 Sec. 18. Minnesota Statutes 2020, section 363A.36, is amended by adding a subdivision
39.17 to read:

39.18 Subd. 6. **Access to data.** Data submitted to the commissioner related to a certificate of
39.19 compliance are private data on individuals or nonpublic data with respect to persons other
39.20 than department employees. The commissioner's decision to issue, not issue, revoke, or
39.21 suspend or otherwise penalize a certificate holder of a certificate of compliance is public
39.22 data. Applications, forms, or similar documents submitted by a business seeking a certificate
39.23 of compliance are public data. The commissioner may disclose data classified as private or
39.24 nonpublic under this subdivision to other state agencies, statewide systems, and political
39.25 subdivisions for the purposes of achieving compliance with this section.

39.26 Sec. 19. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

39.27 Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying
39.28 a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the
39.29 commissioner. The proceeds from the fees collected under this subdivision shall be deposited
39.30 in an equal pay certificate special revenue account. Money in the account is appropriated
39.31 to the commissioner for the purposes of this section. The commissioner shall issue an equal

40.1 pay certificate of compliance to a business that submits to the commissioner a statement
40.2 signed by the chairperson of the board or chief executive officer of the business:

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

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

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

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

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

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

40.20 (1) a market pricing approach;

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

40.22 (3) a performance pay system;

40.23 (4) an internal analysis; or

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

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

40.29 Sec. 20. Minnesota Statutes 2020, section 363A.44, subdivision 4, is amended to read:

40.30 Subd. 4. ~~Revocation of certificate~~ **Violations; remedies.** An equal pay certificate for
40.31 a business may be suspended or revoked by the commissioner when the business fails to

41.1 make a good-faith effort to comply with the laws identified in subdivision 2, paragraph (a),
41.2 clause (1), fails to make a good-faith effort to comply with this section, or has multiple
41.3 violations of this section or the laws identified in subdivision 2, paragraph (a), clause (1).
41.4 The commissioner may also issue a fine due to lack of compliance with this section of up
41.5 to \$5,000 per violation. The commissioner may suspend or revoke an equal pay certificate
41.6 until the business has paid all outstanding fines and otherwise complies with this section.
41.7 Prior to issuing a fine or suspending or revoking a certificate, the commissioner must first
41.8 have sought to conciliate with the business regarding wages and benefits due to employees.

41.9 **EFFECTIVE DATE.** This section is effective July 1, 2021, for all current and future
41.10 certificate holders.

41.11 Sec. 21. Minnesota Statutes 2020, section 363A.44, subdivision 9, is amended to read:

41.12 Subd. 9. **Access to data.** Data submitted to the commissioner related to equal pay
41.13 certificates are private data on individuals or nonpublic data with respect to persons other
41.14 than department employees. The commissioner's decision to issue, not issue, revoke, or
41.15 suspend or otherwise penalize a certificate holder of an equal pay certificate is public data.
41.16 Applications, forms, or similar documents submitted by a business seeking an equal pay
41.17 certificate are public data. The commissioner may disclose data classified as private or
41.18 nonpublic under this subdivision to other state agencies, statewide systems, and political
41.19 subdivisions for the purposes of achieving compliance with this section.

41.20 Sec. 22. **[363A.50] NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.**

41.21 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
41.22 the meanings given unless the context clearly requires otherwise.

41.23 (b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

41.24 (c) "Auxiliary aids and services" include, but are not limited to:

41.25 (1) qualified interpreters or other effective methods of making aurally delivered materials
41.26 available to individuals with hearing impairments;

41.27 (2) qualified readers, taped texts, texts in accessible electronic format, or other effective
41.28 methods of making visually delivered materials available to individuals with visual
41.29 impairments;

41.30 (3) the provision of information in a format that is accessible for individuals with
41.31 cognitive, neurological, developmental, intellectual, or physical disabilities;

42.1 (4) the provision of supported decision-making services; and

42.2 (5) the acquisition or modification of equipment or devices.

42.3 (d) "Covered entity" means:

42.4 (1) any licensed provider of health care services, including licensed health care

42.5 practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric

42.6 residential treatment facilities, institutions for individuals with intellectual or developmental

42.7 disabilities, and prison health centers; or

42.8 (2) any entity responsible for matching anatomical gift donors to potential recipients.

42.9 (e) "Disability" has the meaning given in section 363A.03, subdivision 12.

42.10 (f) "Organ transplant" means the transplantation or infusion of a part of a human body

42.11 into the body of another for the purpose of treating or curing a medical condition.

42.12 (g) "Qualified individual" means an individual who, with or without available support

42.13 networks, the provision of auxiliary aids and services, or reasonable modifications to policies

42.14 or practices, meets the essential eligibility requirements for the receipt of an anatomical

42.15 gift.

42.16 (h) "Reasonable modifications" include, but are not limited to:

42.17 (1) communication with individuals responsible for supporting an individual with

42.18 postsurgical and post-transplantation care, including medication; and

42.19 (2) consideration of support networks available to the individual, including family,

42.20 friends, and home and community-based services, including home and community-based

42.21 services funded through Medicaid, Medicare, another health plan in which the individual

42.22 is enrolled, or any program or source of funding available to the individual, in determining

42.23 whether the individual is able to comply with post-transplant medical requirements.

42.24 (i) "Supported decision making" has the meaning given in section 524.5-102, subdivision

42.25 16a.

42.26 Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of

42.27 a qualified individual's mental or physical disability:

42.28 (1) deem an individual ineligible to receive an anatomical gift or organ transplant;

42.29 (2) deny medical or related organ transplantation services, including evaluation, surgery,

42.30 counseling, and postoperative treatment and care;

43.1 (3) refuse to refer the individual to a transplant center or other related specialist for the
43.2 purpose of evaluation or receipt of an anatomical gift or organ transplant;

43.3 (4) refuse to place an individual on an organ transplant waiting list or place the individual
43.4 at a lower-priority position on the list than the position at which the individual would have
43.5 been placed if not for the individual's disability; or

43.6 (5) decline insurance coverage for any procedure associated with the receipt of the
43.7 anatomical gift or organ transplant, including post-transplantation and postinfusion care.

43.8 (b) Notwithstanding paragraph (a), a covered entity may take an individual's disability
43.9 into account when making treatment or coverage recommendations or decisions, solely to
43.10 the extent that the physical or mental disability has been found by a physician, following
43.11 an individualized evaluation of the potential recipient, to be medically significant to the
43.12 provision of the anatomical gift or organ transplant. The provisions of this section may not
43.13 be deemed to require referrals or recommendations for, or the performance of, organ
43.14 transplants that are not medically appropriate given the individual's overall health condition.

43.15 (c) If an individual has the necessary support system to assist the individual in complying
43.16 with post-transplant medical requirements, an individual's inability to independently comply
43.17 with those requirements may not be deemed to be medically significant for the purposes of
43.18 paragraph (b).

43.19 (d) A covered entity must make reasonable modifications to policies, practices, or
43.20 procedures, when such modifications are necessary to make services such as
43.21 transplantation-related counseling, information, coverage, or treatment available to qualified
43.22 individuals with disabilities, unless the entity can demonstrate that making such modifications
43.23 would fundamentally alter the nature of such services.

43.24 (e) A covered entity must take such steps as may be necessary to ensure that no qualified
43.25 individual with a disability is denied services such as transplantation-related counseling,
43.26 information, coverage, or treatment because of the absence of auxiliary aids and services,
43.27 unless the entity can demonstrate that taking such steps would fundamentally alter the nature
43.28 of the services being offered or result in an undue burden. A covered entity is not required
43.29 to provide supported decision-making services.

43.30 (f) A covered entity must otherwise comply with the requirements of Titles II and III of
43.31 the Americans with Disabilities Act of 1990, the Americans with Disabilities Act
43.32 Amendments Act of 2008, and the Minnesota Human Rights Act.

43.33 (g) The provisions of this section apply to each part of the organ transplant process.

44.1 Subd. 3. Remedies. In addition to all other remedies available under this chapter, any
44.2 individual who has been subjected to discrimination in violation of this section may initiate
44.3 a civil action in a court of competent jurisdiction to enjoin violations of this section.

44.4 **ARTICLE 5**

44.5 **CIVIL LAW**

44.6 Section 1. Minnesota Statutes 2020, section 357.17, is amended to read:

44.7 **357.17 NOTARIES PUBLIC.**

44.8 (a) The maximum fees to be charged and collected by a notary public shall be as follows:

44.9 (1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such
44.10 bill; where protest is legally necessary, and copy thereof, \$5;

44.11 (2) for every other protest and copy, \$5;

44.12 (3) for making and serving every notice of nonpayment of note or nonacceptance of bill
44.13 and copy thereof, \$5;

44.14 (4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and
44.15 \$1 per folio for copies;

44.16 (5) for each oath administered, \$5;

44.17 (6) for acknowledgments of deeds and for other services authorized by law, the legal
44.18 fees allowed other officers for like services;

44.19 (7) for recording each instrument required by law to be recorded by the notary, \$5 per
44.20 folio.

44.21 (b) A notary public may charge a fee for performing a marriage in excess of the fees in
44.22 paragraph (a) if the notary is commissioned pursuant to chapter 359.

44.23 Sec. 2. Minnesota Statutes 2020, section 359.04, is amended to read:

44.24 **359.04 POWERS.**

44.25 Every notary public so appointed, commissioned, and qualified shall have power
44.26 throughout this state to administer all oaths required or authorized to be administered in
44.27 this state; to take and certify all depositions to be used in any of the courts of this state; to
44.28 take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and
44.29 other instruments in writing or electronic records; to receive, make out, and record notarial
44.30 protests; to perform civil marriages consistent with this chapter and chapter 517; and to

45.1 perform online remote notarial acts in compliance with the requirements of sections 358.645
45.2 and 358.646.

45.3 Sec. 3. **[359.115] CIVIL MARRIAGE OFFICIANT.**

45.4 A notary public shall have the power to solemnize civil marriages throughout the state
45.5 if the notary public has filed a copy of the notary public's notary commission with the local
45.6 registrar of a county in this state. When a local registrar records a commission for a notary
45.7 public, the local registrar shall provide a certificate of filing to the notary whose commission
45.8 is recorded. A notary public shall endorse and record the county where the notary public's
45.9 commission is recorded upon each certificate of civil marriage granted by the notary.

45.10 Sec. 4. Minnesota Statutes 2020, section 514.977, is amended to read:

45.11 **514.977 DEFAULT ADDITIONAL REMEDIES.**

45.12 Subdivision 1. **Default; breach of rental agreement.** If an occupant defaults in the
45.13 payment of rent for the storage space or otherwise breaches the rental agreement, the owner
45.14 may commence an ~~eviction~~ action ~~under chapter 504B.~~ to terminate the rental agreement,
45.15 recover possession of the storage space, remove the occupant, and dispose of the stored
45.16 personal property. The action shall be conducted in accordance with the Minnesota Rules
45.17 of Civil Procedure except as provided in this section.

45.18 Subd. 2. **Service of summons.** The summons must be served at least seven days before
45.19 the date of the court appearance as provided in subdivision 3.

45.20 Subd. 3. **Appearance.** Except as provided in subdivision 4, in an action filed under this
45.21 section, the appearance shall be not less than seven or more than 14 days from the day of
45.22 issuing the summons.

45.23 Subd. 4. **Expedited hearing.** If the owner files a motion and affidavit stating specific
45.24 facts and instances in support of an allegation that the occupant is causing a nuisance or
45.25 engaging in illegal or other behavior that seriously endangers the safety of others, their
45.26 property, or the storage facility's property, the appearance shall be not less than three days
45.27 nor more than seven days from the date the summons is issued. The summons in an expedited
45.28 hearing shall be served upon the occupant within 24 hours of issuance unless the court
45.29 orders otherwise for good cause shown.

45.30 Subd. 5. **Answer; trial; continuance.** At the court appearance specified in the summons,
45.31 the defendant may answer the complaint, and the court shall hear and decide the action,

46.1 unless it grants a continuance of the trial, which may be for no longer than six days, unless
46.2 all parties consent to longer continuance.

46.3 Subd. 6. **Counterclaims.** The occupant is prohibited from bringing counterclaims in the
46.4 action that are unrelated to the possession of the storage space. Nothing in this section
46.5 prevents the occupant from bringing the claim in a separate action.

46.6 Subd. 7. **Judgment; writ.** Judgment in matters adjudicated under this section shall be
46.7 in accordance with section 504B.345, subdivision 1, paragraph (a). Execution of a writ
46.8 issued under this section shall be in accordance with section 504B.365.

