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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1078**

02/11/2021 Authored by Mariani

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

04/12/2021 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 public safety; modifying certain provisions of law related to public

1.3 safety; law enforcement; adult and juvenile corrections; community supervision;

1.4 rehabilitation; criminal sexual conduct; crime; sentencing; community safety;

1.5 crime victims; child protection background checks; emergency response; fire

1.6 safety; providing for task forces and working groups; providing for rulemaking;

1.7 requiring reports; providing for criminal penalties; appropriating money for public

1.8 safety, sentencing guidelines, corrections, Peace Officer Standards and Training

1.9 (POST) Board, Private Detective Board, Ombudsperson for Corrections, supreme

1.10 court, and public defense; amending Minnesota Statutes 2020, sections 13.41,

1.11 subdivision 3; 13.411, by adding a subdivision; 152.32, by adding a subdivision;

1.12 169A.55, subdivisions 2, 4; 169A.60, subdivision 13; 171.06, subdivision 3; 171.29,

1.13 subdivision 1; 171.30, subdivision 1; 171.306, subdivisions 2, 4; 214.10, subdivision

1.14 11; 241.01, subdivision 3a; 241.016; 241.021, subdivisions 1, 2a, 2b, by adding

1.15 subdivisions; 241.025, subdivisions 1, 2, 3; 243.166, subdivisions 1b, 4b; 243.48,

1.16 subdivision 1; 243.52; 244.03; 244.05, subdivisions 1b, 4, 5, by adding a

1.17 subdivision; 244.065; 244.09, subdivisions 5, 6, by adding a subdivision; 244.101,

1.18 subdivision 1; 244.19, subdivision 3; 244.195, subdivision 2; 253B.18, subdivision

1.19 5a; 253D.14, subdivisions 2, 3, by adding a subdivision; 260B.163, subdivision

1.20 1; 260B.176, subdivision 2, by adding a subdivision; 260C.007, subdivision 6;

1.21 299A.01, subdivision 2; 299A.52, subdivision 2; 299A.55; 299C.60; 299C.61,

1.22 subdivisions 2, 4, by adding subdivisions; 299C.62, subdivisions 1, 2, 3, 4, 6;

1.23 299C.63; 299C.72; 299C.80, subdivision 3; 299N.04, subdivisions 1, 2, by adding

1.24 subdivisions; 340A.504, subdivision 7; 401.025, subdivision 1; 401.06; 403.02,

1.25 subdivision 16; 403.03, subdivision 1; 403.07, subdivision 2; 403.11, subdivision

1.26 1; 403.21, subdivisions 3, 12; 403.36, subdivision 1; 480A.06, subdivision 4;

1.27 609.03; 609.106, subdivision 2, by adding a subdivision; 609.1095, subdivision

1.28 1; 609.115, by adding subdivisions; 609.131, subdivision 2; 609.14, subdivision

1.29 1, by adding a subdivision; 609.2231, subdivision 4; 609.2233; 609.2325; 609.322,

1.30 subdivisions 1, 1a; 609.324, subdivisions 1, 2, 4; 609.3241; 609.341, subdivisions

1.31 3, 7, 11, 12, 14, 15, by adding subdivisions; 609.342; 609.343; 609.344; 609.345;

1.32 609.3451; 609.3455; 609.3459; 609.352, subdivision 4; 609.527, subdivision 3;

1.33 609.595, subdivisions 1a, 2; 609.605, subdivision 2; 609.66, subdivision 1e;

1.34 609.749, subdivision 3; 609A.01; 609A.02, subdivision 3, by adding a subdivision;

1.35 609A.025; 609A.03, subdivisions 5, 7, 7a, 9; 611A.03, subdivision 1; 611A.039,

1.36 subdivision 1; 611A.06, subdivision 1; 611A.51; 611A.52, subdivisions 3, 4, 5;

1.37 611A.53; 611A.54; 611A.55; 611A.56; 611A.57, subdivisions 5, 6; 611A.60;

1.38 611A.61; 611A.612; 611A.66; 611A.68, subdivisions 2a, 4, 4b, 4c; 624.712,

2.1 subdivision 5; 626.14; 626.5531, subdivision 1; 626.842, subdivision 2; 626.843,
 2.2 subdivision 1; 626.8435; 626.845, subdivision 3; 626.8451, subdivision 1;
 2.3 626.8457, subdivision 3; 626.8459; 626.8469, subdivision 1, by adding a
 2.4 subdivision; 626.8473, subdivision 3; 626.8475; 626.89, subdivisions 2, 17; 626.93,
 2.5 by adding a subdivision; 628.26; Laws 2016, chapter 189, article 4, section 7;
 2.6 Laws 2017, chapter 95, article 1, section 11, subdivision 7; article 3, section 30;
 2.7 Laws 2020, Second Special Session chapter 1, sections 9; 10; Laws 2020, Fifth
 2.8 Special Session chapter 3, article 9, section 6; Laws 2020, Seventh Special Session
 2.9 chapter 2, article 2, section 4; proposing coding for new law in Minnesota Statutes,
 2.10 chapters 241; 243; 244; 260B; 299A; 299F; 326B; 604A; 609; 609A; 626; 641;
 2.11 repealing Minnesota Statutes 2020, sections 253D.14, subdivision 4; 609.293,
 2.12 subdivisions 1, 5; 609.324, subdivision 3; 609.34; 609.36; 611A.0385.

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

2.14 **ARTICLE 1**

2.15 **APPROPRIATIONS**

2.16 Section 1. **APPROPRIATIONS.**

2.17 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.18 and for the purposes specified in this article. The appropriations are from the general fund,
 2.19 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.20 The figures "2022" and "2023" used in this article mean that the appropriations listed under
 2.21 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
 2.22 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
 2.23 is fiscal years 2022 and 2023.

		<u>APPROPRIATIONS</u>	
		<u>Available for the Year</u>	
		<u>Ending June 30</u>	
		<u>2022</u>	<u>2023</u>
2.24			
2.25			
2.26			
2.27	<u>2021</u>		
2.28	Sec. 2. <u>SENTENCING GUIDELINES</u>	<u>\$ 826,000</u>	<u>\$ 851,000</u>

2.29 **Information on Probation**

2.30 \$86,000 each year is to collect, prepare,
 2.31 analyze, and disseminate information about
 2.32 probation practices.

2.33 Sec. 3. **PUBLIC SAFETY**

2.34	<u>Subdivision 1. Total</u>			
2.35	<u>Appropriation</u>	<u>\$ 1,380,000</u>	<u>\$ 228,135,000</u>	<u>\$ 224,551,000</u>

		<u>Appropriations by Fund</u>		
		<u>2021</u>	<u>2022</u>	<u>2023</u>
2.36				
2.37				
2.38	<u>General</u>	<u>1,365,000</u>	<u>141,161,000</u>	<u>138,704,000</u>
2.39	<u>Special Revenue</u>		<u>14,901,000</u>	<u>14,502,000</u>

3.1	<u>State Government</u>		
3.2	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
3.3	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
3.4	<u>Trunk Highway</u>	<u>3,981,000</u>	<u>3,262,000</u>
3.5	<u>911 Fund</u>	<u>67,897,000</u>	<u>67,888,000</u>
3.6	<u>Opioid Fund</u>	<u>15,000</u>	<u>19,000</u>

3.7 The amounts that may be spent for each
 3.8 purpose are specified in the following
 3.9 subdivisions.

3.10	<u>Subd. 2. Emergency Management</u>		<u>6,200,000</u>	<u>6,156,000</u>
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3.11		<u>Appropriations by Fund</u>		
3.12	<u>General</u>	<u>6,127,000</u>	<u>6,083,000</u>	
3.13	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>	

3.14 **(a) Emergency Management Grants; Report**

3.15 \$3,000,000 each year is for the director of the
 3.16 Homeland Security and Emergency
 3.17 Management Division (HSEM) to award
 3.18 grants in equal amounts to emergency
 3.19 management departments in the 87 counties,
 3.20 11 federally recognized Tribes, and four cities
 3.21 of the first class for planning and preparedness
 3.22 activities, including capital purchases. This
 3.23 amount is a onetime appropriation. Local
 3.24 emergency management departments must
 3.25 make a request to HSEM for these grants.
 3.26 Current local funding for emergency
 3.27 management and preparedness activities may
 3.28 not be supplanted by these additional state
 3.29 funds.

3.30 By March 15, 2023, the commissioner of
 3.31 public safety must submit a report on the grant
 3.32 awards to the chairs and ranking minority
 3.33 members of the legislative committees with
 3.34 jurisdiction over emergency management and
 3.35 preparedness activities. At a minimum, the

4.1 report must summarize grantee activities and
4.2 identify grant recipients.

4.3 **(b) Criminal Alert Network; Alzheimer's**
4.4 **and Dementia**

4.5 \$200,000 the first year is for the criminal alert
4.6 network to increase membership, reduce the
4.7 registration fee, and create additional alert
4.8 categories, including at a minimum a dementia
4.9 and Alzheimer's disease specific category.

4.10 **(c) Supplemental Nonprofit Security Grants**

4.11 \$225,000 each year is for supplemental
4.12 nonprofit security grants under this paragraph.

4.13 Nonprofit organizations whose applications
4.14 for funding through the Federal Emergency
4.15 Management Agency's nonprofit security grant
4.16 program have been approved by the Division
4.17 of Homeland Security and Emergency
4.18 Management are eligible for grants under this
4.19 paragraph. No additional application shall be
4.20 required for grants under this paragraph, and
4.21 an application for a grant from the federal
4.22 program is also an application for funding
4.23 from the state supplemental program.

4.24 Eligible organizations may receive grants of
4.25 up to \$75,000, except that the total received
4.26 by any individual from both the federal
4.27 nonprofit security grant program and the state
4.28 supplemental nonprofit security grant program
4.29 shall not exceed \$75,000. Grants shall be
4.30 awarded in an order consistent with the
4.31 ranking given to applicants for the federal
4.32 nonprofit security grant program. No grants
4.33 under the state supplemental nonprofit security
4.34 grant program shall be awarded until the

5.1 announcement of the recipients and the
 5.2 amount of the grants awarded under the federal
 5.3 nonprofit security grant program.

5.4 The commissioner may use up to one percent
 5.5 of the appropriation received under this
 5.6 paragraph to pay costs incurred by the
 5.7 department in administering the supplemental
 5.8 nonprofit security grant program. These
 5.9 appropriations are onetime.

5.10 **Subd. 3. Criminal**
 5.11 **Apprehension** 1,261,000 79,918,000 76,968,000

5.12		<u>Appropriations by Fund</u>		
5.13	<u>General</u>	<u>1,246,000</u>	<u>75,911,000</u>	<u>73,680,000</u>
5.14	<u>State Government</u>			
5.15	<u>Special Revenue</u>		<u>7,000</u>	<u>7,000</u>
5.16	<u>Trunk Highway</u>		<u>3,981,000</u>	<u>3,262,000</u>
5.17	<u>Opioid Fund</u>	<u>15,000</u>	<u>19,000</u>	<u>19,000</u>

5.18 **(a) DWI Lab Analysis; Trunk Highway**
 5.19 **Fund**

5.20 Notwithstanding Minnesota Statutes, section
 5.21 161.20, subdivision 3, \$3,981,000 the first
 5.22 year and \$3,262,000 the second year are from
 5.23 the trunk highway fund for staff and operating
 5.24 costs for laboratory analysis related to
 5.25 driving-while-impaired cases.

5.26 **(b) Cybersecurity**
 5.27 \$2,955,000 the first year and \$2,605,000 the
 5.28 second year are for identity and access
 5.29 management, critical infrastructure upgrades,
 5.30 and Federal Bureau of Investigation audit
 5.31 compliance. The base for this is \$1,050,000
 5.32 in fiscal years 2024 and 2025.

5.33 **(c) Rapid DNA Program**

6.1 \$285,000 each year is from the general fund
6.2 for the Rapid DNA Program.

6.3 **(d) Responding to Civil Unrest**

6.4 \$539,000 in fiscal year 2021 and \$539,000 in
6.5 fiscal year 2022 is from the general fund for
6.6 costs related to responding to civil unrest. This
6.7 is a onetime appropriation.

6.8 **(e) National Guard Sexual Assault**

6.9 **Investigations**

6.10 \$160,000 each year is for investigation of
6.11 criminal sexual conduct allegations filed
6.12 against members of the Minnesota National
6.13 Guard by another member of the Minnesota
6.14 National Guard. This appropriation is added
6.15 to the agency's base.

6.16 **(f) Predatory Offender Statutory**

6.17 **Framework Working Group**

6.18 \$131,000 the first year is to convene,
6.19 administer, and implement the predatory
6.20 offender statutory framework working group.

6.21 **(g) Automatic Expungement**

6.22 \$1,248,000 the first year is for costs associated
6.23 with providing automatic expungements.

6.24 **(h) Salary Increases; Special Agents**

6.25 \$524,000 in fiscal year 2021 is appropriated
6.26 for Bureau of Criminal Apprehension special
6.27 agent salary increases. In each of fiscal years
6.28 2022 and 2023, \$717,000 is appropriated for
6.29 this purpose. This amount is in addition to the
6.30 base appropriation for this purpose.

6.31 **(i) Salary Increases; Special Agents**

7.1 \$15,000 in fiscal year 2021 is appropriated
 7.2 from the opiate epidemic response fund for
 7.3 Bureau of Criminal Apprehension special
 7.4 agent salary increases. In each of fiscal years
 7.5 2022 and 2023, \$19,000 is appropriated from
 7.6 the opiate epidemic response fund for this
 7.7 purpose. This amount is in addition to the base
 7.8 appropriation for this purpose.

7.9 **(j) Emergency COVID-19 Sick Leave**

7.10 \$183,000 in fiscal year 2021 is for emergency
 7.11 COVID-19 sick leave. This funding is
 7.12 onetime.

7.13 **(k) Body Cameras**

7.14 \$397,000 the first year and \$205,000 the
 7.15 second year are to purchase body cameras for
 7.16 peace officers employed by the Bureau of
 7.17 Criminal Apprehension and to maintain the
 7.18 necessary hardware, software, and data.

7.19 **Subd. 4. Fire Marshal** 8,752,000 8,818,000

	<u>Appropriations by Fund</u>		
7.21	<u>General</u>	<u>178,000</u>	<u>178,000</u>
7.22	<u>Special Revenue</u>	<u>8,574,000</u>	<u>8,640,000</u>

7.23 The special revenue fund appropriation is from
 7.24 the fire safety account in the special revenue
 7.25 fund and is for activities under Minnesota
 7.26 Statutes, section 299F.012. The base
 7.27 appropriation from this account is \$8,740,000
 7.28 in fiscal year 2024 and \$8,640,000 in fiscal
 7.29 year 2025.

7.30 **(a) Inspections**

7.31 \$350,000 each year is for inspection of nursing
 7.32 homes and boarding care facilities.

8.1 **(b) Hazmat and Chemical Assessment**

8.2 **Teams**

8.3 \$950,000 the first year and \$850,000 the
8.4 second year are from the fire safety account
8.5 in the special revenue fund. These amounts
8.6 must be used to fund the hazardous materials
8.7 and chemical assessment teams. Of this
8.8 amount, \$100,000 the first year is for cases
8.9 for which there is no identified responsible
8.10 party. The base appropriation is \$950,000 in
8.11 fiscal year 2024 and \$850,000 in fiscal year
8.12 2025.

8.13 **(c) Bomb Squad Reimbursements**

8.14 \$50,000 each year is from the general fund for
8.15 reimbursements to local governments for
8.16 bomb squad services.

8.17 **(d) Emergency Response Teams**

8.18 \$675,000 each year is from the fire safety
8.19 account in the special revenue fund to maintain
8.20 four emergency response teams: one under the
8.21 jurisdiction of the St. Cloud Fire Department
8.22 or a similarly located fire department if
8.23 necessary; one under the jurisdiction of the
8.24 Duluth Fire Department; one under the
8.25 jurisdiction of the St. Paul Fire Department;
8.26 and one under the jurisdiction of the Moorhead
8.27 Fire Department.

8.28 **Subd. 5. Firefighter Training and Education**
8.29 **Board**

5,792,000

5,792,000

8.30 Appropriations by Fund

8.31 Special Revenue 5,792,000 5,792,000

8.32 The special revenue fund appropriation is from
8.33 the fire safety account in the special revenue

9.1 fund and is for activities under Minnesota
 9.2 Statutes, section 299F.012.

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

9.4 \$4,500,000 each year is for firefighter training
 9.5 and education.

9.6 **(b) Task Force 1**

9.7 \$975,000 each year is for the Minnesota Task
 9.8 Force 1.

9.9 **(c) Air Rescue**

9.10 \$317,000 each year is for the Minnesota Air
 9.11 Rescue Team.

9.12 **(d) Unappropriated Revenue**

9.13 Any additional unappropriated money
 9.14 collected in fiscal year 2021 is appropriated
 9.15 to the commissioner of public safety for the
 9.16 purposes of Minnesota Statutes, section
 9.17 299F.012. The commissioner may transfer
 9.18 appropriations and base amounts between
 9.19 activities in this subdivision.

9.20 **Subd. 6. Alcohol and**

9.21	<u>Gambling Enforcement</u>	<u>119,000</u>	<u>2,648,000</u>	<u>2,598,000</u>
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9.22 Appropriations by Fund

9.23	<u>General</u>	<u>119,000</u>	<u>2,578,000</u>	<u>2,528,000</u>
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9.24	<u>Special Revenue</u>	<u>70,000</u>	<u>70,000</u>	
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9.25 \$70,000 each year is from the lawful gambling
 9.26 regulation account in the special revenue fund.

9.27 **(a) Legal Costs**

9.28 \$93,000 the first year is for legal costs
 9.29 associated with Alexis Bailly Vineyard, Inc.
 9.30 v. Harrington. This is a onetime appropriation.

9.31 **(b) Responding to Civil Unrest**

10.1 \$86,000 in fiscal year 2021 and \$71,000 in
 10.2 fiscal year 2022 are from the general fund for
 10.3 costs related to responding to civil unrest. This
 10.4 is a onetime appropriation.

10.5 **(c) Salary Increases; Special Agents**

10.6 \$33,000 in fiscal year 2021 is appropriated for
 10.7 Alcohol and Gambling Enforcement Division
 10.8 special agent salary increases. In each of fiscal
 10.9 years 2022 and 2023, \$44,000 is appropriated
 10.10 for this purpose. This amount is in addition to
 10.11 the base appropriation for this purpose.

10.12 **(d) Body Cameras**

10.13 \$16,000 each year is to purchase body cameras
 10.14 for peace officers employed by the Alcohol
 10.15 and Gambling Enforcement Division and to
 10.16 maintain the necessary hardware, software,
 10.17 and data.

10.18 **Subd. 7. Office of Justice Programs** 56,463,000 56,331,000

	<u>Appropriations by Fund</u>		
10.20	<u>General</u>	<u>56,367,000</u>	<u>56,235,000</u>
10.21	<u>State Government</u>		
10.22	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

10.23 **(a) Combatting Sex Trafficking Grants**

10.24 \$1,000,000 each year is for an antitrafficking
 10.25 investigation coordinator and to implement
 10.26 new or expand existing strategies to combat
 10.27 sex trafficking.

10.28 **(b) Survivor Support and Prevention**
 10.29 **Grants**

10.30 \$6,000,000 each year is for grants to victim
 10.31 survivors and to fund emerging or unmet
 10.32 needs impacting victims of crime, particularly
 10.33 in underserved populations. The ongoing base

11.1 for this program shall be \$1,500,000 beginning
11.2 in fiscal year 2024.

11.3 **(c) Minnesota Heals Program**

11.4 \$1,500,000 each year is to establish and
11.5 maintain the Minnesota Heals program. Of
11.6 this amount, \$500,000 each year is for a
11.7 statewide critical incident stress management
11.8 service for first responders; \$500,000 each
11.9 year is for grants for establishing and
11.10 maintaining a community healing network;
11.11 and \$500,000 each year is for reimbursement
11.12 for burial costs, cultural ceremonies, and
11.13 mental health and trauma healing services for
11.14 families following an officer-involved death.

11.15 **(d) Innovation in Community Safety Grants**

11.16 \$5,000,000 each year is for innovation in
11.17 community safety grants administered by the
11.18 Innovation in Community Safety Coordinator.

11.19 **(e) Youth Intervention Program Grants**

11.20 \$500,000 the first year and \$500,000 the
11.21 second year are for youth intervention program
11.22 grants. The base appropriation is \$500,000 in
11.23 fiscal year 2024 and \$500,000 in fiscal year
11.24 2025.

11.25 **(f) Racially Diverse Youth in Shelters**

11.26 \$150,000 each year is for grants to
11.27 organizations to address racial disparity of
11.28 youth using shelter services in the Rochester
11.29 and St. Cloud regional areas. A grant recipient
11.30 shall establish and operate a pilot program to
11.31 engage in community intervention, family
11.32 reunification, aftercare, and follow up when
11.33 family members are released from shelter

- 12.1 services. A pilot program shall specifically
12.2 address the high number of racially diverse
12.3 youth that enter shelters in the region.
- 12.4 **(g) Task Force on Missing and Murdered**
12.5 **African American Women**
- 12.6 \$202,000 the first year and \$50,000 the second
12.7 year are to implement the task force on
12.8 missing and murdered African American
12.9 women.
- 12.10 **(h) Body Camera Grant Program**
- 12.11 \$1,000,000 each year is to provide grants to
12.12 local law enforcement agencies for portable
12.13 recording systems. The executive director shall
12.14 award grants to local law enforcement
12.15 agencies for the purchase and maintenance of
12.16 portable recording systems and portable
12.17 recording system data. An applicant must
12.18 provide a 50 percent match to be eligible to
12.19 receive a grant. The executive director must
12.20 give priority to applicants that do not have a
12.21 portable recording system program. The
12.22 executive director must award at least one
12.23 grant to a law enforcement agency located
12.24 outside of the seven-county metropolitan area.
- 12.25 As a condition of receiving a grant, a law
12.26 enforcement agency's portable recording
12.27 system policy required under Minnesota
12.28 Statutes, section 626.8473, subdivision 3, must
12.29 include the following provisions:
- 12.30 (1) prohibit altering, erasing, or destroying
12.31 any recording made with a peace officer's
12.32 portable recording system or data and
12.33 metadata related to the recording prior to the
12.34 expiration of the applicable retention period

13.1 under Minnesota Statutes, section 13.825,
13.2 subdivision 3, except that the full, unedited,
13.3 and unredacted recording of a peace officer
13.4 using deadly force must be maintained
13.5 indefinitely;

13.6 (2) mandate that a deceased individual's next
13.7 of kin, legal representative of the next of kin,
13.8 or other parent of the deceased individual's
13.9 children be entitled to view any and all
13.10 recordings from a peace officer's portable
13.11 recording system, redacted no more than what
13.12 is required by law, of an officer's use of deadly
13.13 force no later than 48 hours after an incident
13.14 where deadly force used by a peace officer
13.15 results in death of an individual, except that a
13.16 chief law enforcement officer may deny a
13.17 request if investigators can articulate a
13.18 compelling reason as to why allowing the
13.19 deceased individual's next of kin, legal
13.20 representative of the next of kin, or other
13.21 parent of the deceased individual's children to
13.22 review the recordings would interfere with the
13.23 agency conducting a thorough investigation.
13.24 If the chief law enforcement officer denies a
13.25 request under this provision, the agency's
13.26 policy must require the chief law enforcement
13.27 officer to issue a prompt, written denial and
13.28 provide notice to the deceased individual's
13.29 next of kin, legal representative of the next of
13.30 kin, or other parent of the deceased
13.31 individual's children that they may seek relief
13.32 from the district court;

13.33 (3) mandate release of all recordings of an
13.34 incident where a peace officer used deadly
13.35 force and an individual dies to the deceased

- 14.1 individual's next of kin, legal representative
14.2 of the next of kin, and other parent of the
14.3 deceased individual's children no later than 90
14.4 days after the incident; and
- 14.5 (4) mandate, whenever practicable, that an
14.6 officer operating a portable recording system
14.7 while entering a residence notify occupants
14.8 of the residence that they are being recorded.
- 14.9 **(i) Office of Missing and Murdered**
14.10 **Indigenous Relatives**
- 14.11 \$500,000 each year is to establish and
14.12 maintain an office dedicated to reviewing,
14.13 preventing, and ending the targeting of
14.14 Indigenous people, disappearance of
14.15 Indigenous people, and deaths of Indigenous
14.16 people that occur under suspicious
14.17 circumstances through coordination with
14.18 Tribal nations, executive branch agencies and
14.19 commissions, community organizations, and
14.20 impacted communities.
- 14.21 **(j) Opiate Epidemic Response Grants**
- 14.22 \$500,000 each year is for grants to
14.23 organizations selected by the Opiate Epidemic
14.24 Response Advisory Council that provide
14.25 services to address the opioid addiction and
14.26 overdose epidemic in Minnesota consistent
14.27 with the priorities in Minnesota Statutes,
14.28 section 256.042, subdivision 1, paragraph (a),
14.29 clauses (1) to (4). Grant recipients must be
14.30 located outside the seven-county metropolitan
14.31 area and in areas with disproportionately high
14.32 incidents of fentanyl overdoses.
- 14.33 **(k) Prosecutor and Law Enforcement**
14.34 **Training**

15.1 \$25,000 each year is appropriated to award an
 15.2 annual grant to the Minnesota County
 15.3 Attorneys Association for prosecutor and law
 15.4 enforcement training on increasing diversion
 15.5 alternatives and using evidence-based
 15.6 practices to increase public safety and decrease
 15.7 racial disparities. This is a onetime
 15.8 appropriation.

15.9 **(l) Study on Liability Insurance for Peace**
 15.10 **Officers**

15.11 \$100,000 in the first year is for a grant to an
 15.12 organization with experience in studying
 15.13 issues related to community safety and
 15.14 criminal justice for a study on the effects of
 15.15 requiring peace officers to carry liability
 15.16 insurance.

15.17 **(m) Administration Costs**

15.18 Up to 2.5 percent of the grant funds
 15.19 appropriated in this subdivision may be used
 15.20 by the commissioner to administer the grant
 15.21 program.

15.22 <u>Subd. 8. Emergency Communication Networks</u>	<u>67,897,000</u>	<u>67,888,000</u>
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15.23 This appropriation is from the state
 15.24 government special revenue fund for 911
 15.25 emergency telecommunications services.

15.26 This appropriation includes funds for
 15.27 information technology project services and
 15.28 support subject to the provisions of Minnesota
 15.29 Statutes, section 16E.0466. Any ongoing
 15.30 information technology costs shall be
 15.31 incorporated into the service level agreement
 15.32 and shall be paid to the Office of MN.IT
 15.33 Services by the Department of Public Safety

16.1 under the rates and mechanism specified in
16.2 that agreement.

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

16.4 \$27,328,000 the first year and \$28,011,000
16.5 the second year shall be distributed as
16.6 provided in Minnesota Statutes, section
16.7 403.113, subdivision 2. The base appropriation
16.8 is \$28,011,000 in fiscal year 2024 and
16.9 \$28,011,000 in fiscal year 2025.

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

16.11 \$683,000 the first year is for grants to the
16.12 Minnesota Emergency Medical Services
16.13 Regulatory Board for the Metro East and
16.14 Metro West Medical Resource
16.15 Communication Centers that were in operation
16.16 before January 1, 2000. This is a onetime
16.17 appropriation.

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

16.19 **Costs**

16.20 \$9,675,000 each year is transferred to the
16.21 commissioner of transportation for costs of
16.22 maintaining and operating the statewide radio
16.23 system backbone.

16.24 **(d) ARMER Improvements**

16.25 \$1,000,000 each year is to the Statewide
16.26 Emergency Communications Board for
16.27 improvements to those elements of the
16.28 statewide public safety radio and
16.29 communication system that support mutual
16.30 aid communications and emergency medical
16.31 services or provide interim enhancement of
16.32 public safety communication interoperability
16.33 in those areas of the state where the statewide

17.1 public safety radio and communication system
 17.2 is not yet implemented, and grants to local
 17.3 units of government to further the strategic
 17.4 goals set forth by the Statewide Emergency
 17.5 Communications Board strategic plan.

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

17.7 \$9,000 the first year is to convene, administer,
 17.8 and implement the telecommunicator working
 17.9 group.

17.10 **Subd. 9. Driver and Vehicle Services** 465,000 -0-

17.11 \$465,000 the first year is from the driver
 17.12 services operating account in the special
 17.13 revenue fund for the ignition interlock
 17.14 program under Minnesota Statutes, section
 17.15 171.306.

17.16 **Sec. 4. PEACE OFFICER STANDARDS AND**
 17.17 **TRAINING (POST) BOARD**

17.18 **Subdivision 1. Total Appropriation** \$ 13,046,000 \$ 13,046,000

17.19 The amounts that may be spent for each
 17.20 purpose are specified in the following
 17.21 subdivisions.

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

17.23 \$2,949,000 each year is for reimbursements
 17.24 to local governments for peace officer training
 17.25 costs.

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

17.27 **(a) Philando Castile Memorial Training**

17.28 **Fund**

17.29 \$6,000,000 each year is to support and
 17.30 strengthen law enforcement training and
 17.31 implement best practices. This funding shall
 17.32 be named the "Philando Castile Memorial
 17.33 Training Fund." The base for this program

18.1 shall be \$6,000,000 in fiscal year 2024 and \$0
18.2 in fiscal year 2025.

18.3 Each sponsor of a training course is required
18.4 to include the following in the sponsor's
18.5 application for approval submitted to the
18.6 board: course goals and objectives; a course
18.7 outline including at a minimum a timeline and
18.8 teaching hours for all courses; instructor
18.9 qualifications, including skills and concepts
18.10 such as crisis intervention, de-escalation, and
18.11 cultural competency that are relevant to the
18.12 course provided; and a plan for learning
18.13 assessments of the course and documenting
18.14 the assessments to the board during review.

18.15 Upon completion of each course, instructors
18.16 must submit student evaluations of the
18.17 instructor's teaching to the sponsor.

18.18 The board shall keep records of the
18.19 applications of all approved and denied
18.20 courses. All continuing education courses shall
18.21 be reviewed after the first year. The board
18.22 must set a timetable for recurring review after
18.23 the first year. For each review, the sponsor
18.24 must submit its learning assessments to the
18.25 board to show that the course is teaching the
18.26 learning outcomes that were approved by the
18.27 board.

18.28 A list of licensees who successfully complete
18.29 the course shall be maintained by the sponsor
18.30 and transmitted to the board following the
18.31 presentation of the course and the completed
18.32 student evaluations of the instructors.

18.33 Evaluations are available to chief law
18.34 enforcement officers. The board shall establish

19.1 a data retention schedule for the information
 19.2 collected in this section.

19.3 **(b) Grant Program for Public Safety Policy**
 19.4 **and Training Consultant Costs**

19.5 \$1,000,000 each year is for grants to law
 19.6 enforcement agencies to provide
 19.7 reimbursement for the expense of retaining a
 19.8 board-approved public safety policy and
 19.9 training consultant.

19.10	Sec. 5. <u>PRIVATE DETECTIVE BOARD</u>	<u>\$</u>	<u>282,000</u>	<u>\$</u>	<u>288,000</u>
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19.11 Sec. 6. **CORRECTIONS**

19.12	<u>Subdivision 1. Total</u>				
19.13	<u>Appropriation</u>	<u>\$</u>	<u>2,384,000</u>	<u>\$</u>	<u>634,883,000</u>
				<u>\$</u>	<u>639,916,000</u>

19.14 The amounts that may be spent for each
 19.15 purpose are specified in the following
 19.16 subdivisions.

19.17	<u>Subd. 2. Correctional</u>				
19.18	<u>Institutions</u>		<u>2,321,000</u>	<u>463,703,000</u>	<u>469,377,000</u>

19.19 **(a) Healthy Start Act**

19.20 \$200,000 each year is to implement the
 19.21 healthy start act that shall create a release
 19.22 program for pregnant women and new mothers
 19.23 who are committed to the commissioner of
 19.24 corrections by providing alternatives to
 19.25 incarceration and improving parenting skills.

19.26 **(b) Prescription Medications**

19.27 \$17,000 the first year and \$20,000 the second
 19.28 year are to provide a one-month supply of any
 19.29 prescribed, nonnarcotic medications and a
 19.30 prescription for a 30-day supply of these
 19.31 medications that may be refilled twice to
 19.32 inmates at the time of their release.

19.33 **(c) Emergency COVID-19 Sick Leave**

20.1 \$2,321,000 in fiscal year 2021 and \$2,320,000
 20.2 in fiscal year 2022 are for emergency
 20.3 COVID-19 sick leave.

20.4 **(d) Juvenile Review Board**

20.5 \$50,000 in the second year is for
 20.6 implementation of the Juvenile Review Board.

20.7 **Subd. 3. Community**
 20.8 **Services**

63,000

140,515,000

139,449,000

20.9 **(a) Oversight**

20.10 \$992,000 the first year and \$492,000 the
 20.11 second year are to expand and improve
 20.12 oversight of jails and other state and local
 20.13 correctional facilities, including the addition
 20.14 of four full-time corrections detention facilities
 20.15 inspectors and funds for county sheriffs who
 20.16 inspect municipal lockups.

20.17 **(b) Juvenile Justice**

20.18 \$1,660,000 the first year and \$660,000 the
 20.19 second year are to develop and implement a
 20.20 juvenile justice data repository and modernize
 20.21 the current juvenile management system
 20.22 including but not limited to technology and
 20.23 staffing costs. \$285,000 is added to the base
 20.24 in each of fiscal years 2024 and 2025.

20.25 **(c) Community Corrections Act**

20.26 \$1,220,000 each year is added to the
 20.27 Community Corrections Act subsidy, as
 20.28 described in Minnesota Statutes, section
 20.29 401.14. This is a onetime increase for the
 20.30 biennium and requires the submission of a
 20.31 report to the legislature no later than December
 20.32 15, 2021, with recommendations from a
 20.33 working group established to study

21.1 supervision services and funding across the
21.2 state and develop recommendations. The base
21.3 for this appropriation increase is \$0 in fiscal
21.4 year 2024 and \$0 in fiscal year 2025.

21.5 The commissioner of corrections shall convene
21.6 a working group to study and report to the
21.7 legislature on the attributes and requirements
21.8 of an effective supervision system. The report
21.9 shall describe how the state and counties can
21.10 achieve an effective supervision system
21.11 together, balancing local control with state
21.12 support and collaboration. The report shall
21.13 include: a proposal for sustainable funding of
21.14 the state's community supervision delivery
21.15 systems; a plan for the potential of future
21.16 Tribal government supervision of probationers
21.17 and supervised releasees; a definition of core
21.18 or base-level supervision standards in
21.19 accordance with the state's obligation to fund
21.20 or provide supervision services which are
21.21 geographically equitable and reflect the
21.22 principles of modern correctional practice; a
21.23 recommended funding model and the
21.24 associated costs as compared to the state's
21.25 current investment in those services;
21.26 alternative funding and delivery models and
21.27 the alternative models' associated costs when
21.28 compared with the state's current investment
21.29 in those services; and mechanisms to ensure
21.30 balanced application of increases in the cost
21.31 of community supervision services.

21.32 The working group shall at a minimum include
21.33 the following members: the commissioner of
21.34 corrections or the commissioner's designee
21.35 and four other representatives from the

22.1 Department of Corrections, five directors of
22.2 the Minnesota Association of Community
22.3 Corrections Act Counties, five directors of the
22.4 Minnesota Association of County Probation
22.5 Offices, three county commissioner
22.6 representatives from the Association of
22.7 Minnesota Counties with one from each
22.8 delivery system, three representatives of the
22.9 Minnesota Indian Affairs Council Tribal
22.10 government members, and two district court
22.11 judge representatives designated by the State
22.12 Court Administrator. The working group may
22.13 include other members and the use of a
22.14 third-party organization to provide process
22.15 facilitation, statewide stakeholder engagement,
22.16 data analysis, programming and supervision
22.17 assessments, and technical assistance through
22.18 implementation of the adopted report
22.19 recommendations.

22.20 The report shall be submitted to the chairs and
22.21 ranking minority members of the house of
22.22 representatives Public Safety Committee and
22.23 the senate Judiciary and Finance Committees
22.24 no later than December 15, 2021.

22.25 **(d) County Probation Officer**
22.26 **Reimbursement**

22.27 \$101,000 each year is for county probation
22.28 officers reimbursement, as described in
22.29 Minnesota Statutes, section 244.19,
22.30 subdivision 6. This is a onetime increase for
22.31 the biennium and requires the submission of
22.32 a report to the legislature no later than
22.33 December 15, 2021, with recommendations
22.34 from a working group established to study
22.35 supervision services and funding across the

23.1 state and develop recommendations. The base
23.2 for this appropriations increase is \$0 in fiscal
23.3 year 2024 and \$0 in fiscal year 2025.

23.4 **(e) Probation Supervision Services**

23.5 \$1,170,000 each year is for probation
23.6 supervision services provided by the
23.7 Department of Corrections in Meeker, Mille
23.8 Lacs, and Renville Counties as described in
23.9 Minnesota Statutes, section 244.19,
23.10 subdivision 1. The commissioner of
23.11 corrections shall bill Meeker, Mille Lacs, and
23.12 Renville Counties for the total cost of and
23.13 expenses incurred for probation services on
23.14 behalf of each county, as described in
23.15 Minnesota Statutes, section 244.19,
23.16 subdivision 5, and all reimbursements shall
23.17 be deposited in the general fund.

23.18 **(f) Task Force on Aiding and Abetting**

23.19 **Felony Murder**

23.20 \$25,000 the first year is to implement the task
23.21 force on aiding and abetting felony murder.

23.22 **(g) Alternatives to Incarceration**

23.23 \$320,000 each year is for funding to Anoka
23.24 County, Crow Wing County, and Wright
23.25 County to facilitate access to community
23.26 treatment options under the alternatives to
23.27 incarceration program.

23.28 **(h) Task Force on Presentence Investigation**

23.29 **Reports**

23.30 \$15,000 the first year is to implement the task
23.31 force on the contents and use of presentence
23.32 investigation reports and imposition of
23.33 conditions of probation.

24.1 **(i) Juvenile Justice Report**

24.2 \$55,000 the first year and \$9,000 the second
24.3 year are for reporting on extended jurisdiction
24.4 juveniles.

24.5 **(j) Postrelease Employment for Inmates**

24.6 **Grant; Request for Proposals**

24.7 \$300,000 the first year is for a grant to a
24.8 nongovernmental organization to provide
24.9 curriculum and corporate mentors to inmates
24.10 and assist inmates in finding meaningful
24.11 employment upon release from a correctional
24.12 facility. By September 1, 2021, the
24.13 commissioner of corrections must issue a
24.14 request for proposals. By December 1, 2021,
24.15 the commissioner shall award a \$300,000 grant
24.16 to the applicant that is best qualified to provide
24.17 the programming described in this paragraph.

24.18 **(k) Homelessness Mitigation Plan**

24.19 \$12,000 the first year is to develop and
24.20 implement a homelessness mitigation plan for
24.21 individuals released from prison.

24.22 **(l) Identifying Documents**

24.23 \$23,000 the first year and \$28,000 the second
24.24 year are to assist inmates in obtaining a copy
24.25 of their birth certificates and provide
24.26 appropriate Department of Corrections
24.27 identification cards to individuals released
24.28 from prison.

24.29 **(m) Salary Increases; Fugitive Specialists**

24.30 \$63,000 in fiscal year 2021 is for fugitive
24.31 specialist salary increases. In each of fiscal
24.32 years 2022 and 2023, \$93,000 is appropriated

25.1 for this purpose. This amount is in addition to
 25.2 the base appropriation for this purpose.