46.9 Sec. 5. Minnesota Statutes 2020, section 517.04, is amended to read:

46.10 **517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.**

46.11 Civil marriages may be solemnized throughout the state by an individual who has attained
46.12 the age of 21 years and is a judge of a court of record, a retired judge of a court of record,
46.13 a court administrator, a retired court administrator with the approval of the chief judge of
46.14 the judicial district, a former court commissioner who is employed by the court system or
46.15 is acting pursuant to an order of the chief judge of the commissioner's judicial district, a
46.16 notary commissioned pursuant to chapter 359, the residential school superintendent of the
46.17 Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a
46.18 licensed or ordained minister of any religious denomination, or by any mode recognized in
46.19 section 517.18. For purposes of this section, a court of record includes the Office of
46.20 Administrative Hearings under section 14.48.

46.21 Sec. 6. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

46.22 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall
46.23 examine upon oath the parties applying for a license relative to the legality of the
46.24 contemplated civil marriage. Examination upon oath of the parties under this section may
46.25 include contemporaneous video or audio transmission or receipt of a verified statement
46.26 signed by both parties attesting to the legality of the marriage. The local registrar may accept
46.27 civil marriage license applications, signed by both parties, by mail, facsimile, or electronic
46.28 filing. Both parties must present proof of age to the local registrar. ~~If one party is unable to~~
46.29 ~~appear in person, the party appearing may complete the absent applicant's information. The~~
46.30 ~~local registrar shall provide a copy of the civil marriage application to the party who is~~
46.31 ~~unable to appear, who must verify the accuracy of the appearing party's information in a~~
46.32 ~~notarized statement. The verification statement must be accompanied by a copy of proof of~~
46.33 ~~age of the party. The civil marriage license must not be released until the verification~~

47.1 ~~statement and~~ proof of age has been received by the local registrar. If the local registrar is
47.2 satisfied that there is no legal impediment to it, including the restriction contained in section
47.3 259.13, the local registrar shall issue the license, containing the full names of the parties
47.4 before and after the civil marriage, and county and state of residence, with the county seal
47.5 attached, and make a record of the date of issuance. The license shall be valid for a period
47.6 of six months. Except as provided in paragraph (b), the local registrar shall collect from the
47.7 applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers
47.8 required, and preparing and transmitting to the state registrar of vital records the reports of
47.9 civil marriage required by this section. If the license should not be used within the period
47.10 of six months due to illness or other extenuating circumstances, it may be surrendered to
47.11 the local registrar for cancellation, and in that case a new license shall issue upon request
47.12 of the parties of the original license without fee. A local registrar who knowingly issues or
47.13 signs a civil marriage license in any manner other than as provided in this section shall pay
47.14 to the parties aggrieved an amount not to exceed \$1,000.

47.15 (b) The civil marriage license fee for parties who have completed at least 12 hours of
47.16 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
47.17 submit at the time of applying for the civil marriage license a statement that is signed, dated,
47.18 and notarized or marked with a church seal from the person who provided the premarital
47.19 education on their letterhead confirming that it was received. The premarital education must
47.20 be provided by a licensed or ordained minister or the minister's designee, a person authorized
47.21 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
47.22 and family therapy under section 148B.33. The education must include the use of a premarital
47.23 inventory and the teaching of communication and conflict management skills.

47.24 (c) The statement from the person who provided the premarital education under paragraph
47.25 (b) must be in the following form:

47.26 "I, (name of educator), confirm that (names of both
47.27 parties) received at least 12 hours of premarital education that included the use of a premarital
47.28 inventory and the teaching of communication and conflict management skills. I am a licensed
47.29 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
47.30 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
47.31 Minnesota Statutes, section 148B.33."

47.32 The names of the parties in the educator's statement must be identical to the legal names
47.33 of the parties as they appear in the civil marriage license application. Notwithstanding
47.34 section 138.17, the educator's statement must be retained for seven years, after which time
47.35 it may be destroyed.

48.1 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
48.2 shall grant the civil marriage license without the requested name change. Alternatively, the
48.3 local registrar may delay the granting of the civil marriage license until the party with the
48.4 conviction:

48.5 (1) certifies under oath that 30 days have passed since service of the notice for a name
48.6 change upon the prosecuting authority and, if applicable, the attorney general and no
48.7 objection has been filed under section 259.13; or

48.8 (2) provides a certified copy of the court order granting it. The parties seeking the civil
48.9 marriage license shall have the right to choose to have the license granted without the name
48.10 change or to delay its granting pending further action on the name change request.

48.11 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2021.

48.12 Sec. 7. Minnesota Statutes 2020, section 524.2-503, is amended to read:

48.13 **524.2-503 HARMLESS ERROR.**

48.14 (a) If a document or writing added upon a document was not executed in compliance
48.15 with section 524.2-502, the document or writing is treated as if it had been executed in
48.16 compliance with section 524.2-502 if the proponent of the document or writing establishes
48.17 by clear and convincing evidence that the decedent intended the document or writing to
48.18 constitute:

48.19 (1) the decedent's will;

48.20 (2) a partial or complete revocation of the will;

48.21 (3) an addition to or an alteration of the will; or

48.22 (4) a partial or complete revival of the decedent's formerly revoked will or of a formerly
48.23 revoked portion of the will.

48.24 (b) This section applies to documents and writings executed on or after March 13, 2020,
48.25 ~~but before February 15, 2021.~~

48.26 **EFFECTIVE DATE.** This section is effective retroactively from March 13, 2020, and
48.27 applies to documents and writings executed on or after March 13, 2020.

49.1 Sec. 8. Laws 2020, chapter 118, section 4, is amended to read:

49.2 Sec. 4. **FILING OF MORTGAGE OR DEED OF TRUST THROUGH 2020; PUBLIC**
 49.3 **UTILITY.**

49.4 Notwithstanding Minnesota Statutes, section 507.327, ~~for the public utility subject to~~
 49.5 ~~Minnesota Statutes, section 116C.7791,~~ the filing of the mortgage or deed of trust executed
 49.6 between May 1, 2020, and ~~December 31, 2020~~ June 30, 2022, filed in the Office of the
 49.7 Secretary of State under Minnesota Statutes, section ~~336.02~~ 336B.02, along with, or as part
 49.8 of, the financing statement covering the fixtures, has the same effect, and is notice of the
 49.9 rights and interests of the mortgagee or trustee in easements, other less than fee simple
 49.10 interests in real estate, and fee simple interests in real estate ~~of the public utility~~ to the same
 49.11 extent, as if the mortgage or deed of trust were duly recorded in the office of the county
 49.12 recorder or duly registered in the office of the registrar of titles of the counties in which the
 49.13 real estate is situated. The effectiveness of the filing terminates at the same time as provided
 49.14 in Minnesota Statutes, section 336B.02, subdivision 3, for the termination of the effectiveness
 49.15 of fixture filing. Any filing made in accordance with this section shall also be made with
 49.16 the office of the county recorder, or duly registered in the office of the registrar of titles, of
 49.17 the counties in which the real estate is situated.

49.18 **EFFECTIVE DATE.** This section is effective retroactively from December 30, 2020.

49.19 ARTICLE 6

49.20 GOVERNMENT DATA PRACTICES

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

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

49.27 **Subd. 2. Membership.** The commission consists of four senators appointed by the senate
 49.28 Subcommittee on Committees of the Committee on Rules and Administration, and four
 49.29 members of the house of representatives appointed by the speaker. Two members from each
 49.30 chamber must be from the majority party in that chamber and two members from each
 49.31 chamber must be from the minority party in that chamber. Each appointing authority must
 49.32 make appointments as soon as possible after the beginning of the regular legislative session
 49.33 in the odd-numbered year. The ranking senator from the majority party appointed to the

50.1 commission must convene the first meeting of a biennium by February 15 in the
 50.2 odd-numbered year. The commission may elect up to four former legislators who have
 50.3 demonstrated an interest in, or have a history of working in, the areas of government data
 50.4 practices and personal data privacy to serve as nonvoting members of the commission. The
 50.5 former legislators must not be registered lobbyists. All commission members shall serve
 50.6 without compensation and without reimbursement for mileage, meals, or other expenses.

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

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

50.14 Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to
 50.15 the commission from existing resources. The Legislative Coordinating Commission may,
 50.16 if funding is available, appoint staff to provide research assistance.

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

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

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

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

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

50.28 Sec. 2. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

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

50.30 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

50.31 (2) "location data" means ~~any data~~ the participant specifies that may be used to physically
 50.32 locate a program participant, ~~including but not limited to~~ such as the program participant's

51.1 residential address, work address, ~~and~~ or school address, and that is collected, received, or
 51.2 maintained by a government entity prior to the date a program participant's certification
 51.3 expires, or the date the entity receives notice that the program participant has withdrawn
 51.4 from the program, whichever is earlier;

51.5 (3) "identity data" means data that may be used to identify a program participant,
 51.6 including the program participant's name, phone number, e-mail address, address designated
 51.7 under chapter 5B, Social Security number, or driver's license number, and that is collected,
 51.8 received, or maintained by a government entity before the date a program participant's
 51.9 certification expires, or the date the entity receives notice that the program participant has
 51.10 withdrawn from the program, whichever is earlier;

51.11 (4) "county recorder" means the county official who performs the functions of the county
 51.12 recorder or registrar of titles to record a document as part of the county real estate document
 51.13 recording system, regardless of title or office; and

51.14 (5) "real property records" means any record of data that is maintained ~~by a county~~ as
 51.15 part of the county real estate document recording system for use by the public, data on
 51.16 assessments, data on real or personal property taxation, and other data on real property.

51.17 Sec. 3. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

51.18 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~
 51.19 ~~in writing, to notify~~ the responsible authority of any government entity other than the county
 51.20 recorder in writing, on a form prescribed by the secretary of state, that the participant is
 51.21 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
 51.22 notice must include the program participant's name, ~~names of other program participants~~
 51.23 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant
 51.24 signature, signature of the participant's parent or guardian if the participant is a minor, date
 51.25 the program participant's certification in the program expires, and any other information
 51.26 specified by the secretary of state. A program participant may submit a subsequent notice
 51.27 of certification, if the participant's certification is renewed. The contents of the notification
 51.28 of certification are private data on individuals. A notice provided pursuant to this paragraph
 51.29 is a request to protect location data unless the participant requests that specific identity data
 51.30 also be protected.

51.31 (b) To affect real property records, ~~including but not limited to documents maintained~~
 51.32 ~~in a public recording system, data on assessments and taxation, and other data on real~~
 51.33 ~~property,~~ a program participant must submit a real property notice in writing to the county
 51.34 recorder in the county where the property identified in the real property notice is located.

52.1 To affect real property records maintained by any other government entity, a program
 52.2 participant must submit a real property notice in writing to the other government entity's
 52.3 responsible authority. A real property notice must be on a form prescribed by the secretary
 52.4 of state and must include:

52.5 (1) the full legal name of the program participant, including middle name;

52.6 (2) the last four digits of the program participant's Social Security number;

52.7 (3) the participant's date of birth;

52.8 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
 52.9 state, including lot number;

52.10 ~~(4) the date the program participant's certification in the program expires;~~

52.11 (5) the legal description and street address, if any, of the real property affected by the
 52.12 notice;

52.13 (6) the address of the Office of the Secretary of State; and

52.14 (7) the signature of the program participant.

52.15 Only one parcel of real property may be included in each notice, but more than one notice
 52.16 may be presented to the county recorder. ~~The county recorder~~ The recipient of the notice
 52.17 may require a program participant to provide additional information necessary to identify
 52.18 the records of the program participant or the real property described in the notice. A program
 52.19 participant must submit a subsequent real property notice for the real property if the
 52.20 participant's ~~certification is renewed~~ legal name changes. The real property notice is private
 52.21 data on individuals.

52.22 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

52.23 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
 52.24 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant ~~who~~
 52.25 ~~submits a notice~~ seeks protection under subdivision 2, paragraph (a), that are not otherwise
 52.26 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~
 52.27 ~~the contrary, private or confidential location data on a program participant who submits a~~
 52.28 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
 52.29 ~~entity or nongovernmental entity except as provided in paragraph (b).~~

52.30 (b) ~~Private or confidential location data on a program participant must not be shared or~~
 52.31 ~~disclosed by a government entity~~ Notwithstanding any provision of law to the contrary,
 52.32 private or confidential location data on a program participant who submits a notice under

53.1 subdivision 2, paragraph (a), may not be shared with any other government entity or
53.2 nongovernmental entity unless:

53.3 (1) the program participant has expressly consented in writing to sharing or dissemination
53.4 of the data for the purpose for which the sharing or dissemination will occur;

53.5 (2) the data are subject to sharing or dissemination pursuant to court order under section
53.6 13.03, subdivision 6;

53.7 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

53.8 (4) the location data related to county of residence are needed to provide public assistance
53.9 or other government services, or to allocate financial responsibility for the assistance or
53.10 services;

53.11 (5) the data are necessary to perform a government entity's health, safety, or welfare
53.12 functions, including the provision of emergency 911 services, the assessment and
53.13 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
53.14 of services or locations for compliance with health, safety, or professional standards; or

53.15 (6) the data are necessary to aid an active law enforcement investigation of the program
53.16 participant.

53.17 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
53.18 purposes authorized in this subdivision and may not be further disclosed to any other person
53.19 or government entity. Government entities receiving or sharing private or confidential data
53.20 under this subdivision shall establish procedures to protect the data from further disclosure.

53.21 (d) Real property record data are governed by subdivision 4a.

53.22 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
53.23 to replace a participant's location data with the participant's designated address.

53.24 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

53.25 Subd. 4a. **Real property records.** (a) If a program participant submits a notice to a
53.26 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity
53.27 must not disclose the program participant's identity data in conjunction with the property
53.28 identified in the written notice in the entity's real property records, unless:

53.29 (1) the program participant has consented to sharing or dissemination of the data for the
53.30 purpose identified in a writing acknowledged by the program participant;

54.1 (2) the data are subject to sharing or dissemination pursuant to court order under section
54.2 13.03, subdivision 6; ~~or~~

54.3 (3) the secretary of state authorizes the sharing or dissemination of the data under
54.4 subdivision 4b for the purpose identified in the authorization; or

54.5 (4) the data is shared with a government entity subject to this chapter for the purpose of
54.6 administering assessment and taxation laws.

54.7 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
54.8 to the individuals that submitted the documents for recording. This subdivision does not
54.9 prevent the public disclosure of the participant's name and address designated under chapter
54.10 5B in the county reception index if the participant's name and designated address are not
54.11 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
54.12 establish procedures for recording or filing documents to comply with this subdivision.

54.13 These procedures may include masking identity or location data and making documents or
54.14 certificates of title containing the data private and not viewable except as allowed by this
54.15 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
54.16 and 508A and other laws as appropriate, to the extent these requirements do not conflict
54.17 with this section. The procedures must provide public notice of the existence of recorded
54.18 documents and certificates of title that are not publicly viewable and the provisions for
54.19 viewing them under this subdivision. Notice that a document or certificate is private and
54.20 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
54.21 document or certificate.

54.22 (b) A real property notice is notice only to the county recorder. A notice that does not
54.23 conform to the requirements of a real property notice under subdivision 2, paragraph (b),
54.24 is not effective as a notice to the county recorder. On receipt of a real property notice, the
54.25 ~~county recorder~~ government entity shall provide a copy of the notice to the person who
54.26 maintains the property tax records in that ~~county~~ jurisdiction, to the county's or municipality's
54.27 responsible authority, and provide a copy to the secretary of state at the address specified
54.28 by the secretary of state in the notice.

54.29 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
54.30 property notice specified in subdivision 2, paragraph (b), and real property records affecting
54.31 the same real property created or recorded subsequent to the ~~county's~~ government entity's
54.32 receipt of the real property notice.

54.33 (d) The prohibition on disclosure in paragraph (a) continues until:

55.1 (1) the program participant has consented to the termination of the real property notice
 55.2 in a writing acknowledged by the program participant. Notification under this paragraph
 55.3 must be given by the government entity to the secretary of state within 90 days of the
 55.4 termination;

55.5 (2) the real property notice is terminated pursuant to a court order. Notification under
 55.6 this paragraph must be given by the government entity to the secretary of state within 90
 55.7 days of the termination;

55.8 (3) the program participant no longer holds a record interest in the real property identified
 55.9 in the real property notice. Notification under this paragraph must be given by the government
 55.10 entity to the secretary of state within 90 days of the termination; or

55.11 (4) the secretary of state has given written notice to the ~~county recorder~~ government
 55.12 entity who provided the secretary of state with a copy of a participant's real property notice
 55.13 that the program participant's certification has terminated. Notification under this paragraph
 55.14 must be given by the secretary of state within 90 days of the termination.

55.15 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity
 55.16 shall make publicly viewable all documents and certificates of title relative to the participant
 55.17 that were previously partially or wholly private and not viewable.

55.18 Sec. 6. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

55.19 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
 55.20 5, educational data is private data on individuals and shall not be disclosed except as follows:

55.21 (a) pursuant to section 13.05;

55.22 (b) pursuant to a valid court order;

55.23 (c) pursuant to a statute specifically authorizing access to the private data;

55.24 (d) to disclose information in health, including mental health, and safety emergencies
 55.25 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
 55.26 of Federal Regulations, title 34, section 99.36;

55.27 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
 55.28 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
 55.29 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

55.30 (f) to appropriate health authorities to the extent necessary to administer immunization
 55.31 programs and for bona fide epidemiologic investigations which the commissioner of health

56.1 determines are necessary to prevent disease or disability to individuals in the public
56.2 educational agency or institution in which the investigation is being conducted;

56.3 (g) when disclosure is required for institutions that participate in a program under title
56.4 IV of the Higher Education Act, United States Code, title 20, section 1092;

56.5 (h) to the appropriate school district officials to the extent necessary under subdivision
56.6 6, annually to indicate the extent and content of remedial instruction, including the results
56.7 of assessment testing and academic performance at a postsecondary institution during the
56.8 previous academic year by a student who graduated from a Minnesota school district within
56.9 two years before receiving the remedial instruction;

56.10 (i) to appropriate authorities as provided in United States Code, title 20, section
56.11 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
56.12 system to effectively serve, prior to adjudication, the student whose records are released;
56.13 provided that the authorities to whom the data are released submit a written request for the
56.14 data that certifies that the data will not be disclosed to any other person except as authorized
56.15 by law without the written consent of the parent of the student and the request and a record
56.16 of the release are maintained in the student's file;

56.17 (j) to volunteers who are determined to have a legitimate educational interest in the data
56.18 and who are conducting activities and events sponsored by or endorsed by the educational
56.19 agency or institution for students or former students;

56.20 (k) to provide student recruiting information, from educational data held by colleges
56.21 and universities, as required by and subject to Code of Federal Regulations, title 32, section
56.22 216;

56.23 (l) to the juvenile justice system if information about the behavior of a student who poses
56.24 a risk of harm is reasonably necessary to protect the health or safety of the student or other
56.25 individuals;

56.26 (m) with respect to Social Security numbers of students in the adult basic education
56.27 system, to Minnesota State Colleges and Universities and the Department of Employment
56.28 and Economic Development for the purpose and in the manner described in section 124D.52,
56.29 subdivision 7;

56.30 (n) to the commissioner of education for purposes of an assessment or investigation of
56.31 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
56.32 by the commissioner of education, data that are relevant to a report of maltreatment and are

57.1 from charter school and school district investigations of alleged maltreatment of a student
57.2 must be disclosed to the commissioner, including, but not limited to, the following:

57.3 (1) information regarding the student alleged to have been maltreated;

57.4 (2) information regarding student and employee witnesses;

57.5 (3) information regarding the alleged perpetrator; and

57.6 (4) what corrective or protective action was taken, if any, by the school facility in response
57.7 to a report of maltreatment by an employee or agent of the school or school district;

57.8 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
57.9 of a crime of violence or nonforcible sex offense to the extent authorized under United
57.10 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
57.11 34, sections 99.31 (a)(13) and (14);

57.12 (p) when the disclosure is information provided to the institution under United States
57.13 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
57.14 under United States Code, title 20, section 1232g(b)(7); ~~or~~

57.15 (q) when the disclosure is to a parent of a student at an institution of postsecondary
57.16 education regarding the student's violation of any federal, state, or local law or of any rule
57.17 or policy of the institution, governing the use or possession of alcohol or of a controlled
57.18 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
57.19 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
57.20 has an information release form signed by the student authorizing disclosure to a parent.
57.21 The institution must notify parents and students about the purpose and availability of the
57.22 information release forms. At a minimum, the institution must distribute the information
57.23 release forms at parent and student orientation meetings; or

57.24 (r) with tribal nations about tribally enrolled or descendant students to the extent necessary
57.25 for the tribal nation and school district or charter school to support the educational attainment
57.26 of the student.

57.27 **Sec. 7. [13.3655] ATTORNEY GENERAL DATA CODED ELSEWHERE.**

57.28 Subdivision 1. **Scope.** The sections referred to in this section are codified outside this
57.29 chapter. Those sections classify attorney general data as other than public, place restrictions
57.30 on access to government data, or involve data sharing.

57.31 Subd. 2. **Jailhouse witnesses.** Data collected and maintained by the attorney general
57.32 regarding jailhouse witnesses are governed by section 634.045.

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

58.2 Sec. 8. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision to
58.3 read:

58.4 Subd. 1b. **Data on individuals who are minors.** Data on individuals who are minors
58.5 that are collected, created, received, maintained, or disseminated by the Department of
58.6 Natural Resources are classified under section 84.0873.

58.7 Sec. 9. Minnesota Statutes 2020, section 13.82, is amended by adding a subdivision to
58.8 read:

58.9 Subd. 33. **Mental health care data.** (a) Mental health data received from the welfare
58.10 system as described in section 13.46, subdivision 7, are classified as described in that section.

58.11 (b) Data received from a provider as described in section 144.294 are classified as
58.12 described in that section.

58.13 (c) Health records received from a provider are governed by section 144.293.

58.14 (d) The following data on individuals created or collected by law enforcement agencies
58.15 are private data on individuals, unless the data become criminal investigative data, in which
58.16 the data are classified by subdivision 7:

58.17 (1) medications taken by an individual;

58.18 (2) mental illness diagnoses;

58.19 (3) the psychological or psychosocial history of an individual;

58.20 (4) risk factors or potential triggers related to an individual's mental health;

58.21 (5) mental health or social service providers serving an individual; and

58.22 (6) data pertaining to the coordination of social service or mental health care on behalf
58.23 of an individual, including the scheduling of appointments, responses from providers, and
58.24 follow-up.

58.25 (e) Data classified as private by paragraph (d) may be shared with the welfare system,
58.26 as defined in section 13.46, subdivision 1, paragraph (c), or with a provider as defined by
58.27 section 144.291, subdivision 2, paragraph (i), to coordinate necessary services on behalf of
58.28 the subject of the data.

58.29 (f) This subdivision does not affect the classification of data made public by subdivision
58.30 2, 3, or 6 or those portions of inactive investigative data made public by subdivision 7.

59.1 Sec. 10. Minnesota Statutes 2020, section 13.824, subdivision 6, is amended to read:

59.2 Subd. 6. **Biennial audit.** (a) In addition to the log required under subdivision 5, the law
59.3 enforcement agency must maintain records showing the date and time automated license
59.4 plate reader data were collected and the applicable classification of the data. The law
59.5 enforcement agency shall arrange for an independent, biennial audit of the records to
59.6 determine whether data currently in the records are classified, how the data are used, whether
59.7 they are destroyed as required under this section, and to verify compliance with subdivision
59.8 7. If the commissioner of administration believes that a law enforcement agency is not
59.9 complying with this section or other applicable law, the commissioner may order a law
59.10 enforcement agency to arrange for additional independent audits. Data in the records required
59.11 under this paragraph are classified as provided in subdivision 2.

59.12 (b) The results of the audit are public. The commissioner of administration shall review
59.13 the results of the audit. If the commissioner determines that there is a pattern of substantial
59.14 noncompliance with this section by the law enforcement agency, the agency must
59.15 immediately suspend operation of all automated license plate reader devices until the
59.16 commissioner has authorized the agency to reinstate their use. An order of suspension under
59.17 this paragraph may be issued by the commissioner, upon review of the results of the audit,
59.18 review of the applicable provisions of this chapter, and after providing the agency a
59.19 reasonable opportunity to respond to the audit's findings.

59.20 (c) A report summarizing the results of each audit must be provided to the commissioner
59.21 of administration, to the ~~chair~~ chairs and ranking minority members of the committees of
59.22 the house of representatives and the senate with jurisdiction over data practices and public
59.23 safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy
59.24 no later than 30 days following completion of the audit.

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

59.26 Sec. 11. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

59.27 Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing
59.28 the date and time portable recording system data were collected and the applicable
59.29 classification of the data. The law enforcement agency shall arrange for an independent,
59.30 biennial audit of the data to determine whether data are appropriately classified according
59.31 to this section, how the data are used, and whether the data are destroyed as required under
59.32 this section, and to verify compliance with subdivisions 7 and 8. If the governing body with
59.33 jurisdiction over the budget of the agency determines that the agency is not complying with
59.34 this section or other applicable law, the governing body may order additional independent

60.1 audits. Data in the records required under this paragraph are classified as provided in
60.2 subdivision 2.