25.3 **Subd. 4. Operations Support** 30,665,000 31,090,000

25.4 **(a) Technology**

25.5 \$1,566,000 the first year and \$1,621,000 the
 25.6 second year are to increase support for
 25.7 ongoing technology needs.

25.8 **(b) Correctional Facilities Security Audit**
 25.9 **Group**

25.10 \$54,000 the first year and \$81,000 the second
 25.11 year are for the correctional facilities security
 25.12 audit group to prepare security audit standards,
 25.13 conduct security audits, and prepare required
 25.14 reports.

25.15 **(c) Indeterminate Sentence Release Board**

25.16 \$40,000 in each fiscal year is to establish the
 25.17 Indeterminate Sentence Release Board (ISRB)
 25.18 to review eligible cases and make decisions
 25.19 for persons serving indeterminate sentences
 25.20 under the authority of the commissioner of
 25.21 corrections. The ISRB shall consist of five
 25.22 members including four persons appointed by
 25.23 the governor from two recommendations of
 25.24 each of the majority and minority leaders of
 25.25 the house of representatives and the senate,
 25.26 and the commissioner of corrections who shall
 25.27 serve as chair.

25.28 **Sec. 7. OMBUDSPERSON FOR**
 25.29 **CORRECTIONS** \$ 659,000 \$ 663,000

25.30 **Sec. 8. SUPREME COURT** \$ 545,000 \$ 545,000

25.31 \$545,000 each year is for temporary caseload
 25.32 increases resulting from changes to the laws
 25.33 governing expungement of criminal records.

26.1 Sec. 9. **PUBLIC DEFENSE** § **25,000** § **25,000**

26.2 \$25,000 each year is for public defender
 26.3 training on increasing diversion alternatives
 26.4 and using evidence-based practices to increase
 26.5 public safety and decrease racial disparities.
 26.6 This is a onetime appropriation.

26.7 Sec. 10. **TRANSFERS.**

26.8 \$6,265,000 in fiscal year 2022 is transferred from the MINNCOR fund to the general
 26.9 fund.

26.10 Sec. 11. **CANCELLATION; FISCAL YEAR 2021.**

26.11 \$345,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
 26.12 Special Session chapter 5, article 1, section 12, subdivision 1, is canceled.

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

26.14 **ARTICLE 2**

26.15 **POLICING**

26.16 Section 1. Minnesota Statutes 2020, section 13.41, subdivision 3, is amended to read:

26.17 Subd. 3. **Board of Peace Officer Standards and Training.** The following government
 26.18 data of the Board of Peace Officer Standards and Training are private data:

26.19 ~~(1) personal phone numbers, and home and e-mail addresses of licensees and applicants~~
 26.20 ~~for licenses; and~~

26.21 ~~(2) data that identify the government entity that employs a licensed peace officer.~~

26.22 The board may disseminate private data on applicants and licensees as is necessary to
 26.23 administer law enforcement licensure or to provide data under section 626.845, subdivision
 26.24 1, to law enforcement agencies who are conducting employment background investigations.

26.25 Sec. 2. Minnesota Statutes 2020, section 13.411, is amended by adding a subdivision to
 26.26 read:

26.27 Subd. 11. **Peace officer database.** Section 626.8457, subdivision 3, governs data sharing
 26.28 between law enforcement agencies and the Peace Officer Standards and Training Board for

27.1 purposes of administering the peace officer database required by section 626.845, subdivision
27.2 3.

27.3 Sec. 3. Minnesota Statutes 2020, section 214.10, subdivision 11, is amended to read:

27.4 Subd. 11. **Board of Peace Officers Standards and Training; reasonable grounds**
27.5 **determination.** (a) After the investigation is complete, the executive director shall convene
27.6 at least a ~~three-member~~ four-member committee of the board to determine if the complaint
27.7 constitutes reasonable grounds to believe that a violation within the board's enforcement
27.8 jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least ~~two~~
27.9 three members of the committee must be voting board members who are peace officers and
27.10 one member of the committee must be a voting board member appointed from the general
27.11 public. No later than 30 days before the committee meets, the executive director shall give
27.12 the licensee who is the subject of the complaint and the complainant written notice of the
27.13 meeting. The executive director shall also give the licensee a copy of the complaint. Before
27.14 making its determination, the committee shall give the complaining party and the licensee
27.15 who is the subject of the complaint a reasonable opportunity to be heard.

27.16 (b) The committee shall, by majority vote, after considering the information supplied
27.17 by the investigating agency and any additional information supplied by the complainant or
27.18 the licensee who is the subject of the complaint, take one of the following actions:

27.19 (1) find that reasonable grounds exist to believe that a violation within the board's
27.20 enforcement jurisdiction has occurred and order that an administrative hearing be held;

27.21 (2) decide that no further action is warranted; or

27.22 (3) continue the matter.

27.23 The executive director shall promptly give notice of the committee's action to the
27.24 complainant and the licensee.

27.25 (c) If the committee determines that a complaint does not relate to matters within its
27.26 enforcement jurisdiction but does relate to matters within another state or local agency's
27.27 enforcement jurisdiction, it shall refer the complaint to the appropriate agency for disposition.

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

27.29 Sec. 4. Minnesota Statutes 2020, section 244.09, subdivision 6, is amended to read:

27.30 Subd. 6. **Clearinghouse and information center.** The commission, in addition to
27.31 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center

28.1 for the collection, preparation, analysis and dissemination of information on state and local
28.2 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
28.3 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
28.4 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
28.5 relating to the improvement of the criminal justice system. The commission shall from time
28.6 to time make recommendations to the legislature regarding changes in the Criminal Code,
28.7 criminal procedures, and other aspects of sentencing and probation.

28.8 This information shall include information regarding the impact of statutory changes to
28.9 the state's criminal laws related to controlled substances, including those changes enacted
28.10 by the legislature in Laws 2016, chapter 160.

28.11 Sec. 5. Minnesota Statutes 2020, section 626.14, is amended to read:

28.12 **626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.**

28.13 Subdivision 1. Time. A search warrant may be served only between the hours of 7:00
28.14 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits
28.15 that a nighttime search outside those hours is necessary to prevent the loss, destruction, or
28.16 removal of the objects of the search or to protect the searchers or the public. The search
28.17 warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m.
28.18 unless a nighttime search outside those hours is authorized.

28.19 Subd. 2. Definition. For the purposes of this section, "no-knock search warrant" means
28.20 a search warrant authorizing peace officers to enter certain premises without first knocking
28.21 and announcing the officer's presence or purpose prior to entering the premises. No-knock
28.22 search warrants may also be referred to as dynamic entry warrants.

28.23 Subd. 3. Requirements for a no-knock search warrant. No peace officer shall seek
28.24 a no-knock search warrant unless the warrant application includes at a minimum:

28.25 (1) all documentation and materials the issuing court requires; and

28.26 (2) a sworn affidavit as provided in section 626.08.

28.27 Subd. 4. Warrant application form. (a) A law enforcement agency shall develop a
28.28 warrant application form. A completed warrant application form shall accompany every
28.29 request for a no-knock search warrant.

28.30 (b) The warrant application form must be completed, signed, and dated by the peace
28.31 officer seeking the no-knock search warrant.

28.32 (c) Each warrant application must explain, in detailed terms, the following:

29.1 (1) why peace officers are unable to detain the suspect or search the residence using less
29.2 invasive means or methods;

29.3 (2) what investigative activities have taken place to support issuance of the no-knock
29.4 search warrant, or why no investigative activity is needed; and

29.5 (3) whether the warrant can be effectively executed during daylight hours according to
29.6 subdivision 1.

29.7 (d) The chief law enforcement officer or designee and the supervising officer must
29.8 review each warrant application form. If the chief law enforcement officer or designee or
29.9 commanding officer is unavailable, the direct superior officer shall review the materials.

29.10 (e) The warrant application form shall contain a certification of review section. The form
29.11 shall provide that, by executing the certification, the individual signing the form has reviewed
29.12 its contents and approves the request for a no-knock search warrant. The chief law
29.13 enforcement officer or designee and the commanding officer, or the direct superior officer,
29.14 must each sign, date, and indicate the time of the certification.

29.15 (f) Under no circumstance shall a no-knock search warrant be issued when the only
29.16 crime alleged is drug possession.

29.17 **Subd. 5. Reporting requirements regarding no-knock search warrants.** (a) Law
29.18 enforcement agencies shall report to the commissioner of public safety regarding the use
29.19 of no-knock search warrants. An agency must report the use of a no-knock search warrant
29.20 to the commissioner no later than three months after the date the warrant was issued. The
29.21 report shall include the following information:

29.22 (1) the number of no-knock search warrants requested;

29.23 (2) the number of no-knock search warrants the court issued;

29.24 (3) the number of no-knock search warrants executed; and

29.25 (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians
29.26 in the execution of no-knock search warrants.

29.27 (b) The commissioner of public safety shall report the information provided under
29.28 paragraph (a) annually to the chairs and ranking minority members of the legislative
29.29 committees with jurisdiction over public safety.

30.1 Sec. 6. Minnesota Statutes 2020, section 626.5531, subdivision 1, is amended to read:

30.2 Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's
30.3 department every violation of chapter 609 or a local criminal ordinance if the officer has
30.4 reason to believe, or if the victim alleges, that the offender was motivated to commit the
30.5 act ~~by~~ in whole or in part because of the victim's actual or perceived race, color, ethnicity,
30.6 religion, ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression,
30.7 age, national origin, or disability as defined in section 363A.03, or ~~characteristics identified~~
30.8 as sexual orientation because of the victim's actual or perceived association with another
30.9 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
30.10 sexual orientation, gender identity, gender expression, age, national origin, or disability as
30.11 defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension
30.12 shall adopt a reporting form to be used by law enforcement agencies in making the reports
30.13 required under this section. The reports must include for each incident all of the following:

30.14 (1) the date of the offense;

30.15 (2) the location of the offense;

30.16 (3) whether the target of the incident is a person, private property, or public property;

30.17 (4) the crime committed;

30.18 (5) the type of bias and information about the offender and the victim that is relevant to
30.19 that bias;

30.20 (6) any organized group involved in the incident;

30.21 (7) the disposition of the case;

30.22 (8) whether the determination that the offense was motivated by bias was based on the
30.23 officer's reasonable belief or on the victim's allegation; and

30.24 (9) any additional information the superintendent deems necessary for the acquisition
30.25 of accurate and relevant data.

30.26 Sec. 7. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

30.27 Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms,
30.28 compensation, removal of members and the filling of vacancies for members appointed
30.29 pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board;~~ the provision of staff,
30.30 administrative services and office space; the review and processing of complaints; the setting
30.31 of fees; and other matters relating to board operations shall be as provided in chapter 214.

31.1 Sec. 8. Minnesota Statutes 2020, section 626.8435, is amended to read:

31.2 ~~626.8435 ENSURING POLICE EXCELLENCE AND IMPROVING COMMUNITY~~
 31.3 ~~RELATIONS ADVISORY~~ PEACE OFFICER STANDARDS AND TRAINING
 31.4 BOARD CITIZEN'S COUNCIL.

31.5 Subdivision 1. **Establishment and membership.** The ~~Ensuring Police Excellence and~~
 31.6 ~~Improving Community Relations Advisory~~ Peace Officer Standards and Training Board
 31.7 Citizen's Council is established under the Peace Officer Standards and Training Board. The
 31.8 council consists of the following 15 members:

31.9 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

31.10 (2) the executive director of the Peace Officer Standards and Training Board, or a
 31.11 designee;

31.12 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
 31.13 designee;

31.14 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

31.15 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

31.16 (6) six community members, of which:

31.17 (i) four members shall represent the community-specific boards established under ~~section~~
 31.18 ~~257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

31.19 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
 31.20 chapter of the National Alliance on Mental Illness; and

31.21 (iii) one member shall be an advocate for victims and shall be appointed by Violence
 31.22 Free Minnesota; and

31.23 (7) four members appointed by the legislature, of which one shall be appointed by the
 31.24 speaker of the house, one by the house minority leader, one by the senate majority leader,
 31.25 and one by the senate minority leader.

31.26 The appointing authorities shall make their appointments by September 15, 2020, and
 31.27 shall ensure geographical balance when making appointments.

31.28 Subd. 2. **Purpose and duties.** (a) The purpose of the council is to assist the board in
 31.29 maintaining policies and regulating peace officers in a manner that ensures the protection
 31.30 of civil and human rights. The council shall provide for citizen involvement in policing

32.1 policies, regulations, and supervision. The council shall advance policies and reforms that
32.2 promote positive interactions between peace officers and the community.

32.3 (b) The board chair must place the council's recommendations to the board on the board's
32.4 agenda within four months of receiving a recommendation from the council.

32.5 Subd. 3. **Organization.** The council shall be organized and administered under section
32.6 15.059, except that the council does not expire. Council members serve at the pleasure of
32.7 the appointing authority. The council shall select a chairperson from among the members
32.8 by majority vote at its first meeting. The executive director of the board shall serve as the
32.9 council's executive secretary.

32.10 Subd. 4. **Meetings.** The council must meet at least quarterly. Meetings of the council
32.11 are governed by chapter 13D. The executive director of the Peace Officer Standards and
32.12 Training Board shall convene the council's first meeting, which must occur by October 15,
32.13 2020.

32.14 Subd. 5. **Office support.** The executive director of the Peace Officer Standards and
32.15 Training Board shall provide the council with the necessary office space, supplies, equipment,
32.16 and clerical support to effectively perform the duties imposed.

32.17 Subd. 6. **Reports.** The council shall submit a report by February 15 of each year to the
32.18 chairs and ranking minority members of the senate and house of representatives committees
32.19 and divisions having jurisdiction over criminal justice policy and the board. At a minimum,
32.20 the report shall include:

32.21 (1) all recommendations presented to the board and how the board acted on those
32.22 recommendations;

32.23 (2) recommendations for statutory reform or legislative initiatives intended to promote
32.24 police-community relations; and

32.25 (3) updates on the council's review and determinations.

32.26 Sec. 9. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

32.27 Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of
32.28 Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace
32.29 Officers Association, shall create a central repository for peace officer data ~~designated as~~
32.30 ~~public data under chapter 13.~~ The database shall be designed to receive, in real time, the
32.31 ~~public~~ data required to be submitted to the board by law enforcement agencies in section

33.1 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database
33.2 must use encrypted data to track information transmitted on individual peace officers.

33.3 Sec. 10. Minnesota Statutes 2020, section 626.8451, subdivision 1, is amended to read:

33.4 Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must ~~prepare~~
33.5 ~~a~~ approve a list of training course courses to assist peace officers in identifying ~~and,~~
33.6 ~~responding to, and reporting crimes motivated by~~ in whole or in part because of the victim's
33.7 or another's actual or perceived race, color, ethnicity, religion, ~~national origin,~~ sex, gender,
33.8 sexual orientation, gender identity, gender expression, age, national origin, or disability as
33.9 defined in section 363A.03, or ~~characteristics identified as sexual orientation~~ because of
33.10 the victim's actual or perceived association with another person or group of a certain actual
33.11 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,
33.12 gender expression, age, national origin, or disability as defined in section 363A.03. The
33.13 course must include material to help officers distinguish bias crimes from other crimes, to
33.14 help officers in understanding and assisting victims of these crimes, and to ensure that bias
33.15 crimes will be accurately reported as required under section 626.5531. ~~The course must be~~
33.16 ~~updated periodically~~ board must review the approved courses every three years and update
33.17 the list of approved courses as the board, in consultation with the commissioner of human
33.18 rights, considers appropriate.

33.19 (b) In updating the list of approved training courses described in paragraph (a), the board
33.20 must consult and secure approval from the commissioner of human rights.

33.21 Sec. 11. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

33.22 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
33.23 officer shall report annually to the board summary data regarding the investigation and
33.24 disposition of cases involving alleged misconduct, indicating the total number of
33.25 investigations, the total number by each subject matter, the number dismissed as unfounded,
33.26 and the number dismissed on grounds that the allegation was unsubstantiated.

33.27 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
33.28 individual peace officer data classified as public data on individuals, as defined by section
33.29 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
33.30 12, and submitted using encrypted data that the board determines is necessary to:

33.31 (1) evaluate the effectiveness of statutorily required training;

34.1 (2) assist the ~~Ensuring Police Excellence and Improving Community Relations Advisory~~
34.2 Peace Officer Standards and Training Board Citizen's Council in accomplishing the council's
34.3 duties; and

34.4 (3) allow for the board, the ~~Ensuring Police Excellence and Improving Community~~
34.5 Relations Advisory Peace Officer Standards and Training Board Citizen's Council, and the
34.6 board's complaint investigation committee to identify patterns of behavior that suggest an
34.7 officer is in crisis or is likely to violate a board-mandated model policy.

34.8 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
34.9 must update data within 30 days of final disposition of a complaint or investigation.

34.10 (d) Law enforcement agencies and political subdivisions are prohibited from entering
34.11 into a confidentiality agreement that would prevent disclosure of the data identified in
34.12 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
34.13 of this section.

34.14 (e) By February 1 of each year, the board shall prepare a report that contains summary
34.15 data provided under paragraph (b). The board must post the report on its publicly accessible
34.16 website and provide a copy to the chairs and ranking minority members of the senate and
34.17 house of representatives committees and divisions having jurisdiction over criminal justice
34.18 policy.

34.19 (f) For purposes of identifying potential patterns and trends in police misconduct and
34.20 determining training needs and the purpose of the database outlined in paragraph (b), the
34.21 board shall adopt rules including but not limited to:

34.22 (1) creating detailed classifications of peace officer complaints and discipline by conduct
34.23 type and severity for formal signed complaints;

34.24 (2) establishing definitions for the following terms, including but not limited to formal
34.25 complaint, discipline action, coaching, and retraining; and

34.26 (3) directing annual reporting by each chief law enforcement officer of the number and
34.27 types of complaints:

34.28 (i) received by the law enforcement agency, including but not limited to complaints
34.29 involving chief law enforcement officers;

34.30 (ii) initiated by action of the agency and resulting in investigation;

34.31 (iii) resulting in formal discipline, including but not limited to verbal and written
34.32 reprimand, suspension, or demotion, excluding termination;

- 35.1 (iv) resulting in termination;
35.2 (v) that are formal and result in coaching or retraining; and
35.3 (vi) for each officer in the agency's employ, and whether the complaint and investigation
35.4 resulted in final discipline.

35.5 Sec. 12. Minnesota Statutes 2020, section 626.8459, is amended to read:

35.6 **626.8459 POST BOARD; COMPLIANCE REVIEWS REQUIRED.**

35.7 Subdivision 1. Annual reviews; scope. ~~(a)~~ Each year, the board shall conduct compliance
35.8 reviews on all state and local law enforcement agencies. The compliance reviews must
35.9 ensure that the agencies are complying with all requirements imposed on them by statute
35.10 and rule. The board shall update its procedures governing compliance reviews to update,
35.11 among other items, its assessment of the following data points, and evaluation of the policies
35.12 and practices that contribute to the following:

35.13 (1) the effectiveness of required in-service training and adherence to model policies
35.14 which are to include an assessment and self-response survey where subjects explain the
35.15 state of the following:

35.16 (i) the number of use of force incidents per office and officers;

35.17 (ii) the rate of arrests and stops involving minorities compared to that of their white
35.18 counterparts within the same jurisdiction, if data is available;

35.19 (iii) the number of emergency holds requested by officers; and

35.20 (iv) other categorical metrics as deemed necessary by the board;

35.21 (2) the agency's investigations of complaints the board refers to the agency pursuant to
35.22 section 214.10, subdivision 10, and how the chief law enforcement officer holds officers
35.23 accountable for violations of statutory requirements imposed on peace officers, applicable
35.24 standards of conduct, board-mandated model policies, and agency-established policies; and

35.25 (3) the on and off duty conduct of officers employed by the agency to determine if the
35.26 officers' conduct is adversely affecting public respect and trust of law enforcement.

35.27 Subd. 2. Discovery; subpoenas. For the purpose of compliance reviews under this
35.28 section, the board or director may exercise the discovery and subpoena authority granted
35.29 to the board under section 214.10, subdivision 3.

35.30 Subd. 3. Reports required. The board shall include in the reports to the legislature
35.31 required in section 626.843, subdivision 4, detailed information on the compliance reviews

36.1 conducted under this section. At a minimum, the reports must specify each requirement
36.2 imposed by statute and rule on law enforcement agencies, the compliance rate of each
36.3 agency, a summary of the investigation of matters listed in subdivision 1, clause (1), items
36.4 (i) to (iv), and the action taken by the board, if any, against an agency not in compliance.

36.5 Subd. 4. Licensing sanctions authorized. ~~(b)~~ The board may impose licensing sanctions
36.6 and seek injunctive relief under section 214.11 for an agency's failure to comply with a
36.7 requirement imposed on it in statute or rule.

36.8 Sec. 13. Minnesota Statutes 2020, section 626.8469, subdivision 1, is amended to read:

36.9 Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law
36.10 enforcement officer of every state and local law enforcement agency shall provide in-service
36.11 training in crisis intervention and mental illness crises; conflict management and mediation;
36.12 ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit
36.13 bias training; and training to assist peace officers in identifying, responding to, and reporting
36.14 crimes committed in whole or in part because of the victim's actual or perceived race,
36.15 religion, national origin, sex, age, disability, or characteristics identified as sexual orientation
36.16 to every peace officer and part-time peace officer employed by the agency. The training
36.17 shall comply with learning objectives developed and approved by the board and shall meet
36.18 board requirements for board-approved continuing education credit. Every three years the
36.19 board shall review the learning objectives and must consult and collaborate with the
36.20 commissioner of human rights in identifying appropriate objectives and training courses
36.21 related to identifying, responding to, and reporting crimes committed in whole or in part
36.22 because of the victim's or another's actual or perceived race, color, ethnicity, religion,
36.23 national origin, sex, gender, sexual orientation, gender identity, gender expression, age,
36.24 national origin, or disability as defined in section 363A.03, or characteristics identified as
36.25 sexual orientation because of the victim's actual or perceived association with another person
36.26 or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual
36.27 orientation, gender identity, gender expression, age, national origin, or disability as defined
36.28 in section 363A.03. The training shall consist of at least 16 continuing education credits
36.29 within an officer's three-year licensing cycle. Each peace officer with a license renewal date
36.30 after June 30, 2018, is not required to complete this training until the officer's next full
36.31 three-year licensing cycle.

36.32 (b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided
36.33 by an approved entity. The board shall create a list of approved entities and training courses
36.34 and make the list available to the chief law enforcement officer of every state and local law

37.1 enforcement agency. Each peace officer (1) with a license renewal date before June 30,
37.2 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,
37.3 is not required to receive this training by an approved entity until the officer's next full
37.4 three-year licensing cycle.

37.5 (c) For every peace officer and part-time peace officer with a license renewal date of
37.6 June 30, 2022, or later, the training mandated under paragraph (a) must:

37.7 (1) include a minimum of six hours for crisis intervention and mental illness crisis
37.8 training that meets the standards established in subdivision 1a; and

37.9 (2) include a minimum of four hours to ensure safer interactions between peace officers
37.10 and persons with autism in compliance with section 626.8474.

37.11 Sec. 14. Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision
37.12 to read:

37.13 **Subd. 1b. Crisis intervention and mental illness crisis training; dementia and**
37.14 **Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the
37.15 Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of
37.16 approved entities and training courses primarily focused on issues associated with persons
37.17 with dementia and Alzheimer's disease. To receive the board's approval, a training course
37.18 must:

37.19 (1) have trainers with at least two years of direct care of a person with Alzheimer's
37.20 disease or dementia, crisis intervention training, and mental health experience;

37.21 (2) cover techniques for responding to and issues associated with persons with dementia
37.22 and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect;
37.23 and

37.24 (3) meet the crisis intervention and mental illness crisis training standards established
37.25 in subdivision 1a.

37.26 Sec. 15. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

37.27 **Subd. 3. Written policies and procedures required.** (a) The chief officer of every state
37.28 and local law enforcement agency that uses or proposes to use a portable recording system
37.29 must establish and enforce a written policy governing its use. In developing and adopting
37.30 the policy, the law enforcement agency must provide for public comment and input as
37.31 provided in subdivision 2. Use of a portable recording system without adoption of a written

38.1 policy meeting the requirements of this section is prohibited. The written policy must be
38.2 posted on the agency's website, if the agency has a website.

38.3 (b) At a minimum, the written policy must incorporate the following:

38.4 (1) the requirements of section 13.825 and other data classifications, access procedures,
38.5 retention policies, and data security safeguards that, at a minimum, meet the requirements
38.6 of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or
38.7 destroying any recording made with a peace officer's portable recording system or data and
38.8 metadata related to the recording prior to the expiration of the applicable retention period
38.9 under section 13.825, subdivision 3, except that the full, unedited and unredacted recording
38.10 of a peace officer using deadly force must be maintained indefinitely;

38.11 (2) mandate that a deceased individual's next of kin, legal representative of the next of
38.12 kin, or other parent of the deceased individual's children be entitled to view any and all
38.13 recordings from a peace officer's portable recording system, redacted no more than what is
38.14 required by law, of an officer's use of deadly force no later than 48 hours after an incident
38.15 where deadly force used by a peace officer results in death of an individual, except that a
38.16 chief law enforcement officer may deny a request if investigators can articulate a compelling
38.17 reason as to why allowing the deceased individual's next of kin, legal representative of the
38.18 next of kin, or other parent of the deceased individual's children to review the recordings
38.19 would interfere with the agency conducting a thorough investigation. If the chief law
38.20 enforcement officer denies a request under this provision, the agency's policy must require
38.21 the chief law enforcement officer to issue a prompt, written denial and provide notice to
38.22 the deceased individual's next of kin, legal representative of the next of kin, or other parent
38.23 of the deceased individual's children that they may seek relief from the district court;

38.24 (3) mandate release of all recordings of an incident where a peace officer used deadly
38.25 force and an individual dies to the deceased individual's next of kin, legal representative of
38.26 the next of kin, and other parent of the deceased individual's children no later than 90 days
38.27 after the incident;

38.28 (4) procedures for testing the portable recording system to ensure adequate functioning;

38.29 ~~(3)~~ (5) procedures to address a system malfunction or failure, including requirements
38.30 for documentation by the officer using the system at the time of a malfunction or failure;

38.31 ~~(4)~~ (6) circumstances under which recording is mandatory, prohibited, or at the discretion
38.32 of the officer using the system;

38.33 ~~(5)~~ (7) circumstances under which a data subject must be given notice of a recording;

39.1 ~~(6)~~ (8) circumstances under which a recording may be ended while an investigation,
39.2 response, or incident is ongoing;

39.3 ~~(7)~~ (9) procedures for the secure storage of portable recording system data and the
39.4 creation of backup copies of the data; and

39.5 ~~(8)~~ (10) procedures to ensure compliance and address violations of the policy, which
39.6 must include, at a minimum, supervisory or internal audits and reviews, and the employee
39.7 discipline standards for unauthorized access to data contained in section 13.09.

39.8 Sec. 16. Minnesota Statutes 2020, section 626.8475, is amended to read:

39.9 **626.8475 DUTY TO INTERCEDE AND REPORT.**

39.10 (a) Regardless of tenure or rank, a peace officer must intercede when:

39.11 (1) present and observing another peace officer using force in violation of section 609.066,
39.12 subdivision 2, or otherwise beyond that which is objectively reasonable under the
39.13 circumstances; and

39.14 (2) physically or verbally able to do so.

39.15 (b) A peace officer who observes another employee or peace officer use force that
39.16 exceeds the degree of force permitted by law has the duty to report the incident in writing
39.17 within 24 hours to the chief law enforcement officer of the agency that employs the reporting
39.18 peace officer. A chief law enforcement officer who receives a report under this section must
39.19 report the incident to the board on the form adopted by the board pursuant to paragraph (d).

39.20 (c) A peace officer who breaches a duty established in this subdivision is subject to
39.21 discipline by the board under Minnesota Rules, part 6700.1600.

39.22 (d) The board shall adopt a reporting form to be used by law enforcement agencies in
39.23 making the reports required under this section. The reports must include for each incident
39.24 all of the following:

39.25 (1) the name of the officer accused of using excessive force;

39.26 (2) the date of the incident;

39.27 (3) the location of the incident;

39.28 (4) the name of the person who was subjected to excessive force, if known; and

39.29 (5) a description of the force used in the incident.

39.30 Reports received by the board are licensing data governed by section 13.41.

40.1 (e) A peace officer who breaches a duty established in this section is subject to discipline
40.2 by the board under Minnesota Rules, part 6700.1600.

40.3 **Sec. 17. [626.8476] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND**
40.4 **TRAINING.**

40.5 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
40.6 subdivision have the meanings given them.

40.7 (b) "Confidential informant" means a person who cooperates with a law enforcement
40.8 agency confidentially in order to protect the person or the agency's intelligence gathering
40.9 or investigative efforts and:

40.10 (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in
40.11 which a sentence will be or has been imposed, or receive a monetary or other benefit; and

40.12 (2) is able, by reason of the person's familiarity or close association with suspected
40.13 criminals, to:

40.14 (i) make a controlled buy or controlled sale of contraband, controlled substances, or
40.15 other items that are material to a criminal investigation;

40.16 (ii) supply regular or constant information about suspected or actual criminal activities
40.17 to a law enforcement agency; or

40.18 (iii) otherwise provide information important to ongoing criminal intelligence gathering
40.19 or criminal investigative efforts.

40.20 (c) "Controlled buy" means the purchase of contraband, controlled substances, or other
40.21 items that are material to a criminal investigation from a target offender that is initiated,
40.22 managed, overseen, or participated in by law enforcement personnel with the knowledge
40.23 of a confidential informant.

40.24 (d) "Controlled sale" means the sale of contraband, controlled substances, or other items
40.25 that are material to a criminal investigation to a target offender that is initiated, managed,
40.26 overseen, or participated in by law enforcement personnel with the knowledge of a
40.27 confidential informant.

40.28 (e) "Mental harm" means a psychological injury that is not necessarily permanent but
40.29 results in visibly demonstrable manifestations of a disorder of thought or mood that impairs
40.30 a person's judgment or behavior.

40.31 (f) "Target offender" means the person suspected by law enforcement personnel to be
40.32 implicated in criminal acts by the activities of a confidential informant.

41.1 Subd. 2. Model policy. (a) By January 1, 2022, the board shall adopt a model policy
41.2 addressing the use of confidential informants by law enforcement. The model policy must
41.3 establish policies and procedures for the recruitment, control, and use of confidential
41.4 informants. In developing the policy, the board shall consult with representatives of the
41.5 Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's
41.6 Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys
41.7 Association, treatment centers for substance abuse, and mental health organizations. The
41.8 model policy must include, at a minimum, the following:

41.9 (1) information that the law enforcement agency shall maintain about each confidential
41.10 informant that must include, at a minimum, an emergency contact for the informant in the
41.11 event of the informant's physical or mental harm or death;

41.12 (2) a process to advise a confidential informant of conditions, restrictions, and procedures
41.13 associated with participating in the agency's investigative or intelligence gathering activities;

41.14 (3) procedures for compensation to an informant that is commensurate with the value
41.15 of the services and information provided and based on the level of the targeted offender,
41.16 the amount of any seizure, and the significance of contributions made by the informant;

41.17 (4) designated supervisory or command-level review and oversight in the use of a
41.18 confidential informant;

41.19 (5) consultation with the informant's probation, parole, or supervised release agent, if
41.20 any;

41.21 (6) limits or restrictions on off-duty association or social relationships by law enforcement
41.22 agency personnel with a confidential informant;

41.23 (7) limits or restrictions on the potential exclusion of an informant from engaging in a
41.24 controlled buy or sale of a controlled substance if the informant is known by the law
41.25 enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by
41.26 a licensed service provider for substance abuse; (ii) be participating in a treatment-based
41.27 drug court program; or (iii) have experienced a drug overdose within the past year;

41.28 (8) exclusion of an informant under the age of 18 years from participating in a controlled
41.29 buy or sale of a controlled substance without the written consent of a parent or legal guardian,
41.30 except that the informant may provide confidential information to a law enforcement agency;

41.31 (9) consideration of an informant's diagnosis of mental illness, substance abuse, or
41.32 disability, and history of mental illness, substance abuse, or disability;

42.1 (10) guidelines for the law enforcement agency to consider if the agency decides to
42.2 establish a procedure to request an advocate from the county social services agency for an
42.3 informant if the informant is an addict in recovery or possesses a physical or mental infirmity
42.4 or other physical, mental, or emotional dysfunction that impairs the informant's ability to
42.5 understand instructions and make informed decisions, where the agency determines this
42.6 process does not place the informant in any danger;

42.7 (11) guidelines for the law enforcement agency to use to encourage prospective and
42.8 current confidential informants who are known to be substance abusers or to be at risk for
42.9 substance abuse to seek prevention or treatment services;

42.10 (12) reasonable protective measures for a confidential informant when law enforcement
42.11 knows or should have known of a risk or threat of harm to a person serving as a confidential
42.12 informant and the risk or threat of harm is a result of the informant's service to the law
42.13 enforcement agency;

42.14 (13) guidelines for the training and briefing of a confidential informant;

42.15 (14) reasonable procedures to help protect the identity of a confidential informant during
42.16 the time the person is acting as an informant;

42.17 (15) procedures to deactivate a confidential informant that maintain the safety and
42.18 anonymity of the informant;

42.19 (16) optional procedures that the law enforcement agency may adopt relating to
42.20 deactivated confidential informants to offer and provide assistance to them with physical,
42.21 mental, or emotional health services;

42.22 (17) a process to evaluate and report the criminal history and propensity for violence of
42.23 any target offenders; and

42.24 (18) guidelines for a written agreement between the confidential informant and the law
42.25 enforcement agency that take into consideration, at a minimum, an informant's physical or
42.26 mental infirmity or other physical, mental, or emotional dysfunction that impairs the
42.27 informant's ability to knowingly contract or otherwise protect the informant's self-interest.

42.28 (b) The board shall annually review and, as necessary, revise the model confidential
42.29 informant policy in collaboration with representatives from the organizations listed under
42.30 paragraph (a).

42.31 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state
42.32 and local law enforcement agency must establish and enforce a written policy governing
42.33 the use of confidential informants. The policy must be identical or, at a minimum,

43.1 substantially similar to the new or revised model policy adopted by the board under
43.2 subdivision 2.

43.3 (b) Every state and local law enforcement agency must certify annually to the board that
43.4 it has adopted a written policy in compliance with the board's model confidential informant
43.5 policy.

43.6 (c) The board shall assist the chief law enforcement officer of each state and local law
43.7 enforcement agency in developing and implementing confidential informant policies under
43.8 this subdivision.

43.9 Subd. 4. **Required in-service training.** The chief law enforcement officer of every state
43.10 and local law enforcement agency shall provide in-service training in the recruitment,
43.11 control, and use of confidential informants to every peace officer and part-time peace officer
43.12 employed by the agency who the chief law enforcement officer determines is involved in
43.13 working with confidential informants given the officer's responsibilities. The training shall
43.14 comply with learning objectives based on the policies and procedures of the model policy
43.15 developed and approved by the board.

43.16 Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local
43.17 agency policies to ensure compliance with this section. The board may conduct the inspection
43.18 based upon a complaint it receives about a particular agency or through a random selection
43.19 process.

43.20 Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing
43.21 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
43.22 requirements of this section.

43.23 Subd. 7. **Title.** This section shall be known as "Matthew's Law."

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

43.25 Sec. 18. **[626.8477] INVESTIGATING HUMAN TRAFFICKING CASES; POLICIES**
43.26 **REQUIRED.**

43.27 Subdivision 1. **Model policy required.** By December 15, 2021, the board, in consultation
43.28 with the statewide human trafficking investigation coordinator defined in section 299A.873,
43.29 as well as other interested parties including the Bureau of Criminal Apprehension, the
43.30 Human Trafficking Investigators Task Force, representatives of other sex trafficking task
43.31 forces, prosecutors, and Minnesota victim advocacy groups, must develop and distribute to
43.32 all chief law enforcement officers a comprehensive model policy for law enforcement
43.33 investigations of human trafficking cases, including sex trafficking and labor trafficking,

44.1 that are victim-centered and takes into account best practices, including the Safe Harbor
44.2 Protocol Guidelines developed pursuant to legislative appropriation, and ensures a thorough
44.3 investigation of these cases and that victims are treated respectfully.

44.4 Subd. 2. **Agency policies required.** (a) By March 15, 2022, the chief law enforcement
44.5 officer of every state and local law enforcement agency must establish and enforce a written
44.6 policy governing the investigation of human trafficking cases within the agency that is
44.7 identical or substantially similar to the board's model policy described in subdivision 1. The
44.8 chief law enforcement officer must ensure that each peace officer investigating a human
44.9 trafficking case follows the agency's policy.

44.10 (b) Every state and local law enforcement agency must certify to the board that it has
44.11 adopted a written policy in compliance with this subdivision.

44.12 (c) The board must assist the chief law enforcement officer of each state and local law
44.13 enforcement agency in developing and implementing policies under this subdivision.

44.14 Sec. 19. [626.8478] PUBLIC ASSEMBLY RESPONSE; POLICIES REQUIRED.

44.15 Subdivision 1. **Model policy required.** By December 15, 2021, the board must develop
44.16 a comprehensive model policy on responding to public assemblies. The policy must be
44.17 based on best practices in public assembly response drawn from both domestic and
44.18 international sources. In developing the policy, the board must consult with representatives
44.19 of the Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota
44.20 Sheriffs' Association, Minnesota Police and Peace Officers Association, Minnesota County
44.21 Attorneys Association, a nonprofit that organizes public assemblies, a nonprofit that provides
44.22 legal services to defend the rights of those who participate in public assemblies, and other
44.23 interested parties. The board must distribute the model policy to all chief law enforcement
44.24 officers.

44.25 Subd. 2. **Agency policies required.** (a) By March 15, 2022, each chief law enforcement
44.26 officer must establish and implement a written policy on public assembly response that is
44.27 identical or substantially similar to the board's model policy described in subdivision 1. The
44.28 policy shall include specific actions to be taken during a public assembly response.

44.29 (b) The board must assist the chief law enforcement officer of each state and local law
44.30 enforcement agency in developing and implementing policies under this subdivision.

44.31 Subd. 3. **Available resources.** If an agency, board, or local representative reviews or
44.32 updates its policies on public assembly response, it may consider the advice and counsel of
44.33 nonprofits that organize public assemblies.

45.1 Subd. 4. **Compliance reviews authorized.** The board has authority to inspect state and
45.2 local law enforcement agency policies to ensure compliance with subdivision 2. The board
45.3 may conduct this inspection based upon a complaint it receives about a particular agency
45.4 or through a random selection process. The board must conduct a compliance review after
45.5 any major public safety event. The board may impose licensing sanctions and seek injunctive
45.6 relief under section 214.11 for an agency's failure to comply with subdivision 2.

45.7 Sec. 20. Minnesota Statutes 2020, section 626.89, subdivision 2, is amended to read:

45.8 Subd. 2. **Applicability.** The procedures and provisions of this section apply to law
45.9 enforcement agencies and government units. The procedures and provisions of this section
45.10 do not apply to:

- 45.11 (1) investigations by civilian review boards, commissions, or other oversight bodies; or
45.12 (2) investigations of criminal charges against an officer.

45.13 Sec. 21. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

45.14 Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the
45.15 meanings given them:

45.16 (1) "civilian oversight council" means a civilian review board, commission, or other
45.17 oversight body established by a local unit of government to provide civilian oversight of a
45.18 law enforcement agency and officers employed by the agency; and

45.19 (2) "misconduct" means a violation of law, standards promulgated by the Peace Officer
45.20 Standards and Training Board, or agency policy.