60.3 (b) The results of the audit are public, except for data that are otherwise classified under
60.4 law. The governing body with jurisdiction over the budget of the law enforcement agency
60.5 shall review the results of the audit. If the governing body determines that there is a pattern
60.6 of substantial noncompliance with this section, the governing body must order that operation
60.7 of all portable recording systems be suspended until the governing body has authorized the
60.8 agency to reinstate their use. An order of suspension under this paragraph may only be made
60.9 following review of the results of the audit and review of the applicable provisions of this
60.10 chapter, and after providing the agency and members of the public a reasonable opportunity
60.11 to respond to the audit's findings in a public meeting.

60.12 (c) A report summarizing the results of each audit must be provided to the governing
60.13 body with jurisdiction over the budget of the law enforcement agency ~~and~~, to the Legislative
60.14 Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking
60.15 minority members of the committees of the house of representatives and the senate with
60.16 jurisdiction over data practices and public safety issues no later than 60 days following
60.17 completion of the audit.

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

60.19 Sec. 12. Minnesota Statutes 2020, section 13.856, subdivision 3, is amended to read:

60.20 Subd. 3. **Public data.** The following closed case data maintained by the ombudsperson
60.21 are classified as public data pursuant to section 13.02, subdivision 15:

60.22 (1) client name;

60.23 (2) client location; and

60.24 (3) the inmate identification number assigned by the Department of Corrections.

60.25 Sec. 13. **[84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.**

60.26 (a) When the Department of Natural Resources collects, creates, receives, maintains, or
60.27 disseminates the following data on individuals who the department knows are minors, the
60.28 data are considered private data on individuals, as defined in section 13.02, subdivision 12,
60.29 except for data classified as public data according to section 13.43:

60.30 (1) name;

60.31 (2) date of birth;

- 61.1 (3) Social Security number;
- 61.2 (4) telephone number;
- 61.3 (5) e-mail address;
- 61.4 (6) physical or mailing address;
- 61.5 (7) location data;
- 61.6 (8) online account access information;
- 61.7 (9) data associated with the location of electronic devices; and
- 61.8 (10) other data that would identify participants who have registered for events, programs,
- 61.9 or classes sponsored by the Department of Natural Resources.

- 61.10 (b) Data about minors classified under this section maintain their classification as private
- 61.11 data on individuals after the individual is no longer a minor.

61.12 Sec. 14. Minnesota Statutes 2020, section 144.225, subdivision 7, is amended to read:

61.13 Subd. 7. **Certified birth or death record.** (a) The state registrar or local issuance office

61.14 shall issue a certified birth or death record or a statement of no vital record found to an

61.15 individual upon the individual's proper completion of an attestation provided by the

61.16 commissioner and payment of the required fee:

61.17 (1) to a person who ~~has a tangible interest in the requested vital record. A person who~~

61.18 ~~has a tangible interest~~ is:

- 61.19 (i) the subject of the vital record;
- 61.20 (ii) a child of the subject;
- 61.21 (iii) the spouse of the subject;
- 61.22 (iv) a parent of the subject;
- 61.23 (v) the grandparent or grandchild of the subject;
- 61.24 (vi) if the requested record is a death record, a sibling of the subject;
- 61.25 ~~(vii) the party responsible for filing the vital record;~~
- 61.26 ~~(viii)~~ (vii) the legal custodian, guardian or conservator, or health care agent of the subject;
- 61.27 ~~(ix)~~ (viii) a personal representative, by sworn affidavit of the fact that the certified copy
- 61.28 is required for administration of the estate;

62.1 ~~(x)~~ (ix) a successor of the subject, as defined in section 524.1-201, if the subject is
 62.2 deceased, by sworn affidavit of the fact that the certified copy is required for administration
 62.3 of the estate;

62.4 ~~(xi)~~ (x) if the requested record is a death record, a trustee of a trust by sworn affidavit
 62.5 of the fact that the certified copy is needed for the proper administration of the trust;

62.6 ~~(xii)~~ (xi) a person or entity who demonstrates that a certified vital record is necessary
 62.7 for the determination or protection of a personal or property right, pursuant to rules adopted
 62.8 by the commissioner; or

62.9 ~~(xiii)~~ (xii) an adoption agency in order to complete confidential postadoption searches
 62.10 as required by section 259.83;

62.11 (2) to any local, state, tribal, or federal governmental agency upon request if the certified
 62.12 vital record is necessary for the governmental agency to perform its authorized duties;

62.13 (3) to an attorney representing the subject of the vital record or another person listed in
 62.14 clause (1), upon evidence of the attorney's license;

62.15 (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes
 62.16 of this section, a subpoena does not constitute a court order; or

62.17 (5) to a representative authorized by a person under clauses (1) to (4).

62.18 (b) The state registrar or local issuance office shall also issue a certified death record to
 62.19 an individual described in paragraph (a), clause (1), items (ii) to ~~(viii)~~ (xi), if, on behalf of
 62.20 the individual, a licensed mortician furnishes the registrar with a properly completed
 62.21 attestation in the form provided by the commissioner within 180 days of the time of death
 62.22 of the subject of the death record. This paragraph is not subject to the requirements specified
 62.23 in Minnesota Rules, part 4601.2600, subpart 5, item B.

62.24 Sec. 15. [611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.

62.25 Subdivision 1. Definitions. For purposes of this section, the following terms have the
 62.26 meanings given:

62.27 (1) "certifying entity" means a state or local law enforcement agency;

62.28 (2) "criminal activity" means qualifying criminal activity pursuant to section
 62.29 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,
 62.30 conspiracy, or solicitation to commit such crimes; and

63.1 (3) "certification" means any certification or statement required by federal immigration
63.2 law including but not limited to the information required by United States Code, title 8,
63.3 section 1184(p), and United States Code, title 8, section 1184(o), including current United
63.4 States Citizenship and Immigration Services Form I-918, Supplement B, and United States
63.5 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

63.6 Subd. 2. **Certification process.** (a) A certifying entity shall process a certification
63.7 requested by a victim of criminal activity or a representative of the victim, including but
63.8 not limited to the victim's attorney, family member, or domestic violence or sexual assault
63.9 violence advocate, within the time period prescribed in paragraph (b).

63.10 (b) A certifying entity shall process the certification within 90 days of request, unless
63.11 the victim is in removal proceedings, in which case the certification shall be processed
63.12 within 14 days of the request. Requests for expedited certification must be affirmatively
63.13 raised at the time of the request.

63.14 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
63.15 required for the victim of criminal activity to request and obtain the certification.

63.16 Subd. 3. **Certifying entity; designated agent.** (a) The head of a certifying entity shall
63.17 designate an agent to perform the following responsibilities:

63.18 (1) timely process requests for certification;

63.19 (2) provide outreach to victims of criminal activity to inform them of the entity's
63.20 certification process; and

63.21 (3) keep a written or electronic record of all certification requests and responses.

63.22 (b) All certifying entities shall implement a language access protocol for
63.23 non-English-speaking victims of criminal activity.

63.24 Subd. 4. **Disclosure prohibited; data classification.** (a) A certifying entity is prohibited
63.25 from disclosing the immigration status of a victim of criminal activity or a representative
63.26 requesting the certification, except to comply with federal law or legal process, or if
63.27 authorized by the victim of criminal activity or the representative requesting the certification.

63.28 (b) Data provided to a certifying entity under this section is classified as private data
63.29 pursuant to section 13.02, subdivision 12.

63.30 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final
63.31 enactment. Subdivision 3 is effective July 1, 2021.

64.1 Sec. 16. INITIAL APPOINTMENTS AND MEETINGS.

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

64.6 **ARTICLE 7**64.7 **FORFEITURE**

64.8 Section 1. Minnesota Statutes 2020, section 169A.63, subdivision 1, is amended to read:

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

64.11 (b) "Appropriate agency" means a law enforcement agency that has the authority to
 64.12 make an arrest for a violation of a designated offense or to require a test under section
 64.13 169A.51 (chemical tests for intoxication).

64.14 (c) "Asserting person" means a person, other than the driver alleged to have committed
 64.15 a designated offense, claiming an ownership interest in a vehicle that has been seized or
 64.16 restrained under this section.

64.17 ~~(e)~~ (d) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold
 64.18 or security interest in a motor vehicle.

64.19 ~~(d)~~ (e) "Designated license revocation" includes a license revocation under section
 64.20 169A.52 (license revocation for test failure or refusal) or 171.177 (revocation; search warrant)
 64.21 or a license disqualification under section 171.165 (commercial driver's license
 64.22 disqualification) resulting from a violation of section 169A.52 or 171.177; within ten years
 64.23 of the first of two or more qualified prior impaired driving incidents.

64.24 ~~(e)~~ (f) "Designated offense" includes:

64.25 (1) a violation of section 169A.20 (driving while impaired) under the circumstances
 64.26 described in section 169A.24 (first-degree driving while impaired), ~~or 169A.25~~
 64.27 ~~(second-degree driving while impaired); or~~

64.28 (2) a violation of section 169A.20 or an ordinance in conformity with it: within ten years
 64.29 of the first of two qualified prior impaired driving incidents.

64.30 ~~(i) by a person whose driver's license or driving privileges have been canceled as inimical~~
 64.31 ~~to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or~~

65.1 ~~(ii) by a person who is subject to a restriction on the person's driver's license under~~
65.2 ~~section 171.09 (commissioner's license restrictions), which provides that the person may~~
65.3 ~~not use or consume any amount of alcohol or a controlled substance.~~

65.4 ~~(f)~~ (g) "Family or household member" means:

65.5 (1) a parent, stepparent, or guardian;

65.6 (2) any of the following persons related by blood, marriage, or adoption: brother, sister,
65.7 stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,
65.8 great-grandparent, great-uncle, great-aunt; or

65.9 (3) persons residing together or persons who regularly associate and communicate with
65.10 one another outside of a workplace setting.

65.11 ~~(g)~~ (h) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken
65.12 in violation of the law.

65.13 ~~(h)~~ (i) "Owner" means a person legally entitled to possession, use, and control of a motor
65.14 vehicle, including a lessee of a motor vehicle if the lease agreement has a term of 180 days
65.15 or more. There is a rebuttable presumption that a person registered as the owner of a motor
65.16 vehicle according to the records of the Department of Public Safety is the legal owner. For
65.17 purposes of this section, if a motor vehicle is owned jointly by two or more people, each
65.18 owner's interest extends to the whole of the vehicle and is not subject to apportionment.

65.19 ~~(i)~~ (j) "Prosecuting authority" means the attorney in the jurisdiction in which the
65.20 designated offense occurred who is responsible for prosecuting violations of a designated
65.21 offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible
65.22 for prosecuting the designated offense declines to pursue forfeiture, the Attorney General's
65.23 Office or its designee may initiate forfeiture under this section.

65.24 ~~(j)~~ (k) "Security interest" means a bona fide security interest perfected according to
65.25 section 168A.17, subdivision 2, based on a loan or other financing that, if a vehicle is
65.26 required to be registered under chapter 168, is listed on the vehicle's title.

65.27 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
65.28 that take place on or after that date.

65.29 Sec. 2. Minnesota Statutes 2020, section 169A.63, subdivision 7, is amended to read:

65.30 Subd. 7. **Limitations on vehicle forfeiture.** (a) A vehicle is presumed subject to forfeiture
65.31 under this section if:

66.1 (1) the driver is convicted of the designated offense upon which the forfeiture is based;
66.2 or

66.3 ~~(2) the driver fails to appear for a scheduled court appearance with respect to the~~
66.4 ~~designated offense charged and fails to voluntarily surrender within 48 hours after the time~~
66.5 ~~required for appearance; or~~

66.6 ~~(3)~~ (2) the driver's conduct results in a designated license revocation and the driver fails
66.7 to seek judicial review of the revocation in a timely manner as required by section 169A.53,
66.8 subdivision 2, (petition for judicial review), or the license revocation is judicially reviewed
66.9 and sustained under section 169A.53, subdivision 2.

66.10 (b) A vehicle encumbered by a security interest perfected according to section 168A.17,
66.11 subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the
66.12 interest of the secured party or lessor unless the party or lessor had knowledge of or consented
66.13 to the act upon which the forfeiture is based. However, when the proceeds of the sale of a
66.14 seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency
66.15 shall remit all proceeds of the sale to the secured party after deducting the agency's costs
66.16 for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the vehicle is
66.17 conducted in a commercially reasonable manner consistent with the provisions of section
66.18 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in
66.19 excess of the sale proceeds. The validity and amount of a nonperfected security interest
66.20 must be established by its holder by clear and convincing evidence.

66.21 (c) Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle is
66.22 not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act
66.23 or omission upon which the forfeiture is based if the secured party or lessor demonstrates
66.24 by clear and convincing evidence that the party or lessor took reasonable steps to terminate
66.25 use of the vehicle by the offender.

66.26 ~~(d) A motor vehicle is not subject to forfeiture under this section if any of its owners~~
66.27 ~~who petition the court can demonstrate by clear and convincing evidence that the petitioning~~
66.28 ~~owner did not have actual or constructive knowledge that the vehicle would be used or~~
66.29 ~~operated in any manner contrary to law or that the petitioning owner took reasonable steps~~
66.30 ~~to prevent use of the vehicle by the offender. If the offender is a family or household member~~
66.31 ~~of any of the owners who petition the court and has three or more prior impaired driving~~
66.32 ~~convictions, the petitioning owner is presumed to know of any vehicle use by the offender~~
66.33 ~~that is contrary to law. "Vehicle use contrary to law" includes, but is not limited to, violations~~
66.34 ~~of the following statutes:~~

- 67.1 ~~(1) section 171.24 (violations; driving without valid license);~~
67.2 ~~(2) section 169.791 (criminal penalty for failure to produce proof of insurance);~~
67.3 ~~(3) section 171.09 (driving restrictions; authority, violations);~~
67.4 ~~(4) section 169A.20 (driving while impaired);~~
67.5 ~~(5) section 169A.33 (underage drinking and driving); and~~
67.6 ~~(6) section 169A.35 (open bottle law).~~

67.7 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
67.8 that take place on or after that date.

67.9 Sec. 3. Minnesota Statutes 2020, section 169A.63, is amended by adding a subdivision to
67.10 read:

67.11 Subd. 7a. **Innocent owner.** (a) An asserting person may bring an innocent owner claim
67.12 by notifying the prosecuting authority in writing and within 60 days of the service of the
67.13 notice of seizure.

67.14 (b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may
67.15 release the vehicle to the asserting person. If the prosecuting authority proceeds with the
67.16 forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the
67.17 name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle,
67.18 specifying that the vehicle was used in the commission of a designated offense or was used
67.19 in conduct resulting in a designated license revocation, and specifying the time and place
67.20 of the vehicle's unlawful use. The complaint may be filed in district court or conciliation
67.21 court and the filing fee is waived.

67.22 (c) A complaint filed by the prosecuting authority must be served on the asserting person
67.23 and on any other registered owners. Service may be made by certified mail at the address
67.24 listed in the Department of Public Safety's computerized motor vehicle registration records
67.25 or by any means permitted by court rules.

67.26 (d) The hearing on the complaint shall, to the extent practicable, be held within 30 days
67.27 of the filing of the petition. The court may consolidate the hearing on the complaint with a
67.28 hearing on any other complaint involving a claim of an ownership interest in the same
67.29 vehicle.

67.30 (e) At a hearing held pursuant to this subdivision, the prosecuting authority must:

68.1 (1) prove by a preponderance of the evidence that the seizure was incident to a lawful
68.2 arrest or a lawful search; and

68.3 (2) certify that the prosecuting authority has filed, or intends to file, charges against the
68.4 driver for a designated offense or that the driver has a designated license revocation.

68.5 (f) At a hearing held pursuant to this subdivision, the asserting person must prove by a
68.6 preponderance of the evidence that the asserting person:

68.7 (1) has an actual ownership interest in the vehicle; and

68.8 (2) did not have actual or constructive knowledge that the vehicle would be used or
68.9 operated in any manner contrary to law or that the asserting person took reasonable steps
68.10 to prevent use of the vehicle by the alleged offender.

68.11 (g) If the court determines that the state met both burdens under paragraph (e) and the
68.12 asserting person failed to meet any burden under paragraph (f), the court shall order that
68.13 the vehicle remains subject to forfeiture under this section.

68.14 (h) The court shall order that the vehicle is not subject to forfeiture under this section
68.15 and shall order the vehicle returned to the asserting person if it determines that:

68.16 (1) the state failed to meet any burden under paragraph (e);

68.17 (2) the asserting person proved both elements under paragraph (f); or

68.18 (3) clauses (1) and (2) apply.

68.19 (i) If the court determines that the asserting person is an innocent owner and orders the
68.20 vehicle returned to the innocent owner, an entity in possession of the vehicle is not required
68.21 to release it until the innocent owner pays:

68.22 (1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before
68.23 the innocent owner provided the notice required under paragraph (a); and

68.24 (2) any reasonable costs of storage of the vehicle incurred more than two weeks after
68.25 an order issued under paragraph (h).

68.26 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
68.27 that take place on or after that date.

68.28 Sec. 4. Minnesota Statutes 2020, section 169A.63, subdivision 8, is amended to read:

68.29 Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a
68.30 designated offense or used in conduct resulting in a designated license revocation is subject
68.31 to administrative forfeiture under this subdivision.

69.1 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
69.2 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
69.3 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
69.4 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
69.5 persons known to have an ownership, possessory, or security interest in the vehicle must
69.6 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
69.7 be registered under chapter 168, the notification to a person known to have a security interest
69.8 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
69.9 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
69.10 authority, a court may extend the time period for sending notice for a period not to exceed
69.11 90 days for good cause shown. Notice mailed by certified mail to the address shown in
69.12 Department of Public Safety records is sufficient notice to the registered owner of the
69.13 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
69.14 by certified mail to the address shown in the applicable filing or registration for the vehicle
69.15 is sufficient notice to a person known to have an ownership, possessory, or security interest
69.16 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
69.17 of a summons in a civil action.

69.18 (c) The notice must be in writing and contain:

69.19 (1) a description of the vehicle seized;

69.20 (2) the date of seizure; and

69.21 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for
69.22 obtaining that judicial review, printed in English. This requirement does not preclude the
69.23 appropriate agency from printing the notice in other languages in addition to English.

69.24 Substantially the following language must appear conspicuously in the notice:

69.25 "WARNING: If you were the person arrested when the property was seized, you will
69.26 automatically lose the above-described property and the right to be heard in court if you do
69.27 not file a lawsuit and serve the prosecuting authority within 60 days. You may file your
69.28 lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must
69.29 file in district court. You ~~may~~ do not have to pay a filing fee for your lawsuit ~~if you are~~
69.30 unable to afford the fee. You do not have to pay a conciliation court fee if your property is
69.31 worth less than \$500.

69.32 WARNING: If you have an ownership interest in the above-described property and were
69.33 not the person arrested when the property was seized, you will automatically lose the

70.1 above-described property and the right to be heard in court if you do not notify the
70.2 prosecuting authority of your interest in writing within 60 days."

70.3 (d) If notice is not sent in accordance with paragraph (b), and no time extension is granted
70.4 or the extension period has expired, the appropriate agency shall return the property vehicle
70.5 to the ~~person from whom the property was seized, if known~~ owner. An agency's return of
70.6 property due to lack of proper notice does not restrict the agency's authority to commence
70.7 a forfeiture proceeding at a later time. ~~The agency shall not be required to return contraband~~
70.8 ~~or other property that the person from whom the property was seized may not legally possess.~~

70.9 (e) Within 60 days following service of a notice of seizure and forfeiture under this
70.10 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
70.11 demand must be in the form of a civil complaint and must be filed with the court
70.12 administrator in the county in which the seizure occurred, together with proof of service of
70.13 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture;
70.14 ~~including the standard filing fee for civil actions unless the petitioner has the right to sue~~
70.15 ~~in forma pauperis under section 563.01~~. The claimant may serve the complaint by certified
70.16 mail or any means permitted by court rules. If the value of the seized property is \$15,000
70.17 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle.
70.18 A copy of the conciliation court statement of claim must be served personally or by mail
70.19 on the prosecuting authority having jurisdiction over the forfeiture, ~~as well as on the~~
70.20 ~~appropriate agency that initiated the forfeiture~~, within 60 days following service of the
70.21 notice of seizure and forfeiture under this subdivision. ~~If the value of the seized property is~~
70.22 ~~less than \$500~~, The claimant does not have to pay the ~~conciliation~~ court filing fee.

70.23 No responsive pleading is required of the prosecuting authority and no court fees may
70.24 be charged for the prosecuting authority's appearance in the matter. The prosecuting authority
70.25 may appear for the appropriate agency. Pleadings, filings, and methods of service are
70.26 governed by the Rules of Civil Procedure.

70.27 (f) The complaint must be captioned in the name of the claimant as plaintiff and the
70.28 seized vehicle as defendant, and must state with specificity the grounds on which the claimant
70.29 alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and
70.30 any affirmative defenses the claimant may have. Notwithstanding any law to the contrary,
70.31 an action for the return of a vehicle seized under this section may not be maintained by or
70.32 on behalf of any person who has been served with a notice of seizure and forfeiture unless
70.33 the person has complied with this subdivision.

71.1 (g) If the claimant makes a timely demand for a judicial determination under this
71.2 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
71.3 9.

71.4 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
71.5 that take place on or after that date.

71.6 Sec. 5. Minnesota Statutes 2020, section 169A.63, subdivision 9, is amended to read:

71.7 **Subd. 9. Judicial forfeiture procedure.** (a) This subdivision governs judicial
71.8 determinations of the forfeiture of a motor vehicle used to commit a designated offense or
71.9 used in conduct resulting in a designated license revocation. An action for forfeiture is a
71.10 civil in rem action and is independent of any criminal prosecution. All proceedings are
71.11 governed by the Rules of Civil Procedure.

71.12 (b) If no demand for judicial determination of the forfeiture is pending, the prosecuting
71.13 authority may, in the name of the jurisdiction pursuing the forfeiture, file a separate complaint
71.14 against the vehicle, describing it, specifying that it was used in the commission of a
71.15 designated offense or was used in conduct resulting in a designated license revocation, and
71.16 specifying the time and place of its unlawful use.

71.17 (c) The prosecuting authority may file an answer to a properly served demand for judicial
71.18 determination, including an affirmative counterclaim for forfeiture. The prosecuting authority
71.19 is not required to file an answer.

71.20 (d) A judicial determination under this subdivision must be held at the earliest practicable
71.21 date, and in any event no later than 180 days following the filing of the demand by the
71.22 claimant. If a related criminal proceeding is pending, the hearing shall not be held until the
71.23 conclusion of the criminal proceedings. The district court administrator shall schedule the
71.24 hearing as soon as practicable after the conclusion of the criminal prosecution. The district
71.25 court administrator shall establish procedures to ensure efficient compliance with this
71.26 subdivision. The hearing is to the court without a jury.

71.27 (e) There is a presumption that a vehicle seized under this section is subject to forfeiture
71.28 if the prosecuting authority establishes that the vehicle was used in the commission of a
71.29 designated offense or designated license revocation. A claimant bears the burden of proving
71.30 any affirmative defense raised.

71.31 (f) If the forfeiture is based on the commission of a designated offense and the person
71.32 charged with the designated offense appears in court as required and is not convicted of the
71.33 offense, the court shall order the property returned to the person legally entitled to it upon

72.1 that person's compliance with the redemption requirements of section 169A.42. If the
 72.2 forfeiture is based on a designated license revocation, and the license revocation is rescinded
 72.3 under section 169A.53, subdivision 3 (judicial review hearing, issues, order, appeal), the
 72.4 court shall order the property returned to the person legally entitled to it upon that person's
 72.5 compliance with the redemption requirements of section 169A.42.

72.6 (g) If the lawful ownership of the vehicle used in the commission of a designated offense
 72.7 or used in conduct resulting in a designated license revocation can be determined and the
 72.8 owner makes the demonstration required under subdivision 7, ~~paragraph (d)~~ 7a, the vehicle
 72.9 must be returned immediately upon the owner's compliance with the redemption requirements
 72.10 of section 169A.42.

72.11 (h) If the court orders the return of a seized vehicle under this subdivision it ~~must order~~
 72.12 ~~that filing fees be reimbursed to the person who filed the demand for judicial determination.~~
 72.13 ~~In addition, the court~~ may order sanctions under section 549.211 (sanctions in civil actions).
 72.14 Any ~~reimbursement fees or~~ sanctions must be paid from other forfeiture proceeds of the
 72.15 law enforcement agency and prosecuting authority involved and in the same proportion as
 72.16 distributed under subdivision 10, paragraph (b).

72.17 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
 72.18 that take place on or after that date.