45.21 (b) A local unit of government may establish a civilian review board, commission, or
45.22 other oversight body shall not have council and grant the council the authority to make a
45.23 finding of fact or determination regarding a complaint against an officer or impose discipline
45.24 on an officer. A civilian review board, commission, or other oversight body may make a
45.25 recommendation regarding the merits of a complaint, however, the recommendation shall
45.26 be advisory only and shall not be binding on nor limit the authority of the chief law
45.27 enforcement officer of any unit of government.

45.28 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian
45.29 oversight council may conduct an investigation into allegations of peace officer misconduct
45.30 and retain an investigator to facilitate an investigation. Subject to other applicable law, a
45.31 council may subpoena or compel testimony and documents in an investigation. Upon
45.32 completion of an investigation, a council may make a finding of misconduct and recommend

46.1 appropriate discipline against peace officers employed by the agency. If the governing body
46.2 grants a council the authority, the council may impose discipline on peace officers employed
46.3 by the agency. A council shall submit investigation reports that contain findings of peace
46.4 officer misconduct to the chief law enforcement officer and the Peace Officer Standards
46.5 and Training Board's complaint committee. A council may also make policy
46.6 recommendations to the chief law enforcement officer and the Peace Officer Standards and
46.7 Training Board.

46.8 (d) The chief law enforcement officer of a law enforcement agency under the jurisdiction
46.9 of a civilian oversight council shall cooperate with the council and facilitate the council's
46.10 achievement of its goals. However, the officer is under no obligation to agree with individual
46.11 recommendations of the council and may oppose a recommendation. If the officer fails to
46.12 implement a recommendation that is within the officer's authority, the officer shall inform
46.13 the council of the failure along with the officer's underlying reasons.

46.14 (e) Peace officer discipline decisions imposed pursuant to the authority granted under
46.15 this subdivision shall be subject to the applicable grievance procedure established or agreed
46.16 to under chapter 179A.

46.17 (f) Data collected, created, received, maintained, or disseminated by a civilian oversight
46.18 council related to an investigation of a peace officer are personnel data as defined by section
46.19 13.43, subdivision 1, and are governed by that section.

46.20 Sec. 22. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to
46.21 read:

46.22 Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary
46.23 provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional
46.24 authority under this section with the local county sheriff within the geographical boundaries
46.25 of the band's reservation to enforce state criminal law if the requirements of subdivision 2
46.26 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered
46.27 into.

47.1 Sec. 23. Laws 2020, Fifth Special Session chapter 3, article 9, section 6, is amended to
47.2 read:

47.3 Sec. 6. ~~STATE PATROL TROOPER LAW ENFORCEMENT SALARY INCREASE~~
47.4 INCREASES.

47.5 Notwithstanding any law to the contrary, salary increases shall apply to the following
47.6 employees whose exclusive representative is the Minnesota Law Enforcement Association:

47.7 (1) the commissioner of public safety must increase the salary paid to state patrol troopers,
47.8 Bureau of Criminal Apprehension agents, and special agents in the gambling enforcement
47.9 division by 8.4 percent;

47.10 (2) the commissioner of natural resources must increase the salary paid to conservation
47.11 officers by 8.4 percent;

47.12 (3) the commissioner of corrections must increase the salary paid to fugitive specialists
47.13 by 8.4 percent; and

47.14 (4) the commissioner of commerce must increase the salary paid to commerce insurance
47.15 fraud specialists by 8.4 percent.

47.16 **EFFECTIVE DATE.** This section is effective retroactively from October 22, 2020.

47.17 Sec. 24. **RULEMAKING AUTHORITY.**

47.18 The executive director of the Peace Officer Standards and Training Board may adopt
47.19 rules to carry out the purposes of section 3.

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

47.21 Sec. 25. **GRANT PROGRAM FOR PUBLIC SAFETY POLICY AND TRAINING**
47.22 **CONSULTANT COSTS.**

47.23 (a) The executive director of the Peace Officer Standards and Training Board shall issue
47.24 grants to law enforcement agencies to provide reimbursement for the expense of retaining
47.25 a board-approved public safety policy and training consultant.

47.26 (b) The Peace Officer Training and Standards Board shall identify a qualified public
47.27 safety policy and training consultant whose expenses would be eligible for reimbursement
47.28 under this section. At a minimum, the board must select a consultant who meets the following
47.29 criteria:

48.1 (1) at least 15 years of experience developing and implementing law enforcement policy
48.2 and developing and leading law enforcement training;

48.3 (2) proven experience in developing both local and statewide law enforcement policies
48.4 that incorporate current statutory and judicial standards, academic research, and best practices
48.5 in policing;

48.6 (3) proven experience in successfully assisting law enforcement agencies to implement
48.7 policing reforms; and

48.8 (4) proven experience in providing measurable value-added to clients for a competitive
48.9 fee.

48.10 (c) The executive director shall give priority to agencies that do not have a contract with
48.11 the consultant selected by the board under paragraph (b). If there are insufficient funds to
48.12 fully reimburse each eligible grant applicant, the executive director shall provide a pro rata
48.13 share of funds appropriated for this purpose to each eligible law enforcement agency based
48.14 on the number of peace officers employed by the agency.

48.15 **Sec. 26. PEACE OFFICER STANDARDS OF CONDUCT; WHITE SUPREMACIST**
48.16 **AFFILIATION AND SUPPORT PROHIBITED.**

48.17 (a) The Peace Officer Standards and Training Board must revise the peace officer
48.18 standards of conduct that the board is mandated to publish and update under Minnesota
48.19 Statutes, section 626.843, subdivision 1, clause (6), to prohibit peace officers from affiliating
48.20 with, supporting, or advocating for white supremacist groups, causes, or ideologies or
48.21 participation in, or active promotion of, an international or domestic extremist group that
48.22 the Federal Bureau of Investigation has determined supports or encourages illegal, violent
48.23 conduct.

48.24 (b) For purposes of this section, white supremacist groups, causes, or ideologies include
48.25 organizations and associations and ideologies that: promote white supremacy and the idea
48.26 that white people are superior to Black, Indigenous, and people of color (BIPOC), promote
48.27 religious and racial bigotry, or seek to exacerbate racial and ethnic tensions between BIPOC
48.28 and non-BIPOC or engage in patently hateful and inflammatory speech, intimidation, and
48.29 violence against BIPOC as means of promoting white supremacy.

ARTICLE 3

CORRECTIONS AND COMMUNITY SUPERVISION

49.1
49.2
49.3 Section 1. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision
49.4 to read:

49.5 Subd. 4. Probation; supervised release. (a) A court shall not prohibit a person from
49.6 participating in the registry program under sections 152.22 to 152.37 as a condition of
49.7 probation, parole, pretrial conditional release, or supervised release or revoke a patient's
49.8 probation, parole, pretrial conditional release, or supervised release or otherwise sanction
49.9 a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh
49.10 participation in the registry program, or positive drug test for cannabis components or
49.11 metabolites by registry participants, or both, as a factor when considering penalties for
49.12 violations of probation, parole, pretrial conditional release, or supervised release.

49.13 (b) The commissioner of corrections, probation agent, or parole officer shall not prohibit
49.14 a person from participating in the registry program under sections 152.22 to 152.37 as a
49.15 condition of parole, supervised release, or conditional release or revoke a patient's parole,
49.16 supervised release, or conditional release or otherwise sanction a patient on parole, supervised
49.17 release, or conditional release solely for participating in the registry program or for a positive
49.18 drug test for cannabis components or metabolites.

49.19 Sec. 2. Minnesota Statutes 2020, section 171.06, subdivision 3, is amended to read:

49.20 Subd. 3. **Contents of application; other information.** (a) An application must:

49.21 (1) state the full name, date of birth, sex, and either (i) the residence address of the
49.22 applicant, or (ii) designated address under section 5B.05;

49.23 (2) as may be required by the commissioner, contain a description of the applicant and
49.24 any other facts pertaining to the applicant, the applicant's driving privileges, and the
49.25 applicant's ability to operate a motor vehicle with safety;

49.26 (3) state:

49.27 (i) the applicant's Social Security number; or

49.28 (ii) if the applicant does not have a Social Security number and is applying for a
49.29 Minnesota identification card, instruction permit, or class D provisional or driver's license,
49.30 that the applicant certifies that the applicant is not eligible for a Social Security number;

49.31 (4) contain a notification to the applicant of the availability of a living will/health care
49.32 directive designation on the license under section 171.07, subdivision 7; and

50.1 (5) include a method for the applicant to:

50.2 (i) request a veteran designation on the license under section 171.07, subdivision 15,
50.3 and the driving record under section 171.12, subdivision 5a;

50.4 (ii) indicate a desire to make an anatomical gift under paragraph (d);

50.5 (iii) as applicable, designate document retention as provided under section 171.12,
50.6 subdivision 3c; and

50.7 (iv) indicate emergency contacts as provided under section 171.12, subdivision 5b.

50.8 (b) Applications must be accompanied by satisfactory evidence demonstrating:

50.9 (1) identity, date of birth, and any legal name change if applicable; and

50.10 (2) for driver's licenses and Minnesota identification cards that meet all requirements of
50.11 the REAL ID Act:

50.12 (i) principal residence address in Minnesota, including application for a change of address,
50.13 unless the applicant provides a designated address under section 5B.05;

50.14 (ii) Social Security number, or related documentation as applicable; and

50.15 (iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.

50.16 (c) An application for an enhanced driver's license or enhanced identification card must
50.17 be accompanied by:

50.18 (1) satisfactory evidence demonstrating the applicant's full legal name and United States
50.19 citizenship; and

50.20 (2) a photographic identity document.

50.21 (d) A valid Department of Corrections or Federal Bureau of Prisons identification card,
50.22 containing the applicant's full name, date of birth, and photograph issued to the applicant
50.23 is an acceptable form of proof of identity in an application for an identification card,
50.24 instruction permit, or driver's license as a secondary document for purposes of Minnesota
50.25 Rules, part 7410.0400, and successor rules.

50.26 Sec. 3. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

50.27 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
50.28 following powers and duties:

50.29 (a) To accept persons committed to the commissioner by the courts of this state for care,
50.30 custody, and rehabilitation.

51.1 (b) To determine the place of confinement of committed persons in a correctional facility
51.2 or other facility of the Department of Corrections and to prescribe reasonable conditions
51.3 and rules for their employment, conduct, instruction, and discipline within or outside the
51.4 facility. After July 1, 2021, the commissioner shall not allow inmates to be housed in facilities
51.5 that are not owned and operated by the state, a local unit of government, or a group of local
51.6 units of government. Inmates shall not exercise custodial functions or have authority over
51.7 other inmates.

51.8 (c) To administer the money and property of the department.

51.9 (d) To administer, maintain, and inspect all state correctional facilities.

51.10 (e) To transfer authorized positions and personnel between state correctional facilities
51.11 as necessary to properly staff facilities and programs.

51.12 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
51.13 beneficial to accomplish the purposes of this section, but not to close the Minnesota
51.14 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
51.15 legislative approval. The commissioner may place juveniles and adults at the same state
51.16 minimum security correctional facilities, if there is total separation of and no regular contact
51.17 between juveniles and adults, except contact incidental to admission, classification, and
51.18 mental and physical health care.

51.19 (g) To organize the department and employ personnel the commissioner deems necessary
51.20 to discharge the functions of the department, including a chief executive officer for each
51.21 facility under the commissioner's control who shall serve in the unclassified civil service
51.22 and may, under the provisions of section 43A.33, be removed only for cause.

51.23 (h) To define the duties of these employees and to delegate to them any of the
51.24 commissioner's powers, duties and responsibilities, subject to the commissioner's control
51.25 and the conditions the commissioner prescribes.

51.26 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
51.27 establish the priorities of the Department of Corrections. This report shall be submitted to
51.28 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
51.29 committees.

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

52.1 Sec. 4. Minnesota Statutes 2020, section 241.016, is amended to read:

52.2 **241.016 ANNUAL PERFORMANCE REPORT REQUIRED.**

52.3 Subdivision 1. **Biennial Annual report.** (a) The Department of Corrections shall submit
52.4 a performance report to the chairs and ranking minority members of the senate and house
52.5 of representatives committees and divisions having jurisdiction over criminal justice funding
52.6 by January 15 of each ~~odd-numbered~~ year. The issuance and content of the report must
52.7 include the following:

52.8 (1) department strategic mission, goals, and objectives;

52.9 (2) the department-wide per diem, adult facility-specific per diems, and an average per
52.10 diem, reported in a standard calculated method as outlined in the departmental policies and
52.11 procedures;

52.12 (3) department annual statistics as outlined in the departmental policies and procedures;
52.13 ~~and~~

52.14 (4) information about prison-based mental health programs, including, but not limited
52.15 to, the availability of these programs, participation rates, and completion rates; and

52.16 (5) beginning in 2023, a written aggregate of the state correctional facilities security
52.17 audit group's recommendations based on each security audit and assessment of a state
52.18 correctional facility and the commissioner's responses to the recommendations.

52.19 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
52.20 In addition, each year the department shall, on an alternating basis, complete a recidivism
52.21 analysis of adult facilities, juvenile services, and the community services divisions and
52.22 include a three-year recidivism analysis in the report described in paragraph (a). The
52.23 recidivism analysis must: (1) assess education programs, vocational programs, treatment
52.24 programs, including mental health programs, industry, and employment; and (2) assess
52.25 statewide re-entry policies and funding, including postrelease treatment, education, training,
52.26 and supervision. In addition, when reporting recidivism for the department's adult and
52.27 juvenile facilities, the department shall report on the extent to which offenders it has assessed
52.28 as chemically dependent commit new offenses, with separate recidivism rates reported for
52.29 persons completing and not completing the department's treatment programs.

52.30 (c) The department shall maintain annual statistics related to the supervision of extended
52.31 jurisdiction juveniles and include those statistics in the report described in paragraph (a).
52.32 The statistics must include:

53.1 (1) the total number and population demographics of individuals under supervision in
53.2 adult facilities, juvenile facilities, and the community who were convicted as an extended
53.3 jurisdiction juvenile;

53.4 (2) the number of individuals convicted as an extended jurisdiction juvenile who
53.5 successfully completed probation in the previous year;

53.6 (3) the number of individuals identified in clause (2) for whom the court terminated
53.7 jurisdiction before the person became 21 years of age pursuant to section 260B.193,
53.8 subdivision 5;

53.9 (4) the number of individuals convicted as an extended jurisdiction juvenile whose
53.10 sentences were executed; and

53.11 (5) the average length of time individuals convicted as an extended jurisdiction juvenile
53.12 spend on probation.

53.13 Sec. 5. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

53.14 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
53.15 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
53.16 facilities throughout the state, whether public or private, established and operated for the
53.17 detention and confinement of persons ~~detained or confined~~ or incarcerated therein according
53.18 to law except to the extent that they are inspected or licensed by other state regulating
53.19 agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing
53.20 minimum standards for these facilities with respect to their management, operation, physical
53.21 condition, and the security, safety, health, treatment, and discipline of persons ~~detained or~~
53.22 confined or incarcerated therein. ~~Commencing September 1, 1980, These minimum standards~~
53.23 shall include but are not limited to specific guidance pertaining to:

53.24 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated
53.25 in correctional facilities with mental illness or substance use disorders;

53.26 (2) a policy on the involuntary administration of medications;

53.27 (3) suicide prevention plans and training;

53.28 (4) verification of medications in a timely manner;

53.29 (5) well-being checks;

53.30 (6) discharge planning, including providing prescribed medications to persons confined
53.31 or incarcerated in correctional facilities upon release;

- 54.1 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional
54.2 institution;
- 54.3 (8) use of segregation and mental health checks;
- 54.4 (9) critical incident debriefings;
- 54.5 (10) clinical management of substance use disorders;
- 54.6 (11) a policy regarding identification of persons with special needs confined or
54.7 incarcerated in correctional facilities;
- 54.8 (12) a policy regarding the use of telehealth;
- 54.9 (13) self-auditing of compliance with minimum standards;
- 54.10 (14) information sharing with medical personnel and when medical assessment must be
54.11 facilitated;
- 54.12 (15) a code of conduct policy for facility staff and annual training;
- 54.13 (16) a policy on death review of all circumstances surrounding the death of an individual
54.14 committed to the custody of the facility; and
- 54.15 (17) dissemination of a rights statement made available to persons confined or
54.16 incarcerated in licensed correctional facilities.

54.17 No individual, corporation, partnership, voluntary association, or other private
54.18 organization legally responsible for the operation of a correctional facility may operate the
54.19 facility unless ~~licensed by it~~ it possesses a current license from the commissioner of corrections.
54.20 Private adult correctional facilities shall have the authority of section 624.714, subdivision
54.21 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the
54.22 facility meets requirements of section 243.52.

54.23 The commissioner shall review the correctional facilities described in this subdivision
54.24 at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine
54.25 compliance with the minimum standards established ~~pursuant~~ according to this subdivision
54.26 or other law related to minimum standards and conditions of confinement.

54.27 The commissioner shall grant a license to any facility found to conform to minimum
54.28 standards or to any facility which, in the commissioner's judgment, is making satisfactory
54.29 progress toward substantial conformity and the standards not being met do not impact the
54.30 interests and well-being of the persons ~~detained or~~ confined ~~therein~~ or incarcerated in the
54.31 facility are protected. A limited license under subdivision 1a may be issued for purposes of
54.32 effectuating a facility closure. The commissioner may grant licensure up to two years. Unless

55.1 otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on
55.2 the day after the expiration date stated on the license.

55.3 The commissioner shall have access to the buildings, grounds, books, records, staff, and
55.4 to persons ~~detained or confined~~ or incarcerated in these facilities. The commissioner may
55.5 require the officers in charge of these facilities to furnish all information and statistics the
55.6 commissioner deems necessary, at a time and place designated by the commissioner.

55.7 All facility administrators of correctional facilities defined under subdivision 1g are
55.8 required to report all deaths of individuals who died while committed to the custody of the
55.9 facility, regardless of whether the death occurred at the facility or after removal from the
55.10 facility for medical care stemming from an incident or need for medical care at the
55.11 correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge
55.12 of the death, including any demographic information as required by the commissioner.

55.13 All facility administrators of correctional facilities defined under subdivision 1g are
55.14 required to report all other emergency or unusual occurrences as defined by rule, including
55.15 uses of force by facility staff that result in substantial bodily harm or suicide attempts, to
55.16 the commissioner of corrections within ten days from the occurrence, including any
55.17 demographic information as required by the commissioner. The commissioner of corrections
55.18 shall consult with the Minnesota Sheriffs' Association and a representative from the
55.19 Minnesota Association of Community Corrections Act Counties who is responsible for the
55.20 operations of an adult correctional facility to define "use of force" that results in substantial
55.21 bodily harm for reporting purposes.

55.22 The commissioner may require that any or all such information be provided through the
55.23 Department of Corrections detention information system. The commissioner shall post each
55.24 inspection report publicly and on the department's website within 30 days of completing
55.25 the inspection. The education program offered in a correctional facility for the ~~detention or~~
55.26 ~~confinement~~ or incarceration of juvenile offenders must be approved by the commissioner
55.27 of education before the commissioner of corrections may grant a license to the facility.

55.28 (b) For juvenile facilities licensed by the commissioner of human services, the
55.29 commissioner may inspect and certify programs based on certification standards set forth
55.30 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given
55.31 it in section 245A.02.

55.32 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional
55.33 facilities shall, insofar as is possible, ensure that the minimum standards it requires are
55.34 substantially the same as those required by other state agencies which regulate, inspect, or

56.1 license the same aspects of similar types of correctional facilities, although at different
56.2 correctional facilities.

56.3 (d) Nothing in this section shall be construed to limit the commissioner of corrections'
56.4 authority to promulgate rules establishing standards of eligibility for counties to receive
56.5 funds under sections 401.01 to 401.16, or to require counties to comply with operating
56.6 standards the commissioner establishes as a condition precedent for counties to receive that
56.7 funding.

56.8 (e) The department's inspection unit must report directly to a division head outside of
56.9 the correctional institutions division.

56.10 ~~(e) When the commissioner finds that any facility described in paragraph (a), except~~
56.11 ~~foster care facilities for delinquent children and youth as provided in subdivision 2, does~~
56.12 ~~not substantially conform to the minimum standards established by the commissioner and~~
56.13 ~~is not making satisfactory progress toward substantial conformance, the commissioner shall~~
56.14 ~~promptly notify the chief executive officer and the governing board of the facility of the~~
56.15 ~~deficiencies and order that they be remedied within a reasonable period of time. The~~
56.16 ~~commissioner may by written order restrict the use of any facility which does not substantially~~
56.17 ~~conform to minimum standards to prohibit the detention of any person therein for more than~~
56.18 ~~72 hours at one time. When, after due notice and hearing, the commissioner finds that any~~
56.19 ~~facility described in this subdivision, except county jails and lockups as provided in sections~~
56.20 ~~641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making~~
56.21 ~~satisfactory progress toward substantial compliance therewith, the commissioner may issue~~
56.22 ~~an order revoking the license of that facility. After revocation of its license, that facility~~
56.23 ~~shall not be used until its license is renewed. When the commissioner is satisfied that~~
56.24 ~~satisfactory progress towards substantial compliance with minimum standard is being made,~~
56.25 ~~the commissioner may, at the request of the appropriate officials of the affected facility~~
56.26 ~~supported by a written schedule for compliance, grant an extension of time for a period not~~
56.27 ~~to exceed one year.~~

56.28 (f) As used in this subdivision, "correctional facility" means any facility, including a
56.29 group home, having a residential component, the primary purpose of which is to serve
56.30 persons placed therein by a court, court services department, parole authority, or other
56.31 correctional agency having dispositional power over persons charged with, convicted, or
56.32 adjudicated to be guilty or delinquent.

57.1 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
57.2 read:

57.3 Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that
57.4 any facility described in subdivision 1, except foster care facilities for delinquent children
57.5 and youth as provided in subdivision 2, does not substantially conform to the minimum
57.6 standards established by the commissioner and is not making satisfactory progress toward
57.7 substantial conformance and the nonconformance does not present an imminent risk of
57.8 life-threatening harm or serious physical injury to the persons confined or incarcerated in
57.9 the facility, the commissioner shall promptly notify the facility administrator and the
57.10 governing board of the facility of the deficiencies and must issue a correction order or a
57.11 conditional license order that the deficiencies be remedied within a reasonable and specified
57.12 period of time.

57.13 The conditional license order may restrict the use of any facility which does not
57.14 substantially conform to minimum standards, including imposition of conditions limiting
57.15 operation of the facility or parts of the facility, reducing facility capacity, limiting intake,
57.16 limiting length of detention for individuals, or imposing detention limitations based on the
57.17 needs of the individuals being confined or incarcerated therein.

57.18 The correction order or conditional license order must clearly state the following:

57.19 (1) the specific minimum standards violated, noting the implicated rule or law;

57.20 (2) the findings that constitute a violation of minimum standards;

57.21 (3) the corrective action needed;

57.22 (4) time allowed to correct each violation; and

57.23 (5) if a license is made conditional, the length and terms of the conditional license, any
57.24 conditions limiting operation of the facility, and the reasons for making the license
57.25 conditional.

57.26 (b) The facility administrator may request review of the findings noted in the conditional
57.27 license order on the grounds that satisfactory progress toward substantial compliance with
57.28 minimum standards has been made, supported by evidence of correction, and, if appropriate,
57.29 may include a written schedule for compliance. The commissioner shall review the evidence
57.30 of correction and the progress made toward substantial compliance with minimum standards
57.31 within a reasonable period of time, not to exceed ten business days. When the commissioner
57.32 has assurance that satisfactory progress toward substantial compliance with minimum

58.1 standards is being made, the commissioner shall lift any conditions limiting operation of
58.2 the facility or parts of the facility or remove the conditional license order.

58.3 (c) Nothing in this section prohibits the commissioner from ordering a revocation under
58.4 subdivision 1b prior to issuing a correction order or conditional license order.

58.5 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
58.6 read:

58.7 Subd. 1b. **License revocation order.** (a) When, after due notice to the facility
58.8 administrator of the commissioner's intent to issue a revocation order, the commissioner
58.9 finds that any facility described in this subdivision, except county jails and lockups subject
58.10 to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and
58.11 642.11, does not conform to minimum standards, or is not making satisfactory progress
58.12 toward substantial compliance with minimum standards, and the nonconformance does not
58.13 present an imminent risk of life-threatening harm or serious physical injury to the persons
58.14 confined or incarcerated in the facility, the commissioner may issue an order revoking the
58.15 license of that facility.

58.16 The notice of intent to issue a revocation order shall include:

58.17 (1) the citation to minimum standards that have been violated;

58.18 (2) the nature and severity of each violation;

58.19 (3) whether the violation is recurring or nonrecurring;

58.20 (4) the effect of the violation on persons confined or incarcerated in the correctional
58.21 facility;

58.22 (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional
58.23 facility;

58.24 (6) relevant facts, conditions, and circumstances concerning the operation of the licensed
58.25 facility, including at a minimum:

58.26 (i) specific facility deficiencies that endanger the health or safety of persons confined
58.27 or incarcerated in the correctional facility;

58.28 (ii) substantiated complaints relating to the correctional facility; or

58.29 (iii) any other evidence that the correctional facility is not in compliance with minimum
58.30 standards.

59.1 (b) The facility administrator must submit a written response within 30 days of receipt
59.2 of the notice of intent to issue a revocation order with any information related to errors in
59.3 the notice, ability to conform to minimum standards within a set period of time including
59.4 but not limited to a written schedule for compliance, and any other information the facility
59.5 administrator deems relevant for consideration by the commissioner. The written response
59.6 must also include a written plan indicating how the correctional facility will ensure the
59.7 transfer of confined or incarcerated individuals and records if the correctional facility closes.
59.8 Plans must specify arrangements the correctional facility will make to transfer confined or
59.9 incarcerated individuals to another licensed correctional facility for continuation of detention.

59.10 (c) When revoking a license, the commissioner shall consider the nature, chronicity, or
59.11 severity of the violation of law or rule and the effect of the violation on the health, safety,
59.12 or rights of persons confined or incarcerated in the correctional facility.

59.13 (d) If the facility administrator does not respond within 30 days to the notice of intent
59.14 to issue a revocation order or if the commissioner does not have assurance that satisfactory
59.15 progress toward substantial compliance with minimum standards will be made, the
59.16 commissioner shall issue a revocation order. The revocation order must be sent to the facility
59.17 administrator and the governing board of the facility, clearly stating:

59.18 (1) the specific minimum standards violated, noting the implicated rule or law;

59.19 (2) the findings that constitute a violation of minimum standards and the nature,
59.20 chronicity, or severity of those violations;

59.21 (3) the corrective action needed;

59.22 (4) any prior correction or conditional license orders issued to correct violations; and

59.23 (5) the date at which the license revocation shall take place.

59.24 A revocation order may authorize use until a certain date, not to exceed the duration of the
59.25 current license, unless a limited license is issued by the commissioner for purposes of
59.26 effectuating a facility closure and continued operation does not present an imminent risk
59.27 of life-threatening harm or is not likely to result in serious physical injury to the persons
59.28 confined or incarcerated in the facility.

59.29 (e) After revocation of the facility's licensure, that facility shall not be used until the
59.30 license is renewed. When the commissioner is satisfied that satisfactory progress toward
59.31 substantial compliance with minimum standards is being made, the commissioner may, at
59.32 the request of the facility administrator supported by a written schedule for compliance,
59.33 reinstate the license.

60.1 Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
60.2 read:

60.3 Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to
60.4 temporarily suspend a license issued under this chapter if:

60.5 (1) the correctional facility's failure to comply with applicable minimum standards or
60.6 the conditions in the correctional facility pose an imminent risk of life-threatening harm or
60.7 serious physical injury to persons confined or incarcerated in the facility, staff, law
60.8 enforcement, visitors, or the public; and

60.9 (i) if the imminent risk of life-threatening harm or serious physical injury cannot be
60.10 promptly corrected through a different type of order under this section; and

60.11 (ii) the correctional facility cannot or has not corrected the violation giving rise to the
60.12 imminent risk of life-threatening harm or serious physical injury; or

60.13 (2) while the correctional facility continues to operate pending due notice and opportunity
60.14 for written response to the commissioner's notice of intent to issue an order of revocation,
60.15 the commissioner identifies one or more subsequent violations of minimum standards which
60.16 may adversely affect the health or safety of persons confined or incarcerated in the facility,
60.17 staff, law enforcement, visitors, or the public.

60.18 A notice stating the reasons for the immediate suspension informing the facility
60.19 administrator must be delivered by personal service to the correctional facility administrator
60.20 and the governing board of the facility.

60.21 Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
60.22 read:

60.23 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
60.24 facility under this section is revoked or suspended, or use of the facility is restricted for any
60.25 reason under a conditional license order, the commissioner shall post the facility, the status
60.26 of the facility's license, and the reason for the restriction, revocation, or suspension publicly
60.27 and on the department's website.

60.28 Sec. 10. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
60.29 to read:

60.30 Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes
60.31 the correction order, conditional license order, or revocation order is in error, the facility

61.1 administrator may ask the Department of Corrections to reconsider the parts of the order or
61.2 action that are alleged to be in error. The request for reconsideration must:

61.3 (1) be made in writing;

61.4 (2) be postmarked and sent to the commissioner no later than 30 calendar days after
61.5 receipt of the correction order, conditional license order, or revocation order;

61.6 (3) specify the parts of the order that are alleged to be in error;

61.7 (4) explain why the correction order, conditional license order, or revocation order is in
61.8 error; and

61.9 (5) include documentation to support the allegation of error.

61.10 The commissioner shall issue a disposition within 60 days of receipt of the facility
61.11 administrator's response to correction, conditional license, or revocation order violations.
61.12 A request for reconsideration does not stay any provisions or requirements of the order.

61.13 (b) The facility administrator may request reconsideration of an order immediately
61.14 suspending a license. The request for reconsideration of an order immediately suspending
61.15 a license must be made in writing and sent by certified mail, personal service, or other means
61.16 expressly stated in the commissioner's order. If mailed, the request for reconsideration must
61.17 be postmarked and sent to the commissioner no later than five business days after the facility
61.18 administrator receives notice that the license has been immediately suspended. If a request
61.19 is made by personal service, it must be received by the commissioner no later than five
61.20 business days after the facility administrator received the order. The request for
61.21 reconsideration must:

61.22 (1) specify the parts of the order that are alleged to be in error;

61.23 (2) explain why they are in error; and

61.24 (3) include documentation to support the allegation of error.

61.25 A facility administrator and the governing board of the facility shall discontinue operation
61.26 of the correctional facility upon receipt of the commissioner's order to immediately suspend
61.27 the license.

61.28 (c) Within five business days of receipt of the facility administrator's timely request for
61.29 reconsideration of a temporary immediate suspension, the commissioner shall review the
61.30 request for reconsideration. The scope of the review shall be limited solely to the issue of
61.31 whether the temporary immediate suspension order should remain in effect pending the
61.32 written response to commissioner's notice of intent to issue a revocation order.

62.1 The commissioner's disposition of a request for reconsideration of correction, conditional
62.2 license, temporary immediate suspension, or revocation order is final and subject to appeal.
62.3 The facility administrator must request reconsideration as required by this section of any
62.4 correction, conditional license, temporary immediate suspension, or revocation order prior
62.5 to appeal.

62.6 No later than 60 days after the postmark date of the mailed notice of the commissioner's
62.7 decision on a request for reconsideration, the facility administrator may appeal the decision
62.8 by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota
62.9 Rules of Civil Appellate Procedure, Rule 115.

62.10 Sec. 11. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
62.11 to read:

62.12 Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
62.13 commissioner of corrections shall report to the chairs and ranking minority members of the
62.14 house of representatives and senate committees and divisions with jurisdiction over public
62.15 safety and judiciary on the status of the implementation of the provisions in this section
62.16 over the prior year, particularly the health and safety of individuals confined or incarcerated
62.17 in a state correctional facility and a facility licensed by the commissioner. This report shall
62.18 include but not be limited to data regarding:

62.19 (1) the number of confined or incarcerated persons who died while committed to the
62.20 custody of the facility, regardless of whether the death occurred at the facility or after
62.21 removal from the facility for medical care stemming from an incident or need for medical
62.22 care at the correctional facility, including aggregated demographic information and the
62.23 correctional facilities' most recent inspection reports and any corrective orders or conditional
62.24 licenses issued;

62.25 (2) the aggregated results of the death reviews by facility as required by subdivision 8,
62.26 including any implemented policy changes;

62.27 (3) the number of uses of force by facility staff on persons confined or incarcerated in
62.28 the correctional facility, including but not limited to whether those uses of force were
62.29 determined to be justified by the facility, for which the commissioner of corrections shall
62.30 consult with the Minnesota Sheriffs' Association and a representative from the Minnesota
62.31 Association of Community Corrections Act Counties who is responsible for the operations
62.32 of an adult correctional facility to develop criteria for reporting and define reportable uses
62.33 of force;

63.1 (4) the number of suicide attempts, number of people transported to a medical facility,
63.2 and number of people placed in segregation;

63.3 (5) the number of persons committed to the commissioner of corrections' custody that
63.4 the commissioner is housing in facilities licensed under subdivision 1, including but not
63.5 limited to:

63.6 (i) aggregated demographic data of those individuals;

63.7 (ii) length of time spent housed in a licensed correctional facility; and

63.8 (iii) any contracts the Department of Corrections has with correctional facilities to provide
63.9 housing; and

63.10 (6) summary data from state correctional facilities regarding complaints involving alleged
63.11 on-duty staff misconduct, including but not limited to the:

63.12 (i) total number of misconduct complaints and investigations;

63.13 (ii) total number of complaints by each category of misconduct, as defined by the
63.14 commissioner of corrections;

63.15 (iii) number of allegations dismissed as unfounded;

63.16 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
63.17 and

63.18 (v) number of allegations substantiated, any resulting disciplinary action, and the nature
63.19 of the discipline.

63.20 Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
63.21 to read:

63.22 Subd. 1g. **Biennial assessment and audit of security practices; state correctional**
63.23 **facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection
63.24 unit conduct biennial security audits of each state correctional facility using the standards
63.25 promulgated by the state correctional facilities security audit group. The unit must prepare
63.26 a report for each assessment and audit and submit the report to the state correctional facilities
63.27 security audit group within 30 days of completion of the audit.

63.28 (b) Corrections and detention confidential data, as defined in section 13.85, subdivision
63.29 3, that is contained in reports and records of the group maintain that classification, regardless
63.30 of their classification in the hands of the person who provided the data, and are not subject
63.31 to discovery or introduction into evidence in a civil or criminal action against the state

64.1 arising out of the matters the group is reviewing. Information, documents, and records
64.2 otherwise available from other sources are not immune from discovery or use in a civil or
64.3 criminal action solely because they were acquired during the group's audit. This section
64.4 does not limit a person who presented information to the group or who is a member of the
64.5 group from testifying about matters within the person's knowledge. However, in a civil or
64.6 criminal proceeding, a person may not be questioned about the person's good faith
64.7 presentation of information to the group or opinions formed by the person as a result of the
64.8 group's audits.

64.9 Sec. 13. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
64.10 to read:

64.11 Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal
64.12 year 2022, the commissioner shall form a state correctional facilities security audit group.
64.13 The group must consist of the following members:

64.14 (1) a department employee who is not assigned to the correctional institutions division,
64.15 appointed by the commissioner;

64.16 (2) the ombudsperson for corrections;

64.17 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs Association and
64.18 appointed by the commissioner;

64.19 (4) a physical plant safety consultant, appointed by the governor;

64.20 (5) a private security consultant with expertise in correctional facility security, appointed
64.21 by the governor;

64.22 (6) two senators, one appointed by the senate majority leader and one appointed by the
64.23 minority leader; and

64.24 (7) two representatives, one appointed by the speaker of the house and one appointed
64.25 by the minority leader of the house of representatives.

64.26 (b) By January 1, 2022, the group shall establish security audit standards for state
64.27 correctional facilities. In developing the standards, the group, or individual members of the
64.28 group, may gather information from state correctional facilities and state correctional staff
64.29 and inmates. The security audit group must periodically review the standards and modify
64.30 them as needed. The group must report the standards to the chairs and ranking minority
64.31 members of the house of representatives and senate committees with jurisdiction over public
64.32 safety policy and finance by February 15, 2022.

65.1 (c) The group shall review facility audit reports submitted to the group by the agency's
65.2 inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the
65.3 full audit reports including corrections and detention confidential data. Within 60 days of
65.4 receiving an audit report from the department's inspection unit, the group must make
65.5 recommendations to the commissioner. Within 45 days of receiving the group's
65.6 recommendations, the commissioner must reply in writing to the group's findings and
65.7 recommendations. The commissioner's response must explain whether the agency will
65.8 implement the group's recommendations, the timeline for implementation of the changes,
65.9 and, if not, why the commissioner will not or cannot implement the group's recommendations.

65.10 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
65.11 recommendations based on each security audit and assessment of a state correctional facility
65.12 and the commissioner's responses to the recommendations in the biennial report required
65.13 under section 241.016, subdivision 1. The commissioner shall not include corrections and
65.14 detention confidential data, as defined in section 13.85, subdivision 3, in the commissioner's
65.15 report to the legislature.

65.16 (e) The commissioner shall provide staffing and administrative support to the group.

65.17 Sec. 14. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
65.18 to read:

65.19 Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility,
65.20 including a group home, having a residential component, the primary purpose of which is
65.21 to serve persons placed therein by a court, court services department, parole authority, or
65.22 other correctional agency having dispositional power over persons charged with, convicted,
65.23 or adjudicated guilty or delinquent.

65.24 Sec. 15. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

65.25 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
65.26 license without giving 30 calendar days' written notice to any affected municipality or other
65.27 political subdivision unless the facility has a licensed capacity of six or fewer persons and
65.28 is occupied by either the licensee or the group foster home parents. The notification must
65.29 be given before the license is first issuance of a license granted and annually after that time
65.30 if annual notification is requested in writing by any affected municipality or other political
65.31 subdivision. State funds must not be made available to or be spent by an agency or department
65.32 of state, county, or municipal government for payment to a foster care facility licensed under
65.33 subdivision 2 until the provisions of this subdivision have been complied with in full.

66.1 Sec. 16. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

66.2 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
66.3 not:

66.4 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
66.5 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
66.6 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
66.7 that obligates the entity to pay the educational expenses of the juvenile; or

66.8 (2) renew a license under this section to operate a correctional facility for the detention
66.9 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
66.10 Minnesota without an agreement with the entity placing the juvenile at the facility that
66.11 obligates the entity to pay the educational expenses of the juvenile.

66.12 Sec. 17. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
66.13 to read:

66.14 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,
66.15 municipality, or agency to operate a facility for the detention, care, and training of delinquent
66.16 children and youth unless the county, municipality, or agency institutes a policy strictly
66.17 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth
66.18 received by the facility except during a health care procedure conducted by a medically
66.19 licensed person.

66.20 Sec. 18. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
66.21 to read:

66.22 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any
66.23 county, municipality, or agency to operate a facility for the detention, care, and training of
66.24 delinquent children and youth unless the county, municipality, or agency institutes a policy
66.25 strictly prohibiting the use of disciplinary room time for children and youth received by the
66.26 facility. Seclusion used in emergency situations as a response to imminent danger to the
66.27 resident or others, when less restrictive interventions are determined to be ineffective, is
66.28 not a violation of this subdivision.

66.29 Sec. 19. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
66.30 to read:

66.31 Subd. 7. **Intake release of information.** All correctional facilities that confine or
66.32 incarcerate adults are required at intake to provide each person an authorization form to

67.1 release information related to that person's health or mental health condition and when that
67.2 information should be shared. This release form shall allow the individual to select if the
67.3 individual wants to require the correctional facility to make attempts to contact the designated
67.4 person to facilitate the sharing of health condition information upon incapacitation or if the
67.5 individual becomes unable to communicate or direct the sharing of this information, so long
67.6 as contact information was provided and the incapacitated individual or individual who is
67.7 unable to communicate or direct the sharing of this information is not subject to a court
67.8 order prohibiting contact with the designated person.

67.9 Sec. 20. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
67.10 to read:

67.11 Subd. 8. **Death review teams.** In the event a correctional facility as defined in subdivision
67.12 1g receives information of the death of an individual while committed to the custody of the
67.13 facility, regardless of whether the death occurred at the facility or after removal from the
67.14 facility for medical care stemming from an incident or need for medical care at the
67.15 correctional facility, the administrator of the facility, minimally including a medical expert
67.16 of the facility's choosing who did not provide medical services to the individual, and, if
67.17 appropriate, a mental health expert, shall review the circumstances of the death and assess
67.18 for preventable mortality and morbidity, including recommendations for policy or procedure
67.19 change, within 90 days of death. The investigating law enforcement agency may provide
67.20 documentation, participate in, or provide documentation and participate in the review in
67.21 instances where criminal charges were not brought. A preliminary autopsy report must be
67.22 provided as part of the review and any subsequent autopsy findings as available. The facility
67.23 administrator shall provide notice to the commissioner of corrections via the Department
67.24 of Corrections detention information system that the correctional facility has conducted a
67.25 review and identify any recommendations for changes in policy, procedure, or training that
67.26 will be implemented. Any report or other documentation created for purposes of a facility
67.27 death review is confidential as defined in section 13.02, subdivision 3. Nothing in this
67.28 section relieves the facility administrator from complying with the notice of death to the
67.29 commissioner as required by subdivision 1, paragraph (a).

67.30 Sec. 21. Minnesota Statutes 2020, section 241.025, subdivision 1, is amended to read:

67.31 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
67.32 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
67.33 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
67.34 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known

68.1 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
68.2 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
68.3 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
68.4 discretionary and statutory released violators and Department of Corrections' escapees. The
68.5 Department of Corrections Fugitive Apprehension Unit may exercise general law enforcement
68.6 duties during the course of official duties, including carrying out law enforcement activities
68.7 in coordination with the law enforcement agency of jurisdiction, investigating criminal
68.8 offenses in agency-operated correctional facilities and surrounding property, and assisting
68.9 other law enforcement agencies upon request.

68.10 Sec. 22. Minnesota Statutes 2020, section 241.025, subdivision 2, is amended to read:

68.11 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
68.12 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
68.13 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
68.14 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
68.15 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
68.16 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
68.17 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
68.18 subsequent investigations or law enforcement efforts being carried out by the primary
68.19 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
68.20 are not within the agency's jurisdiction must be referred to the appropriate local law
68.21 enforcement agency for further investigation or disposition.

68.22 Sec. 23. Minnesota Statutes 2020, section 241.025, subdivision 3, is amended to read:

68.23 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
68.24 required under state law for law enforcement agencies. The fugitive apprehension unit also
68.25 must develop a policy for contacting law enforcement agencies in a city or county before
68.26 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
68.27 ~~These policies must be filed with the board of peace officers standards and training by~~
68.28 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
68.29 ten days of the effective date of the revision. The Department of Corrections shall train all
68.30 of its peace officers regarding the application of these policies.

68.31 Sec. 24. [241.067] RELEASE OF INMATES; DUTIES OF COMMISSIONER.

68.32 Subdivision 1. Duties upon release. When releasing an inmate from prison, the
68.33 commissioner shall provide to the inmate:

69.1 (1) a copy of the inmate's unofficial criminal history compiled by the department and
69.2 marked as unofficial;

69.3 (2) information on how to obtain the inmate's full official criminal history from the
69.4 Bureau of Criminal Apprehension;

69.5 (3) general information describing the laws and processes for obtaining an expungement
69.6 of the inmate's criminal record;

69.7 (4) general information on the inmate's right to vote;

69.8 (5) current information on local career workforce centers in the county in which the
69.9 inmate will reside and, upon the inmate's request, other counties;

69.10 (6) a record of the programs that the inmate completed while in prison;

69.11 (7) an accounting of any court-ordered payments, fines, and fees owed by the inmate
69.12 upon release of which the department has knowledge;

69.13 (8) assistance in obtaining a Social Security card;

69.14 (9) a medical discharge summary;

69.15 (10) information on how the inmate may obtain a complete copy of the inmate's medical
69.16 record at no charge to the inmate; and

69.17 (11) general information on the Supplemental Nutrition Assistance Program (SNAP)
69.18 benefits, eligibility criteria, and application process.

69.19 Subd. 2. Assistance relating to birth certificate and identification cards. (a) Upon
69.20 the request of an inmate, the commissioner shall assist the inmate in obtaining a copy of
69.21 the inmate's birth certificate at no cost to the inmate. This assistance does not apply to
69.22 inmates who (1) upon intake have six months or less remaining in their term of imprisonment,
69.23 (2) already have an accessible copy of their birth certificate available or other valid
69.24 identification, or (3) already have a valid photograph on file with the Department of Public
69.25 Safety that may be used as proof of identity for renewing an identification document.

69.26 (b) The commissioner, in collaboration with the Department of Public Safety, shall
69.27 facilitate the provision of a state identification card to an inmate at no cost to the inmate
69.28 under the same criteria described in paragraph (a) relating to birth certificates, provided the
69.29 inmate possesses the necessary qualifying documents to obtain the card.

69.30 (c) The commissioner shall inform inmates of the commissioner's duties under paragraphs
69.31 (a) and (b) upon intake and again upon the initiation of release planning.

70.1 Subd. 3. **Medical assistance or MinnesotaCare application.** At least 45 days before
70.2 the scheduled release of an inmate, the commissioner shall offer to assist the inmate in
70.3 completing an application for medical assistance or MinnesotaCare and shall provide the
70.4 assistance if the inmate accepts the offer.

70.5 Subd. 4. **Medications.** (a) When releasing an inmate from prison, the commissioner
70.6 shall provide the inmate with a one-month supply of any non-narcotic medications that have
70.7 been prescribed to the inmate and a prescription for a 30-day supply of these medications
70.8 that may be refilled twice.

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

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

70.12 Subd. 5. **Exception; release violators.** Subdivisions 1 to 3 do not apply to inmates who
70.13 are being imprisoned for a release violation. Subdivision 4 applies to all inmates being
70.14 released.

70.15 **EFFECTIVE DATE.** This section is effective September 1, 2021, except that the
70.16 requirement in subdivision 1, clause (10), is effective on July 1, 2022.

70.17 Sec. 25. **[241.068] HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING**
70.18 **ON HOMELESSNESS.**

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

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

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

70.26 (3) development of internal metrics for the agency to report on its progress toward
70.27 implementing the plan and achieving the plan's goals.

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

70.31 Subd. 2. **Reporting on individuals released to homelessness.** (a) By February 15 of
70.32 each year beginning in 2022, the commissioner shall report to the chairs and ranking minority

71.1 members of the legislative committees having jurisdiction over criminal justice policy and
 71.2 finance the following information on adults, disaggregated by race, gender, and county of
 71.3 release:

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

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

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

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

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

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

71.15 Sec. 26. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

71.16 Subdivision 1. **General searches.** The commissioner of corrections, the state correctional
 71.17 facilities audit group, the governor, lieutenant governor, members of the legislature, state
 71.18 officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no
 71.19 other persons without permission of the chief executive officer of the facility, under rules
 71.20 prescribed by the commissioner. A moderate fee may be required of visitors, other than
 71.21 those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the
 71.22 commissioner of management and budget under rules as the commissioner may deem proper,
 71.23 and when so remitted shall be placed to the credit of the general fund.

71.24 Sec. 27. Minnesota Statutes 2020, section 243.52, is amended to read:

71.25 **243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

71.26 Subdivision 1. **Discipline and prevention of escape** If any inmate of person confined
 71.27 or incarcerated in any adult correctional facility either under the control of the commissioner
 71.28 of corrections or licensed by the commissioner of corrections under section 241.021 assaults
 71.29 any correctional officer or any other person or inmate, the assaulted person may use force
 71.30 in defense of the assault, except as limited in this section. If any inmate confined or
 71.31 incarcerated person attempts to damage the buildings or appurtenances, resists the lawful

72.1 authority of any correctional officer, refuses to obey the correctional officer's reasonable
72.2 demands, or attempts to escape, the correctional officer may enforce obedience and discipline
72.3 or prevent escape by the use of force. If any ~~inmate~~ confined or incarcerated person resisting
72.4 lawful authority is wounded or killed by the use of force by the correctional officer or
72.5 assistants, that conduct is authorized under this section.

72.6 Subd. 2. Use of force. (a) Use of force must not be applied maliciously or sadistically
72.7 for the purpose of causing harm to a confined or incarcerated person.

72.8 (b) Unless the use of deadly force is justified in this section, a correctional officer working
72.9 in a correctional facility as defined in section 241.021 may not use any of the following
72.10 restraints:

72.11 (1) a choke hold;

72.12 (2) a prone restraint;

72.13 (3) tying all of a person's limbs together behind the person's back to render the person
72.14 immobile; or

72.15 (4) securing a person in any way that results in transporting the person face down in a
72.16 vehicle, except as directed by a medical professional.

72.17 (c) For the purposes of this subdivision, the following terms have the meanings given
72.18 them:

72.19 (1) "choke hold" means a method by which a person applies sufficient pressure to a
72.20 person to make breathing difficult or impossible, and includes but is not limited to any
72.21 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce
72.22 intake of air. Choke hold also means applying pressure to a person's neck on either side of
72.23 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the
72.24 carotid arteries;

72.25 (2) "prone restraint" means the use of manual restraint that places a person in a face-down
72.26 position; and

72.27 As used in this section, "use of force" means conduct which is defined by sections 609.06
72.28 ~~to 609.066.~~ (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

72.29 (d) Use of deadly force is justified only if an objectively reasonable correctional officer
72.30 would believe, based on the totality of the circumstances known to the officer at the time
72.31 and without the benefit of hindsight, that deadly force is necessary:

73.1 (1) to protect the correctional officer or another from death or great bodily harm, provided
73.2 that the threat:

73.3 (i) can be articulated with specificity by the correctional officer;

73.4 (ii) is reasonably likely to occur absent action by the correctional officer; and

73.5 (iii) must be addressed through the use of deadly force without unreasonable delay; or

73.6 (2) to effect the capture or prevent the escape of a person when the officer reasonably
73.7 believes that the person will cause death or great bodily harm to another person under the
73.8 threat criteria in clause (1), unless immediately apprehended.

73.9 Subd. 3. **Duty to report.** (a) Regardless of tenure or rank, staff working in a correctional
73.10 facility as defined in section 241.021 who observe another employee engage in neglect or
73.11 use force that exceeds the degree of force permitted by law must report the incident in
73.12 writing as soon as practicable, but no later than 24 hours to the administrator of the
73.13 correctional facility that employs the reporting staff member.

73.14 (b) A staff member who fails to report neglect or excessive use of force within 24 hours
73.15 is subject to disciplinary action or sanction by the correctional facility that employs them.
73.16 Staff members shall suffer no reprisal for reporting another staff member engaged in
73.17 excessive use of force or neglect.

73.18 (c) For the purposes of this subdivision, "neglect" means:

73.19 (1) the knowing failure or omission to supply a person confined or incarcerated in the
73.20 facility with care or services, including but not limited to food, clothing, health care, or
73.21 supervision that is reasonable and necessary to obtain or maintain the person's physical or
73.22 mental health or safety; or

73.23 (2) the absence or likelihood of absence of care or services, including but not limited to
73.24 food, clothing, health care, or supervision necessary to maintain the physical and mental
73.25 health of the person that a reasonable person would deem essential for health, safety, or
73.26 comfort.

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

73.28 Sec. 28. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

73.29 The commissioner may not contract with privately owned and operated prisons for the
73.30 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

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

74.1 Sec. 29. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

74.2 **Subdivision 1. Establishment; membership.** (a) The Indeterminate Sentence Release
74.3 Board is established to review eligible cases and make release decisions for inmates serving
74.4 indeterminate sentences under the authority of the commissioner.

74.5 **(b) The board shall consist of five members as follows:**

74.6 **(1) four persons appointed by the governor from two recommendations of each of the**
74.7 **majority leaders and minority leaders of the house of representatives and the senate; and**

74.8 **(2) the commissioner of corrections who shall serve as chair.**

74.9 **(c) The members appointed from the legislative recommendations must meet the**
74.10 **following qualifications at a minimum:**

74.11 **(1) a bachelor's degree in criminology, corrections, or a related social science, or a law**
74.12 **degree;**

74.13 **(2) five years of experience in corrections, a criminal justice or community corrections**
74.14 **field, rehabilitation programming, behavioral health, or criminal law; and**

74.15 **(3) demonstrated knowledge of victim issues and correctional processes.**

74.16 **Subd. 2. Terms; compensation.** (a) Members of the board shall serve four-year staggered
74.17 terms except that the terms of the initial members of the board must be as follows:

74.18 **(1) two members must be appointed for terms that expire January 1, 2024; and**

74.19 **(2) two members must be appointed for terms that expire January 1, 2026.**

74.20 **(b) A member is eligible for reappointment.**

74.21 **(c) Vacancies on the board shall be filled in the same manner as the initial appointments**
74.22 **under subdivision 1.**

74.23 **(d) Member compensation and removal of members on the board shall be as provided**
74.24 **in section 15.0575.**

74.25 **Subd. 3. Quorum; administrative duties.** (a) The majority of members constitutes a
74.26 quorum.

74.27 **(b) The commissioner of corrections shall provide the board with personnel, supplies,**
74.28 **equipment, office space, and other administrative services necessary and incident to the**
74.29 **discharge of the functions of the board.**

75.1 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority
75.2 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
75.3 power of the Board of Pardons to grant a pardon or commutation in any case.

75.4 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the
75.5 legislative committees with jurisdiction over criminal justice policy a written report detailing
75.6 the number of inmates reviewed and identifying persons granted release in the preceding
75.7 year. The report shall also include the board's recommendations for policy modifications
75.8 that influence the board's duties.

75.9 Sec. 30. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

75.10 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
75.11 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
75.12 board members, give supervised release to an inmate serving a mandatory life sentence
75.13 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
75.14 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
75.15 served the minimum term of imprisonment specified in subdivision 4.

75.16 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
75.17 report and shall consider the findings of the report when making a supervised release decision
75.18 under this subdivision. The report shall reflect the sentiment of the various elements of the
75.19 community toward the inmate, both at the time of the offense and at the present time. The
75.20 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
75.21 personnel who may have been involved in the case, and any successors to these individuals
75.22 who may have information relevant to the supervised release decision. The report shall also
75.23 include the views of the victim and the victim's family unless the victim or the victim's
75.24 family chooses not to participate.

75.25 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
75.26 the time and place of the inmate's supervised release review hearing. The victim has a right
75.27 to submit an oral or written statement at the review hearing. The statement may summarize
75.28 the harm suffered by the victim as a result of the crime and give the victim's recommendation
75.29 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
75.30 board must consider the victim's statement when making the supervised release decision.

75.31 (d) When considering whether to give supervised release to an inmate serving a life
75.32 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,
75.33 at a minimum, the following: the risk the inmate poses to the community if released, the
75.34 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or

76.1 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
 76.2 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
 76.3 board may not give supervised release to the inmate unless:

76.4 (1) while in prison:

76.5 (i) the inmate has successfully completed appropriate sex offender treatment;

76.6 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
 76.7 successfully completed chemical dependency treatment; and

76.8 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 76.9 successfully completed mental health treatment; and

76.10 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
 76.11 after release, the inmate will have suitable housing and receive appropriate aftercare and
 76.12 community-based treatment. The comprehensive plan also must include a postprison
 76.13 employment or education plan for the inmate.

76.14 (e) As used in this subdivision₅:

76.15 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

76.16 and

76.17 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
 76.18 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

76.19 Sec. 31. Minnesota Statutes 2020, section 244.065, is amended to read:

76.20 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
 76.21 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
 76.22 **INSTITUTIONS IN COMMUNITY.**

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

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

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

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

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

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

77.12 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking
77.13 minority members of the house of representatives and senate committees with jurisdiction
77.14 over corrections on the number of inmates released and the duration of the release under
77.15 this subdivision for the prior calendar year.

77.16 Sec. 32. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:

77.17 Subd. 3. **Powers and duties.** All county probation officers serving a district court shall
77.18 act under the orders of the court in reference to any person committed to their care by the
77.19 court, and in the performance of their duties shall have the general powers of a peace officer;
77.20 and it shall be their duty to make such investigations with regard to any person as may be
77.21 required by the court before, during, or after the trial or hearing, and to furnish to the court
77.22 such information and assistance as may be required; to take charge of any person before,
77.23 during or after trial or hearing when so directed by the court, and to keep such records and
77.24 to make such reports to the court as the court may order.

77.25 All county probation officers serving a district court shall, in addition, provide probation
77.26 and parole services to wards of the commissioner of corrections resident in the counties
77.27 they serve, and shall act under the orders of said commissioner of corrections in reference
77.28 to any ward committed to their care by the commissioner of corrections.

77.29 All probation officers serving a district court shall, under the direction of the authority
77.30 having power to appoint them, initiate programs for the welfare of persons coming within
77.31 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
77.32 community persons who come within the jurisdiction of the court and are properly subject
77.33 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the

78.1 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
78.2 public or private character, and other groups concerned with the prevention of crime and
78.3 delinquency and the rehabilitation of persons convicted of crime and delinquency.

78.4 All probation officers serving a district court shall make monthly and annual reports to
78.5 the commissioner of corrections, on forms furnished by the commissioner, containing such
78.6 information on number of cases cited to the juvenile division of district court, offenses,
78.7 adjudications, dispositions, and related matters as may be required by the commissioner of
78.8 corrections. The reports shall include the information on individuals convicted as an extended
78.9 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

78.10 Sec. 33. Minnesota Statutes 2020, section 244.195, subdivision 2, is amended to read:

78.11 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
78.12 or to prevent a person on conditional release from escaping or absconding from supervision,
78.13 a court services director has the authority to issue a written order directing any peace officer
78.14 or any probation officer in the state serving the district and juvenile courts to detain and
78.15 bring the person before the court or the commissioner, whichever is appropriate, for
78.16 disposition. If the person on conditional release commits a violation described in section
78.17 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
78.18 belief that the order is necessary to prevent the person from escaping or absconding from
78.19 supervision or that the continued presence of the person in the community presents a risk
78.20 to public safety before issuing a written order. This written order is sufficient authority for
78.21 the peace officer or probation officer to detain the person for not more than 72 hours,
78.22 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
78.23 commissioner.

78.24 Sec. 34. **[260B.008] USE OF RESTRAINTS.**

78.25 (a) As used in this section, "restraints" means a mechanical or other device that constrains
78.26 the movement of a person's body or limbs.

78.27 (b) Restraints may not be used on a child appearing in court in a proceeding under this
78.28 chapter unless the court finds that:

78.29 (1) the use of restraints is necessary:

78.30 (i) to prevent physical harm to the child or another; or

78.31 (ii) to prevent the child from fleeing in situations in which the child presents a substantial
78.32 risk of flight from the courtroom; and

79.1 (2) there are no less restrictive alternatives to restraints that will prevent flight or physical
79.2 harm to the child or another, including but not limited to the presence of court personnel,
79.3 law enforcement officers, or bailiffs.

79.4 The finding in clause (1), item (i), may be based, among other things, on the child having
79.5 a history of disruptive courtroom behavior or behavior while in custody for any current or
79.6 prior offense that has placed others in potentially harmful situations, or presenting a
79.7 substantial risk of inflicting physical harm on the child or others as evidenced by past
79.8 behavior. The court may take into account the physical structure of the courthouse in
79.9 assessing the applicability of the above factors to the individual child.

79.10 (c) The court shall be provided the child's behavior history and shall provide the child
79.11 an opportunity to be heard in person or through counsel before ordering the use of restraints.
79.12 If restraints are ordered, the court shall make findings of fact in support of the order.

79.13 (d) By April 1, 2022, each judicial district shall develop a protocol to address how to
79.14 implement and comply with this section. In developing the protocol, a district shall consult
79.15 with law enforcement agencies, prosecutors, public defenders within the district, and any
79.16 other entity deemed necessary by the district's chief judge.

79.17 **EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph
79.18 (d) is effective the day following final enactment.

79.19 Sec. 35. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

79.20 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings
79.21 on any matter shall be without a jury and may be conducted in an informal manner, except
79.22 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
79.23 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
79.24 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
79.25 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings
79.26 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
79.27 that they do not apply.

79.28 (b) When a continuance or adjournment is ordered in any proceeding, the court may
79.29 make any interim orders as it deems in the best interests of the minor in accordance with
79.30 the provisions of sections 260B.001 to 260B.421.

79.31 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
79.32 public from hearings under this chapter and shall admit only those persons who, in the
79.33 discretion of the court, have a direct interest in the case or in the work of the court. The

80.1 court shall permit the victim of a child's delinquent act to attend any related delinquency
80.2 proceeding, except that the court may exclude the victim:

80.3 (1) as a witness under the Rules of Criminal Procedure; and

80.4 (2) from portions of a certification hearing to discuss psychological material or other
80.5 evidence that would not be accessible to the public.

80.6 The court shall open the hearings to the public in ~~delinquency or~~ extended jurisdiction
80.7 juvenile proceedings where the child is alleged to have committed an offense or has been
80.8 proven to have committed an offense that would be a felony if committed by an adult and
80.9 the child was at least 16 years of age at the time of the offense, except that the court may
80.10 exclude the public from portions of a certification hearing to discuss psychological material
80.11 or other evidence that would not be accessible to the public in an adult proceeding.

80.12 (d) In all delinquency cases a person named in the charging clause of the petition as a
80.13 person directly damaged in person or property shall be entitled, upon request, to be notified
80.14 by the court administrator in writing, at the named person's last known address, of (1) the
80.15 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

80.16 Sec. 36. **[260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE**
80.17 **OFFENDERS AUTHORIZED.**

80.18 (a) A peace officer who has probable cause to believe that a child is a petty offender or
80.19 delinquent child may refer the child to a program, including restorative programs, that the
80.20 law enforcement agency with jurisdiction over the child deems appropriate.

80.21 (b) If a peace officer or law enforcement agency refers a child to a program under
80.22 paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or
80.23 a notice to the child to appear in juvenile court, transmitting a report to the prosecuting
80.24 authority, or otherwise initiating a proceeding in juvenile court.

80.25 (c) After receiving notice that a child who was referred to a program under paragraph
80.26 (a) successfully completed that program, a peace officer or law enforcement agency shall
80.27 not issue a citation or a notice to the child to appear in juvenile court, transmit a report to
80.28 the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct
80.29 that formed the basis of the referral.

80.30 (d) This section does not apply to peace officers acting pursuant to an order or warrant
80.31 described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a
80.32 child into custody.

81.1 Sec. 37. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision
81.2 to read:

81.3 Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer
81.4 who took a child into custody does not release the child as provided in subdivision 1, the
81.5 peace officer or probation or parole officer shall communicate with or deliver the child to
81.6 a juvenile secure detention facility to determine whether the child should be released or
81.7 detained. Before detaining a child, the supervisor of the facility shall use an objective and
81.8 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument
81.9 developed by the commissioner of corrections, county, group of counties, or judicial district,
81.10 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention
81.11 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a
81.12 child released from preadjudication detention under this section or section 260B.178 would
81.13 endanger others or not return for a court hearing. The instrument must identify the appropriate
81.14 setting for a child who might endanger others or not return for a court hearing pending
81.15 adjudication, with either continued detention or placement in a noncustodial
81.16 community-based supervision setting. The instrument must also identify the type of
81.17 noncustodial community-based supervision setting necessary to minimize the risk that a
81.18 child who is released from custody will endanger others or not return for a court hearing.
81.19 If, after using the instrument, a determination is made that the child should be released, the
81.20 person taking the child into custody or the supervisor of the facility shall release the child
81.21 as provided in subdivision 1.

81.22 **EFFECTIVE DATE.** This section is effective August 15, 2022.

81.23 Sec. 38. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

81.24 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
81.25 1, the person taking the child into custody shall notify the court as soon as possible of the
81.26 detention of the child and the reasons for detention.

81.27 (b) No child may be detained in a secure detention facility after being taken into custody
81.28 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over
81.29 the age of 12.

81.30 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care
81.31 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken
81.32 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a
81.33 petition has been filed and the judge or referee determines pursuant to section 260B.178
81.34 that the child shall remain in detention.

82.1 ~~(e)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24
82.2 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail
82.3 or municipal lockup in a standard metropolitan statistical area, after being taken into custody
82.4 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

82.5 (1) a petition has been filed under section 260B.141; and

82.6 (2) a judge or referee has determined under section 260B.178 that the child shall remain
82.7 in detention.

82.8 After August 1, 1991, no child described in this paragraph may be detained in an adult
82.9 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,
82.10 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan
82.11 statistical area, unless the requirements of this paragraph have been met and, in addition, a
82.12 motion to refer the child for adult prosecution has been made under section 260B.125.
82.13 Notwithstanding this paragraph, continued detention of a child in an adult detention facility
82.14 outside of a standard metropolitan statistical area county is permissible if:

82.15 (i) the facility in which the child is detained is located where conditions of distance to
82.16 be traveled or other ground transportation do not allow for court appearances within 24
82.17 hours. A delay not to exceed 48 hours may be made under this clause; or

82.18 (ii) the facility is located where conditions of safety exist. Time for an appearance may
82.19 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.
82.20 "Conditions of safety" include adverse life-threatening weather conditions that do not allow
82.21 for reasonably safe travel.

82.22 The continued detention of a child under clause (i) or (ii) must be reported to the
82.23 commissioner of corrections.

82.24 ~~(d)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours,
82.25 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules
82.26 and procedures established by the commissioner of corrections, shall notify the commissioner
82.27 of the place of the detention and the reasons therefor. The commissioner shall thereupon
82.28 assist the court in the relocation of the child in an appropriate juvenile secure detention
82.29 facility or approved jail within the county or elsewhere in the state, or in determining suitable
82.30 alternatives. The commissioner shall direct that a child detained in a jail be detained after
82.31 eight days from and including the date of the original detention order in an approved juvenile
82.32 secure detention facility with the approval of the administrative authority of the facility. If
82.33 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice
82.34 to the commissioner shall not be required.

83.1 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile
83.2 facility or program, or when a child is detained in an adult jail or municipal lockup as
83.3 provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal
83.4 guardian consents, have a children's mental health screening conducted with a screening
83.5 instrument approved by the commissioner of human services, unless a screening has been
83.6 performed within the previous 180 days or the child is currently under the care of a mental
83.7 health professional. The screening shall be conducted by a mental health practitioner as
83.8 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use
83.9 of the screening instrument. The screening shall be conducted after the initial detention
83.10 hearing has been held and the court has ordered the child continued in detention. The results
83.11 of the screening may only be presented to the court at the dispositional phase of the court
83.12 proceedings on the matter unless the parent or legal guardian consents to presentation at a
83.13 different time. If the screening indicates a need for assessment, the local social services
83.14 agency or probation officer, with the approval of the child's parent or legal guardian, shall
83.15 have a diagnostic assessment conducted, including a functional assessment, as defined in
83.16 section 245.4871.

83.17 Sec. 39. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

83.18 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
83.19 services" means a child who is in need of protection or services because the child:

83.20 (1) is abandoned or without parent, guardian, or custodian;

83.21 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
83.22 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
83.23 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
83.24 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
83.25 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
83.26 defined in subdivision 15;

83.27 (3) is without necessary food, clothing, shelter, education, or other required care for the
83.28 child's physical or mental health or morals because the child's parent, guardian, or custodian
83.29 is unable or unwilling to provide that care;

83.30 (4) is without the special care made necessary by a physical, mental, or emotional
83.31 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
83.32 that care;

84.1 (5) is medically neglected, which includes, but is not limited to, the withholding of
84.2 medically indicated treatment from an infant with a disability with a life-threatening
84.3 condition. The term "withholding of medically indicated treatment" means the failure to
84.4 respond to the infant's life-threatening conditions by providing treatment, including
84.5 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
84.6 practice registered nurse's reasonable medical judgment, will be most likely to be effective
84.7 in ameliorating or correcting all conditions, except that the term does not include the failure
84.8 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
84.9 when, in the treating physician's or advanced practice registered nurse's reasonable medical
84.10 judgment:

84.11 (i) the infant is chronically and irreversibly comatose;

84.12 (ii) the provision of the treatment would merely prolong dying, not be effective in
84.13 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
84.14 futile in terms of the survival of the infant; or

84.15 (iii) the provision of the treatment would be virtually futile in terms of the survival of
84.16 the infant and the treatment itself under the circumstances would be inhumane;

84.17 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
84.18 of the child's care and custody, including a child who entered foster care under a voluntary
84.19 placement agreement between the parent and the responsible social services agency under
84.20 section 260C.227;

84.21 (7) has been placed for adoption or care in violation of law;

84.22 (8) is without proper parental care because of the emotional, mental, or physical disability,
84.23 or state of immaturity of the child's parent, guardian, or other custodian;

84.24 (9) is one whose behavior, condition, or environment is such as to be injurious or
84.25 dangerous to the child or others. An injurious or dangerous environment may include, but
84.26 is not limited to, the exposure of a child to criminal activity in the child's home;

84.27 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
84.28 have been diagnosed by a physician and are due to parental neglect;

84.29 (11) is a sexually exploited youth;

84.30 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13
84.31 years old;

84.32 (13) is a runaway;

85.1 (14) is a habitual truant;

85.2 (15) has been found incompetent to proceed or has been found not guilty by reason of
85.3 mental illness or mental deficiency in connection with a delinquency proceeding, a
85.4 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
85.5 proceeding involving a juvenile petty offense; or

85.6 (16) has a parent whose parental rights to one or more other children were involuntarily
85.7 terminated or whose custodial rights to another child have been involuntarily transferred to
85.8 a relative and there is a case plan prepared by the responsible social services agency
85.9 documenting a compelling reason why filing the termination of parental rights petition under
85.10 section 260C.503, subdivision 2, is not in the best interests of the child.

85.11 Sec. 40. Minnesota Statutes 2020, section 401.025, subdivision 1, is amended to read:

85.12 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When
85.13 it appears necessary to enforce discipline or to prevent a person on conditional release from
85.14 escaping or absconding from supervision, the chief executive officer or designee of a
85.15 community corrections agency in a CCA county has the authority to issue a written order
85.16 directing any peace officer or any probation officer in the state serving the district and
85.17 juvenile courts to detain and bring the person before the court or the commissioner, whichever
85.18 is appropriate, for disposition. If the person on conditional release commits a violation
85.19 described in section 609.14, subdivision 1a, paragraph (a), the chief executive officer or
85.20 designee must have a reasonable belief that the order is necessary to prevent the person
85.21 from escaping or absconding from supervision or that the continued presence of the person
85.22 in the community presents a risk to public safety before issuing a written order. This written
85.23 order is sufficient authority for the peace officer or probation officer to detain the person
85.24 for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing
85.25 before the court or the commissioner.

85.26 (b) The chief executive officer or designee of a community corrections agency in a CCA
85.27 county has the authority to issue a written order directing a peace officer or probation officer
85.28 serving the district and juvenile courts to release a person detained under paragraph (a)
85.29 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before
85.30 the court or the commissioner. This written order is sufficient authority for the peace officer
85.31 or probation officer to release the detained person.

85.32 (c) The chief executive officer or designee of a community corrections agency in a CCA
85.33 county has the authority to issue a written order directing any peace officer or any probation
85.34 officer serving the district and juvenile courts to detain any person on court-ordered pretrial

86.1 release who absconds from pretrial release or fails to abide by the conditions of pretrial
86.2 release. A written order issued under this paragraph is sufficient authority for the peace
86.3 officer or probation officer to detain the person.

86.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
86.5 that occur on or after that date.

86.6 Sec. 41. Minnesota Statutes 2020, section 401.06, is amended to read:

86.7 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
86.8 **COMPLIANCE.**

86.9 No county or group of counties electing to provide correctional services pursuant to
86.10 sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until
86.11 its comprehensive plan shall have been approved by the commissioner. The commissioner
86.12 shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards
86.13 of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible
86.14 for subsidy counties shall maintain substantial compliance with the minimum standards
86.15 established pursuant to sections 401.01 to 401.16 and the policies and procedures governing
86.16 the services described in section 401.025 as prescribed by the commissioner. Counties shall
86.17 also be in substantial compliance with other correctional operating standards permitted by
86.18 law and established by the commissioner and shall report statistics required by the
86.19 commissioner including but not limited to information on individuals convicted as an
86.20 extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).
86.21 The commissioner shall review annually the comprehensive plans submitted by participating
86.22 counties, including the facilities and programs operated under the plans. The commissioner
86.23 is hereby authorized to enter upon any facility operated under the plan, and inspect books
86.24 and records, for purposes of recommending needed changes or improvements.

86.25 When the commissioner shall determine that there are reasonable grounds to believe
86.26 that a county or group of counties is not in substantial compliance with minimum standards,
86.27 at least 30 days' notice shall be given the county or counties and a hearing conducted by
86.28 the commissioner to ascertain whether there is substantial compliance or satisfactory progress
86.29 being made toward compliance. The commissioner may suspend all or a portion of any
86.30 subsidy until the required standard of operation has been met.

86.31 Sec. 42. Minnesota Statutes 2020, section 609.14, subdivision 1, is amended to read:

86.32 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
86.33 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct

87.1 which warrants the imposing or execution of sentence, the court may without notice revoke
87.2 the stay and direct that the defendant be taken into immediate custody. Revocation should
87.3 only be used as a last resort when rehabilitation has failed.

87.4 (b) When it appears that the defendant violated any of the conditions of probation during
87.5 the term of the stay, but the term of the stay has since expired, the defendant's probation
87.6 officer or the prosecutor may ask the court to initiate probation revocation proceedings
87.7 under the Rules of Criminal Procedure at any time within six months after the expiration
87.8 of the stay. The court also may initiate proceedings under these circumstances on its own
87.9 motion. If proceedings are initiated within this six-month period, the court may conduct a
87.10 revocation hearing and take any action authorized under rule 27.04 at any time during or
87.11 after the six-month period.

87.12 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
87.13 proceedings to revoke the stay have been initiated by a court order revoking the stay and
87.14 directing either that the defendant be taken into custody or that a summons be issued in
87.15 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
87.16 the summary hearing provided by subdivision 2 may be conducted after the expiration of
87.17 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
87.18 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
87.19 term of the stay or after the six-month period. The ability or inability to locate or apprehend
87.20 the defendant prior to the expiration of the stay or during or after the six-month period shall
87.21 not preclude the court from conducting the summary hearing unless the defendant
87.22 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
87.23 advantage.

87.24 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
87.25 that occur on or after that date.

87.26 Sec. 43. Minnesota Statutes 2020, section 609.14, is amended by adding a subdivision to
87.27 read:

87.28 **Subd. 1a. Violations where policies favor continued rehabilitation.** (a) Correctional
87.29 treatment is better provided through a community resource than through confinement, it
87.30 would not unduly depreciate the seriousness of the violation if probation was not revoked,
87.31 and the policies favoring probation outweigh the need for confinement if a person has not
87.32 previously violated a condition of probation or intermediate sanction and does any of the
87.33 following in violation of a condition imposed by the court:

88.1 (1) fails to abstain from the use of controlled substances without a valid prescription,
88.2 unless the person is under supervision for a violation of:

88.3 (i) section 169A.20;

88.4 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

88.5 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
88.6 subdivision 3, clauses (2) to (6);

88.7 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
88.8 violation of:

88.9 (i) section 169A.20;

88.10 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

88.11 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
88.12 subdivision 3, clauses (2) to (6);

88.13 (3) possesses drug paraphernalia in violation of section 152.092;

88.14 (4) fails to obtain or maintain employment;

88.15 (5) fails to pursue a course of study or vocational training;

88.16 (6) fails to report a change in employment, unless the person is prohibited from having
88.17 contact with minors and the employment would involve such contact;

88.18 (7) violates a curfew;

88.19 (8) fails to report contact with a law enforcement agency, unless the person was charged
88.20 with a misdemeanor, gross misdemeanor, or felony; or

88.21 (9) commits any offense for which the penalty is a petty misdemeanor.

88.22 (b) A violation by a person described in paragraph (a) does not warrant the imposition
88.23 or execution of sentence and the court may not direct that the person be taken into immediate
88.24 custody unless the court receives a written report, signed under penalty of perjury pursuant
88.25 to section 358.116, showing probable cause to believe the person violated probation and
88.26 establishing by a preponderance of the evidence that the continued presence of the person
88.27 in the community would present a risk to public safety. If the court does not direct that the
88.28 person be taken into custody, the court may request a supplemental report from the
88.29 supervising agent containing:

88.30 (1) the specific nature of the violation;

89.1 (2) the response of the person under supervision to the violation, if any; and

89.2 (3) the actions the supervising agent has taken or will take to address the violation.

89.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
89.4 that occur on or after that date.

89.5 Sec. 44. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

89.6 Subdivision 1. **Placement prohibited.** After August 1, 2021, a sheriff shall not allow
89.7 inmates committed to the custody of the sheriff to be housed in facilities that are not owned
89.8 and operated by a local government, or a group of local units of government.

89.9 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to
89.10 contract with privately owned and operated prisons for the care, custody, and rehabilitation
89.11 of offenders committed to the custody of the sheriff.

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

89.13 Sec. 45. Laws 2017, chapter 95, article 3, section 30, is amended to read:

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

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

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

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

- 90.1 ~~(1) the total number of grants issued under this program;~~
- 90.2 ~~(2) the average amount of each grant;~~
- 90.3 ~~(3)~~ (1) the community services accessed as a result of the grants funding;
- 90.4 ~~(4)~~ (2) a summary of the type of supervision offenders were under when a grant funding
 90.5 was used to help access a community option;
- 90.6 ~~(5)~~ (3) the number of individuals who completed, and the number who failed to complete,
 90.7 programs accessed as a result of this grant funding; and
- 90.8 ~~(6)~~ (4) the number of individuals who violated the terms of release following participation
 90.9 in a program accessed as a result of this grant funding, separating technical violations and
 90.10 new criminal offenses;
- 90.11 (5) the number of individuals who completed or were discharged from probation after
 90.12 participating in the program;
- 90.13 (6) the number of individuals identified in clause (5) who committed a new offense after
 90.14 discharge from the program;
- 90.15 (7) identification of barriers nonviolent controlled substance offenders face in accessing
 90.16 community services and a description of how the program navigates those barriers; and
- 90.17 (8) identification of gaps in existing community services for nonviolent controlled
 90.18 substance offenders.

90.19 **Sec. 46. TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

90.20 **Subdivision 1. Definitions.** As used in this section, the following terms have the meanings
 90.21 given:

90.22 (1) "aiding and abetting" means a person who is criminally liable for a crime committed
 90.23 by another because that person intentionally aided, advised, hired, counseled, or conspired
 90.24 with or otherwise procured the other to commit the crime; and

90.25 (2) "felony murder" means a violation of Minnesota Statutes, section 609.185, paragraph
 90.26 (a), clause (2), (3), (5), (6), or (7); or 609.19, subdivision 2, clause (1).

90.27 **Subd. 2. Establishment.** The task force on aiding and abetting felony murder is
 90.28 established to collect and analyze data on the charging, convicting, and sentencing of people
 90.29 for aiding and abetting felony murder; assess whether current laws and practices promote
 90.30 public safety and equity in sentencing; and make recommendations to the legislature.