72.19 Sec. 6. Minnesota Statutes 2020, section 169A.63, subdivision 10, is amended to read:

72.20 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively forfeited
 72.21 under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to
 72.22 forfeiture under subdivisions 6 and 7, the appropriate agency shall:

72.23 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

72.24 (2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for
 72.25 official use, it shall make reasonable efforts to ensure that the motor vehicle is available for
 72.26 use by the agency's officers who participate in the drug abuse resistance education program.

72.27 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure, towing,
 72.28 storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property,
 72.29 must be distributed as follows:

72.30 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit
 72.31 as a supplement to the state or local agency's operating fund or similar fund for use in
 72.32 DWI-related enforcement, training, and education, crime prevention, equipment, or capital
 72.33 expenses; and

73.1 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority
73.2 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
73.3 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
73.4 expenses. For purposes of this subdivision, the prosecuting authority shall not include
73.5 privately contracted prosecutors of a local political subdivision and, in those events, the
73.6 forfeiture proceeds shall be forwarded to the political subdivision where the forfeiture was
73.7 handled for the purposes identified in clause (1).

73.8 (c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell the
73.9 vehicle to: (1) an officer or employee of the agency that seized the property or to a person
73.10 related to the officer or employee by blood or marriage; or (2) the prosecuting authority or
73.11 any individual working in the same office or a person related to the authority or individual
73.12 by blood or marriage.

73.13 (d) Sales of forfeited vehicles under this section must be conducted in a commercially
73.14 reasonable manner.

73.15 (e) If a vehicle is forfeited administratively under this section and no demand for judicial
73.16 determination is made, the appropriate agency shall provide the prosecuting authority with
73.17 a copy of the forfeiture or evidence receipt, the notice of seizure and intent to forfeit, a
73.18 statement of probable cause for forfeiture of the property, and a description of the property
73.19 and its estimated value. Upon review and certification by the prosecuting authority that (1)
73.20 the appropriate agency provided a receipt in accordance with subdivision 2, paragraph (c),
73.21 (2) the appropriate agency served notice in accordance with subdivision 8, and (3) probable
73.22 cause for forfeiture exists based on the officer's statement, the appropriate agency may
73.23 dispose of the property in any of the ways listed in this subdivision.

73.24 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
73.25 that take place on or after that date.

73.26 Sec. 7. Minnesota Statutes 2020, section 169A.63, subdivision 13, is amended to read:

73.27 Subd. 13. **Exception.** (a) A forfeiture proceeding is stayed and the vehicle must be
73.28 returned if the driver who committed a designated offense or whose conduct resulted in a
73.29 designated license revocation becomes a program participant in the ignition interlock program
73.30 under section 171.306 at any time before the motor vehicle is forfeited, the forfeiture
73.31 proceeding is stayed and the vehicle must be returned and any of the following apply:

73.32 (1) the driver committed a designated offense other than a violation of section 169A.20
73.33 under the circumstances described in section 169A.24; or

74.1 (2) the driver is accepted into a treatment court dedicated to changing the behavior of
74.2 alcohol- and other drug-dependent offenders arrested for driving while impaired.

74.3 (b) Notwithstanding paragraph (a), the vehicle whose forfeiture was stayed in paragraph
74.4 (a) may be seized and the forfeiture action may proceed under this section if the program
74.5 participant described in paragraph (a):

74.6 (1) subsequently operates a motor vehicle:

74.7 (i) to commit a violation of section 169A.20 (driving while impaired);

74.8 (ii) in a manner that results in a license revocation under section 169A.52 (license
74.9 revocation for test failure or refusal) or 171.177 (revocation; search warrant) or a license
74.10 disqualification under section 171.165 (commercial driver's license disqualification) resulting
74.11 from a violation of section 169A.52 or 171.177;

74.12 (iii) after tampering with, circumventing, or bypassing an ignition interlock device; or

74.13 (iv) without an ignition interlock device at any time when the driver's license requires
74.14 such device; or

74.15 (2) either voluntarily or involuntarily ceases to participate in the program for more than
74.16 30 days, or fails to successfully complete it as required by the Department of Public Safety
74.17 due to:

74.18 (i) two or more occasions of the participant's driving privileges being withdrawn for
74.19 violating the terms of the program, unless the withdrawal is determined to be caused by an
74.20 error of the department or the interlock provider; or

74.21 (ii) violating the terms of the contract with the provider as determined by the provider;
74.22 or

74.23 (3) if forfeiture was stayed after the driver entered a treatment court, the driver ceases
74.24 to be a participant in the treatment court for any reason.

74.25 (c) Paragraph (b) applies only if the described conduct occurs before the participant has
74.26 been restored to full driving privileges or within three years of the original designated offense
74.27 or designated license revocation, whichever occurs latest.

74.28 (d) The requirement in subdivision 2, paragraph (b), that device manufacturers provide
74.29 a discounted rate to indigent program participants applies also to device installation under
74.30 this subdivision.

75.1 (e) An impound or law enforcement storage lot operator must allow an ignition interlock
75.2 manufacturer sufficient access to the lot to install an ignition interlock device under this
75.3 subdivision.

75.4 (f) Notwithstanding paragraph (a), an entity in possession of the vehicle is not required
75.5 to release it until the reasonable costs of the towing, seizure, and storage of the vehicle have
75.6 been paid by the vehicle owner.

75.7 (g) At any time prior to the vehicle being forfeited, the appropriate agency may require
75.8 that the owner or driver of the vehicle ~~give security or post bond payable to the appropriate~~
75.9 ~~agency in an amount equal to the retail value~~ surrender the title of the seized vehicle. ~~If this~~
75.10 ~~occurs, any future forfeiture action against the vehicle must instead proceed against the~~
75.11 ~~security as if it were the vehicle.~~

75.12 ~~(h) The appropriate agency may require an owner or driver to give security or post bond~~
75.13 ~~payable to the agency in an amount equal to the retail value of the vehicle, prior to releasing~~
75.14 ~~the vehicle from the impound lot to install an ignition interlock device.~~

75.15 ~~(h)~~ (h) If an event described in paragraph (b) occurs in a jurisdiction other than the one
75.16 in which the original forfeitable event occurred, and the vehicle is subsequently forfeited,
75.17 the proceeds shall be divided equally, after payment of seizure, towing, storage, forfeiture,
75.18 and sale expenses and satisfaction of valid liens against the vehicle, among the appropriate
75.19 agencies and prosecuting authorities in each jurisdiction.

75.20 ~~(i)~~ (i) Upon successful completion of the program, the stayed forfeiture proceeding is
75.21 terminated or dismissed and any vehicle, security, or bond held by an agency must be
75.22 returned to the owner of the vehicle.

75.23 ~~(j)~~ (j) A claimant of a vehicle for which a forfeiture action was stayed under paragraph
75.24 (a) but which later proceeds under paragraph (b), may file a demand for judicial forfeiture
75.25 as provided in subdivision 8, in which case the forfeiture proceedings must be conducted
75.26 as provided in subdivision 9.

75.27 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
75.28 that take place on or after that date.

75.29 Sec. 8. Minnesota Statutes 2020, section 169A.63, is amended by adding a subdivision to
75.30 read:

75.31 Subd. 14. **Subsequent unlawful use of seized vehicle; immunity.** An appropriate
75.32 agency or prosecuting authority, including but not limited to any peace officer as defined
75.33 in section 626.84, subdivision 1, paragraph (c); prosecutor; or employee of an appropriate

76.1 agency or prosecuting authority who, in good faith and within the course and scope of the
76.2 official duties of the person or entity, returns a vehicle seized under this chapter to the owner
76.3 pursuant to this section shall be immune from criminal or civil liability regarding any event
76.4 arising out of the subsequent unlawful or unauthorized use of the motor vehicle.

76.5 **EFFECTIVE DATE.** This section is effective January 1, 2022.

76.6 Sec. 9. Minnesota Statutes 2020, section 609.531, subdivision 1, is amended to read:

76.7 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the
76.8 following terms have the meanings given them.

76.9 (a) "Conveyance device" means a device used for transportation and includes, but is not
76.10 limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment
76.11 attached to it. The term "conveyance device" does not include property which is, in fact,
76.12 itself stolen or taken in violation of the law.

76.13 (b) "Weapon used" means a dangerous weapon as defined under section 609.02,
76.14 subdivision 6, that the actor used or had in possession in furtherance of a crime.

76.15 (c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

76.16 (d) "Contraband" means property which is illegal to possess under Minnesota law.

76.17 (e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department
76.18 of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the
76.19 Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District ~~park~~
76.20 ~~rangers~~ Department of Public Safety, the Department of Natural Resources Division of
76.21 Enforcement, the University of Minnesota Police Department, the Department of Corrections
76.22 Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a
76.23 multijurisdictional entity established under section 299A.642 or 299A.681.

76.24 (f) "Designated offense" includes:

76.25 (1) for weapons used: any violation of this chapter, chapter 152 or 624;

76.26 (2) for driver's license or identification card transactions: any violation of section 171.22;

76.27 and

76.28 (3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy
76.29 to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
76.30 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25;
76.31 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343,
76.32 subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j);

77.1 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;
77.2 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
77.3 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
77.4 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
77.5 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section
77.6 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a
77.7 felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

77.8 (g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

77.9 (h) "Prosecuting authority" means the attorney who is responsible for prosecuting an
77.10 offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

77.11 (i) "Asserting person" means a person, other than the driver alleged to have used a vehicle
77.12 in the transportation or exchange of a controlled substance intended for distribution or sale,
77.13 claiming an ownership interest in a vehicle that has been seized or restrained under this
77.14 section.

77.15 **EFFECTIVE DATE.** This section is effective January 1, 2022.

77.16 Sec. 10. Minnesota Statutes 2020, section 609.531, is amended by adding a subdivision
77.17 to read:

77.18 **Subd. 9. Transfer of forfeitable property to federal government.** The appropriate
77.19 agency shall not directly or indirectly transfer property subject to forfeiture under sections
77.20 609.531 to 609.5318 to a federal agency if the transfer would circumvent state law.

77.21 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
77.22 that take place on or after that date.

77.23 Sec. 11. Minnesota Statutes 2020, section 609.5311, subdivision 2, is amended to read:

77.24 Subd. 2. **Associated property.** (a) All personal property, and real and personal property,
77.25 other than homestead property exempt from seizure under section 510.01, that has been
77.26 used, or is intended for use, or has in any way facilitated, in whole or in part, the
77.27 manufacturing, compounding, processing, delivering, importing, cultivating, exporting,
77.28 transporting, or exchanging of contraband or a controlled substance that has not been lawfully
77.29 manufactured, distributed, dispensed, and acquired is an instrument or represents the proceeds
77.30 of a controlled substance offense is subject to forfeiture under this section, except as provided
77.31 in subdivision 3.

78.1 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize real
78.2 property for the purposes of forfeiture under paragraph (a).

78.3 (c) Money is the property of an appropriate agency and may be seized and recovered by
78.4 the appropriate agency if:

78.5 (1) the money is used by an appropriate agency, or furnished to a person operating on
78.6 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;
78.7 and

78.8 (2) the appropriate agency records the serial number or otherwise marks the money for
78.9 identification.

78.10 As used in this paragraph, "money" means United States currency and coin; the currency
78.11 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid
78.12 credit card; cryptocurrency; or a money order.

78.13 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
78.14 that take place on or after that date.

78.15 Sec. 12. Minnesota Statutes 2020, section 609.5311, subdivision 3, is amended to read:

78.16 Subd. 3. **Limitations on forfeiture of certain property associated with controlled**
78.17 **substances.** (a) A conveyance device is subject to forfeiture under this section only if the
78.18 retail value of the controlled substance is ~~\$75~~ \$100 or more and the conveyance device ~~is~~
78.19 ~~associated with a felony-level controlled substance crime~~ was used in the transportation or
78.20 exchange of a controlled substance intended for distribution or sale.

78.21 (b) Real property is subject to forfeiture under this section only if the retail value of the
78.22 controlled substance or contraband is \$2,000 or more.

78.23 (c) Property used by any person as a common carrier in the transaction of business as a
78.24 common carrier is subject to forfeiture under this section only if the owner of the property
78.25 is a consenting party to, or is privy to, the use or intended use of the property as described
78.26 in subdivision 2.

78.27 (d) Property is subject to forfeiture under this section only if its owner was privy to the
78.28 use or intended use described in subdivision 2, or the unlawful use or intended use of the
78.29 property otherwise occurred with the owner's knowledge or consent.

78.30 (e) Forfeiture under this section of a conveyance device or real property encumbered by
78.31 a bona fide security interest is subject to the interest of the secured party unless the secured
78.32 party had knowledge of or consented to the act or omission upon which the forfeiture is

79.1 based. A person claiming a security interest bears the burden of establishing that interest
79.2 by clear and convincing evidence.