90.31 **Subd. 3. Membership.** (a) The task force consists of the following members:

- 91.1 (1) two members of the house of representatives, one appointed by the speaker of the
91.2 house and one appointed by the minority leader;
- 91.3 (2) two members of the senate, one appointed by the majority leader and one appointed
91.4 by the minority leader;
- 91.5 (3) the commissioner of corrections or a designee;
- 91.6 (4) the executive director of the Minnesota Sentencing Guidelines Commission or a
91.7 designee;
- 91.8 (5) the attorney general or a designee;
- 91.9 (6) the state public defender or a designee;
- 91.10 (7) the statewide coordinator of the Violent Crime Coordinating Council;
- 91.11 (8) one defense attorney, appointed by the Minnesota Association of Criminal Defense
91.12 Lawyers;
- 91.13 (9) three county attorneys, appointed by the Minnesota County Attorneys Association;
- 91.14 (10) two members representing victims' rights organizations, appointed by the Office
91.15 of Justice Programs director in the Department of Public Safety;
- 91.16 (11) one member of a criminal justice advocacy organization, appointed by the governor;
- 91.17 (12) one member of a statewide civil rights organization, appointed by the governor;
- 91.18 (13) two impacted persons who are directly related to a person who has been convicted
91.19 of felony murder, appointed by the governor; and
- 91.20 (14) one person with expertise regarding the laws and practices of other states relating
91.21 to aiding and abetting felony murder, appointed by the governor.
- 91.22 (b) Appointments must be made no later than July 30, 2021.
- 91.23 (c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve
91.24 as ex officio, nonvoting members of the task force.
- 91.25 (d) Members shall serve without compensation.
- 91.26 (e) Members of the task force serve at the pleasure of the appointing authority or until
91.27 the task force expires. Vacancies shall be filled by the appointing authority consistent with
91.28 the qualifications of the vacating member required by this subdivision.
- 91.29 Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
91.30 may elect other officers as necessary.

92.1 (b) The commissioner of corrections shall convene the first meeting of the task force no
92.2 later than August 1, 2021, and shall provide meeting space and administrative assistance
92.3 as necessary for the task force to conduct its work.

92.4 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
92.5 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
92.6 of the task force are subject to Minnesota Statutes, chapter 13D.

92.7 (d) To compile and analyze data, the task force shall request the cooperation and
92.8 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
92.9 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
92.10 and Tribal governments and may request the cooperation of academics and others with
92.11 experience and expertise in researching the impact of laws criminalizing aiding and abetting
92.12 felony murder.

92.13 Subd. 5. Duties. (a) The task force shall, at a minimum:

92.14 (1) collect and analyze data on charges, convictions, and sentences for aiding and abetting
92.15 felony murder;

92.16 (2) collect and analyze data on sentences for aiding and abetting felony murder in which
92.17 a person received a mitigated durational departure because the person played a minor or
92.18 passive role in the crime or participated under circumstances of coercion or duress;

92.19 (3) collect and analyze data on charges, convictions, and sentences for codefendants of
92.20 people sentenced for aiding and abetting felony murder;

92.21 (4) review relevant state statutes and state and federal court decisions;

92.22 (5) receive input from individuals who were convicted of aiding and abetting felony
92.23 murder;

92.24 (6) receive input from family members of individuals who were victims of felony murder;

92.25 (7) analyze the benefits and unintended consequences of Minnesota Statutes and practices
92.26 related to the charging, convicting, and sentencing of people for aiding and abetting felony
92.27 murder including but not limited to an analysis of whether current statutes and practice:

92.28 (i) promote public safety; and

92.29 (ii) properly punish people for their role in an offense; and

92.30 (8) make recommendations for legislative action, if any, on laws affecting:

92.31 (i) the collection and reporting of data; and

93.1 (ii) the charging, convicting, and sentencing of people for aiding and abetting felony
93.2 murder.

93.3 (b) At its discretion, the task force may examine, as necessary, other related issues
93.4 consistent with this section.

93.5 Subd. 6. **Report.** On or before January 15, 2022, the task force shall submit a report to
93.6 the chairs and ranking minority members of the house of representatives and senate
93.7 committees and divisions with jurisdiction over criminal sentencing on the findings and
93.8 recommendations of the task force.

93.9 Subd. 7. **Expiration.** The task force expires the day after submitting its report under
93.10 subdivision 6.

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

93.12 Sec. 47. **TITLE.**

93.13 Sections 5 to 11, 13, 19, 20, and 27 shall be know as the "Hardel Sherrell Act."

93.14 Sec. 48. **CORRECTIONAL SUPERVISION WORKING GROUP; TRIBAL**
93.15 **GOVERNMENTS.**

93.16 Subdivision 1. **Establishment.** Recognizing the sovereignty of Tribal governments and
93.17 the shared state and Tribal interests in providing effective, responsive, and culturally relevant
93.18 correctional supervision and services, a working group is established to develop policy,
93.19 protocols, and procedures for Minnesota-based federally recognized Indian Tribes to
93.20 participate in the Community Corrections Act subsidy program and make recommendations
93.21 to the legislature on changes to the law to allow for Tribal supervision.

93.22 Subd. 2. **Duties.** The working group shall develop comprehensive recommendations
93.23 that allow a Minnesota-based federally recognized Indian Tribe, as defined in United States
93.24 Code, title 25, section 450b(e), to qualify for a grant provided in Minnesota Statutes, section
93.25 401.01, by meeting and agreeing to the requirements in Minnesota Statutes, section 401.02,
93.26 subdivision 1, excluding the population requirement. The working group shall:

93.27 (1) develop statutory policy language that provides that interested Tribal governments
93.28 may participate in the Community Corrections Act grant program;

93.29 (2) identify Tribal Community Corrections Act supervision jurisdiction parameters such
93.30 as Tribal lands, Tribal enrollment, and recognized Tribal affiliation;

94.1 (3) develop a court process for determining whether an individual shall receive
94.2 correctional supervision and services from a Tribal Community Corrections Act authority;

94.3 (4) develop an effective and relevant formula for determining the amount of community
94.4 corrections aid to be paid to a participating Tribal government; and

94.5 (5) develop legislation to establish conformance with all other requirements in the
94.6 Community Corrections Act.

94.7 Subd. 3. **Members.** The working group must include the following members:

94.8 (1) the commissioner of corrections, or designee;

94.9 (2) the commissioner of human services, or designee;

94.10 (3) the attorney general, or designee;

94.11 (4) a representative of each Minnesota-based federally recognized Indian Tribe appointed
94.12 by each Tribe;

94.13 (5) a representative appointed by the governor;

94.14 (6) a representative appointed by the speaker of the house;

94.15 (7) a representative appointed by the senate majority leader;

94.16 (8) a representative of the State Court Administrators Office appointed by the state court
94.17 administrator;

94.18 (9) Department of Corrections, executive officer of hearings and release;

94.19 (10) Department of Corrections, director of field services;

94.20 (11) a representative of the Minnesota Indian Affairs Council appointed by the council;
94.21 and

94.22 (12) one representative appointed by each of the following associations:

94.23 (i) the Minnesota Association of Community Corrections Act Counties;

94.24 (ii) the Minnesota Association of County Probation Officers;

94.25 (iii) the Minnesota Sheriffs' Association;

94.26 (iv) the Minnesota County Attorney's Association; and

94.27 (v) the Association of Minnesota Counties.

94.28 Subd. 4. **Meetings.** The commissioner of corrections or a designee shall convene the
94.29 first meeting of the working group no later than October 15, 2021. Members of the working

95.1 group shall elect a chair from among the group's members at the first meeting, and the
95.2 commissioner of corrections or a designee shall serve as the working group's chair until a
95.3 chair is elected.

95.4 Subd. 5. **Compensation.** Members of the working group shall serve without
95.5 compensation.

95.6 Subd. 6. **Administrative support.** The commissioner of corrections shall provide
95.7 administrative support staff and meeting space for the working group.

95.8 Subd. 7. **Report.** The working group shall prepare and submit a report to the chairs of
95.9 the house of representatives and senate committees and divisions with jurisdiction over
95.10 public safety not later than March 15, 2022. The working group's report shall minimally
95.11 include statutory policy language that provides that interested Tribal governments may
95.12 participate in the Community Corrections Act grant program.

95.13 Subd. 8. **Expiration.** The working group expires the earlier of March 16, 2022, or the
95.14 day after the working group submits the report under subdivision 7.

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

95.16 **ARTICLE 4**

95.17 **MINNESOTA REHABILITATION AND REINVESTMENT ACT**

95.18 Section 1. Minnesota Statutes 2020, section 244.03, is amended to read:

95.19 **244.03 REHABILITATIVE PROGRAMS.**

95.20 ~~The commissioner shall provide appropriate mental health programs and vocational and~~
95.21 ~~educational programs with employment-related goals for inmates. The selection, design~~
95.22 ~~and implementation of programs under this section shall be the sole responsibility of the~~
95.23 ~~commissioner, acting within the limitations imposed by the funds appropriated for such~~
95.24 ~~programs~~ develop, implement, and provide appropriate substance abuse treatment programs;
95.25 sexual offender treatment programming; domestic abuse programming; medical and mental
95.26 health services; and vocational, employment and career, educational, and other rehabilitative
95.27 programs for persons committed to the authority of the commissioner.

95.28 While evidence-based programs shall be prioritized, the selection, design, and
95.29 implementation of programs under this section shall be the sole responsibility of the
95.30 commissioner, acting within the limitations imposed by the funds appropriated for the
95.31 programs under this section.

96.1 No action challenging the level of expenditures for programs authorized under this
96.2 section, nor any action challenging the selection, design or implementation of these programs,
96.3 including employee assignments, may be maintained by an ~~inmate~~ incarcerated person in
96.4 any court in this state.

96.5 The commissioner may impose disciplinary sanctions upon any ~~inmate~~ incarcerated
96.6 person who refuses to participate in rehabilitative programs.

96.7 Sec. 2. **[244.031] REHABILITATIVE NEED ASSESSMENT AND**
96.8 **INDIVIDUALIZED PROGRAM PLAN REQUIRED.**

96.9 (a) The commissioner shall develop a comprehensive need assessment process for each
96.10 person who is serving a fixed term of imprisonment in a state correctional facility on or
96.11 after August 1, 2021, and has 365 days or more remaining until the person's scheduled
96.12 supervised release date.

96.13 (b) Upon completion of the assessment process, the commissioner shall ensure the
96.14 development of an individualized program plan, along with identified goals for every person
96.15 committed to the authority of the Department of Corrections. The individualized program
96.16 plan shall be holistic in nature in that it identifies intended outcomes for addressing the
96.17 incarcerated person's needs and risk factors, the individual's identified strengths, and available
96.18 and needed community supports, including victim safety considerations as required in
96.19 section 244.0552, if applicable.

96.20 (c) When an individual is committed to the custody of the commissioner for a crime
96.21 resulting in harm against a person or persons, the commissioner shall provide opportunity
96.22 for input during the assessment and program plan process. Victim input may include a
96.23 summary of victim concerns relative to release, concerns related to victim safety during the
96.24 committed person's term of imprisonment, and requests for imposition of victim safety
96.25 protocols as additional conditions of imprisonment or supervised release.

96.26 (d) The commissioner shall consider victim input statements in program planning and
96.27 establishing conditions governing confinement or release.

96.28 (e) For an individual with less than 365 days remaining until the individual's supervised
96.29 release date, the commissioner, in consultation with the incarcerated individual, shall develop
96.30 a transition and release plan.

97.1 **Sec. 3. [244.032] EARNED INCENTIVE RELEASE.**

97.2 (a) For the purposes of this section, "earned incentive release" means release credit that
97.3 is earned and subtracted from the term of imprisonment for completion of objectives
97.4 established by an incarcerated person's individualized program plan.

97.5 (b) To encourage and support rehabilitation when consistent with public interest and
97.6 public safety, the commissioner of corrections, in consultation with the Minnesota County
97.7 Attorney's Association, Minnesota Board of Public Defense, Minnesota Association of
97.8 Community Corrections Act Counties, Minnesota Indian Women's Sexual Assault Coalition,
97.9 Violence Free Minnesota, Minnesota Coalition Against Sexual Assault, Minnesota Alliance
97.10 on Crime, the Minnesota Sheriff's Association, Minnesota Chiefs of Police Association,
97.11 and the Minnesota Police and Peace Officers Association, shall establish policy providing
97.12 for earned incentive release credit and forfeiture of the credit as part of the term of
97.13 imprisonment. The policy shall:

97.14 (1) provide circumstances upon which an incarcerated person may earn incentive release
97.15 credits, including participation in rehabilitative programming as required under section
97.16 244.031; and

97.17 (2) address those circumstances where (i) the capacity to provide treatment programming
97.18 in the correctional facility is diminished but the services are available to the community,
97.19 and (ii) the conditions under which the incarcerated person could be released to the
97.20 community-based resource but remain subject to commitment to the commissioner and
97.21 considered for earned incentive release credit.

97.22 (c) The commissioner shall also develop a policy establishing a process for assessing
97.23 and addressing any systemic and programmatic gender and racial disparities that may be
97.24 identified in the award of earned incentive release credits.

97.25 **Sec. 4. [244.033] APPLICATION OF EARNED INCENTIVE RELEASE CREDIT.**

97.26 (a) Earned incentive release credits shall be subtracted from the term of imprisonment
97.27 but shall not be added to the person's supervised release term. In no case shall the credit
97.28 reduce the term of imprisonment to less than one-half of the incarcerated person's executed
97.29 sentence.

97.30 (b) The earned incentive release program is separate and distinct from other legislatively
97.31 authorized release programs, including the challenge incarceration program, work release,
97.32 conditional medical release, or Conditional Release of Nonviolent Controlled Substance
97.33 Offenders program, which may have unique statutory requirements and obligations.

98.1 **Sec. 5. [244.034] CERTAIN OFFENSES INELIGIBLE FOR EARNED INCENTIVE**
98.2 **RELEASE CREDIT.**

98.3 (a) A person committed to the commissioner for any of the following offenses shall be
98.4 ineligible for earned incentive release credit under sections 244.031 to 244.033:

98.5 (1) section 609.185, first degree murder, or 609.19, murder in the second degree;

98.6 (2) section 609.195, murder in the third degree, or 609.221, assault in the first degree;

98.7 (3) section 609.342, first degree criminal sexual conduct, 609.343, second degree criminal
98.8 sexual conduct, or 609.344, third degree criminal sexual conduct, if the offense was
98.9 committed with force or violence;

98.10 (4) section 609.3455, subdivision 5, dangerous sex offenders, where the court shall
98.11 specify a minimum term of imprisonment, based on the sentencing guidelines or any
98.12 applicable mandatory minimum sentence, that must be served before the offender may be
98.13 considered for supervised release;

98.14 (5) section 609.229, subdivision 4, paragraph (b), crimes committed for the benefit of
98.15 a gang where any person convicted and sentenced as required by section 609.229, subdivision
98.16 4, paragraph (a), is not eligible for probation, parole, discharge, work release, or supervised
98.17 release until that person has served the full term of imprisonment as provided by law;

98.18 (6) section 152.026 where a person with a mandatory minimum sentence imposed for
98.19 a first or second degree controlled substance crime is not eligible for probation, parole,
98.20 discharge, or supervised release until that person has served the full term of imprisonment
98.21 as provided by law;

98.22 (7) a person who was convicted in any other jurisdiction of a crime and the person's
98.23 supervision was transferred to this state;

98.24 (8) section 243.166, subdivision 5, paragraph (e), predatory offender registration;

98.25 (9) section 609.11, subdivision 6, use of firearm or dangerous weapon during the
98.26 commission of certain offenses;

98.27 (10) section 609.221, subdivision 2, paragraph (b), use of deadly force against a peace
98.28 officer, prosecutor, judge, or correctional employee;

98.29 (11) section 609.2231, subdivision 3a, paragraph (d), assault against secure treatment
98.30 personnel; and

99.1 (12) a person subject to a conditional release term under section 609.3455, subdivisions
99.2 6 and 7, whether on the present offense or previous offense for which a term of conditional
99.3 release remains.

99.4 (b) Persons serving life sentences, persons given indeterminate sentences for crimes
99.5 committed on or before April 30, 1980, or persons subject to good time under section 244.04,
99.6 or similar laws are ineligible for earned incentive release credit.

99.7 Sec. 6. Minnesota Statutes 2020, section 244.05, subdivision 1b, is amended to read:

99.8 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
99.9 **1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for
99.10 a felony offense committed on or after August 1, 1993, shall serve a supervised release term
99.11 upon completion of the inmate's term of imprisonment and any disciplinary confinement
99.12 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
99.13 adopted by the commissioner or refusal to participate in a rehabilitative program required
99.14 under section 244.03. The amount of time the inmate serves on supervised release shall be
99.15 equal in length to the amount of time remaining in the inmate's executed sentence after the
99.16 inmate has served the term of imprisonment reduced by any earned incentive release credit
99.17 and any disciplinary confinement period imposed by the commissioner.

99.18 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
99.19 program as required under section 244.03 shall be placed on supervised release until the
99.20 inmate has served the disciplinary confinement period for that disciplinary sanction or until
99.21 the inmate is discharged or released from punitive ~~segregation~~ restrictive housing
99.22 confinement, whichever is later. The imposition of a disciplinary confinement period shall
99.23 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
99.24 imposing the disciplinary confinement period and the rights of the inmate in the procedure
99.25 shall be those in effect for the imposition of other disciplinary sanctions at each state
99.26 correctional institution.

99.27 Sec. 7. **[244.0551] EARNED COMPLIANCE CREDIT AND SUPERVISION**
99.28 **ABATEMENT STATUS.**

99.29 (a) For the purposes of this section, the following terms have the meanings given them:

99.30 (1) "supervision abatement status" means an end to active correctional supervision of a
99.31 supervised individual without effect on the legal expiration date of the executed sentence
99.32 less any earned incentive release credit; and

100.1 (2) "earned compliance credit" means a one-month reduction from the period of active
100.2 supervision of the supervised release term for every two months that a supervised individual
100.3 exhibits compliance with the conditions and goals of the individual's supervision plan.

100.4 (b) The commissioner of corrections shall adopt policy providing for earned compliance
100.5 credit and forfeiture of the credit. The commissioner shall adjust the period of an individual's
100.6 supervised release term for earned compliance credits accrued under a program created
100.7 under this section. Once a combination of time served, earned incentive credit, along with
100.8 a term of supervision and earned compliance credits equal the supervised release term, the
100.9 commissioner shall place the individual on supervision abatement status.

100.10 (c) A person whose period of active supervision has been completely reduced as a result
100.11 of earned compliance credits shall remain on supervision abatement status until the expiration
100.12 of the executed sentence, less any earned incentive release credit. If an individual is on
100.13 supervision abatement status and is charged with a new presumptive commit felony-level
100.14 crime against a person, the commissioner may return the individual to active supervision
100.15 and impose any additional sanctions, up to and including revocation from supervised release
100.16 and return to the custody of the commissioner.

100.17 (d) A person who is placed on supervision abatement status under this section may not
100.18 be required to regularly report to a supervised release agent or pay a supervision fee but
100.19 must continue to obey all laws, report any new criminal charges, and abide by section
100.20 243.1605 before seeking written authorization to relocate to another state.

100.21 (e) This section does not apply to persons serving life sentences, persons given
100.22 indeterminate sentences for crimes committed on or before April 30, 1980, or persons subject
100.23 to good time under section 244.04, or similar laws.

100.24 **Sec. 8. [244.0552] VICTIM INPUT.**

100.25 When an individual is committed to the custody of the commissioner for a crime of
100.26 violence and is eligible for earned incentive release credit under section 244.032, the
100.27 commissioner shall make reasonable efforts to notify the victim of the committed person's
100.28 eligibility for earned incentive release. Victim input may include a summary of victim
100.29 concerns relative to earned incentive release eligibility, concerns related to victim safety
100.30 during the committed person's term of imprisonment, and requests for imposition of victim
100.31 safety protocols as additional conditions of imprisonment or supervised release.

100.32 The commissioner shall consider victim input statements in establishing requirements
100.33 governing conditions of release. The commissioner shall provide the name and telephone

101.1 number of the local victim agency serving the jurisdiction of release to any victim providing
101.2 input on earned incentive release.

101.3 **Sec. 9. [244.0553] VICTIM NOTIFICATION.**

101.4 Nothing in sections 244.031 to 244.033 or 244.0551 to 244.0554 limits any victim
101.5 notification obligations of the commissioner of corrections required by statute related to a
101.6 change in custody status, committing offense, end of confinement review, or notification
101.7 registration.

101.8 **Sec. 10. [244.0554] INTERSTATE COMPACT.**

101.9 As may be allowed by compact requirements established in section 243.1605, a person
101.10 subject to supervision on a Minnesota sentence in another state under the Interstate Compact
101.11 for Adult Offender Supervision may be eligible for supervision abatement status pursuant
101.12 to this chapter only if they meet eligibility criteria as established in this section and certified
101.13 by a supervising entity in another state.

101.14 **Sec. 11. [244.0555] REALLOCATION OF EARNED INCENTIVE RELEASE**
101.15 **SAVINGS.**

101.16 Subdivision 1. **Definitions.** (a) For the purposes of this section the terms in this
101.17 subdivision have the meanings given them.

101.18 (b) "Commissioner" means the commissioner of corrections.

101.19 (c) "Offender daily cost" means the actual nonsalary expenditures, including
101.20 encumbrances as of July 31 following the end of the fiscal year, from the Department of
101.21 Corrections expense budgets for case management, food preparation, food provisions,
101.22 offender personal support including clothing, linen and other personal supplies, transportation,
101.23 dental care, nursing services, and professional technical contracted health care services.

101.24 (d) "Incarcerated days saved" means the number of days of an incarcerated person's
101.25 original sentence minus the number of actual days served, excluding days not served due
101.26 to death or as a result of time earned in the Challenge Incarceration Program under sections
101.27 244.17 to 244.173.

101.28 (e) "Earned incentive release per day cost savings" means the calculation of the total
101.29 actual expenses identified in paragraph (c) divided by the average daily population, divided
101.30 by 365 days, which reflects the daily cost per person.

102.1 (f) "Earned incentive release savings" means the calculation of the offender daily cost
102.2 multiplied by the number of incarcerated days saved for the period of one fiscal year.

102.3 Subd. 2. **Establishment of reallocation revenue account.** The reallocation of earned
102.4 incentive release savings account is established in the special revenue fund in the state
102.5 treasury. Funds in the account are appropriated to the commissioner and shall be expended
102.6 in accordance with the allocation established in subdivision 5, once the requirements of
102.7 subdivision 3 are met. Funds in the account are available until expended.

102.8 Subd. 3. **Certification of earned incentive release savings.** On or before the final
102.9 closeout date of each fiscal year, the commissioner shall certify to Minnesota Management
102.10 and Budget the earned incentive release savings from the previous fiscal year. The
102.11 commissioner shall provide the detailed calculation substantiating the savings amount,
102.12 including accounting system-generated data where possible, supporting the offender daily
102.13 cost and the incarcerated days saved.

102.14 Subd. 4. **Savings to be transferred to the reallocation revenue account.** After the
102.15 certification in subdivision 3 is completed, the commissioner shall transfer funds from the
102.16 appropriation from which the savings occurred to the reallocation revenue account according
102.17 to the allocation in subdivision 5. Transfers shall occur before the final closeout each year.

102.18 Subd. 5. **Distribution of reallocation funds.** The commissioner shall distribute funds
102.19 as follows:

102.20 (1) 25 percent shall be transferred to the Office of Justice Programs in the Department
102.21 of Public Safety for crime victim services;

102.22 (2) 25 percent shall be transferred to the Community Corrections Act subsidy
102.23 appropriation and to the Department of Corrections for supervised release and intensive
102.24 supervision services, based upon a three-year average of the release jurisdiction of supervised
102.25 releasees and intensive supervised releasees across the state;

102.26 (3) 25 percent shall be transferred to the Department of Corrections for grants to develop
102.27 and invest in community-based services that support the identified needs of correctionally
102.28 involved individuals or individuals at risk of criminal justice system involvement, and for
102.29 sustaining the operation of evidence-based programming and domestic abuse programming
102.30 in state and local correctional facilities; and

102.31 (4) 25 percent shall be transferred to the general fund.

103.1 Sec. 12. [244.0556] REPORTING REQUIRED.

103.2 (a) Beginning January 15, 2022, and by January 15 each year thereafter for a period of
103.3 ten years, the commissioner of corrections shall provide a report to the chairs and ranking
103.4 minority members of the house of representatives and senate committees and divisions with
103.5 jurisdiction over public safety and judiciary on the status of the requirements in this section
103.6 for the previous fiscal year. The report shall also be provided to the sitting president of the
103.7 Minnesota Association of Community Corrections Act Counties and the executive directors
103.8 of the Minnesota Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual
103.9 Assault Coalition, the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota
103.10 Coalition Against Sexual Assault, and the Minnesota County Attorney Association. The
103.11 report shall include but not be limited to:

103.12 (1) a qualitative description of program development; implementation status; identified
103.13 implementation or operational challenges; strategies identified to mitigate and ensure that
103.14 the program does not create or exacerbate gender, racial, and ethnic disparities; the number,
103.15 reason, and background of those in the prison population deemed ineligible for participation
103.16 in the program; and proposed mechanisms for projecting future program savings and
103.17 reallocation of savings;

103.18 (2) the number of persons granted earned incentive release, the total number of days of
103.19 incentive release earned, a summary of committing offenses for those individuals who
103.20 earned incentive release, the most recent calculated per diem, and the demographic data for
103.21 all persons eligible for earned incentive release and the reasons and demographic data of
103.22 those eligible individuals for whom earned incentive release was unearned or denied;

103.23 (3) the number of persons who earned supervision abatement status, the total number
103.24 of days of supervision abatement earned, the committing offenses for those individuals
103.25 granted supervision abatement status, the number of revocations for reoffense while on
103.26 supervision abatement status, and the demographic data for all persons eligible for, considered
103.27 for, granted, or denied supervision abatement status and the reasons supervision abatement
103.28 status was unearned or denied; and

103.29 (4) the number of victims who submitted input, the number of referrals to local
103.30 victim-serving agencies, and a summary of the kinds of victim services requested.

103.31 (b) The commissioner shall solicit feedback on victim-related operational concerns as
103.32 it relates to the application earned incentive release and supervision abatement status options
103.33 from the Minnesota Indian Women's Sexual Assault Coalition, Minnesota Alliance on
103.34 Crime, Minnesota Coalition Against Sexual Assault, and Violence Free Minnesota. A

104.1 summary of the feedback from these organizations shall be included in the annual report
104.2 under paragraph (a).

104.3 (c) The commissioner shall direct the Department of Corrections' research unit to perform
104.4 regular evaluation of the earned incentive release program and publish findings on the
104.5 Department of Corrections' website and in the annual report under paragraph (a).

104.6 Sec. 13. **EFFECTIVE DATE.**

104.7 Sections 1 to 12 are effective August 1, 2021, and apply to persons sentenced to a fixed
104.8 executed sentence or to persons serving a fixed term of imprisonment in a state correctional
104.9 facility on or after that date.

104.10 **ARTICLE 5**
104.11 **CRIMINAL SEXUAL CONDUCT REFORM**

104.12 Section 1. Minnesota Statutes 2020, section 609.2325, is amended to read:

104.13 **609.2325 CRIMINAL ABUSE.**

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

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

104.19 ~~(b) A caregiver, facility staff person, or person providing services in a facility who~~
104.20 ~~engages in sexual contact or penetration, as defined in section 609.341, under circumstances~~
104.21 ~~other than those described in sections 609.342 to 609.345, with a resident, patient, or client~~
104.22 ~~of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision~~
104.23 ~~3.~~

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

104.26 (1) the vulnerable adult or a person with authority to make health care decisions for the
104.27 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
104.28 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
104.29 that authority and within the boundary of reasonable medical practice, to any therapeutic
104.30 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
104.31 or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition

105.1 and hydration parenterally or through intubation; this paragraph does not enlarge or diminish
105.2 rights otherwise held under law by:

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

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

105.6 (2) the vulnerable adult, a person with authority to make health care decisions for the
105.7 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or
105.8 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
105.9 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
105.10 adult or with the expressed intentions of the vulnerable adult; ~~or.~~

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

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

105.19 (1) if the act results in the death of a vulnerable adult, imprisonment for not more than
105.20 15 years or payment of a fine of not more than \$30,000, or both;

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

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

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

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

105.29 Sec. 2. Minnesota Statutes 2020, section 609.341, subdivision 3, is amended to read:

105.30 Subd. 3. **Force.** "Force" means either: (1) the infliction; by the actor of bodily harm; or
105.31 (2) the attempted infliction, or threatened infliction by the actor of bodily harm or commission
105.32 or threat of any other crime by the actor against the complainant or another, which (a) causes

106.1 the complainant to reasonably believe that the actor has the present ability to execute the
106.2 threat and ~~(b) if the actor does not have a significant relationship to the complainant, also~~
106.3 ~~causes the complainant to submit.~~

106.4 Sec. 3. Minnesota Statutes 2020, section 609.341, subdivision 7, is amended to read:

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

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

106.9 (2) that a person is under the influence of an intoxicating substance to a degree that
106.10 renders them incapable of consenting or incapable of appreciating, understanding, or
106.11 controlling the person's conduct.

106.12 Sec. 4. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

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

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

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

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

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

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

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

- 107.1 (i) the intentional touching by the actor of the complainant's intimate parts;
- 107.2 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
107.3 parts;
- 107.4 (iii) the touching by another of the complainant's intimate parts;
- 107.5 (iv) in any of the cases listed above, touching of the clothing covering the immediate
107.6 area of the intimate parts; or
- 107.7 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
107.8 body or the clothing covering the complainant's body.
- 107.9 (c) "Sexual contact with a person under ~~13~~ 14" means the intentional touching of the
107.10 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
107.11 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
107.12 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.
- 107.13 Sec. 5. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:
- 107.14 Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts
107.15 committed without the complainant's consent, except in those cases where consent is not a
107.16 defense, whether or not emission of semen occurs:
- 107.17 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
- 107.18 (2) any intrusion however slight into the genital or anal openings:
- 107.19 (i) of the complainant's body by any part of the actor's body or any object used by the
107.20 actor for this purpose;
- 107.21 (ii) of the complainant's body by any part of the body of the complainant, by any part
107.22 of the body of another person, or by any object used by the complainant or another person
107.23 for this purpose, when effected by a person in a current or recent position of authority, or
107.24 by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired;
107.25 or
- 107.26 (iii) of the body of the actor or another person by any part of the body of the complainant
107.27 or by any object used by the complainant for this purpose, when effected by a person in a
107.28 current or recent position of authority, or by coercion, or by inducement if the child is under
107.29 ~~13~~ 14 years of age or mentally impaired.

108.1 Sec. 6. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

108.2 Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances
108.3 that cause the complainant reasonably to fear ~~that the actor will inflict~~ the infliction of bodily
108.4 harm upon the complainant or another, or the use by the actor of confinement, or superior
108.5 size or strength, against the complainant ~~that causes the complainant to submit to sexual~~
108.6 ~~penetration or contact against the complainant's will~~ to accomplish the act. Proof of coercion
108.7 does not require proof of a specific act or threat.

108.8 Sec. 7. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

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

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

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

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

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

108.19 Sec. 8. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to
108.20 read:

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

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

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

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

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

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

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

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

109.18 (vi) the actor provided special transportation service to the complainant and the sexual
109.19 penetration or sexual contact occurred during or immediately before or after the actor
109.20 transported the complainant;

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

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

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

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

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

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

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

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

110.15 Sec. 9. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision to
110.16 read:

110.17 Subd. 25. **Caregiver.** "Caregiver" has the meaning given in section 609.232, subdivision
110.18 2.

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

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

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

110.24 Subd. 27. **Vulnerable adult.** "Vulnerable adult" has the meaning given in section
110.25 609.232, subdivision 11.

110.26 Sec. 12. Minnesota Statutes 2020, section 609.342, is amended to read:

110.27 **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

110.28 Subdivision 1. Adult victim; crime defined. A person who engages in sexual penetration
110.29 with another person, ~~or in sexual contact with a person under 13 years of age as defined in~~

111.1 ~~section 609.341, subdivision 11, paragraph (e)~~, is guilty of criminal sexual conduct in the
111.2 first degree if any of the following circumstances exists:

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

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

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

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

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

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

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

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

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

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

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

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

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

112.1 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
112.2 ~~16 years of age at the time of the act, and:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113.15 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

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

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

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

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

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

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

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

114.14 Sec. 13. Minnesota Statutes 2020, section 609.343, is amended to read:

114.15 **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

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

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

114.23 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
114.24 ~~48 months older than the complainant and in a current or recent position of authority over~~
114.25 ~~the complainant. Neither mistake as to the complainant's age nor consent to the act by the~~
114.26 ~~complainant is a defense;~~

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

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

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

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

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

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

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

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

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

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

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

115.19 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
 115.20 ~~16 years of age at the time of the sexual contact, and:~~

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

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

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

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

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

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

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

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

116.6 (i) the actor uses coercion to accomplish the sexual contact;

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

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

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

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

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

116.17 (e) the complainant is under 14 years of age and the actor is more than 36 months older
116.18 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
116.19 the complainant is a defense. In a prosecution under this clause, the state is not required to
116.20 prove that the sexual contact was coerced;

116.21 (f) the complainant is at least 14 but less than 16 years of age and the actor is more than
116.22 36 months older than the complainant and in a current or recent position of authority over
116.23 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
116.24 complainant is a defense;

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

116.28 (h) the actor has a significant relationship to the complainant, the complainant was under
116.29 16 years of age at the time of the sexual contact, and:

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

116.31 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

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

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

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

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

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

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

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

118.1 Sec. 14. Minnesota Statutes 2020, section 609.344, is amended to read:

118.2 **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

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

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

118.9 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
118.10 ~~24 months older than the complainant. In any such case if the actor is no more than 120~~
118.11 ~~months older than the complainant, it shall be an affirmative defense, which must be proved~~
118.12 ~~by a preponderance of the evidence, that the actor reasonably believes the complainant to~~
118.13 ~~be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not~~
118.14 ~~be a defense. Consent by the complainant is not a defense;~~

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

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

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

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

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

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

118.27 ~~(b) the complainant is at least 14 but less than 16 years of age and the actor is more than~~
118.28 ~~36 months older than the complainant. In any such case if the actor is no more than 60~~
118.29 ~~months older than the complainant, it shall be an affirmative defense, which must be proved~~
118.30 ~~by a preponderance of the evidence, that the actor reasonably believes the complainant to~~
118.31 ~~be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not~~
118.32 ~~be a defense. Consent by the complainant is not a defense;~~

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

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

119.4 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
119.5 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
119.6 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
119.7 the complainant is a defense;

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

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

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

119.14 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121.6 A person convicted under this section is also subject to conditional release under section
121.7 609.3455.

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

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

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

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

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

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

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

121.21 Sec. 15. Minnesota Statutes 2020, section 609.345, is amended to read:

121.22 **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

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

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

121.30 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
121.31 ~~48 months older than the complainant or in a current or recent position of authority over~~

122.1 ~~the complainant. Consent by the complainant to the act is not a defense. In any such case,~~
 122.2 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~
 122.3 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~
 122.4 ~~believes the complainant to be 16 years of age or older. In all other cases, mistake as to the~~
 122.5 ~~complainant's age shall not be a defense;~~

122.6 ~~(e)~~ (a) the actor uses ~~force~~ or coercion to accomplish the sexual contact;

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

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

122.10 (d) at the time of the act, the actor is in a prohibited occupational relationship with the
 122.11 complainant.

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

122.15 (a) the complainant is under 14 years of age and the actor is no more than 36 months
 122.16 older than the complainant. Neither mistake as to the complainant's age or consent to the
 122.17 act by the complainant is a defense. In a prosecution under this clause, the state is not
 122.18 required to prove that the sexual contact was coerced;

122.19 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
 122.20 36 months older than the complainant or in a current or recent position of authority over
 122.21 the complainant. Consent by the complainant to the act is not a defense.

122.22 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,
 122.23 if the actor is no more than 60 months older than the complainant, it shall be an affirmative
 122.24 defense which must be proved by a preponderance of the evidence that the actor reasonably
 122.25 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
 122.26 complainant's age shall not be a defense;

122.27 (c) the actor uses coercion to accomplish the sexual contact;

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

122.30 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
 122.31 48 ~~36~~ months older than the complainant and in a current or recent position of authority

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

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

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

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

123.9 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

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

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

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

123.29 ~~(l) the actor is or purports to be a member of the clergy, the complainant is not married~~
123.30 ~~to the actor, and;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125.8 Sec. 16. Minnesota Statutes 2020, section 609.3451, is amended to read:

125.9 **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

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

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

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

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

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

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

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

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

126.1 (1) conviction or adjudication under subdivision 1; or
 126.2 (2) a previous conviction or adjudication for violating subdivision ~~1~~ 1a, clause (2), a
 126.3 ~~crime described in paragraph (b)~~; or a statute from another state in conformity with any of
 126.4 these offenses; or

126.5 ~~(2)~~ (3) the first of two or more previous convictions for violating subdivision ~~1~~ 1a, clause
 126.6 (1), or a statute from another state in conformity with this offense.

126.7 ~~(b)~~ (c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
 126.8 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
 126.9 enhance a criminal penalty as provided in paragraph (a).

126.10 Sec. 17. Minnesota Statutes 2020, section 609.3455, is amended to read:

126.11 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL**
 126.12 **RELEASE.**

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

126.15 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
 126.16 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~
 126.17 609.3453, or 609.3458, if the adult sentence has been executed.

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

126.22 (d) A "heinous element" includes:

126.23 (1) the offender tortured the complainant;

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

126.25 (3) the offender intentionally mutilated the complainant;

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

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

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

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

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

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

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

127.11 (g) A conviction is considered a "prior sex offense conviction" if the offender was
 127.12 convicted of committing a sex offense before the offender has been convicted of the present
 127.13 offense, regardless of whether the offender was convicted for the first offense before the
 127.14 commission of the present offense, and the convictions involved separate behavioral
 127.15 incidents.

127.16 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
 127.17 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States,
 127.18 this state, or any other state.

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

127.21 (j) An offender has "two previous sex offense convictions" only if the offender was
 127.22 convicted and sentenced for a sex offense committed after the offender was earlier convicted
 127.23 and sentenced for a sex offense and both convictions preceded the commission of the present
 127.24 offense of conviction.

127.25 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
 127.26 **offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the
 127.27 offense, the court shall sentence a person convicted under section 609.342, subdivision 1,
 127.28 paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~; ~~or~~ 609.342, subdivision 1a, clause (a), (b), (c),
 127.29 (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f)~~; ~~or (h)~~ 609.343,
 127.30 subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release
 127.31 if:

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

128.1 (2) the person has a previous sex offense conviction for a violation of section 609.342,
128.2 609.343, ~~or 609.344~~, or 609.3458, and the fact finder determines that a heinous element
128.3 exists for the present offense.

128.4 (b) A fact finder may not consider a heinous element if it is an element of the underlying
128.5 specified violation of section 609.342 or 609.343. In addition, when determining whether
128.6 two or more heinous elements exist, the fact finder may not use the same underlying facts
128.7 to support a determination that more than one element exists.

128.8 **Subd. 3. Mandatory life sentence for egregious first-time offenders. (a)**
128.9 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
128.10 court shall sentence a person to imprisonment for life if the person is convicted under section
128.11 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e); ~~(f), or (h)~~, ~~or~~ 609.342, subdivision
128.12 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
128.13 (e); ~~(f), or (h)~~; or 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact
128.14 finder determines that a heinous element exists.

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

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

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

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

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

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

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

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

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

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

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

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

129.10 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
129.11 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
129.12 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
129.13 609.344, 609.345, ~~or 609.3453~~, or 609.3458 and:

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

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

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

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

129.21 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
129.22 609.108, for the previous sex offense conviction; or

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

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

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

129.30 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
129.31 609.108, for one of the prior sex offense convictions.

130.1 (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment
130.2 for life for a violation of section 609.345, unless the person's previous or prior sex offense
130.3 convictions that are being used as the basis for the sentence are for violations of section
130.4 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, or any similar statute of the United
130.5 States, this state, or any other state.

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

130.10 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory
130.11 maximum sentence otherwise applicable to the offense and unless a longer conditional
130.12 release term is required in subdivision 7, when a court commits an offender to the custody
130.13 of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344,
130.14 609.345, ~~or~~ 609.3453, or 609.3458, the court shall provide that, after the offender has been
130.15 released from prison, the commissioner shall place the offender on conditional release for
130.16 ten years.

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

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

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

130.31 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
130.32 provisions of this subdivision relating to conditional release apply to all sex offenders
130.33 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~
130.34 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex

131.1 offenders is governed by provisions relating to supervised release. The commissioner of
131.2 corrections may not dismiss an offender on conditional release from supervision until the
131.3 offender's conditional release term expires.

131.4 (b) The conditions of release may include successful completion of treatment and aftercare
131.5 in a program approved by the commissioner, satisfaction of the release conditions specified
131.6 in section 244.05, subdivision 6, and any other conditions the commissioner considers
131.7 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
131.8 released under this subdivision. The plan may include co-payments from offenders,
131.9 third-party payers, local agencies, or other funding sources as they are identified. This
131.10 section does not require the commissioner to accept or retain an offender in a treatment
131.11 program. Before the offender is placed on conditional release, the commissioner shall notify
131.12 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
131.13 of the terms of the offender's conditional release. The commissioner also shall make
131.14 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
131.15 conditional release.

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

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

131.24 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided
131.25 in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or
131.26 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the
131.27 defendant to the commissioner of corrections for not less than three years, nor more than
131.28 the maximum sentence provided by law for the offense for which convicted, notwithstanding
131.29 sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of
131.30 the sentence imposed under this subdivision only if it finds that a professional assessment
131.31 indicates the offender is accepted by and can respond to treatment at a long-term inpatient
131.32 program exclusively treating sex offenders and approved by the commissioner of corrections.
131.33 If the court stays the execution of a sentence, it shall include the following as conditions of
131.34 probation:

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

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

132.4 Sec. 18. [609.3458] SEXUAL EXTORTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

133.15 Sec. 19. Minnesota Statutes 2020, section 624.712, subdivision 5, is amended to read:

133.16 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
133.17 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the
133.18 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
133.19 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding
133.20 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
133.21 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);
133.22 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic
133.23 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235
133.24 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
133.25 robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation,
133.26 inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct
133.27 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
133.28 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
133.29 609.3458 (sexual extortion); 609.377 (malicious punishment of a child); 609.378 (neglect
133.30 or endangerment of a child); 609.486 (commission of crime while wearing or possessing a
133.31 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a
133.32 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first
133.33 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the

134.1 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully
134.2 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
134.3 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a
134.4 public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an
134.5 attempt to commit any of these offenses.

134.6 Sec. 20. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
134.7 **GROUP; REPORT.**

134.8 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of public safety
134.9 shall convene a working group to comprehensively assess the predatory offender statutory
134.10 framework. The commissioner shall invite representatives from the Department of
134.11 Corrections with specific expertise on juvenile justice reform, city and county prosecuting
134.12 agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota
134.13 Board of Public Defense, private criminal defense attorneys, the Department of Public
134.14 Safety, the Department of Human Services, the Sentencing Guidelines Commission, state
134.15 and local law enforcement agencies, and other interested parties to participate in the working
134.16 group. The commissioner shall ensure that the membership of the working group is balanced
134.17 among the various representatives and reflects a broad spectrum of viewpoints, and is
134.18 inclusive of marginalized communities as well as victim and survivor voices.

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

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

134.30 Sec. 21. **REVISOR INSTRUCTION.**

134.31 The revisor of statutes shall make necessary cross-reference changes and remove statutory
134.32 cross-references in Minnesota Statutes to conform with this article. The revisor may make

135.1 technical and other necessary changes to language and sentence structure to preserve the
135.2 meaning of the text.

135.3 Sec. 22. **REPEALER.**

135.4 Minnesota Statutes 2020, sections 609.293, subdivisions 1 and 5; 609.34; and 609.36,
135.5 are repealed.

135.6

ARTICLE 6

135.7

CRIMINAL AND SENTENCING PROVISIONS

135.8 Section 1. Minnesota Statutes 2020, section 244.05, subdivision 1b, is amended to read:

135.9 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
135.10 **1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison
135.11 for a felony offense committed on or after August 1, 1993, shall serve a supervised release
135.12 term upon completion of the inmate's term of imprisonment and any disciplinary confinement
135.13 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
135.14 adopted by the commissioner or refusal to participate in a rehabilitative program required
135.15 under section 244.03. The amount of time the inmate serves on supervised release shall be
135.16 equal in length to the amount of time remaining in the inmate's executed sentence after the
135.17 inmate has served the term of imprisonment and any disciplinary confinement period imposed
135.18 by the commissioner.

135.19 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
135.20 program as required under section 244.03 shall be placed on supervised release until the
135.21 inmate has served the disciplinary confinement period for that disciplinary sanction or until
135.22 the inmate is discharged or released from punitive segregation confinement, whichever is
135.23 later. The imposition of a disciplinary confinement period shall be considered to be a
135.24 disciplinary sanction imposed upon an inmate, and the procedure for imposing the
135.25 disciplinary confinement period and the rights of the inmate in the procedure shall be those
135.26 in effect for the imposition of other disciplinary sanctions at each state correctional institution.

135.27 Sec. 2. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:

135.28 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
135.29 life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph
135.30 (a), must not be given supervised release under this section.

136.1 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
136.2 under section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004,
136.3 section 609.109, subdivision 3, must not be given supervised release under this section
136.4 without having served a minimum term of 30 years.

136.5 (c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
136.6 under section 609.385 must not be given supervised release under this section without having
136.7 served a minimum term of imprisonment of 17 years.

136.8 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
136.9 or 4, must not be given supervised release under this section without having served the
136.10 minimum term of imprisonment specified by the court in its sentence.

136.11 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
136.12 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
136.13 section without having served a minimum term of imprisonment of 15 years.

136.14 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
136.15 or (c) who was under 18 years of age at the time of the commission of the offense must not
136.16 be given supervised release under this section without having served a minimum term of
136.17 imprisonment of 15 years.

136.18 Sec. 3. Minnesota Statutes 2020, section 244.05, is amended by adding a subdivision to
136.19 read:

136.20 **Subd. 4a. Eligibility for early supervised release; offenders who were under 18 at**
136.21 **the time of offense.** (a) Notwithstanding any other provision of law, any person who was
136.22 under the age of 18 at the time of the commission of an offense is eligible for early supervised
136.23 release if the person is serving an executed sentence that includes a term of imprisonment
136.24 of more than 15 years or separate, consecutive executed sentences for two or more crimes
136.25 that include combined terms of imprisonment that total more than 15 years.

136.26 (b) A person eligible for early supervised release under paragraph (a) must be considered
136.27 for early supervised release pursuant to section 244.0515 after serving 15 years of
136.28 imprisonment.

136.29 (c) Where the person is serving separate, consecutive executed sentences for two or
136.30 more crimes, the person may be granted early supervised release on all sentences.

137.1 Sec. 4. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

137.2 Subd. 5. **Supervised release, life sentence.** (a) Except as provided in section 244.0515,
137.3 the commissioner of corrections may, under rules promulgated by the commissioner, give
137.4 supervised release to an inmate serving a mandatory life sentence under section 609.185,
137.5 paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota
137.6 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
137.7 term of imprisonment specified in subdivision 4.

137.8 (b) The commissioner shall require the preparation of a community investigation report
137.9 and shall consider the findings of the report when making a supervised release decision
137.10 under this subdivision. The report shall reflect the sentiment of the various elements of the
137.11 community toward the inmate, both at the time of the offense and at the present time. The
137.12 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
137.13 personnel who may have been involved in the case, and any successors to these individuals
137.14 who may have information relevant to the supervised release decision. The report shall also
137.15 include the views of the victim and the victim's family unless the victim or the victim's
137.16 family chooses not to participate.

137.17 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
137.18 the time and place of the inmate's supervised release review hearing. The victim has a right
137.19 to submit an oral or written statement at the review hearing. The statement may summarize
137.20 the harm suffered by the victim as a result of the crime and give the victim's recommendation
137.21 on whether the inmate should be given supervised release at this time. The commissioner
137.22 must consider the victim's statement when making the supervised release decision.

137.23 (d) When considering whether to give supervised release to an inmate serving a life
137.24 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a
137.25 minimum, the following: the risk the inmate poses to the community if released, the inmate's
137.26 progress in treatment, the inmate's behavior while incarcerated, psychological or other
137.27 diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant
137.28 conduct of the inmate while incarcerated or before incarceration. The commissioner may
137.29 not give supervised release to the inmate unless:

137.30 (1) while in prison:

137.31 (i) the inmate has successfully completed appropriate sex offender treatment;

137.32 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
137.33 successfully completed chemical dependency treatment; and

138.1 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
138.2 successfully completed mental health treatment; and

138.3 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
138.4 after release, the inmate will have suitable housing and receive appropriate aftercare and
138.5 community-based treatment. The comprehensive plan also must include a postprison
138.6 employment or education plan for the inmate.

138.7 (e) As used in this subdivision, "victim" means the individual who suffered harm as a
138.8 result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse
138.9 or next of kin.

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

138.11 Sec. 5. **[244.0515] JUVENILE REVIEW BOARD.**

138.12 **Subdivision 1. Board.** The Juvenile Review Board is created with the power and duties
138.13 established by subdivision 4.

138.14 **Subd. 2. Members.** (a) The board consists of seven members as follows:

138.15 **(1) the commissioner of corrections or the commissioner's designee;**

138.16 **(2) the commissioner of human services or the commissioner's designee;**

138.17 **(3) the commissioner of public safety or the commissioner's designee;**

138.18 **(4) the attorney general or the attorney general's designee; and**

138.19 **(5) three at-large members with expertise in the neurodevelopment of youth, appointed**
138.20 **by the governor.**

138.21 **(b) The board shall select one of its members to serve as chair.**

138.22 **Subd. 3. Terms, compensation, and removal.** The membership terms, compensation,
138.23 and removal of members and the filling of membership vacancies is as provided in section
138.24 **15.0575.**

138.25 **Subd. 4. Powers and duties.** (a) Consistent with the requirements of this section, the
138.26 **board has authority to grant supervised release to an inmate who was under 18 years of age**
138.27 **at the time of the commission of the offense and is serving a mandatory life sentence; an**
138.28 **executed sentence that includes a term of imprisonment of more than 15 years; or separate,**
138.29 **consecutive executed sentences for two or more crimes that include combined terms of**
138.30 **imprisonment that total more than 15 years.**

139.1 (b) The board may give supervised release to an inmate described in paragraph (a) after
139.2 the inmate has served the minimum term of imprisonment specified by the court or 15 years,
139.3 whichever is earlier.

139.4 (c) Where an inmate is serving multiple sentences that are concurrent to one another,
139.5 the board must grant or deny supervised release on all sentences. Notwithstanding any law
139.6 to the contrary, where an inmate is serving multiple sentences that are consecutive to one
139.7 another, the court may grant or deny supervised release on one or more sentences.

139.8 (d) The board shall conduct an initial supervised release review hearing as soon as
139.9 practicable after the inmate has served the applicable minimum term of imprisonment.
139.10 Hearings for inmates eligible for a review hearing on or before July 1, 2021, shall take place
139.11 before July 1, 2022.

139.12 (e) If the inmate is not released at the initial supervised release review hearing, the board
139.13 shall conduct subsequent review hearings until the inmate's release. Review hearings shall
139.14 not be scheduled to take place within six months of a previous hearing or more than three
139.15 years after a previous hearing.

139.16 (f) The board may order that an inmate be placed on intensive supervised release for all
139.17 or part of the inmate's supervised release pursuant to section 244.05, subdivision 6.

139.18 Subd. 5. **Administrative services.** The commissioner of corrections shall provide
139.19 adequate office space and administrative services for the board and the board shall reimburse
139.20 the commissioner for the space and services provided. The board may also utilize, with their
139.21 consent, the services, equipment, personnel, information, and resources of other state
139.22 agencies; and may accept voluntary and uncompensated services, contract with individuals
139.23 and public and private agencies, and request information, reports, and data from any agency
139.24 of the state or any of the state's political subdivisions to the extent authorized by law.

139.25 Subd. 6. **Development report.** (a) Except as provided in paragraph (b), the board shall
139.26 require the preparation of a development report and shall consider the findings of the report
139.27 when making a supervised release decision under this section. The report shall be prepared
139.28 by a mental health professional as defined in section 245.462, subdivision 18, clauses (1)
139.29 to (4) or (6), and shall address the cognitive, emotional, and social maturity of the inmate.

139.30 (b) If a development report was prepared within the 12 months immediately proceeding
139.31 the hearing, the board may rely on that report.

139.32 Subd. 7. **Victim statement.** The board shall make reasonable efforts to notify the victim,
139.33 in advance, of the time and place of the inmate's supervised release review hearing. The

140.1 victim has a right to submit an oral or written statement at the review hearing. The statement
140.2 may summarize the harm suffered by the victim as a result of the crime and give the victim's
140.3 recommendation on whether the inmate should be given supervised release at this time. The
140.4 board must consider the victim's statement when making the supervised release decision.
140.5 As used in this subdivision, "victim" means the individual who suffered harm as a result of
140.6 the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next
140.7 of kin.

140.8 Subd. 8. **Review hearing; notice.** (a) At least 90 days before a supervised release review
140.9 hearing, the commissioner of corrections shall notify the inmate of the time and place of
140.10 the hearing and that the inmate has the right to be present at the hearing, request appointment
140.11 of counsel, access the inmate's prison file prior to the hearing, and submit written arguments
140.12 to the board prior to the hearing.

140.13 (b) The inmate may make oral arguments to the board at the hearing.

140.14 Subd. 9. **Considerations.** (a) When considering whether to give supervised release to
140.15 an inmate serving a mandatory life sentence the board shall consider, at a minimum, the
140.16 following:

140.17 (1) the development report;

140.18 (2) the victim statement, if any;

140.19 (3) the risk the inmate poses to the community if released;

140.20 (4) the inmate's progress in treatment;

140.21 (5) the inmate's behavior while incarcerated;

140.22 (6) any additional psychological or other diagnostic evaluations of the inmate;

140.23 (7) the inmate's criminal history;

140.24 (8) whether the inmate is serving consecutive sentences; and

140.25 (9) any other relevant conduct of the inmate while incarcerated or before incarceration.

140.26 (b) In making its decision, the board must consider relevant science regarding the
140.27 neurological development of juveniles and shall prioritize information regarding the inmate's
140.28 maturity and rehabilitation while incarcerated.

140.29 (c) Except as provided in paragraph (d), the board may not give supervised release to
140.30 the inmate unless:

140.31 (1) while in prison:

- 141.1 (i) if applicable, the inmate has successfully completed appropriate sex offender treatment;
- 141.2 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has
- 141.3 successfully completed chemical dependency treatment; and
- 141.4 (iii) the inmate has been assessed for mental health needs and, if appropriate, has been
- 141.5 provided mental health treatment; and
- 141.6 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
- 141.7 after release, the inmate will have suitable housing and receive appropriate aftercare and
- 141.8 community-based treatment. The comprehensive plan also must include a postprison
- 141.9 employment or education plan for the inmate.
- 141.10 (d) The board shall not deny supervised release to an inmate pursuant to paragraph (c)
- 141.11 if the appropriate assessments, treatment, or planning were not made available to the inmate.
- 141.12 Subd. 10. **Findings of the board.** Within 30 days after a supervised release hearing, the
- 141.13 board shall issue its decision on granting release, including a statement of reasons for that
- 141.14 decision. If the board does not grant supervised release, the statement of the reasons for that
- 141.15 denial must identify specific steps the inmate can take to increase the likelihood that release
- 141.16 will be granted at a future hearing.
- 141.17 Subd. 11. **Review by court of appeals.** When the board has issued its findings, an inmate
- 141.18 who acts within 30 days from the date the inmate received the findings may have the order
- 141.19 reviewed by the court of appeals upon either of the following grounds:
- 141.20 (1) the order does not conform with this section; or
- 141.21 (2) the findings of fact and order were unsupported by substantial evidence in view of
- 141.22 the entire record as submitted.
- 141.23 **EFFECTIVE DATE.** This section is effective July 1, 2021.
- 141.24 Sec. 6. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to
- 141.25 read:
- 141.26 Subd. 15. **Report on sentencing adjustments.** The Sentencing Guidelines Commission
- 141.27 shall include in its annual report to the legislature a summary and analysis of sentence
- 141.28 adjustments issued under section 609.133. At a minimum, the summary and analysis must
- 141.29 include information on the counties where a sentencing adjustment was granted and on the
- 141.30 race, sex, and age of individuals who received a sentence adjustment.

142.1 Sec. 7. Minnesota Statutes 2020, section 244.101, subdivision 1, is amended to read:

142.2 Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision
142.3 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed
142.4 on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified
142.5 minimum term of imprisonment that is equal to two-thirds of the executed sentence; and
142.6 (2) a specified maximum supervised release term that is equal to one-third of the executed
142.7 sentence. The amount of time the inmate actually serves in prison and on supervised release
142.8 is subject to the provisions of section 244.05, subdivision 1b.

142.9 Sec. 8. Minnesota Statutes 2020, section 480A.06, subdivision 4, is amended to read:

142.10 Subd. 4. **Administrative review.** The court of appeals shall have jurisdiction to review
142.11 on the record the validity of administrative rules, as provided in sections 14.44 and 14.45,
142.12 ~~and~~ the decisions of administrative agencies in contested cases, as provided in sections
142.13 14.63 to 14.69, and the decisions of the Juvenile Review Board as provided in section
142.14 244.0515.

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

142.16 Sec. 9. Minnesota Statutes 2020, section 609.03, is amended to read:

142.17 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

142.18 If a person is convicted of a crime for which no punishment is otherwise provided the
142.19 person may be sentenced as follows:

142.20 (1) If the crime is a felony, to imprisonment for not more than five years or to payment
142.21 of a fine of not more than \$10,000, or both; or

142.22 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~
142.23 364 days or to payment of a fine of not more than \$3,000, or both; or

142.24 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to
142.25 payment of a fine of not more than \$1,000, or both; or

142.26 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not
142.27 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified
142.28 term of not more than six months if the fine is not paid.

142.29 **EFFECTIVE DATE.** This section is effective the day following final enactment and
142.30 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

143.1 Sec. 10. **[609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.**

143.2 Any law of this state that provides for a maximum sentence of imprisonment of one year
143.3 or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine of
143.4 \$3,000 and a maximum sentence of imprisonment of 364 days.

143.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and
143.6 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

143.7 Sec. 11. **[609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE**
143.8 **OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.**

143.9 **Subdivision 1. Definitions.** As used in this section, the following terms have the meanings
143.10 given:

143.11 (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic
143.12 stress disorder, substance abuse, or a mental health condition;

143.13 (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony
143.14 that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;

143.15 (3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a
143.16 diversion program on condition that the criminal charges against the defendant shall be
143.17 dismissed after a specified period of time, or the case shall not be charged, if the defendant
143.18 successfully completes the program of treatment recommended by the United States
143.19 Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment
143.20 program; and

143.21 (4) "veterans treatment court program" means a program that has the following essential
143.22 characteristics:

143.23 (i) the integration of services in the processing of cases in the judicial system;

143.24 (ii) the use of a nonadversarial approach involving prosecutors and defense attorneys to
143.25 promote public safety and to protect the due process rights of program participants;

143.26 (iii) early identification and prompt placement of eligible participants in the program;

143.27 (iv) access to a continuum of alcohol, controlled substance, mental health, and other
143.28 related treatment and rehabilitative services;

143.29 (v) careful monitoring of treatment and services provided to program participants;

143.30 (vi) a coordinated strategy to govern program responses to participants' compliance;

143.31 (vii) ongoing judicial interaction with program participants;

144.1 (viii) monitoring and evaluation of program goals and effectiveness;

144.2 (ix) continuing interdisciplinary education to promote effective program planning,
144.3 implementation, and operations;

144.4 (x) development of partnerships with public agencies and community organizations,
144.5 including the United States Department of Veterans Affairs; and

144.6 (xi) inclusion of a participant's family members who agree to be involved in the treatment
144.7 and services provided to the participant under the program.

144.8 Subd. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible
144.9 offense committed by a defendant who was, or currently is, a member of the United States
144.10 military as provided in this subdivision. The court shall do this at the request of the defendant
144.11 upon a finding of guilty after trial or upon a guilty plea.

144.12 (b) A defendant who requests to be sentenced under this subdivision shall release or
144.13 authorize access to military service reports and records relating to the alleged applicable
144.14 condition. The court must file the records as confidential and designate that they remain
144.15 sealed, except as provided in this paragraph. In addition, the court may request, through
144.16 existing resources, an assessment of the defendant. The defendant, through existing records
144.17 or licensed professional evaluation, shall establish the diagnosis of the condition, that it was
144.18 caused by military service, and that the offense was committed as a result of the condition.
144.19 The court, on its own motion or the prosecutor's, with notice to defense counsel, may order
144.20 the defendant to furnish to the court for in-camera review or to the prosecutor copies of all
144.21 medical and military service reports and records previously or subsequently made concerning
144.22 the defendant's condition and the condition's connection to service.

144.23 (c) Based on the record, the court shall determine whether, by clear and convincing
144.24 evidence: (1) the defendant suffered from an applicable condition at the time of the offense;
144.25 (2) the applicable condition was caused by service in the United States military; and (3) the
144.26 offense was committed as a result of the applicable condition. Within 15 days of the court's
144.27 determination, either party may file a challenge to the determination and demand a hearing
144.28 on the defendant's eligibility under this subdivision.

144.29 (d) If the court makes the determination described in paragraph (c), the court shall,
144.30 without entering a judgment of guilty, defer further proceedings and place the defendant
144.31 on probation upon such reasonable conditions as it may require and for a period not to
144.32 exceed the maximum period provided by law. A court may extend a defendant's term of
144.33 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions
144.34 ordered by the court must include treatment, services, rehabilitation, and education sufficient

145.1 so that if completed, the defendant would be eligible for discharge and dismissal under
145.2 subdivision 3. In addition, the court shall order that the defendant undergo a chemical use
145.3 assessment that includes a recommended level of care for the defendant in accordance with
145.4 the criteria contained in rules adopted by the commissioner of human services under section
145.5 254A.03, subdivision 3.

145.6 (e) If the court determines that the defendant is eligible for a deferred sentence but the
145.7 defendant has previously received one for a felony offense under this subdivision, the court
145.8 may, but is not required to, impose a deferred sentence. If the court does not impose a
145.9 deferred sentence, the court may sentence the defendant as otherwise provided in law,
145.10 including as provided in subdivision 4.

145.11 (f) Upon violation of a condition of probation, the court may enter an adjudication of
145.12 guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

145.13 (g) As a condition of probation, the court may order the defendant to attend a local, state,
145.14 federal, or private nonprofit treatment program for a period not to exceed the maximum
145.15 period for which the defendant could have been incarcerated.

145.16 (h) The court, when issuing an order under this subdivision that a defendant attend an
145.17 established treatment program, shall give preference to a treatment program that has a history
145.18 of successfully treating veterans who suffer from applicable conditions caused by military
145.19 service, including but not limited to programs operated by the United States Department of
145.20 Defense or Veterans Affairs.

145.21 (i) The court and any assigned treatment program shall collaborate with, when available,
145.22 the county veterans service officer and the United States Department of Veterans Affairs
145.23 to maximize benefits and services provided to the defendant.

145.24 (j) If available in the county or judicial district having jurisdiction over the case, the
145.25 defendant may be supervised by a veterans treatment court program under subdivision 5.
145.26 If there is a veterans treatment court that meets the requirements of subdivision 5 in the
145.27 county in which the defendant resides or works, supervision of the defendant may be
145.28 transferred to that county or judicial district veterans treatment court program. Upon the
145.29 defendant's successful or unsuccessful completion of the program, the veterans treatment
145.30 court program shall communicate this information to the court of original jurisdiction for
145.31 further action.

145.32 (k) Sentencing pursuant to this subdivision waives any right to administrative review
145.33 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,
145.34 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,

146.1 and also waives any right to administrative review pursuant to section 171.177, subdivision
146.2 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation
146.3 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation
146.4 is the result of the same incident that is being sentenced.

146.5 Subd. 3. **Discharge and dismissal.** (a) Upon the expiration of the period of the defendant's
146.6 probation the court shall hold a hearing to discharge the defendant from probation and
146.7 determine whether to dismiss the proceedings against a defendant who received a deferred
146.8 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate
146.9 time to prepare and present arguments regarding the issue of dismissal. The parties may
146.10 submit written arguments to the court prior to the date of the hearing and may make oral
146.11 arguments before the court at the hearing. The defendant must be present at the hearing
146.12 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,
146.13 clause (3).

146.14 (b) The court shall provide notice to any identifiable victim of the offense at least 15
146.15 days before the hearing is held. Notice to victims of the offense under this subdivision must
146.16 specifically inform the victim of the right to submit an oral or written statement to the court
146.17 at the time of the hearing describing the harm suffered by the victim as a result of the crime
146.18 and the victim's recommendation on whether dismissal should be granted or denied. The
146.19 judge shall consider the victim's statement when making a decision. If a victim notifies the
146.20 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall
146.21 make the objections known to the court.

146.22 (c) The court shall dismiss proceedings against a defendant if the court finds by clear
146.23 and convincing evidence that the defendant:

146.24 (1) is in substantial compliance with the conditions of probation;

146.25 (2) has successfully participated in court-ordered treatment and services to address the
146.26 applicable condition caused by military service;

146.27 (3) does not represent a danger to the health or safety of victims or others; and

146.28 (4) has demonstrated significant benefit from court-ordered education, treatment, or
146.29 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the
146.30 interests of justice.

146.31 (d) In determining the interests of justice, the court shall consider, among other factors,
146.32 all of the following:

147.1 (1) the defendant's completion and degree of participation in education, treatment, and
147.2 rehabilitation as ordered by the court;

147.3 (2) the defendant's progress in formal education;

147.4 (3) the defendant's development of career potential;

147.5 (4) the defendant's leadership and personal responsibility efforts;

147.6 (5) the defendant's contribution of service in support of the community;

147.7 (6) the level of harm to the community from the offense; and

147.8 (7) the statement of the victim, if any.

147.9 (e) If the court finds that the defendant does not qualify for discharge and dismissal
147.10 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise
147.11 provided in law, including as provided in subdivision 4.

147.12 (f) Discharge and dismissal under this subdivision shall be without court adjudication
147.13 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau
147.14 of Criminal Apprehension for the purpose of use by the courts in determining the merits of
147.15 subsequent proceedings against the defendant. The not public record may also be opened
147.16 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.
147.17 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall
147.18 notify the requesting party of the existence of the not public record and the right to seek a
147.19 court order to open the not public record under this paragraph. The court shall forward a
147.20 record of any discharge and dismissal under this subdivision to the bureau, which shall
147.21 make and maintain the not public record of the discharge and dismissal. The discharge and
147.22 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
147.23 imposed by law upon conviction of a crime or for any other purpose. For purposes of this
147.24 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

147.25 Subd. 4. **Sentencing departure; waiver of mandatory sentence.** (a) This subdivision
147.26 applies to defendants who plead or are found guilty of any criminal offense except one for
147.27 which registration is required under section 243.166, subdivision 1b.

147.28 (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the
147.29 court that the defendant has, since the commission of the offense, engaged in rehabilitative
147.30 efforts consistent with those described in this section. If the court determines that the
147.31 defendant has engaged in substantial rehabilitative efforts and the defendant establishes by
147.32 clear and convincing evidence that:

148.1 (1) the defendant suffered from an applicable condition at the time of the offense;

148.2 (2) the applicable condition was caused by service in the United States military; and

148.3 (3) the offense was committed as a result of the applicable condition;

148.4 the court may determine that the defendant is particularly amenable to probation and order

148.5 a mitigated durational or dispositional sentencing departure or a waiver of any statutory

148.6 mandatory minimum sentence applicable to the defendant.

148.7 **Subd. 5. Optional veterans treatment court program; procedures for eligible**

148.8 **defendants.** A county or judicial district may supervise probation under this section through

148.9 a veterans treatment court, using county veterans service officers appointed under sections

148.10 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach

148.11 specialists, probation agents, and any other rehabilitative resources available to the court.

148.12 **Subd. 6. Creation of county and city diversion programs; authorization.** Any county

148.13 or city may establish and operate a veterans pretrial diversion program for offenders eligible

148.14 under subdivision 2 without penalty under section 477A.0175.

148.15 **Subd. 7. Exception.** This section does not apply to a person charged with an offense for

148.16 which registration is required under section 243.166, subdivision 1b.

148.17 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

148.18 committed on or after that date.

148.19 Sec. 12. Minnesota Statutes 2020, section 609.106, subdivision 2, is amended to read:

148.20 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall

148.21 sentence a person to life imprisonment without possibility of release under the following

148.22 circumstances:

148.23 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),

148.24 clause (1), (2), (4), or (7);

148.25 (2) the person is convicted of committing first-degree murder in the course of a

148.26 kidnapping under section 609.185, paragraph (a), clause (3); or

148.27 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),

148.28 clause (3), (5), or (6), and the court determines on the record at the time of sentencing that

148.29 the person has one or more previous convictions for a heinous crime.

149.1 Sec. 13. Minnesota Statutes 2020, section 609.106, is amended by adding a subdivision
149.2 to read:

149.3 Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person
149.4 who was under 18 years of age at the time of the commission of an offense under the
149.5 circumstances described in subdivision 2 to imprisonment for life.

149.6 Sec. 14. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

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

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

149.15 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
149.16 the following laws of this state or any similar laws of the United States or any other state:
149.17 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
149.18 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;
149.19 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;
149.20 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,
149.21 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision
149.22 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony
149.23 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15
149.24 years or more; or Minnesota Statutes 2012, section 609.21.

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

149.27 Sec. 15. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision
149.28 to read:

149.29 Subd. 11. **Disability impact statement.** (a) When a defendant appears in court and is
149.30 convicted of a crime, the court shall inquire whether the defendant is an individual with a
149.31 disability. For the purposes of this subdivision, "disability" has the meaning given in the

150.1 Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities
150.2 Act Amendment Act of 2008, United States Code, Title 42, section 12102.

150.3 (b) If the defendant is an individual with a disability and may be sentenced to a term of
150.4 imprisonment, the court:

150.5 (1) may order that the presentence investigator preparing the report under subdivision
150.6 1 prepare an impact statement that addresses the impact on a person's disability including
150.7 but not limited to health, housing, family, employment effect of benefits, and potential for
150.8 abuse if the defendant is sentenced to a term of imprisonment, for the purpose of providing
150.9 the court with information regarding sentencing options other than a term of imprisonment;

150.10 (2) must consider the impact statement in imposing a sentence; and

150.11 (3) must consider the least restrictive environment to meet the state's penal objective.

150.12 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals
150.13 convicted of a crime on or after that date.

150.14 Sec. 16. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision
150.15 to read:

150.16 Subd. 12. **Traumatic brain injury.** (a) When a defendant appears in court and is
150.17 convicted of a felony, the court shall inquire whether the defendant has a history of stroke,
150.18 traumatic brain injury, or fetal alcohol spectrum disorder.

150.19 (b) If the defendant has a history of stroke, traumatic brain injury, or fetal alcohol
150.20 spectrum disorder and the court believes that the offender may have a mental impairment
150.21 that caused the offender to lack substantial capacity for judgment when the offense was
150.22 committed, the court shall order that the offender undergo a neuropsychological examination
150.23 unless the offender has had a recent examination as described in paragraph (c). The report
150.24 prepared under subdivision 1 shall contain the results of the examination ordered by the
150.25 court or the recent examination and the officer preparing the report may consult with any
150.26 medical provider, mental health professional, or other agency or person with suitable
150.27 knowledge or experience for the purpose of providing the court with information regarding
150.28 treatment and case management options available to the defendant.

150.29 (c) An updated neuropsychological examination is not required under this subdivision
150.30 if:

150.31 (1) the person had a previous examination when the person was at least 25 years of age;

151.1 (2) the examination took place at least 18 months after the person's most recent stroke
151.2 or traumatic brain injury; and

151.3 (3) the examination took place within the previous three years.

151.4 (d) At sentencing, the court may consider any relevant information including but not
151.5 limited to the information provided pursuant to paragraph (b) and the recommendations of
151.6 any diagnosing or treating medical providers or mental health professionals to determine
151.7 whether the offender, because of mental impairment resulting from a stroke, traumatic brain
151.8 injury, or fetal alcohol spectrum disorder, lacked substantial capacity for judgment when
151.9 the offense was committed.

151.10 Sec. 17. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

151.11 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor
151.12 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision
151.13 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3;~~ 609.52; or 617.23, or an ordinance
151.14 that conforms in substantial part to any of those sections. A violation described in this
151.15 subdivision must be treated as a misdemeanor unless the defendant consents to the
151.16 certification of the violation as a petty misdemeanor.

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

151.19 Sec. 18. **[609.133] SENTENCE ADJUSTMENT.**

151.20 Subdivision 1. **Definition.** As used in this section, "prosecutor" means the attorney
151.21 general, county attorney, or city attorney responsible for the prosecution of individuals
151.22 charged with a crime.

151.23 Subd. 2. **Prosecutor-initiated sentence adjustment.** The prosecutor responsible for
151.24 the prosecution of an individual convicted of a crime may commence a proceeding to adjust
151.25 the sentence of that individual at any time after the initial sentencing provided the prosecutor
151.26 does not seek to increase the period of confinement or, if the individual is serving a stayed
151.27 sentence, increase the period of supervision.

151.28 Subd. 3. **Review by prosecutor.** (a) Prosecutors may review individual cases at their
151.29 discretion.

151.30 (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and
151.31 good faith effort to seek input from any identifiable victim and shall consider the impact
151.32 an adjusted sentence would have on the victim.

152.1 (c) The commissioner of corrections, a supervising agent, or an offender may request
152.2 that a prosecutor review an individual case. A prosecutor is not required to respond to a
152.3 request.

152.4 Subd. 4. **Petition; contents; fee.** (a) A petition for sentence adjustment shall include
152.5 the following:

152.6 (1) the full name of the individual on whose behalf the petition is being brought and, to
152.7 the extent possible, all other legal names or aliases by which the individual has been known
152.8 at any time;

152.9 (2) the individual's date of birth;

152.10 (3) the individual's address;

152.11 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
152.12 the individual;

152.13 (5) the details of the offense for which an adjustment is sought, including:

152.14 (i) the date and jurisdiction of the occurrence;

152.15 (ii) either the names of any victims or that there were no identifiable victims;

152.16 (iii) whether there is a current order for protection, restraining order, or other no contact
152.17 order prohibiting the individual from contacting the victims or whether there has ever been
152.18 a prior order for protection or restraining order prohibiting the individual from contacting
152.19 the victims;

152.20 (iv) the court file number; and

152.21 (v) the date of conviction;

152.22 (6) what steps the individual has taken since the time of the offense toward personal
152.23 rehabilitation, including treatment, work, good conduct within correctional facilities, or
152.24 other personal history that demonstrates rehabilitation;

152.25 (7) the individual's criminal conviction record indicating all convictions for
152.26 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
152.27 convictions in any other state, federal court, or foreign country, whether the convictions
152.28 occurred before or after the conviction for which an adjustment is sought;

152.29 (8) the individual's criminal charges record indicating all prior and pending criminal
152.30 charges against the individual in this state or another jurisdiction, including all criminal

153.1 charges that have been continued for dismissal, stayed for adjudication, or were the subject
153.2 of pretrial diversion; and

153.3 (9) to the extent known, all prior requests by the individual, whether for the present
153.4 offense or for any other offenses in this state or any other state or federal court, for pardon,
153.5 return of arrest records, or expungement or sealing of a criminal record, whether granted
153.6 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

153.7 (b) The filing fee for a petition brought under this section shall be waived.

153.8 Subd. 5. Service of petition. (a) The prosecutor shall serve the petition for sentence
153.9 adjustment on the individual on whose behalf the petition is being brought.

153.10 (b) The prosecutor shall make a good faith and reasonable effort to notify any person
153.11 determined to be a victim of the offense for which adjustment is sought of the existence of
153.12 a petition. Notification under this paragraph does not constitute a violation of an existing
153.13 order for protection, restraining order, or other no contact order.

153.14 (c) Notice to victims of the offense under this subdivision must:

153.15 (1) specifically inform the victim of the right to object, orally or in writing, to the
153.16 proposed adjustment of sentence; and

153.17 (2) inform the victims of the right to be present and to submit an oral or written statement
153.18 at the hearing described in subdivision 6.

153.19 (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of
153.20 sentence and is not present when the court considers the sentence adjustment, the prosecutor
153.21 shall make these objections known to the court.

153.22 Subd. 6. Hearing. (a) The court shall hold a hearing on the petition no sooner than 60
153.23 days after service of the petition. The hearing shall be scheduled so that the parties have
153.24 adequate time to prepare and present arguments regarding the issue of sentence adjustment.
153.25 The parties may submit written arguments to the court prior to the date of the hearing and
153.26 may make oral arguments before the court at the hearing. The individual on whose behalf
153.27 the petition has been brought must be present at the hearing, unless excused under Minnesota
153.28 Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

153.29 (b) A victim of the offense for which sentence adjustment is sought has a right to submit
153.30 an oral or written statement to the court at the time of the hearing describing the harm
153.31 suffered by the victim as a result of the crime and the victim's recommendation on whether
153.32 adjustment should be granted or denied. The judge shall consider the victim's statement
153.33 when making a decision.

154.1 (c) Representatives of the Department of Corrections, supervising agents, community
154.2 treatment providers, and any other individual with relevant information may submit an oral
154.3 or written statement to the court at the time of the hearing.

154.4 Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are
154.5 substantial and compelling reasons to adjust the individual's sentence. In making this
154.6 determination, the court shall consider what impact, if any, a sentence adjustment would
154.7 have on public safety, including whether an adjustment would promote the rehabilitation
154.8 of the individual, properly reflect the severity of the underlying offense, or reduce sentencing
154.9 disparities. In making this determination, the court may consider factors relating to both the
154.10 offender and the offense, including but not limited to:

154.11 (1) the individual's performance on probation or supervision;

154.12 (2) the individual's disciplinary record during any period of incarceration;

154.13 (3) records of any rehabilitation efforts made by the individual since the date of offense
154.14 and any plan to continue those efforts in the community;

154.15 (4) evidence that remorse, age, diminished physical condition, or any other factor has
154.16 significantly reduced the likelihood that the individual will commit a future offense;

154.17 (5) the amount of time the individual has served in custody or under supervision; and

154.18 (6) significant changes in law or sentencing practice since the date of offense.

154.19 (b) Notwithstanding any law to the contrary, if the court determines that there are
154.20 substantial and compelling reasons to adjust the individual's sentence, the court may modify
154.21 the sentence in any way provided the adjustment does not:

154.22 (1) increase the period of confinement or, if the individual is serving a stayed sentence,
154.23 increase the period of supervision;

154.24 (2) reduce or eliminate the amount of court-ordered restitution; or

154.25 (3) reduce or eliminate a term of conditional release required by law when a court
154.26 commits an offender to the custody of the commissioner of corrections.