79.3 (f) Forfeiture under this section of real property is subject to the interests of a good faith
79.4 purchaser for value unless the purchaser had knowledge of or consented to the act or omission
79.5 upon which the forfeiture is based.

79.6 (g) Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture
79.7 based solely on the owner's or secured party's knowledge of the unlawful use or intended
79.8 use of the property if: (1) the owner or secured party took reasonable steps to terminate use
79.9 of the property by the offender; or (2) the property is real property owned by the parent of
79.10 the offender, unless the parent actively participated in, or knowingly acquiesced to, a violation
79.11 of chapter 152, or the real property constitutes proceeds derived from or traceable to a use
79.12 described in subdivision 2.

79.13 (h) Money is subject to forfeiture under this section only if it has a total value of \$1,500
79.14 or more or there is probable cause to believe that the money was exchanged for the purchase
79.15 of a controlled substance. As used in this paragraph, "money" means United States currency
79.16 and coin; the currency and coin of a foreign country; a bank check, cashier's check, or
79.17 traveler's check; a prepaid credit card; cryptocurrency; or a money order.

79.18 ~~(h)~~ (i) The Department of Corrections Fugitive Apprehension Unit shall not seize a
79.19 conveyance device or real property, for the purposes of forfeiture under paragraphs (a) to
79.20 (g).

79.21 (j) Nothing in this subdivision prohibits the seizure, with or without warrant, of any
79.22 property or thing for the purpose of being produced as evidence on any trial or for any other
79.23 lawful purpose.

79.24 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
79.25 that take place on or after that date.

79.26 Sec. 13. Minnesota Statutes 2020, section 609.5311, subdivision 4, is amended to read:

79.27 Subd. 4. **Records; proceeds.** ~~(a)~~ All books, records, and research products and materials,
79.28 including formulas, microfilm, tapes, and data that are used, or intended for use in the
79.29 manner described in subdivision 2 are subject to forfeiture.

79.30 ~~(b) All property, real and personal, that represents proceeds derived from or traceable~~
79.31 ~~to a use described in subdivision 2 is subject to forfeiture.~~

80.1 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
80.2 that take place on or after that date.

80.3 Sec. 14. Minnesota Statutes 2020, section 609.5314, subdivision 1, is amended to read:

80.4 Subdivision 1. **Property subject to administrative forfeiture; presumption.** (a) The
80.5 following are ~~presumed to be~~ subject to administrative forfeiture under this section:

80.6 (1) all money totaling \$1,500 or more, precious metals, and precious stones ~~found in~~
80.7 ~~proximity to:~~ that there is probable cause to believe represent the proceeds of a controlled
80.8 substance offense;

80.9 (i) ~~controlled substances;~~

80.10 (ii) ~~forfeitable drug manufacturing or distributing equipment or devices; or~~

80.11 (iii) ~~forfeitable records of manufacture or distribution of controlled substances;~~

80.12 (2) all money found in proximity to controlled substances when there is probable cause
80.13 to believe that the money was exchanged for the purchase of a controlled substance;

80.14 ~~(2)~~ (3) all conveyance devices containing controlled substances with a retail value of
80.15 \$100 or more if ~~possession or sale of the controlled substance would be a felony under~~
80.16 ~~chapter 152~~ there is probable cause to believe that the conveyance device was used in the
80.17 transportation or exchange of a controlled substance intended for distribution or sale; and

80.18 ~~(3)~~ (4) all firearms, ammunition, and firearm accessories found:

80.19 (i) in a conveyance device used or intended for use to commit or facilitate the commission
80.20 of a felony offense involving a controlled substance;

80.21 (ii) on or in proximity to a person from whom a felony amount of controlled substance
80.22 is seized; or

80.23 (iii) on the premises where a controlled substance is seized and in proximity to the
80.24 controlled substance, if possession or sale of the controlled substance would be a felony
80.25 under chapter 152.

80.26 (b) The Department of Corrections Fugitive Apprehension Unit shall not seize items
80.27 listed in paragraph (a), clauses ~~(2)~~ (3) and ~~(3)~~ (4), for the purposes of forfeiture.

80.28 (c) ~~A claimant of the property bears the burden to rebut this presumption.~~ Money is the
80.29 property of an appropriate agency and may be seized and recovered by the appropriate
80.30 agency if:

81.1 (1) the money is used by an appropriate agency, or furnished to a person operating on
81.2 behalf of an appropriate agency, to purchase or attempt to purchase a controlled substance;
81.3 and

81.4 (2) the appropriate agency records the serial number or otherwise marks the money for
81.5 identification.

81.6 (d) As used in this section, "money" means United States currency and coin; the currency
81.7 and coin of a foreign country; a bank check, cashier's check, or traveler's check; a prepaid
81.8 credit card; cryptocurrency; or a money order.

81.9 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
81.10 that take place on or after that date.

81.11 Sec. 15. Minnesota Statutes 2020, section 609.5314, is amended by adding a subdivision
81.12 to read:

81.13 Subd. 1a. **Innocent owner.** (a) Any person, other than the defendant driver, alleged to
81.14 have used a vehicle in the transportation or exchange of a controlled substance intended for
81.15 distribution or sale, claiming an ownership interest in a vehicle that has been seized or
81.16 restrained under this section may assert that right by notifying the prosecuting authority in
81.17 writing and within 60 days of the service of the notice of seizure.

81.18 (b) Upon receipt of notice pursuant to paragraph (a), the prosecuting authority may
81.19 release the vehicle to the asserting person. If the prosecuting authority proceeds with the
81.20 forfeiture, the prosecuting authority must, within 30 days, file a separate complaint in the
81.21 name of the jurisdiction pursuing the forfeiture against the vehicle, describing the vehicle,
81.22 specifying that the vehicle was used in the transportation or exchange of a controlled
81.23 substance intended for distribution or sale, and specifying the time and place of the vehicle's
81.24 unlawful use. The complaint may be filed in district court or conciliation court and the filing
81.25 fee is waived.

81.26 (c) A complaint filed by the prosecuting authority must be served on the asserting person
81.27 and on any other registered owners. Service may be made by certified mail at the address
81.28 listed in the Department of Public Safety's computerized motor vehicle registration records
81.29 or by any means permitted by court rules.

81.30 (d) The hearing on the complaint shall, to the extent practicable, be held within 30 days
81.31 of the filing of the petition. The court may consolidate the hearing on the complaint with a
81.32 hearing on any other complaint involving a claim of an ownership interest in the same
81.33 vehicle.

82.1 (e) At a hearing held pursuant to this subdivision, the state must prove by a preponderance
82.2 of the evidence that:

82.3 (1) the seizure was incident to a lawful arrest or a lawful search; and

82.4 (2) the vehicle was used in the transportation or exchange of a controlled substance
82.5 intended for distribution or sale.

82.6 (f) At a hearing held pursuant to this subdivision, the asserting person must prove by a
82.7 preponderance of the evidence that the asserting person:

82.8 (1) has an actual ownership interest in the vehicle; and

82.9 (2) did not have actual or constructive knowledge that the vehicle would be used or
82.10 operated in any manner contrary to law or that the asserting person took reasonable steps
82.11 to prevent use of the vehicle by the alleged offender.

82.12 (g) If the court determines that the state met both burdens under paragraph (e) and the
82.13 asserting person failed to meet any burden under paragraph (f), the court shall order that
82.14 the vehicle remains subject to forfeiture under this section.

82.15 (h) The court shall order that the vehicle is not subject to forfeiture under this section
82.16 and shall order the vehicle returned to the asserting person if it determines that:

82.17 (1) the state failed to meet any burden under paragraph (e);

82.18 (2) the asserting person proved both elements under paragraph (f); or

82.19 (3) clauses (1) and (2) apply.

82.20 (i) If the court determines that the asserting person is an innocent owner and orders the
82.21 vehicle returned to the innocent owner, an entity in possession of the vehicle is not required
82.22 to release the vehicle until the innocent owner pays:

82.23 (1) the reasonable costs of the towing, seizure, and storage of the vehicle incurred before
82.24 the innocent owner provided the notice required under paragraph (a); and

82.25 (2) any reasonable costs of storage of the vehicle incurred more than two weeks after
82.26 an order issued under paragraph (h).

82.27 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
82.28 that take place on or after that date.

83.1 Sec. 16. Minnesota Statutes 2020, section 609.5314, subdivision 2, is amended to read:

83.2 Subd. 2. **Administrative forfeiture procedure.** (a) Forfeiture of property described in
83.3 subdivision 1 that does not exceed \$50,000 in value is governed by this subdivision. Within
83.4 60 days from when seizure occurs, all persons known to have an ownership, possessory, or
83.5 security interest in seized property must be notified of the seizure and the intent to forfeit
83.6 the property. In the case of a motor vehicle required to be registered under chapter 168,
83.7 notice mailed by certified mail to the address shown in Department of Public Safety records
83.8 is deemed sufficient notice to the registered owner. The notification to a person known to
83.9 have a security interest in seized property required under this paragraph applies only to
83.10 motor vehicles required to be registered under chapter 168 and only if the security interest
83.11 is listed on the vehicle's title. Upon motion by the appropriate agency or the prosecuting
83.12 authority, a court may extend the time period for sending notice for a period not to exceed
83.13 90 days for good cause shown.

83.14 (b) Notice may otherwise be given in the manner provided by law for service of a
83.15 summons in a civil action. The notice must be in writing and contain:

83.16 (1) a description of the property seized;

83.17 (2) the date of seizure; and

83.18 (3) notice of the right to obtain judicial review of the forfeiture and of the procedure for
83.19 obtaining that judicial review, printed in English. This requirement does not preclude the
83.20 appropriate agency from printing the notice in other languages in addition to English.

83.21 Substantially the following language must appear conspicuously in the notice:

83.22 "WARNING: If you were the person arrested when the property was seized, you will
83.23 automatically lose the above-described property and the right to be heard in court if you do
83.24 not file a lawsuit and serve the prosecuting authority within 60 days. You may file your
83.25 lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must
83.26 file in district court. You may do not have to pay a filing fee for your lawsuit ~~if you are~~
83.27 unable to afford the fee. You do not have to pay a conciliation court fee if your property is
83.28 worth less than \$500.

83.29 WARNING: If you have an ownership interest in the above-described property and were
83.30 not the person arrested when the property was seized, you will automatically lose the
83.31 above-described property and the right to be heard in court if you do not notify the
83.32 prosecuting authority of your interest in writing within 60 days."

84.1 (c) If notice is not sent in accordance with paragraph (a), and no time extension is granted
84.2 or the extension period has expired, the appropriate agency shall return the property to the
84.3 person from whom the property was seized, if known. An agency's return of property due
84.4 to lack of proper notice does not restrict the agency's authority to commence a forfeiture
84.5 proceeding at a later time. The agency shall not be required to return contraband or other
84.6 property that the person from whom the property was seized may not legally possess.

84.7 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
84.8 that take place on or after that date.

84.9 Sec. 17. Minnesota Statutes 2020, section 609.5314, subdivision 3, is amended to read:

84.10 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
84.11 seizure and forfeiture under this section, a claimant may file a demand for a judicial
84.12 determination of the forfeiture. The demand must be in the form of a civil complaint and
84.13 must be filed with the court administrator in the county in which the seizure occurred,
84.14 together with proof of service of a copy of the complaint on the prosecuting authority for
84.15 that county, ~~and the standard filing fee for civil actions unless the petitioner has the right~~
84.16 ~~to sue in forma pauperis under section 563.01.~~ The claimant may serve the complaint on
84.17 the prosecuting authority by any means permitted by court rules. If the value of the seized
84.18 property is \$15,000 or less, the claimant may file an action in conciliation court for recovery
84.19 of the seized property. ~~If the value of the seized property is less than \$500,~~ The claimant
84.20 does not have to pay the ~~conciliation~~ court filing fee. No responsive pleading is required of
84.21 the prosecuting authority and no court fees may be charged for the prosecuting authority's
84.22 appearance in the matter. The district court administrator shall schedule the hearing as soon
84.23 as practicable after, and in any event no later than 90 days following, the conclusion of the
84.24 criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

84.25 (b) The complaint must be captioned in the name of the claimant as plaintiff and the
84.26 seized property as defendant, and must state with specificity the grounds on which the
84.27 claimant alleges the property was improperly seized and the plaintiff's interest in the property
84.28 seized. Notwithstanding any law to the contrary, an action for the return of property seized
84.29 under this section may not be maintained by or on behalf of any person who has been served
84.30 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

84.31 (c) If the claimant makes a timely demand for judicial determination under this
84.32 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,
84.33 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,
84.34 apply to the judicial determination.

85.1 (d) If a demand for judicial determination of an administrative forfeiture is filed under
85.2 this subdivision and the court orders the return of the seized property, ~~the court shall order~~
85.3 ~~that filing fees be reimbursed to the person who filed the demand.~~ In addition, the court
85.4 may order sanctions under section 549.211. If the court orders payment of these costs, they
85.5 must be paid from forfeited money or proceeds from the sale of forfeited property from the
85.6 appropriate law enforcement and prosecuting agencies in the same proportion as they would
85.7 be distributed under section 609.5315, subdivision 5.

85.8 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
85.9 that take place on or after that date.

85.10 Sec. 18. Minnesota Statutes 2020, section 609.5315, subdivision 5, is amended to read:

85.11 Subd. 5. **Distribution of money.** The money or proceeds from the sale of forfeited
85.12 property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction
85.13 of valid liens against the property, must be distributed as follows:

85.14 (1) 70 percent of the money or proceeds must be forwarded to the appropriate agency
85.15 for deposit as a supplement to the agency's operating fund or similar fund for use in law
85.16 enforcement, training, education, crime prevention, equipment, or capital expenses;

85.17 (2) 20 percent of the money or proceeds must be forwarded to the prosecuting authority
85.18 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
85.19 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
85.20 expenses; and

85.21 (3) the remaining ten percent of the money or proceeds must be forwarded within 60
85.22 days after resolution of the forfeiture to the state treasury and credited to the general fund.
85.23 Any local police relief association organized under chapter 423 which received or was
85.24 entitled to receive the proceeds of any sale made under this section before the effective date
85.25 of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds
85.26 of these sales.

85.27 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
85.28 that take place on or after that date.

85.29 Sec. 19. Minnesota Statutes 2020, section 609.5315, subdivision 5b, is amended to read:

85.30 Subd. 5b. **Disposition of certain forfeited proceeds; trafficking of persons; report**
85.31 **required.** (a) Except as provided in subdivision 5c, for forfeitures resulting from violations
85.32 of section 609.282, 609.283, or 609.322, the money or proceeds from the sale of forfeited

86.1 property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction
 86.2 of valid liens against the property, must be distributed as follows:

86.3 (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit
 86.4 as a supplement to the agency's operating fund or similar fund for use in law enforcement;

86.5 (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled
 86.6 the forfeiture for deposit as a supplement to its operating fund or similar fund for
 86.7 prosecutorial purposes; and

86.8 (3) the remaining 40 percent of the proceeds must be forwarded to the commissioner of
 86.9 health and are appropriated to the commissioner for distribution to crime victims services
 86.10 organizations that provide services to victims of trafficking offenses.

86.11 ~~(b) By February 15 of each year, the commissioner of public safety shall report to the~~
 86.12 ~~chairs and ranking minority members of the senate and house of representatives committees~~
 86.13 ~~or divisions having jurisdiction over criminal justice funding on the money collected under~~
 86.14 ~~paragraph (a), clause (3). The report must indicate the following relating to the preceding~~
 86.15 ~~calendar year:~~

86.16 ~~(1) the amount of money appropriated to the commissioner;~~

86.17 ~~(2) how the money was distributed by the commissioner; and~~

86.18 ~~(3) what the organizations that received the money did with it.~~

86.19 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
 86.20 that take place on or after that date.

86.21 Sec. 20. Minnesota Statutes 2020, section 609.5315, subdivision 6, is amended to read:

86.22 Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state regardless
 86.23 of the authority for it and including forfeitures pursued under federal law, the appropriate
 86.24 agency and the prosecuting authority shall provide a written record of the forfeiture incident
 86.25 to the state auditor. The record shall include:

86.26 (1) the amount forfeited;

86.27 (2) the statutory authority for the forfeiture; ~~its;~~

86.28 (3) the date; of the forfeiture;

86.29 (4) a brief description of the circumstances involved; ~~and;~~

86.30 (5) whether the forfeiture was contested;

- 87.1 (6) whether the defendant was convicted pursuant to a plea agreement or a trial;
- 87.2 (7) whether there was a forfeiture settlement agreement;
- 87.3 (8) whether the property was sold, destroyed, or retained by an appropriate agency;
- 87.4 (9) the gross revenue from the disposition of the forfeited property;
- 87.5 (10) an estimate of the total costs to the agency to store the property in an impound lot,
- 87.6 evidence room, or other location; pay for the time and expenses of an appropriate agency
- 87.7 and prosecuting authority to litigate forfeiture cases; and sell or dispose of the forfeited
- 87.8 property;
- 87.9 (11) the net revenue, determined by subtracting the costs identified under clause (10)
- 87.10 from the gross revenue identified in clause (9), the appropriate agency received from the
- 87.11 disposition of forfeited property;
- 87.12 (12) if any property was retained by an appropriate agency, the purpose for which it is
- 87.13 used;
- 87.14 (13) for controlled substance and driving while impaired forfeitures, the record shall
- 87.15 indicate whether the forfeiture was initiated as an administrative or a judicial forfeiture-
- 87.16 The record shall also list;
- 87.17 (14) the number of firearms forfeited and the make, model, and serial number of each
- 87.18 firearm forfeited. The record shall indicate; and
- 87.19 (15) how the property was or is to be disposed of.
- 87.20 (b) An appropriate agency or the prosecuting authority shall report to the state auditor
- 87.21 all instances in which property seized for forfeiture is returned to its owner either because
- 87.22 forfeiture is not pursued or for any other reason.
- 87.23 (c) Each appropriate agency and prosecuting authority shall provide a written record
- 87.24 regarding the proceeds of forfeited property, including proceeds received through forfeiture
- 87.25 under state and federal law. The record shall include:
- 87.26 (1) the total amount of money or proceeds from the sale of forfeited property obtained
- 87.27 or received by an appropriate agency or prosecuting authority in the previous reporting
- 87.28 period;
- 87.29 (2) the manner in which each appropriate agency and prosecuting authority expended
- 87.30 money or proceeds from the sale of forfeited property in the previous reporting period,
- 87.31 including the total amount expended in the following categories:

- 88.1 (i) drug abuse, crime, and gang prevention programs;
- 88.2 (ii) victim reparations;
- 88.3 (iii) gifts or grants to crime victim service organizations that provide services to sexually
88.4 exploited youth;
- 88.5 (iv) gifts or grants to crime victim service organizations that provide services to victims
88.6 of trafficking offenses;
- 88.7 (v) investigation costs, including but not limited to witness protection, informant fees,
88.8 and controlled buys;
- 88.9 (vi) court costs and attorney fees;
- 88.10 (vii) salaries, overtime, and benefits, as permitted by law;
- 88.11 (viii) professional outside services, including but not limited to auditing, court reporting,
88.12 expert witness fees, outside attorney fees, and membership fees paid to trade associations;
- 88.13 (ix) travel, meals, and conferences;
- 88.14 (x) training and continuing education;
- 88.15 (xi) other operating expenses, including but not limited to office supplies, postage, and
88.16 printing;
- 88.17 (xii) capital expenditures, including but not limited to vehicles, firearms, equipment,
88.18 computers, and furniture;
- 88.19 (xiii) gifts or grants to nonprofit or other programs, indicating the recipient of the gift
88.20 or grant; and
- 88.21 (xiv) any other expenditure, indicating the type of expenditure and, if applicable, the
88.22 recipient of any gift or grant;
- 88.23 (3) the total value of seized and forfeited property held by an appropriate agency and
88.24 not sold or otherwise disposed of; and
- 88.25 (4) a statement from the end of each year showing the balance of any designated forfeiture
88.26 accounts maintained by an appropriate agency or prosecuting authority.
- 88.27 ~~(e)~~ (d) Reports under paragraphs (a) and (b) shall be made on a ~~monthly~~ quarterly basis
88.28 in a manner prescribed by the state auditor and reports under paragraph (c) shall be made
88.29 on an annual basis in a manner prescribed by the state auditor. The state auditor shall report
88.30 annually to the legislature on the nature and extent of forfeitures-, including the information
88.31 provided by each appropriate agency or prosecuting authority under paragraphs (a) to (c).

89.1 Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be
89.2 disaggregated by each appropriate agency and prosecuting authority. The report shall be
89.3 made public on the state auditor's website.

89.4 ~~(d)~~ (e) For forfeitures resulting from the activities of multijurisdictional law enforcement
89.5 entities, the entity on its own behalf shall report the information required in this subdivision.

89.6 (e) (f) The prosecuting authority is not required to report information required by ~~this~~
89.7 ~~subdivision~~ paragraph (a) or (b) unless the prosecuting authority has been notified by the
89.8 state auditor that the appropriate agency has not reported it.

89.9 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to seizures
89.10 that take place on or after that date.

89.11 Sec. 21. **RECIDIVISM STUDY.**

89.12 The legislative auditor shall conduct or contract with an independent third-party vendor
89.13 to conduct a comprehensive program audit on the efficacy of forfeiture and the use of ignition
89.14 interlock in cases involving an alleged violation of Minnesota Statutes, section 169A.20.

89.15 The audit shall assess the financial impact of the programs, the efficacy in reducing
89.16 recidivism, and the impacts, if any, on public safety. The audit shall be conducted in
89.17 accordance with generally accepted government auditing standards issued by the United
89.18 States Government Accountability Office. The legislative auditor shall complete the audit
89.19 no later than August 1, 2024, and shall report the results of the audit to the chairs and ranking
89.20 minority members of the legislative committees and divisions with jurisdiction over public
89.21 safety by January 15, 2025.

89.22 **EFFECTIVE DATE.** This section is effective January 1, 2022.

89.23 Sec. 22. **REPEALER.**

89.24 Minnesota Statutes 2020, section 609.5317, is repealed.

89.25 **EFFECTIVE DATE.** This section is effective January 1, 2022.

609.5317 REAL PROPERTY; SEIZURES.

Subdivision 1. **Rental property.** (a) When contraband or a controlled substance manufactured, distributed, or acquired in violation of chapter 152 is seized on residential rental property incident to a lawful search or arrest, the prosecuting authority shall give the notice required by this subdivision to (1) the landlord of the property or the fee owner identified in the records of the county assessor, and (2) the agent authorized by the owner to accept service pursuant to section 504B.181. The notice is not required during an ongoing investigation. The notice shall state what has been seized and specify the applicable duties and penalties under this subdivision. The notice shall state that the landlord who chooses to assign the right to bring an eviction action retains all rights and duties, including removal of a tenant's personal property following issuance of the writ of recovery and delivery of the writ to the sheriff for execution. The notice shall also state that the landlord may contact the prosecuting authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in the manner provided by law for service of summons in a civil action.

(b) Within 15 days after notice of the first occurrence, the landlord shall bring, or assign to the prosecuting authority of the county in which the real property is located, the right to bring an eviction action against the tenant. The assignment must be in writing on a form prepared by the prosecuting authority. Should the landlord choose to assign the right to bring an eviction action, the assignment shall be limited to those rights and duties up to and including delivery of the writ of recovery to the sheriff for execution.

(c) Upon notice of a second occurrence on any residential rental property owned by the same landlord in the same county and involving the same tenant, and within one year after notice of the first occurrence, the property is subject to forfeiture under sections 609.531, 609.5311, 609.5313, and 609.5315, unless an eviction action has been commenced as provided in paragraph (b) or the right to bring an eviction action was assigned to the prosecuting authority as provided in paragraph (b). If the right has been assigned and not previously exercised, or if the prosecuting authority requests an assignment and the landlord makes an assignment, the prosecuting authority may bring an eviction action rather than an action for forfeiture.

(d) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture as described in paragraphs (a) to (c).

Subd. 2. **Additional remedies.** Nothing in subdivision 1 prevents the prosecuting authority from proceeding under section 609.5311 whenever that section applies.

Subd. 3. **Defenses.** It is a defense against a proceeding under subdivision 1, paragraph (b), that the tenant had no knowledge or reason to know of the presence of the contraband or controlled substance or could not prevent its being brought onto the property.

It is a defense against a proceeding under subdivision 1, paragraph (c), that the landlord made every reasonable attempt to evict a tenant or to assign the prosecuting authority the right to bring an eviction action against the tenant, or that the landlord did not receive notice of the seizure.

Subd. 4. **Limitations.** This section shall not apply if the retail value of the controlled substance is less than \$100, but this section does not subject real property to forfeiture under section 609.5311 unless the retail value of the controlled substance is: (1) \$1,000 or more; or (2) there have been two previous controlled substance seizures involving the same tenant.