154.27 The court may stay imposition or execution of sentence pursuant to section 609.135.

154.28 (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter
154.29 a judgment of conviction for a different offense, or impose sentence for any other offense.

154.30 (d) The court shall state in writing or on the record the reasons for its decision on the
154.31 petition. If the court grants a sentence adjustment, it shall cause a sentencing worksheet as

155.1 provided in section 609.115, subdivision 1, to be completed and forwarded to the Sentencing
155.2 Guidelines Commission. The sentencing worksheet shall clearly indicate that it is for a
155.3 sentence adjustment.

155.4 Subd. 8. Appeals. An order issued under this section shall not be considered a final
155.5 judgment, but shall be treated as an order imposing or staying a sentence.

155.6 EFFECTIVE DATE. This section is effective August 1, 2021.

155.7 Sec. 19. Minnesota Statutes 2020, section 609.2231, subdivision 4, is amended to read:

155.8 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in part
155.9 because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex,
155.10 gender, sexual orientation, gender identity, gender expression, age, national origin, or
155.11 disability as defined in section 363A.03, ~~age, or national origin~~ or because of the victim's
155.12 actual or perceived association with another person or group of a certain actual or perceived
155.13 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender
155.14 expression, age, national origin, or disability as defined in section 363A.03, may be sentenced
155.15 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
155.16 or both.

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

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

155.23 Sec. 20. Minnesota Statutes 2020, section 609.2233, is amended to read:

155.24 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**
155.25 **STATUTORY MAXIMUM SENTENCE.**

155.26 A person who violates section 609.221, 609.222, or 609.223 because of the victim's or
155.27 another person's actual or perceived race, color, ethnicity, religion, sex, gender, sexual
155.28 orientation, gender identity, gender expression, age, national origin, or disability as defined
155.29 in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or perceived
155.30 association with another person or group of a certain actual or perceived race, color, ethnicity,
155.31 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national

156.1 origin, or disability as defined in section 363A.03, is subject to a statutory maximum penalty
156.2 of 25 percent longer than the maximum penalty otherwise applicable.

156.3 Sec. 21. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

156.25 Sec. 22. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

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

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

157.1 (2) promotes the prostitution of an individual;

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

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

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

157.7 Sec. 23. Minnesota Statutes 2020, section 609.324, subdivision 1, is amended to read:

157.8 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**
157.9 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be
157.10 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more
157.11 than \$40,000, or both:

157.12 (1) engages in prostitution with an individual under the age of ~~13~~ 14 years;

157.13 (2) hires or offers or agrees to hire an individual under the age of ~~13~~ 14 years to engage
157.14 in sexual penetration or sexual contact; or

157.15 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
157.16 be under the age of ~~13~~ 14 years to engage in sexual penetration or sexual contact.

157.17 (b) Whoever intentionally does any of the following may be sentenced to imprisonment
157.18 for not more than ten years or to payment of a fine of not more than \$20,000, or both:

157.19 (1) engages in prostitution with an individual under the age of 16 years but at least ~~13~~
157.20 14 years;

157.21 (2) hires or offers or agrees to hire an individual under the age of 16 years but at least
157.22 ~~13~~ 14 years to engage in sexual penetration or sexual contact; or

157.23 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
157.24 be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual
157.25 contact.

157.26 (c) Whoever intentionally does any of the following may be sentenced to imprisonment
157.27 for not more than five years or to payment of a fine of not more than \$10,000, or both:

157.28 (1) engages in prostitution with an individual under the age of 18 years but at least 16
157.29 years;

157.30 (2) hires or offers or agrees to hire an individual under the age of 18 years but at least
157.31 16 years to engage in sexual penetration or sexual contact; or

158.1 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
158.2 be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual
158.3 contact.

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

158.6 Sec. 24. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

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

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

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

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

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

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

158.21 Sec. 25. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

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

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

159.1 Sec. 26. Minnesota Statutes 2020, section 609.3241, is amended to read:

159.2 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

159.3 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
159.4 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
159.5 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
159.6 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
159.7 609.324, subdivision 2, ~~a misdemeanor violation of section 609.324, subdivision 3~~, a violation
159.8 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an
159.9 assessment of not less than \$750 and not more than \$1,000. The assessment shall be
159.10 distributed as provided in paragraph (c) and is in addition to the surcharge required by
159.11 section 357.021, subdivision 6.

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

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

159.19 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
159.20 employs the arresting officer for use in enforcement, training, and education activities related
159.21 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
159.22 state, this portion shall be forwarded to the commissioner of public safety for those purposes
159.23 identified in clause (3);

159.24 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
159.25 the case for use in training and education activities relating to combating sexual exploitation
159.26 activities of youth; and

159.27 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
159.28 deposited in the safe harbor for youth account in the special revenue fund and are
159.29 appropriated to the commissioner for distribution to crime victims services organizations
159.30 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
159.31 31.

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

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

160.3 Sec. 27. Minnesota Statutes 2020, section 609.3455, subdivision 2, is amended to read:

160.4 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
160.5 **offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum
160.6 penalty otherwise applicable to the offense, the court shall sentence a person convicted
160.7 under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343,
160.8 subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

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

160.10 (2) the person has a previous sex offense conviction for a violation of section 609.342,
160.11 609.343, or 609.344, and the fact finder determines that a heinous element exists for the
160.12 present offense.

160.13 (b) A fact finder may not consider a heinous element if it is an element of the underlying
160.14 specified violation of section 609.342 or 609.343. In addition, when determining whether
160.15 two or more heinous elements exist, the fact finder may not use the same underlying facts
160.16 to support a determination that more than one element exists.

160.17 (c) The court shall sentence a person who was under 18 years of age at the time of the
160.18 commission of an offense described in paragraph (a) to imprisonment for life.

160.19 Sec. 28. Minnesota Statutes 2020, section 609.3455, subdivision 5, is amended to read:

160.20 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
160.21 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
160.22 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
160.23 served before the offender may be considered for supervised release. If the offender was
160.24 under 18 years of age at the time of the commission of the offense, the minimum term of
160.25 imprisonment specified by the court shall not exceed 15 years.

160.26 Sec. 29. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

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

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

161.1 Sec. 30. Minnesota Statutes 2020, section 609.527, subdivision 3, is amended to read:

161.2 Subd. 3. **Penalties.** A person who violates subdivision 2 may be sentenced as follows:

161.3 (1) if the offense involves a single direct victim and the total, combined loss to the direct
161.4 victim and any indirect victims is \$250 or less, the person may be sentenced as provided in
161.5 section 609.52, subdivision 3, clause (5);

161.6 (2) if the offense involves a single direct victim and the total, combined loss to the direct
161.7 victim and any indirect victims is more than \$250 but not more than \$500, the person may
161.8 be sentenced as provided in section 609.52, subdivision 3, clause (4);

161.9 (3) if the offense involves two or three direct victims or the total, combined loss to the
161.10 direct and indirect victims is more than \$500 but not more than \$2,500, the person may be
161.11 sentenced as provided in section 609.52, subdivision 3, clause (3);

161.12 (4) if the offense involves more than three but not more than seven direct victims, or if
161.13 the total combined loss to the direct and indirect victims is more than \$2,500, the person
161.14 may be sentenced as provided in section 609.52, subdivision 3, clause (2); ~~and~~

161.15 (5) if the offense involves eight or more direct victims; ² or if the total, combined loss to
161.16 the direct and indirect victims is more than \$35,000; ~~or~~, the person may be sentenced as
161.17 provided in section 609.52, subdivision 3, clause (1); and

161.18 (6) if the offense is related to possession or distribution of pornographic work in violation
161.19 of section 617.246 or 617.247; ² the person may be sentenced as provided in section 609.52,
161.20 subdivision 3, clause (1).

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

161.23 Sec. 31. Minnesota Statutes 2020, section 609.595, subdivision 1a, is amended to read:

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

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

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

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

162.9 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
162.10 or group of individuals because of the victim's actual or perceived association with another
162.11 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
162.12 sexual orientation, gender identity, gender expression, age, national origin, or disability as
162.13 defined in section 363A.03.

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

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

162.22 Sec. 32. Minnesota Statutes 2020, section 609.595, subdivision 2, is amended to read:

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

162.30 (b) Whoever intentionally causes damage to another person's physical property without
162.31 the other person's consent ~~because of the property owner's or another's actual or perceived~~
162.32 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~
162.33 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to

163.1 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
163.2 property by not more than \$500; and:

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

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

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

163.14 (4) was motivated in whole or in part by an intent to intimidate or harm an individual
163.15 or group of individuals because of the victim's actual or perceived association with another
163.16 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,
163.17 sexual orientation, gender identity, gender expression, age, national origin, or disability as
163.18 defined in section 363A.03.

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

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

163.27 Sec. 33. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

163.28 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility
163.29 providing emergency shelter services for battered women, as defined under section 611A.31,
163.30 subdivision 3, or providing comparable services for sex trafficking victims, as defined under
163.31 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered
163.32 women and their children or sex trafficking victims and their children, without claim of
163.33 right or consent of one who has right to give consent, and refuses to depart from the grounds

164.1 of the facility on demand of one who has right to give consent, is guilty of a gross
164.2 misdemeanor.

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

164.5 Sec. 34. Minnesota Statutes 2020, section 609.66, subdivision 1e, is amended to read:

164.6 Subd. 1e. **Felony; drive-by shooting.** (a) ~~Whoever,~~ A person is guilty of a felony who,
164.7 while in or having just exited from a motor vehicle, recklessly discharges a firearm at or
164.8 toward ~~another:~~

164.9 (1) an unoccupied motor vehicle or a building is guilty of a felony and may be sentenced
164.10 to imprisonment for not more than three years or to payment of a fine of not more than
164.11 \$6,000, or both;

164.12 (2) an occupied motor vehicle or building; or

164.13 (3) a person.

164.14 (b) ~~Any person who violates this subdivision by firing at or toward a person, or an~~
164.15 ~~occupied building or motor vehicle, may be sentenced~~ A person convicted under paragraph
164.16 (a), clause (1), may be sentenced to imprisonment for not more than three years or to payment
164.17 of a fine of not more than \$6,000, or both. A person convicted under paragraph (a), clause
164.18 (2) or (3), may be sentenced to imprisonment for not more than ten years or to payment of
164.19 a fine of not more than \$20,000, or both.

164.20 (c) For purposes of this subdivision, "motor vehicle" has the meaning given in section
164.21 609.52, subdivision 1, and "building" has the meaning given in section 609.581, subdivision
164.22 2.

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

164.25 Sec. 35. Minnesota Statutes 2020, section 609.749, subdivision 3, is amended to read:

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

164.29 (1) commits any offense described in subdivision 2 because of the victim's or another's
164.30 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender
164.31 identity, gender expression, age, national origin, or disability as defined in section 363A.03,

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

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

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

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

165.13 (5) commits any offense described in subdivision 2 against a victim under the age of
165.14 18, if the actor is more than 36 months older than the victim.

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

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

165.22 Sec. 36. Minnesota Statutes 2020, section 609A.01, is amended to read:

165.23 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

165.24 This chapter provides the grounds and procedures for expungement of criminal records
165.25 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
165.26 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other
165.27 applicable law. The remedy available is limited to a court order sealing the records and
165.28 prohibiting the disclosure of their existence or their opening except under court order or
165.29 statutory authority. Nothing in this chapter authorizes the destruction of records or their
165.30 return to the subject of the records.

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

166.1 Sec. 37. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

166.2 **Subdivision 1. Eligibility; dismissal; exoneration.** A person who is the subject of a
166.3 criminal record or delinquency record is eligible for a grant of expungement relief without
166.4 the filing of a petition:

166.5 (1) upon the dismissal and discharge of proceedings against a person under section
166.6 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
166.7 of a controlled substance;

166.8 (2) if the person was arrested and all charges were dismissed prior to a determination
166.9 of probable cause; or

166.10 (3) if all pending actions or proceedings were resolved in favor of the person. For
166.11 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
166.12 in favor of the person. For purposes of this chapter, an action or proceeding is resolved in
166.13 favor of the person if the petitioner received an order under section 590.11 determining that
166.14 the person is eligible for compensation based on exoneration.

166.15 **Subd. 2. Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
166.16 of expungement relief if the person has successfully completed the terms of a diversion
166.17 program or stay of adjudication and has not been petitioned or charged with a new crime
166.18 for one year immediately following completion of the diversion program or stay of
166.19 adjudication.

166.20 **Subd. 3. Eligibility; certain criminal and delinquency proceedings.** (a) A person is
166.21 eligible for a grant of expungement relief if the person:

166.22 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a
166.23 qualifying offense;

166.24 (2) has not been convicted of a new crime in Minnesota during the applicable waiting
166.25 period immediately following discharge of the disposition or sentence for the crime;

166.26 (3) is not incarcerated or charged with an offense in Minnesota at the time the person
166.27 reaches the end of the applicable waiting period; and

166.28 (4) has not been convicted of a new crime in any other jurisdiction during the applicable
166.29 waiting period immediately following discharge of the disposition or sentence for the crime,
166.30 if the qualifying offense was a felony.

166.31 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,
166.32 or stayed sentence for:

- 167.1 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
167.2 to the operation or parking of motor vehicles;
- 167.3 (2) any misdemeanor offense other than:
- 167.4 (i) section 169A.27 (fourth-degree driving while impaired);
- 167.5 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 167.6 (iii) section 609.224 (assault in the fifth degree);
- 167.7 (iv) section 609.2242 (domestic assault);
- 167.8 (v) section 609.748 (violation of a harassment restraining order);
- 167.9 (vi) section 609.78 (interference with emergency call);
- 167.10 (vii) section 609.79 (obscene or harassing phone calls);
- 167.11 (viii) section 617.23 (indecent exposure); or
- 167.12 (ix) section 629.75 (violation of domestic abuse no contact order);
- 167.13 (3) any gross misdemeanor offense other than:
- 167.14 (i) section 169A.25 (second-degree driving while impaired);
- 167.15 (ii) section 169A.26 (third-degree driving while impaired);
- 167.16 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 167.17 (iv) section 609.2231 (assault in the fourth degree);
- 167.18 (v) section 609.224 (assault in the fifth degree);
- 167.19 (vi) section 609.2242 (domestic assault);
- 167.20 (vii) section 609.233 (criminal neglect);
- 167.21 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 167.22 (ix) section 609.377 (malicious punishment of child);
- 167.23 (x) section 609.485 (escape from custody);
- 167.24 (xi) section 609.498 (tampering with witness);
- 167.25 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 167.26 (xiii) section 609.746 (interference with privacy);
- 167.27 (xiv) section 609.748 (violation of a harassment restraining order);

- 168.1 (xv) section 609.749 (harassment; stalking);
- 168.2 (xvi) section 609.78 (interference with emergency call);
- 168.3 (xvii) section 617.23 (indecent exposure);
- 168.4 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 168.5 (xix) section 629.75 (violation of domestic abuse no contact order); and
- 168.6 (4) any of the following felony offenses:
- 168.7 (i) section 152.025 (controlled substance crime in the fifth degree);
- 168.8 (ii) section 152.097 (simulated controlled substances);
- 168.9 (iii) section 256.98 (wrongfully obtaining assistance; theft);
- 168.10 (iv) section 256.984 (false declaration in assistance application);
- 168.11 (v) any offense sentenced under section 609.52, subdivision 3, clause (3)(a) (theft of
- 168.12 \$5,000 or less);
- 168.13 (vi) any offense sentenced under section 609.528, subdivision 3, clause (3) (possession
- 168.14 or sale of stolen or counterfeit check);
- 168.15 (vii) section 609.529 (mail theft);
- 168.16 (viii) section 609.53 (receiving stolen property);
- 168.17 (ix) any offense sentenced under section 609.535, subdivision 2a, paragraph (a), clause
- 168.18 (1) (dishonored check over \$500);
- 168.19 (x) section 609.59 (possession of burglary tools);
- 168.20 (xi) section 609.595, subdivision 1, clauses (3) to (5) (criminal damage to property);
- 168.21 (xii) section 609.63 (forgery);
- 168.22 (xiii) any offense sentenced under section 609.631, subdivision 4, clause (3)(a) (check
- 168.23 forgery \$2,500 or less); and
- 168.24 (xiv) any offense sentenced under section 609.821, subdivision 3, paragraph (a), clause
- 168.25 (1), item (iii) (financial transaction card fraud).
- 168.26 (c) As used in this subdivision, "applicable waiting period" means:
- 168.27 (1) if the offense was a petty misdemeanor or a misdemeanor, two years;
- 168.28 (2) if the offense was a gross misdemeanor, four years; and

169.1 (3) if the offense was a felony, five years.

169.2 (d) Offenses ineligible for a grant of expungement under this section remain ineligible
169.3 if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 1, clause (2) or
169.4 subdivision 2, clause (2).

169.5 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
169.6 automatic expungement under this section of that eligibility at any hearing where the court
169.7 dismisses and discharges proceedings against a person under section 152.18, subdivision
169.8 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
169.9 substance; concludes that all pending actions or proceedings were resolved in favor of the
169.10 person; grants a person's placement into a diversion program; or sentences a person or
169.11 otherwise imposes a consequence for a qualifying offense.

169.12 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
169.13 coordinators or supervisors of a diversion program shall notify a person who may become
169.14 eligible for an automatic expungement under this section of that eligibility.

169.15 (c) If any party gives notification under this subdivision, the notification shall inform
169.16 the person that:

169.17 (1) an expunged record of a conviction may be opened for purposes of a background
169.18 study by the Department of Human Services under section 245C.08 and for purposes of a
169.19 background check by the Professional Educator Licensing and Standards Board as required
169.20 under section 122A.18, subdivision 8; and

169.21 (2) the person can file a petition to expunge the record and request that it be directed to
169.22 the commissioner of human services and the Professional Educator Licensing and Standards
169.23 Board.

169.24 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**
169.25 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications
169.26 and convictions that qualify for a grant of expungement relief pursuant to this subdivision
169.27 or subdivision 1, 2, or 3.

169.28 (b) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
169.29 persons and seal its own records without requiring an application, petition, or motion.

169.30 (c) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension and
169.31 subject to a grant of expungement relief shall display a notation stating "expungement relief
169.32 granted pursuant to section 609A.015."

170.1 (d) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
170.2 for which expungement relief was granted pursuant to this section. Notification may be
170.3 through electronic means and may be made in real time or in the form of a monthly report.
170.4 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
170.5 indictment or information, trial, verdict, or dismissal and discharge for any case in which
170.6 expungement relief was granted.

170.7 (e) The Bureau of Criminal Apprehension shall inform each agency, other than the
170.8 Department of Human Services and Department of Health, and jurisdiction whose records
170.9 are affected by the grant of expungement relief. Notification may be through electronic
170.10 means and may be made in real time or in the form of a monthly report. Each notified agency
170.11 shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal
170.12 and discharge for any case in which expungement relief was granted.

170.13 (f) Data on the person whose offense has been expunged under this subdivision are
170.14 private data on individuals as defined in section 13.02.

170.15 (g) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
170.16 expungement under this section in the manner provided in section 611A.03, subdivisions
170.17 1 and 2.

170.18 (h) In any subsequent prosecution of a person granted expungement relief, the expunged
170.19 criminal record may be pleaded and has the same effect as if the relief had not been granted.

170.20 (i) The Bureau of Criminal Apprehension is directed to develop a system to provide
170.21 criminal justice agencies with uniform statewide access to criminal records sealed by
170.22 expungement.

170.23 (j) At sentencing, the prosecuting agency with jurisdiction over the criminal record may
170.24 ask the court to prohibit the Bureau of Criminal Apprehension from granting expungement
170.25 relief under this section. The court shall grant the request upon a showing of clear and
170.26 convincing evidence that the interests of the public and public safety outweigh the
170.27 disadvantages to the defendant of not sealing the record.

170.28 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to individuals
170.29 with dismissals, discharges, or resolutions described in subdivision 1; who successfully
170.30 complete diversion as described in subdivision 2; or who are adjudicated delinquent for,
170.31 convicted of, or receive a stayed sentence for a qualifying offense as described in subdivision
170.32 3 on or after that date and retroactively to individuals:

171.1 (1) with dismissals, discharges, or resolutions described in subdivision 1 that take place
171.2 on or after August 1, 2021;

171.3 (2) who successfully complete diversion as described in subdivision 2 on or after August
171.4 1, 2021; or

171.5 (3) adjudicated delinquent for, convicted of, or who received a stayed sentence for a
171.6 qualifying offense described in paragraph (b), clause (1), (2), or (3) on or after August 1,
171.7 2021.

171.8 Sec. 38. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision
171.9 to read:

171.10 Subd. 2a. **Expungement of arrest.** A petition may be filed under section 609A.03 to
171.11 seal all records relating to an arrest if:

171.12 (1) the prosecuting authority declined to file any charges and a grand jury did not return
171.13 an indictment; and

171.14 (2) the applicable limitations period under section 628.26 has expired, and no indictment
171.15 or complaint was found or made and filed against the person.

171.16 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals
171.17 arrested on or after that date.

171.18 Sec. 39. Minnesota Statutes 2020, section 609A.02, subdivision 3, is amended to read:

171.19 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
171.20 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
171.21 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

171.22 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
171.23 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
171.24 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
171.25 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
171.26 that the petitioner is eligible for compensation based on exoneration;

171.27 (2) the petitioner has successfully completed the terms of a diversion program or stay
171.28 of adjudication and has not been charged with a new crime for at least one year since
171.29 completion of the diversion program or stay of adjudication;

172.1 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor
 172.2 or misdemeanor and has not been convicted of a new crime for at least two years since
 172.3 discharge of the sentence for the crime;

172.4 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor
 172.5 and has not been convicted of a new crime for at least four years since discharge of the
 172.6 sentence for the crime; or

172.7 (5) the petitioner was convicted of or received a stayed sentence for a felony violation
 172.8 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
 172.9 five years since discharge of the sentence for the crime.

172.10 (b) Paragraph (a), clause (5), applies to the following offenses:

172.11 (1) section 35.824 (altering livestock certificate);

172.12 (2) section 62A.41 (insurance regulations);

172.13 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

172.14 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of
 172.15 simulated controlled substance);

172.16 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
 172.17 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

172.18 (6) chapter 201; 203B; or 204C (voting violations);

172.19 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

172.20 (8) section 256.98 (wrongfully obtaining assistance);

172.21 (9) section 256.984 (false declaration in assistance application);

172.22 ~~(9)~~ (10) section 296A.23, subdivision 2 (willful evasion of fuel tax);

172.23 ~~(10)~~ (11) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

172.24 ~~(11)~~ (12) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

172.25 ~~(12)~~ (13) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize
 172.26 notices and solicitations);

172.27 ~~(13)~~ (14) section 346.155, subdivision 10 (failure to control regulated animal);

172.28 ~~(14)~~ (15) section 349.2127; or 349.22 (gambling regulations);

172.29 ~~(15)~~ (16) section 588.20 (contempt);

- 173.1 ~~(16)~~ (17) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 173.2 ~~(17)~~ (18) section 609.31 (leaving state to evade establishment of paternity);
- 173.3 ~~(18)~~ (19) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from
- 173.4 civil commitment for mental illness);
- 173.5 ~~(19)~~ (20) section 609.49 (failure to appear in court);
- 173.6 ~~(20)~~ (21) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other
- 173.7 theft offense that is sentenced under this provision; 609.52, subdivision 3, clause (2) (theft
- 173.8 of \$5,000 to \$35,000); or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with
- 173.9 risk of bodily harm);
- 173.10 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 173.11 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 173.12 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
- 173.13 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
- 173.14 check); or 609.529 (mail theft);
- 173.15 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 173.16 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
- 173.17 over \$500);
- 173.18 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 173.19 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 173.20 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 173.21 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 173.22 (31) section 609.59 (possession of burglary or theft tools);
- 173.23 ~~(30)~~ (32) section 609.595, subdivision 1, clauses (3) to (5), ~~and subdivision 1a, paragraph~~
- 173.24 ~~(a) (criminal damage to property);~~
- 173.25 ~~(31)~~ (33) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 173.26 ~~(32)~~ (34) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
- 173.27 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
- 173.28 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 173.29 ~~(33)~~ (35) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 173.30 4, paragraph (a) (lottery fraud);

- 174.1 ~~(34)~~ (36) section 609.652 (fraudulent driver's license and identification card);
- 174.2 ~~(35)~~ (37) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
- 174.3 or 609.66, subdivision 1b (furnishing firearm to minor);
- 174.4 ~~(36)~~ (38) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 174.5 ~~(37)~~ (39) section 609.686, subdivision 2 (tampering with fire alarm);
- 174.6 ~~(38)~~ (40) section 609.746, subdivision 1, paragraph (e) (interference with privacy;
- 174.7 subsequent violation or minor victim);
- 174.8 ~~(39)~~ (41) section 609.80, subdivision 2 (interference with cable communications system);
- 174.9 ~~(40)~~ (42) section 609.821, subdivision 2 (financial transaction card fraud);
- 174.10 ~~(41)~~ (43) section 609.822 (residential mortgage fraud);
- 174.11 ~~(42)~~ (44) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 174.12 ~~(43)~~ (45) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
- 174.13 transit operator);
- 174.14 ~~(44)~~ (46) section 609.88 (computer damage); or 609.89 (computer theft);
- 174.15 ~~(45)~~ (47) section 609.893, subdivision 2 (telecommunications and information services
- 174.16 fraud);
- 174.17 ~~(46)~~ (48) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 174.18 ~~(47)~~ (49) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 174.19 property);
- 174.20 ~~(48)~~ (50) section 609.896 (movie pirating);
- 174.21 ~~(49)~~ (51) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
- 174.22 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
- 174.23 subdivision 2 (transfer of pistol to ineligible person); or
- 174.24 ~~(50)~~ (52) section 624.7181 (rifle or shotgun in public by minor).
- 174.25 **EFFECTIVE DATE.** This section is effective August 1, 2021.

175.1 Sec. 40. Minnesota Statutes 2020, section 609A.025, is amended to read:

175.2 **609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH**
175.3 **PROSECUTOR AGREEMENT AND NOTIFICATION.**

175.4 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the
175.5 criminal record for a person described in section 609A.02, subdivision 3, without the filing
175.6 of a petition unless it determines that the interests of the public and public safety in keeping
175.7 the record public outweigh the disadvantages to the subject of the record in not sealing it.
175.8 The prosecutor shall inform the court whether the context and circumstances of the underlying
175.9 crime indicate a nexus between the criminal record to be expunged and the person's status
175.10 as a crime victim and, if so, request that the court make the appropriate findings to support
175.11 the relief described in section 609A.03, subdivision 6a.

175.12 (b) At least 90 days before agreeing to the sealing of a record under this section, the
175.13 prosecutor shall make a good faith effort to notify any identifiable victims of the offense
175.14 of the intended agreement and the opportunity to object to the agreement.

175.15 (c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records
175.16 for a person described in section 609A.02, subdivision 3, paragraph (a), clause (2), may
175.17 occur before or after the criminal charges are dismissed.

175.18 (d) A prosecutor shall agree to the sealing of a criminal record for a person described
175.19 in section 609A.02, subdivision 2a, unless substantial and compelling reasons exist to object
175.20 to the sealing.

175.21 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to agreements
175.22 to the sealing of a criminal record entered into by a prosecutor on or after that date.

175.23 Sec. 41. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

175.24 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
175.25 (b), expungement of a criminal record under this section is an extraordinary remedy to be
175.26 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
175.27 commensurate with the disadvantages to the public and public safety of:

175.28 (1) sealing the record; and

175.29 (2) burdening the court and public authorities to issue, enforce, and monitor an
175.30 expungement order.

175.31 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
175.32 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause

176.1 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
176.2 whose records would be affected establishes by clear and convincing evidence that the
176.3 interests of the public and public safety outweigh the disadvantages to the petitioner of not
176.4 sealing the record.

176.5 (c) In making a determination under this subdivision, the court shall consider:

176.6 (1) the nature and severity of the underlying crime, the record of which would be sealed;

176.7 (2) the risk, if any, the petitioner poses to individuals or society;

176.8 (3) the length of time since the crime occurred;

176.9 (4) the steps taken by the petitioner toward rehabilitation following the crime;

176.10 (5) aggravating or mitigating factors relating to the underlying crime, including the
176.11 petitioner's level of participation and context and circumstances of the underlying crime;

176.12 (6) the reasons for the expungement, including the petitioner's attempts to obtain
176.13 employment, housing, or other necessities;

176.14 (7) the petitioner's criminal record;

176.15 (8) the petitioner's record of employment and community involvement;

176.16 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
176.17 officials;

176.18 (10) the recommendations of victims or whether victims of the underlying crime were
176.19 minors;

176.20 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
176.21 toward payment, and the measures in place to help ensure completion of restitution payment
176.22 after expungement of the record if granted; and

176.23 (12) other factors deemed relevant by the court.

176.24 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
176.25 issues an expungement order it may require that the criminal record be sealed, the existence
176.26 of the record not be revealed, and the record not be opened except as required under
176.27 subdivision 7. Records must not be destroyed or returned to the subject of the record.

176.28 (e) Information relating to a criminal history record of an employee, former employee,
176.29 or tenant that has been expunged before the occurrence of the act giving rise to the civil
176.30 action may not be introduced as evidence in a civil action against a private employer or

177.1 landlord or its employees or agents that is based on the conduct of the employee, former
177.2 employee, or tenant.

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

177.4 Sec. 42. Minnesota Statutes 2020, section 609A.03, subdivision 7, is amended to read:

177.5 Subd. 7. **Limitations of order effective before January 1, 2015.** (a) Upon issuance of
177.6 an expungement order related to a charge supported by probable cause, the DNA samples
177.7 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
177.8 other than section 299C.105, shall not be sealed, returned to the subject of the record, or
177.9 destroyed.

177.10 (b) Notwithstanding the issuance of an expungement order:

177.11 (1) an expunged record may be opened for purposes of a criminal investigation,
177.12 prosecution, or sentencing, upon an ex parte court order;

177.13 (2) an expunged record of a conviction may be opened for purposes of evaluating a
177.14 prospective employee in a criminal justice agency without a court order; ~~and~~

177.15 (3) an expunged record of a conviction may be opened for purposes of a background
177.16 study under section 245C.08 unless the court order for expungement is directed specifically
177.17 to the commissioner of human services; and

177.18 (4) the Bureau of Criminal Apprehension shall include summary entries of expunged
177.19 records in all nonpublic criminal histories it generates for use by criminal justice agencies.

177.20 Upon request by law enforcement, prosecution, or corrections authorities, an agency or
177.21 jurisdiction subject to an expungement order shall inform the requester of the existence of
177.22 a sealed record and of the right to obtain access to it as provided by this paragraph. For
177.23 purposes of this section, a "criminal justice agency" means courts or a government agency
177.24 that performs the administration of criminal justice under statutory authority.

177.25 (c) This subdivision applies to expungement orders subject to its limitations and effective
177.26 before January 1, 2015.

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

177.28 Sec. 43. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

177.29 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
177.30 of an expungement order related to a charge supported by probable cause, the DNA samples
177.31 and DNA records held by the Bureau of Criminal Apprehension and collected under authority

178.1 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
178.2 destroyed.

178.3 (b) Notwithstanding the issuance of an expungement order:

178.4 (1) except as provided in clause (2), an expunged record may be opened, used, or
178.5 exchanged between criminal justice agencies without a court order for the purposes of
178.6 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
178.7 purposes or providing probation or other correctional services;

178.8 (2) when a criminal justice agency seeks access to a record that was sealed under section
178.9 609A.02, subdivision 3, paragraph (a), clause (1), or 609A.015, subdivision 1, clause (3),
178.10 after an acquittal or a court order dismissing for lack of probable cause, for purposes of a
178.11 criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex
178.12 parte court order after stating a good-faith basis to believe that opening the record may lead
178.13 to relevant information;

178.14 (3) an expunged record of a conviction may be opened for purposes of evaluating a
178.15 prospective employee in a criminal justice agency without a court order;

178.16 (4) an expunged record of a conviction may be opened for purposes of a background
178.17 study under section 245C.08 unless the commissioner had been properly served with notice
178.18 of the petition for expungement and the court order for expungement is directed specifically
178.19 to the commissioner of human services;

178.20 (5) an expunged record of a conviction may be opened for purposes of a background
178.21 check required under section 122A.18, subdivision 8, unless the court order for expungement
178.22 is directed specifically to the Professional Educator Licensing and Standards Board or the
178.23 licensing division of the Department of Education; ~~and~~

178.24 (6) the court may order an expunged record opened upon request by the victim of the
178.25 underlying offense if the court determines that the record is substantially related to a matter
178.26 for which the victim is before the court;

178.27 (7) a prosecutor may request, and the district court shall provide, certified records of
178.28 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,
178.29 and the certified records of conviction may be disclosed and introduced in criminal court
178.30 proceedings as provided by the rules of court and applicable law;

178.31 (8) the Bureau of Criminal Apprehension shall include summary entries of expunged
178.32 records in all nonpublic criminal histories it generates for use by criminal justice agencies;
178.33 and

179.1 (9) the subject of an expunged record may request, and the court shall provide, certified
179.2 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
179.3 609A.02, and 609A.025.

179.4 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
179.5 in a manner that provides access to the record by a criminal justice agency under paragraph
179.6 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
179.7 of Criminal Apprehension shall notify the commissioner of human services, the Professional
179.8 Educator Licensing and Standards Board, or the licensing division of the Department of
179.9 Education of the existence of a sealed record and of the right to obtain access under paragraph
179.10 (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement
179.11 order shall provide access to the record to the commissioner of human services, the
179.12 Professional Educator Licensing and Standards Board, or the licensing division of the
179.13 Department of Education under paragraph (b), clause (4) or (5).

179.14 (d) An expunged record that is opened or exchanged under this subdivision remains
179.15 subject to the expungement order in the hands of the person receiving the record.

179.16 (e) A criminal justice agency that receives an expunged record under paragraph (b),
179.17 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
179.18 record to the investigation, prosecution, or sentencing for which it was obtained.

179.19 (f) For purposes of this section, a "criminal justice agency" means a court or government
179.20 agency that performs the administration of criminal justice under statutory authority.

179.21 (g) This subdivision applies to expungement orders subject to its limitations and effective
179.22 on or after January 1, 2015.

179.23 **EFFECTIVE DATE.** This section is effective August 1, 2021, except that paragraph
179.24 (b), clause (8) is effective August 1, 2023.

179.25 Sec. 44. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

179.26 **Subd. 9. Stay of order; appeal.** An expungement order issued under this section shall
179.27 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
179.28 during the appeal period. A person or an agency or jurisdiction whose records would be
179.29 affected by the order may appeal the order within 60 days of service of notice of filing of
179.30 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
179.31 or supersedeas bond in order to further stay the proceedings or file an appeal.

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

180.1 Sec. 45. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

180.2 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
180.3 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
180.4 make a reasonable and good faith effort to inform the victim of:

180.5 (1) the contents of the plea agreement recommendation, including the amount of time
180.6 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
180.7 ~~and~~

180.8 (2) the right to be present at the sentencing hearing and at the hearing during which the
180.9 plea is presented to the court and to express orally or in writing, at the victim's option, any
180.10 objection to the agreement or to the proposed disposition. If the victim is not present when
180.11 the court considers the recommendation, but has communicated objections to the prosecuting
180.12 attorney, the prosecuting attorney shall make these objections known to the court; and

180.13 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015,
180.14 and the victim's right to express to the court orally or in writing, at the victim's option, any
180.15 objection to a grant of expungement relief. If the victim is not present, but has communicated
180.16 objections to the prosecuting attorney, the prosecuting attorney shall make these objections
180.17 known to the court.

180.18 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to plea
180.19 agreements entered into on or after that date.

180.20 Sec. 46. **TASK FORCE ON THE CONTENTS AND USE OF PRESENTENCE**
180.21 **INVESTIGATION REPORTS AND IMPOSITION OF CONDITIONS OF**
180.22 **PROBATION.**

180.23 Subdivision 1. **Establishment.** The task force on the contents and use of presentence
180.24 investigation reports and imposition of conditions of probation is established to review the
180.25 statutory requirements in Minnesota Statutes, section 609.115, for the content of presentence
180.26 investigation reports and determine whether that level of information is useful and necessary
180.27 in all cases; determine whether presentence investigation reports should be required in all
180.28 cases or only a subset of cases; collect and analyze data on the conditions of probation
180.29 ordered by courts; assess whether current practices promote public safety and equity in
180.30 sentencing; and make recommendations to the legislature.

180.31 Subd. 2. **Membership.** (a) The task force consists of the following members:

180.32 (1) two members of the house of representatives, one appointed by the speaker of the
180.33 house and one appointed by the minority leader;

181.1 (2) two members of the senate, one appointed by the majority leader and one appointed
181.2 by the minority leader;

181.3 (3) the commissioner of corrections or a designee;

181.4 (4) two district court judges of which one shall be a judge in a metropolitan county and
181.5 one shall be a judge in a county other than a metropolitan county, appointed by the chief
181.6 justice of the supreme court;

181.7 (5) the chair of the Minnesota Sentencing Guidelines Commission or a designee;

181.8 (6) the state public defender or a designee;

181.9 (7) one county attorney, appointed by the Minnesota County Attorneys Association; and

181.10 (8) three probation officers including one employee of the Department of Corrections,
181.11 one employee of a county that takes part in the Community Corrections Act, and one
181.12 employee of a county that does not take part in the Community Corrections Act, appointed
181.13 by the commissioner of corrections.

181.14 (b) As used in this section, "metropolitan county" has the meaning given in Minnesota
181.15 Statutes, section 473.121, subdivision 4.

181.16 (c) Appointments must be made no later than July 30, 2021.

181.17 (d) Members shall serve without compensation.

181.18 (e) Members of the task force serve at the pleasure of the appointing authority or until
181.19 the task force expires. Vacancies shall be filled by the appointing authority consistent with
181.20 the qualifications of the vacating member required by this subdivision.

181.21 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
181.22 may elect other officers as necessary.

181.23 (b) The commissioner of corrections shall convene the first meeting of the task force no
181.24 later than August 1, 2021, and shall provide meeting space and administrative assistance
181.25 as necessary for the task force to conduct its work.

181.26 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
181.27 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
181.28 of the task force are subject to Minnesota Statutes, chapter 13D.

181.29 (d) To compile and analyze data, the task force may request the cooperation and assistance
181.30 of local law enforcement agencies, the Minnesota Sentencing Guidelines Commission, the
181.31 judicial branch, the Bureau of Criminal Apprehension, county attorneys, and Tribal

182.1 governments, academics, and others with experience and expertise in researching probation
182.2 and criminal sentences.

182.3 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

182.4 (1) collect and analyze available data on how often presentence investigation reports
182.5 are filed with the court, and in which types of cases;

182.6 (2) review and discuss whether presentence investigation reports should be required in
182.7 all felony cases, and make recommendations to the legislature;

182.8 (3) review and discuss the required content of presentence investigation reports, determine
182.9 whether that level of detail is needed in every case, and consider recommendations for
182.10 changing the required content;

182.11 (4) collect and analyze available data on conditions of probation imposed by courts;

182.12 (5) assess what factors courts consider when imposing conditions of probation;

182.13 (6) determine what data is available to show whether particular conditions of probation
182.14 are effective in promoting public safety and rehabilitation of an offender;

182.15 (7) determine whether conditions of probation are consistent across geographic and
182.16 demographic groups and, if not, how they differ;

182.17 (8) determine the most effective methods to provide a court with relevant information
182.18 to establish appropriate conditions of probation;

182.19 (9) review relevant state statutes and state and federal court decisions; and

182.20 (10) make recommendations for legislative action, if any, on laws affecting presentence
182.21 investigation reports and appropriate conditions of probation.

182.22 (b) At its discretion, the task force may examine, as necessary, other related issues
182.23 consistent with this section.

182.24 Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to
182.25 the chairs and ranking minority members of the house of representatives and senate
182.26 committees and divisions with jurisdiction over criminal sentencing on the findings and
182.27 recommendations of the task force.

182.28 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
182.29 subdivision 5.

183.1 Sec. 47. **TITLE.**

183.2 Sections 36 to 45 may be referred to as the "Clean Slate Act."

183.3 Sec. 48. **SENTENCING GUIDELINES MODIFICATION.**

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

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

183.8 Sec. 49. **REVISOR INSTRUCTION.**

183.9 In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"
183.10 consistent with the change in section 10. The revisor shall also make other technical changes
183.11 resulting from the change of term to the statutory language if necessary to preserve the
183.12 meaning of the text.

183.13 Sec. 50. **REPEALER.**

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

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

183.17 Sec. 51. **EFFECTIVE DATE.**

183.18 Sections 6, 9, 10, 15, and 17 to 20 are effective the day following final enactment and
183.19 apply to offenders sentenced on or after that date, and retroactively to offenders:

183.20 (1) sentenced to life imprisonment without possibility of release following a conviction
183.21 under Minnesota Statutes, section 609.185, paragraph (a), for an offense committed when
183.22 the offender was under 18 years of age and when a sentence was imposed pursuant to
183.23 Minnesota Statutes, section 609.106, subdivision 2;

183.24 (2) sentenced to life imprisonment without possibility of release following a conviction
183.25 under Minnesota Statutes, section 609.3455, subdivision 2, for an offense committed when
183.26 the offender was under 18 years of age;

183.27 (3) sentenced to life imprisonment under Minnesota Statutes, section 609.185, paragraph
183.28 (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, for
183.29 an offense committed when the offender was under 18 years of age;

184.1 (4) sentenced to life imprisonment under Minnesota Statutes, section 609.385, for an
184.2 offense committed when the offender was under 18 years of age;

184.3 (5) sentenced to life imprisonment under Minnesota Statutes, section 609.3455,
184.4 subdivision 3 or 4, if the minimum term of imprisonment specified by the court in its sentence
184.5 exceeds 15 years for an offense committed when the offender was under 18 years of age;
184.6 or

184.7 (6) sentenced to an executed sentence that includes a term of imprisonment of more than
184.8 15 years or separate, consecutive executed sentences for two or more crimes that include
184.9 combined terms of imprisonment that total more than 15 years for an offense committed
184.10 when the offender was under 18 years of age.

184.11 ARTICLE 7

184.12 PUBLIC SAFETY

184.13 Section 1. Minnesota Statutes 2020, section 169A.55, subdivision 2, is amended to read:

184.14 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
184.15 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
184.16 (impaired driving convictions and adjudications; administrative penalties), or 171.177
184.17 (revocation; search warrant), the commissioner shall notify the person of the terms upon
184.18 which driving privileges can be reinstated, and new registration plates issued, which terms
184.19 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms
184.20 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
184.21 requirements imposed by the commissioner and applicable to that particular case. The
184.22 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
184.23 under section 169A.60 (administrative impoundment of plates) as a result of the violation
184.24 of the procedures for obtaining new registration plates, if the owner is not the violator. The
184.25 commissioner shall also notify the person that if driving is resumed without reinstatement
184.26 of driving privileges or without valid registration plates and registration certificate, the
184.27 person will be subject to criminal penalties.

184.28 Sec. 2. Minnesota Statutes 2020, section 169A.55, subdivision 4, is amended to read:

184.29 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
184.30 driver's license has been revoked as a result of an offense listed under clause (2) shall not
184.31 be eligible for reinstatement of driving privileges without an ignition interlock restriction
184.32 until the commissioner certifies that either:

185.1 (1) the person did not own or lease a vehicle at the time of the offense or at any time
185.2 between the time of the offense and the driver's request for reinstatement, or commit a
185.3 violation of chapter 169, 169A, or 171 between the time of the offense and the driver's
185.4 request for reinstatement or at the time of the arrest for the offense listed under clause (2),
185.5 item (i), subitem (A) or (B), or (ii), subitem (A) or (B), as based on:

185.6 (i) a request by the person for reinstatement, on a form to be provided by the Department
185.7 of Public Safety;

185.8 (ii) the person's attestation under penalty of perjury; and

185.9 (iii) the submission by the driver of certified copies of vehicle registration records and
185.10 driving records for the period from the arrest until the driver seeks reinstatement of driving
185.11 privileges; or

185.12 (2) the person used the ignition interlock device and complied with section 171.306 for
185.13 a period of not less than:

185.14 (i) one year, for a person whose driver's license was revoked for:

185.15 (A) an offense occurring within ten years of a qualified prior impaired driving incident;
185.16 or

185.17 (B) an offense occurring after two qualified prior impaired driving incidents; or

185.18 (ii) two years, for a person whose driver's license was revoked for:

185.19 (A) an offense occurring under item (i), subitem (A) or (B), and the test results indicated
185.20 an alcohol concentration of twice the legal limit or more; or

185.21 (B) an offense occurring under item (i), subitem (A) or (B), and the current offense is
185.22 for a violation of section 169A.20, subdivision 2.

185.23 ~~(a)~~ (b) A person whose driver's license has been canceled or denied as a result of three
185.24 or more qualified impaired driving incidents shall not be eligible for reinstatement of driving
185.25 privileges without an ignition interlock restriction until the person:

185.26 (1) has completed rehabilitation according to rules adopted by the commissioner or been
185.27 granted a variance from the rules by the commissioner; and

185.28 (2) has submitted verification of abstinence from alcohol and controlled substances
185.29 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
185.30 chemical monitoring device approved by the commissioner.

186.1 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
186.2 use of alcohol and controlled substances for a period of not less than:

186.3 (1) three years, for a person whose driver's license was canceled or denied for an offense
186.4 occurring within ten years of the first of two qualified prior impaired driving incidents, or
186.5 occurring after three qualified prior impaired driving incidents;

186.6 (2) four years, for a person whose driver's license was canceled or denied for an offense
186.7 occurring within ten years of the first of three qualified prior impaired driving incidents; or

186.8 (3) six years, for a person whose driver's license was canceled or denied for an offense
186.9 occurring after four or more qualified prior impaired driving incidents.

186.10 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
186.11 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
186.12 ~~from chapter 14, including section 14.386.~~

186.13 Sec. 3. Minnesota Statutes 2020, section 169A.60, subdivision 13, is amended to read:

186.14 Subd. 13. **Special registration plates.** (a) At any time during the effective period of an
186.15 impoundment order, a violator or registered owner may apply to the commissioner for new
186.16 registration plates, which must bear a special series of numbers or letters so as to be readily
186.17 identified by traffic law enforcement officers. The commissioner may authorize the issuance
186.18 of special plates if:

186.19 (1) the violator has a qualified licensed driver whom the violator must identify;

186.20 (2) the violator or registered owner has a limited license issued under section 171.30;

186.21 (3) the registered owner is not the violator and the registered owner has a valid or limited
186.22 driver's license;

186.23 (4) a member of the registered owner's household has a valid driver's license; or

186.24 (5) the violator has been reissued a valid driver's license.

186.25 (b) The commissioner may not issue new registration plates for that vehicle subject to
186.26 plate impoundment for a period of at least one year from the date of the impoundment order.
186.27 In addition, if the owner is the violator, new registration plates may not be issued for the
186.28 vehicle unless the person has been reissued a valid driver's license in accordance with chapter
186.29 171.

186.30 (c) A violator may not apply for new registration plates for a vehicle at any time before
186.31 the person's driver's license is reinstated.

187.1 (d) The commissioner may issue the special plates on payment of a \$50 fee for each
187.2 vehicle for which special plates are requested.

187.3 (e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request
187.4 new registration plates for ~~a~~ any vehicle owned by a violator or registered owner for which
187.5 the registration plates have been impounded if:

187.6 (1) the impoundment order is rescinded;

187.7 (2) the vehicle is transferred in compliance with subdivision 14; or

187.8 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section
187.9 168.27, a financial institution that has submitted a repossession affidavit, or a government
187.10 agency.

187.11 (f) Notwithstanding paragraphs (a) to (d), the commissioner, upon request and payment
187.12 of a \$100 fee for each vehicle for which special plates are requested, must issue new
187.13 registration plates for any vehicle owned by a violator or registered owner for which the
187.14 registration plates have been impounded if the violator becomes a program participant in
187.15 the ignition interlock program under section 171.306.

187.16 Sec. 4. Minnesota Statutes 2020, section 171.29, subdivision 1, is amended to read:

187.17 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
187.18 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
187.19 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52,~~
187.20 ~~or 171.177~~ shall be issued another license unless and until that person shall have successfully
187.21 passed an examination as required by the commissioner of public safety. This subdivision
187.22 does not apply to an applicant for early reinstatement under section 169.792, subdivision
187.23 7a.

187.24 (b) The requirement to successfully pass the examination described in paragraph (a)
187.25 does not apply to a person whose driver's license has been revoked because of an impaired
187.26 driving offense.

187.27 Sec. 5. Minnesota Statutes 2020, section 171.30, subdivision 1, is amended to read:

187.28 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license
187.29 to the driver under the conditions in paragraph (b) in any case where a person's license has
187.30 been:

187.31 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

- 188.1 (2) revoked, canceled, or denied under section:
- 188.2 (i) 169.792;
- 188.3 (ii) 169.797;
- 188.4 (iii) 169A.52:
- 188.5 (A) subdivision 3, paragraph (a), clause (1) or (2); or
- 188.6 ~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
- 188.7 ~~171.306;~~
- 188.8 ~~(C)~~ (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
- 188.9 alcohol concentration of less than twice the legal limit;
- 188.10 ~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
- 188.11 ~~171.306;~~
- 188.12 (iv) 171.17; or
- 188.13 (v) 171.172;
- 188.14 (3) revoked, canceled, or denied under section 169A.54:
- 188.15 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
- 188.16 than twice the legal limit;
- 188.17 (ii) subdivision 1, clause (2); or
- 188.18 ~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~
- 188.19 ~~(iv)~~ (iii) subdivision 2, if the person does not have a qualified prior impaired driving
- 188.20 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
- 188.21 results indicate an alcohol concentration of less than twice the legal limit; or
- 188.22 (4) revoked, canceled, or denied under section 171.177:
- 188.23 (i) subdivision 4, paragraph (a), clause (1) or (2); or
- 188.24 ~~(ii) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
- 188.25 ~~171.306;~~
- 188.26 ~~(iii)~~ (ii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an
- 188.27 alcohol concentration of less than twice the legal limit; ~~or.~~
- 188.28 ~~(iv) subdivision 5, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
- 188.29 ~~171.306.~~

189.1 (b) The following conditions for a limited license under paragraph (a) include:

189.2 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
189.3 counseling program depends upon the use of the driver's license;

189.4 (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial
189.5 disruption of the education, medical, or nutritional needs of the family of the homemaker;
189.6 or

189.7 (3) if attendance at a postsecondary institution of education by an enrolled student of
189.8 that institution depends upon the use of the driver's license.

189.9 (c) The commissioner in issuing a limited license may impose such conditions and
189.10 limitations as in the commissioner's judgment are necessary to the interests of the public
189.11 safety and welfare including reexamination as to the driver's qualifications. The license may
189.12 be limited to the operation of particular vehicles, to particular classes and times of operation,
189.13 and to particular conditions of traffic. The commissioner may require that an applicant for
189.14 a limited license affirmatively demonstrate that use of public transportation or carpooling
189.15 as an alternative to a limited license would be a significant hardship.

189.16 (d) For purposes of this subdivision:

189.17 (1) "homemaker" refers to the person primarily performing the domestic tasks in a
189.18 household of residents consisting of at least the person and the person's dependent child or
189.19 other dependents; and

189.20 (2) "twice the legal limit" means an alcohol concentration of two times the limit specified
189.21 in section 169A.20, subdivision 1, clause (5).

189.22 (e) The limited license issued by the commissioner shall clearly indicate the limitations
189.23 imposed and the driver operating under the limited license shall have the license in possession
189.24 at all times when operating as a driver.

189.25 (f) In determining whether to issue a limited license, the commissioner shall consider
189.26 the number and the seriousness of prior convictions and the entire driving record of the
189.27 driver and shall consider the number of miles driven by the driver annually.

189.28 (g) If the person's driver's license or permit to drive has been revoked under section
189.29 169.792 or 169.797, the commissioner may only issue a limited license to the person after
189.30 the person has presented an insurance identification card, policy, or written statement
189.31 indicating that the driver or owner has insurance coverage satisfactory to the commissioner
189.32 of public safety. The commissioner of public safety may require the insurance identification

190.1 card provided to satisfy this subdivision be certified by the insurance company to be
190.2 noncancelable for a period not to exceed 12 months.

190.3 (h) The limited license issued by the commissioner to a person under section 171.186,
190.4 subdivision 4, must expire 90 days after the date it is issued. The commissioner must not
190.5 issue a limited license to a person who previously has been issued a limited license under
190.6 section 171.186, subdivision 4.

190.7 (i) The commissioner shall not issue a limited driver's license to any person described
190.8 in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

190.9 (j) The commissioner shall not issue a class A, class B, or class C limited license.

190.10 Sec. 6. Minnesota Statutes 2020, section 171.306, subdivision 2, is amended to read:

190.11 Subd. 2. **Performance standards; certification; manufacturer and provider**

190.12 **requirements.** (a) The commissioner shall establish performance standards and a process
190.13 for certifying devices used in the ignition interlock program, except that the commissioner
190.14 may not establish standards that, directly or indirectly, require devices to use or enable
190.15 location tracking capabilities without a court order.

190.16 (b) The manufacturer of a device must apply annually for certification of the device by
190.17 submitting the form prescribed by the commissioner. The commissioner shall require
190.18 manufacturers of certified devices to:

190.19 (1) provide device installation, servicing, and monitoring to indigent program participants
190.20 at a discounted rate, according to the standards established by the commissioner; ~~and~~

190.21 (2) include in an ignition interlock device contract a provision that a program participant
190.22 who voluntarily terminates participation in the program is only liable for servicing and
190.23 monitoring costs incurred during the time the device is installed on the motor vehicle,
190.24 regardless of whether the term of the contract has expired; and

190.25 (3) include in an ignition interlock device contract a provision that requires manufacturers
190.26 of certified devices to pay any towing or repair costs caused by device failure or malfunction,
190.27 or by damage caused during device installation, servicing, or monitoring.

190.28 (c) The manufacturer of a certified device must include with an ignition interlock device
190.29 contract a separate notice to the program participant regarding any location tracking
190.30 capabilities of the device.

191.1 Sec. 7. Minnesota Statutes 2020, section 171.306, subdivision 4, is amended to read:

191.2 Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D
191.3 driver's license, subject to the applicable limitations and restrictions of this section, to a
191.4 program participant who meets the requirements of this section and the program guidelines.
191.5 The commissioner shall not issue a license unless the program participant has provided
191.6 satisfactory proof that:

191.7 (1) a certified ignition interlock device has been installed on the participant's motor
191.8 vehicle at an installation service center designated by the device's manufacturer; and

191.9 (2) the participant has insurance coverage on the vehicle equipped with the ignition
191.10 interlock device. If the participant has previously been convicted of violating section 169.791,
191.11 169.793, or 169.797 or the participant's license has previously been suspended or canceled
191.12 under section 169.792 or 169.797, the commissioner shall require the participant to present
191.13 an insurance identification card, ~~policy, or written statement as proof of insurance coverage,~~
191.14 ~~and may require the insurance identification card provided be~~ that is certified by the insurance
191.15 company to be noncancelable for a period not to exceed 12 months.

191.16 (b) A license issued under authority of this section must contain a restriction prohibiting
191.17 the program participant from driving, operating, or being in physical control of any motor
191.18 vehicle not equipped with a functioning ignition interlock device certified by the
191.19 commissioner. A participant may drive an employer-owned vehicle not equipped with an
191.20 interlock device while in the normal course and scope of employment duties pursuant to
191.21 the program guidelines established by the commissioner and with the employer's written
191.22 consent.

191.23 (c) A program participant whose driver's license has been: (1) revoked under section
191.24 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph
191.25 (a), clause (1), (2), or (3); 169A.54, subdivision 1, clause (1), (2), (3), or (4); or 171.177,
191.26 subdivision 4, paragraph (a), clause (1), (2), or (3), or subdivision 5, paragraph (a), clause
191.27 (1), (2), or (3); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause
191.28 (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision
191.29 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or
191.30 (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2,
191.31 clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or
191.32 great bodily harm, where the participant has fewer than two qualified prior impaired driving
191.33 incidents within the past ten years or fewer than three qualified prior impaired driving

192.1 incidents ever; may apply for conditional reinstatement of the driver's license, subject to
192.2 the ignition interlock restriction.

192.3 (d) A program participant whose driver's license has been: (1) revoked, canceled, or
192.4 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
192.5 subdivision 4, paragraph (a), clause (4), (5), or (6); 169A.54, subdivision 1, clause (5), (6),
192.6 or (7); or 171.177, subdivision 4, paragraph (a), clause (4), (5), or (6), or subdivision 5,
192.7 paragraph (a), clause (4), (5), or (6); or (2) revoked under section 171.17, subdivision 1,
192.8 paragraph (a), clause (1), or suspended under section 171.187, for a violation of section
192.9 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2),
192.10 item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or
192.11 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm,
192.12 substantial bodily harm, or great bodily harm, where the participant has two or more qualified
192.13 prior impaired driving incidents within the past ten years or three or more qualified prior
192.14 impaired driving incidents ever; may apply for ~~a limited~~ conditional reinstatement of the
192.15 driver's license, subject to the ignition interlock restriction, if the program participant is
192.16 enrolled in a licensed chemical dependency treatment or rehabilitation program as
192.17 recommended in a chemical use assessment, ~~and if the participant meets the other applicable~~
192.18 ~~requirements of section 171.30. After completing.~~ As a prerequisite to eligibility for eventual
192.19 reinstatement of full driving privileges, a participant whose chemical use assessment
192.20 recommended treatment or rehabilitation shall complete a licensed chemical dependency
192.21 treatment or rehabilitation program and one year of limited license use without violating
192.22 the ignition interlock restriction, the conditions of limited license use, or program guidelines,
192.23 the participant may apply for conditional reinstatement of the driver's license, subject to the
192.24 ignition interlock restriction. If the program participant's ignition interlock device
192.25 subsequently registers a positive breath alcohol concentration of 0.02 or higher, the
192.26 commissioner shall ~~cancel the driver's license, and the program participant may apply for~~
192.27 ~~another limited license according to this paragraph.~~ extend the time period that the participant
192.28 must participate in the program until the participant has reached the required abstinence
192.29 period described in section 169A.55, subdivision 4.

192.30 (e) Notwithstanding any statute or rule to the contrary, the commissioner has authority
192.31 to determine when a program participant is eligible for restoration of full driving privileges,
192.32 except that the commissioner shall not reinstate full driving privileges until the program
192.33 participant has met all applicable prerequisites for reinstatement under section 169A.55 and
192.34 until the program participant's device has registered no positive breath alcohol concentrations
192.35 of 0.02 or higher during the preceding 90 days.

193.1 Sec. 8. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

193.2 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
193.3 following powers and duties:

193.4 (a) To accept persons committed to the commissioner by the courts of this state for care,
193.5 custody, and rehabilitation.

193.6 (b) To determine the place of confinement of committed persons in a correctional facility
193.7 or other facility of the Department of Corrections and to prescribe reasonable conditions
193.8 and rules for their employment, conduct, instruction, and discipline within or outside the
193.9 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

193.10 (c) To administer the money and property of the department.

193.11 (d) To administer, maintain, and inspect all state correctional facilities.

193.12 (e) To transfer authorized positions and personnel between state correctional facilities
193.13 as necessary to properly staff facilities and programs.

193.14 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
193.15 beneficial to accomplish the purposes of this section, but not to close the Minnesota
193.16 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
193.17 legislative approval. The commissioner may place juveniles and adults at the same state
193.18 minimum security correctional facilities, if there is total separation of and no regular contact
193.19 between juveniles and adults, except contact incidental to admission, classification, and
193.20 mental and physical health care.

193.21 (g) To organize the department and employ personnel the commissioner deems necessary
193.22 to discharge the functions of the department, including a chief executive officer for each
193.23 facility under the commissioner's control who shall serve in the unclassified civil service
193.24 and may, under the provisions of section 43A.33, be removed only for cause.

193.25 (h) To define the duties of these employees and to delegate to them any of the
193.26 commissioner's powers, duties and responsibilities, subject to the commissioner's control
193.27 and the conditions the commissioner prescribes.

193.28 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
193.29 establish the priorities of the Department of Corrections. This report shall be submitted to
193.30 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
193.31 committees.

194.1 (j) To perform these duties with the goal of promoting public safety. Promoting public
194.2 safety includes the promotion of human rights. "Public safety" means reducing or preventing
194.3 crime while maintaining the basic rights, freedoms, and privileges that belong to every
194.4 person including the right to dignity, fairness, equality, respect, and freedom from
194.5 discrimination, and is achieved by preferring the use of community services to imprisonment
194.6 or other confinement unless confinement is necessary to protect the public, promoting the
194.7 rehabilitation of those convicted through the provision of evidence-based programming and
194.8 services, and imposing sanctions that are the least restrictive necessary to achieve
194.9 accountability, address the harm for the offense, and ensure victim safety.

194.10 Sec. 9. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

194.17 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

195.13 (1) the person was charged with or petitioned for an offense in another state ~~that would~~
195.14 ~~be a violation of a law~~ similar to an offense or involving similar circumstances to an offense
195.15 described in paragraph (a) ~~if committed in this state,~~ clause (1), (2), or (3), and convicted
195.16 of or adjudicated delinquent for that offense or another offense arising out of the same set
195.17 of circumstances;

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

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

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

195.30 (c) A person also shall register under this section if the person was committed pursuant
195.31 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
195.32 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
195.33 United States, regardless of whether the person was convicted of any offense.

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

196.2 (1) the person was charged with or petitioned for a felony violation or attempt to violate
196.3 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
196.4 the United States, or the person was charged with or petitioned for a violation of any of the
196.5 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
196.6 States;

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

196.10 (3) the person was committed pursuant to a court commitment order under section
196.11 253B.18 or a similar law of another state or the United States.

196.12 EFFECTIVE DATE. This section is effective July 1, 2021, and applies to offenders
196.13 who live in the state or who enter the state on or after that date.

196.14 Sec. 10. Minnesota Statutes 2020, section 243.166, subdivision 4b, is amended to read:

196.15 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

196.16 (1) "health care facility" means a facility:

196.17 (i) licensed by the commissioner of health as a hospital, boarding care home or supervised
196.18 living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

196.19 (ii) registered by the commissioner of health as a housing with services establishment
196.20 as defined in section 144D.01; or

196.21 (iii) licensed by the commissioner of human services as a residential facility under
196.22 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency
196.23 treatment to adults, or residential services to persons with disabilities; ~~and~~

196.24 (2) "home care provider" has the meaning given in section 144A.43; and

196.25 (3) "hospice provider" has the meaning given in section 144A.75.

196.26 (b) Prior to admission to a health care facility or home care services from a home care
196.27 provider or hospice services from a hospice provider, a person required to register under
196.28 this section shall disclose to:

196.29 (1) the health care facility employee or the home care provider or hospice provider
196.30 processing the admission the person's status as a registered predatory offender under this
196.31 section; and

197.1 (2) the person's corrections agent, or if the person does not have an assigned corrections
197.2 agent, the law enforcement authority with whom the person is currently required to register,
197.3 that admission will occur.

197.4 (c) A law enforcement authority or corrections agent who receives notice under paragraph
197.5 (b) or who knows that a person required to register under this section is planning to be
197.6 admitted and receive, or has been admitted and is receiving health care at a health care
197.7 facility or home care services from a home care provider or hospice services from a hospice
197.8 provider, shall notify the administrator of the facility or the home care provider or the hospice
197.9 provider and deliver a fact sheet to the administrator or provider containing the following
197.10 information: (1) name and physical description of the offender; (2) the offender's conviction
197.11 history, including the dates of conviction; (3) the risk level classification assigned to the
197.12 offender under section 244.052, if any; and (4) the profile of likely victims.

197.13 (d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility
197.14 receives a fact sheet under paragraph (c) that includes a risk level classification for the
197.15 offender, and if the facility admits the offender, the facility shall distribute the fact sheet to
197.16 all residents at the facility. If the facility determines that distribution to a resident is not
197.17 appropriate given the resident's medical, emotional, or mental status, the facility shall
197.18 distribute the fact sheet to the patient's next of kin or emergency contact.

197.19 (e) If a home care provider or hospice provider receives a fact sheet under paragraph (c)
197.20 that includes a risk level classification for the offender, the provider shall distribute the fact
197.21 sheet to any individual who will provide direct services to the offender before the individual
197.22 begins to provide the service.

197.23 Sec. 11. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

197.24 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate
197.25 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
197.26 offense and offender characteristics. The guidelines promulgated by the commission shall
197.27 be advisory to the district court and shall establish:

197.28 (1) the circumstances under which imprisonment of an offender is proper; and

197.29 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
197.30 on each appropriate combination of reasonable offense and offender characteristics. The
197.31 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
197.32 presumptive, fixed sentence.

198.1 The Sentencing Guidelines promulgated by the commission may also establish appropriate
198.2 sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated
198.3 by the commission establishing sanctions for offenders for whom imprisonment is not proper
198.4 shall make specific reference to noninstitutional sanctions, including but not limited to the
198.5 following: payment of fines, day fines, restitution, community work orders, work release
198.6 programs in local facilities, community based residential and nonresidential programs,
198.7 incarceration in a local correctional facility, and probation and the conditions thereof.

198.8 Although the Sentencing Guidelines are advisory to the district court, the court shall
198.9 follow the procedures of the guidelines when it pronounces sentence in a proceeding to
198.10 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing
198.11 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure
198.12 based on state public policy to maintain uniformity, proportionality, rationality, and
198.13 predictability in sentencing.

198.14 In establishing and modifying the Sentencing Guidelines, the primary consideration of
198.15 the commission shall be public safety. Promoting public safety includes the promotion of
198.16 human rights. "Public safety" means reducing or preventing crime while maintaining the
198.17 basic rights, freedoms, and privileges that belong to every person including the right to
198.18 dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by
198.19 preferring the use of community services to imprisonment or other confinement unless
198.20 confinement is necessary to protect the public, promoting the rehabilitation of those convicted
198.21 through the provision of evidence-based programming and services, and imposing sanctions
198.22 that are the least restrictive necessary to achieve accountability, address the harm for the
198.23 offense, and ensure victim safety. The commission shall also consider current sentencing
198.24 and release practices; correctional resources, including but not limited to the capacities of
198.25 local and state correctional facilities; and the long-term negative impact of the crime on the
198.26 community.

198.27 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the
198.28 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal
198.29 history scores, are not subject to review by the legislative commission to review
198.30 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001
198.31 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,
198.32 including procedures for the promulgation of severity levels and criminal history scores,
198.33 and these rules shall be subject to review by the Legislative Coordinating Commission.

199.1 Sec. 12. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

199.2 Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the
199.3 following:

199.4 (1) the coordination, development and maintenance of services contracts with existing
199.5 state departments and agencies assuring the efficient and economic use of advanced business
199.6 machinery including computers;

199.7 (2) the execution of contracts and agreements with existing state departments for the
199.8 maintenance and servicing of vehicles and communications equipment, and the use of related
199.9 buildings and grounds;

199.10 (3) the development of integrated fiscal services for all divisions, and the preparation
199.11 of an integrated budget for the department;

199.12 (4) the publication and award of grant contracts with state agencies, local units of
199.13 government, and other entities for programs that will benefit the safety of the public; and

199.14 (5) the establishment of a planning bureau within the department.

199.15 (b) The commissioner shall exercise these duties with the goal of promoting public
199.16 safety. Promoting public safety includes the promotion of human rights. "Public safety"
199.17 means reducing or preventing crime while maintaining the basic rights, freedoms, and
199.18 privileges that belong to every person including the right to dignity, fairness, equality,
199.19 respect, and freedom from discrimination, and is achieved by engaging in practices that
199.20 include promoting community cohesion, employing meaningful problem-solving strategies,
199.21 and utilizing the least restrictive sanctions or interventions necessary to reduce or repair
199.22 harm, ensure victim safety, and ensure accountability for offending.

199.23 Sec. 13. [299A.011] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.

199.24 The commissioner may accept donations, grants, bequests, and other gifts of money to
199.25 carry out the purposes of this chapter. Donations, nonfederal grants, bequests, or other gifts
199.26 of money accepted by the commissioner must be deposited in an account in the special
199.27 revenue fund and are appropriated to the commissioner for the purpose for which it was
199.28 given.

199.29 Sec. 14. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

199.30 Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for
199.31 the regional hazardous materials response team costs of response. The commissioner may

200.1 bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional
200.2 court costs. Any funds received by the commissioner under this subdivision are appropriated
200.3 to the commissioner to pay for costs for which the funds were received. Any remaining
200.4 funds at the end of the biennium shall be transferred to the Fire Safety Account.

200.5 Sec. 15. Minnesota Statutes 2020, section 299A.55, is amended to read:

200.6 **299A.55 RAILROAD AND PIPELINE SAFETY; OIL AND OTHER HAZARDOUS**
200.7 **MATERIALS.**

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

200.10 (b) "Applicable rail carrier" means a railroad company that is subject to an assessment
200.11 under section 219.015, subdivision 2.

200.12 (c) "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.

200.13 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.

200.14 (e) "Pipeline company" means any individual, partnership, association, or public or
200.15 private corporation who owns and operates pipeline facilities and is required to show specific
200.16 preparedness under section 115E.03, subdivision 2.

200.17 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
200.18 account is created in the special revenue fund. The account consists of funds collected under
200.19 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

200.20 ~~(b) \$104,000 is annually appropriated from the railroad and pipeline safety account to~~
200.21 ~~the commissioner of the Pollution Control Agency for environmental protection activities~~
200.22 ~~related to railroad discharge preparedness under chapter 115E.~~

200.23 ~~(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
200.24 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
200.25 ~~safety at railroad grade crossings.~~

200.26 ~~(d) Following the appropriation in paragraphs (b) and (c), the remaining money in the~~
200.27 ~~account is~~ (b) Funds are annually appropriated to the commissioner of public safety for the
200.28 purposes specified in subdivision 3.

200.29 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision,
200.30 the commissioner shall provide funds for training and response preparedness related to (1)
200.31 derailments, discharge incidents, or spills involving trains carrying oil or other hazardous

201.1 substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous
201.2 substances.

201.3 (b) The commissioner shall allocate available funds as follows:

201.4 ~~(1) \$100,000 annually for emergency response teams; and~~

201.5 ~~(2) the remaining amount to the Board of Firefighter Training and Education under~~
201.6 ~~section 299N.02 and the Division of Homeland Security and Emergency Management.~~

201.7 (1) \$225,000 for existing full-time equivalent and on-call funding at the Department of
201.8 Public Safety, State Fire Marshal Division;

201.9 (2) \$122,000 for program operating expenses;

201.10 (3) \$128,000 transferred to the Minnesota Pollution Control Agency for program
201.11 operating expenses;

201.12 (4) \$125,000 for Minnesota Board of Firefighter Training and Education training
201.13 programs for fire departments;

201.14 (5) \$200,000 to facilitate and support trainings and exercises for State Emergency
201.15 Response Teams;

201.16 (6) \$200,000 to support local planning;

201.17 (7) \$200,000 to replace state hazmat response team equipment;

201.18 (8) \$700,000 for capital equipment and vehicle replacement; and

201.19 (9) \$600,000 transferred to the Department of Transportation for statewide rail crossing
201.20 improvements.

201.21 (c) Prior to making allocations under paragraph (b), the commissioner shall consult with
201.22 the Fire Service Advisory Committee under section 299F.012, subdivision 2.

201.23 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
201.24 prioritize uses of funds based on:

201.25 (1) firefighter training needs;

201.26 (2) community risk from discharge incidents or spills;

201.27 (3) geographic balance; and

201.28 (4) recommendations of the Fire Service Advisory Committee.

201.29 (e) The following are permissible uses of funds provided under this subdivision:

202.1 (1) training costs, which may include, but are not limited to, training curriculum, trainers,
202.2 trainee overtime salary, other personnel overtime salary, and tuition;

202.3 (2) costs of gear and equipment related to hazardous materials readiness, response, and
202.4 management, which may include, but are not limited to, original purchase, maintenance,
202.5 and replacement;

202.6 (3) supplies related to the uses under clauses (1) and (2); and

202.7 (4) emergency preparedness planning and coordination.

202.8 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
202.9 safety account provided for the purposes under this subdivision, the commissioner may
202.10 retain a balance in the account for budgeting in subsequent fiscal years.

202.11 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
202.12 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
202.13 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
202.14 and pipeline safety account under subdivision 2.

202.15 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
202.16 divided in equal proportion between applicable rail carriers based on route miles operated
202.17 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
202.18 assessment amount, divided in equal proportion between companies based on the yearly
202.19 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

202.20 ~~(e) The assessments under this subdivision expire July 1, 2017.~~

202.21 Sec. 16. [299A.625] INNOVATION IN COMMUNITY SAFETY.

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

202.24 (b) "Civilian review board" means a board, commission, or other oversight body created
202.25 to provide civilian oversight of the conduct of peace officers and law enforcement agencies.

202.26 (c) "Local commission" has the meaning given in section 363A.03, subdivision 23.

202.27 (d) "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

202.28 (e) "Targeted area" means one or more contiguous census tracts as reported in the most
202.29 recently completed decennial census published by the United States Bureau of the Census
202.30 that has a poverty rate of at least 20 percent and which experiences a disproportionately
202.31 high rate of violent crime.

203.1 Subd. 2. **Innovation in community safety; coordinator; qualifications.** (a) The
203.2 commissioner shall appoint a coordinator to work in the Office of Justice Programs in the
203.3 Department of Public Safety to direct a targeted, community-centered response to violence.
203.4 The coordinator shall serve in the unclassified service.

203.5 (b) The coordinator shall have experience:

203.6 (1) living in a targeted area;

203.7 (2) providing direct services to victims or others in communities impacted by violence;

203.8 (3) writing or reviewing grant applications;

203.9 (4) building coalitions within the African American community and other communities
203.10 that have experienced systemic discrimination; and

203.11 (5) leading a nonprofit organization.

203.12 Subd. 3. **Coordinator; duties.** The coordinator shall work with community members
203.13 to develop a strategy to address violence within targeted areas and promote community
203.14 healing and recovery. Additionally, the coordinator shall:

203.15 (1) serve as a liaison between the office and the councils created in sections 3.922 and
203.16 15.0145;

203.17 (2) provide technical assistance or navigation services to individuals seeking to apply
203.18 for grants issued by the office;

203.19 (3) identify targeted areas;

203.20 (4) organize and provide technical assistance to local grant advisory boards;

203.21 (5) assist local grant advisory boards in soliciting applications for grants;

203.22 (6) develop simplified grant application materials;

203.23 (7) identify effective forms of community-led intervention to promote public safety;

203.24 (8) encourage the use of restorative justice programs including but not limited to
203.25 sentencing circles; and

203.26 (9) administer grants.

203.27 Subd. 4. **Innovation in community safety grants.** (a) Pursuant to the decisions of
203.28 community grant advisory boards, the coordinator shall issue grants to organizations in
203.29 targeted areas for the purposes identified in this subdivision. The coordinator may prioritize
203.30 targeted areas, determine which targeted areas are eligible for grants, and establish the total

204.1 amount of money available for grants in each targeted area provided that an eligible targeted
204.2 area must receive at least \$1,000,000 for grants. In prioritizing targeted areas, the coordinator
204.3 shall prioritize areas that have the highest rates of violent crime.

204.4 (b) Recipients of youth, young adult, and family antiviolence outreach program grants
204.5 may work with other organizations including but not limited to law enforcement, state and
204.6 local public agencies, interfaith organizations, nonprofit organizations, and African immigrant
204.7 and African American community organizations and stakeholders; may focus on African
204.8 immigrant and African American youth and young adults; and must:

204.9 (1) identify behaviors indicating that an individual is vulnerable to committing or being
204.10 the victim of bullying or interfamily, community, or domestic abuse;

204.11 (2) identify and assess factors and influences, including but not limited to family
204.12 dysfunction and cultural disengagement that make youth and young adults vulnerable to
204.13 recruitment by violent organizations;

204.14 (3) develop strategies to reduce and eliminate abusive and bullying behaviors among
204.15 youth and adults;

204.16 (4) develop and implement strategies to reduce and eliminate the factors and influences
204.17 that make youth and young adults vulnerable to recruitment by violent organizations;

204.18 (5) develop strategies, programs, and services to educate parents and other family
204.19 members to recognize and address behaviors indicating that youth are being recruited by
204.20 violent organizations; and

204.21 (6) in collaboration with public entities and other community and private organizations
204.22 that provide services to at-risk youth and families, develop strategies, programs, and services
204.23 to reduce and eliminate bullying, abusive behavior, and the vulnerability of youth to
204.24 recruitment by violent organizations, including but not limited to:

204.25 (i) expressive and receptive communications programs including music, art, theater,
204.26 dance, and play designed to teach and develop appropriate skills for interfaith family
204.27 communication;

204.28 (ii) development of protective skills and positive coping skills to deal with bullying,
204.29 domestic abuse and interfaith family violence, and violent confrontations in the community;

204.30 (iii) culturally appropriate individual and family counseling focusing on communication
204.31 and interpersonal relations with the family and, when appropriate, the African immigrant
204.32 and African American community;

- 205.1 (iv) after-school and summer programs for youth and young adults that are structured
205.2 and include components offering physical recreation, sports, mentorship, education
205.3 enrichment, art, music, and social activities that are culturally appropriate;
- 205.4 (v) individual and family-oriented financial planning and management skill building;
- 205.5 (vi) culturally appropriate individual and family counseling focusing on education and
205.6 employment counseling; and
- 205.7 (vii) information regarding, and direct links to, entities that provide employment skills
205.8 training, job search and placement, and employment support activities and services.
- 205.9 (c) Recipients of grants to implement the Minnesota SafeStreets program must work
205.10 with other organizations and persons in the community to develop community-based
205.11 responses to violence that:
- 205.12 (1) use and adapt critical incident response methods which have been identified as best
205.13 practices in the field including violence prevention, situational de-escalation, mitigation of
205.14 trauma, and restorative justice;
- 205.15 (2) provide targeted interventions to prevent the escalation of violence after the occurrence
205.16 of serious incidents, such as a shooting, murder, or other violent crime;
- 205.17 (3) de-escalate violence with the use of community-based interventions designed to
205.18 prevent conflict from becoming violent;
- 205.19 (4) provide an alternative to adjudication through a restorative justice model for persons
205.20 who commit lower level offenses;
- 205.21 (5) develop working relationships with community providers to enable young people to
205.22 care for themselves and their families in healthy and empowered ways; and
- 205.23 (6) culminate in a collective action plan which, at a minimum, includes the following:
- 205.24 (i) increased educational opportunities;
- 205.25 (ii) meaningful workforce opportunities;
- 205.26 (iii) leadership-based entrepreneurial and social enterprise opportunities;
- 205.27 (iv) expanded mental health and chemical health services; and
- 205.28 (v) access to critically needed human and social services.
- 205.29 (d) Recipients of grants to promote community healing must provide programs and direct
205.30 intervention to promote wellness and healing justice and may use funds for:

206.1 (1) programmatic and community care support for wellness and healing justice
206.2 practitioners;

206.3 (2) the establishment and expansion of community organizations that provide wellness
206.4 and healing justice services;

206.5 (3) placing wellness and healing justice practitioners in organizations that provide direct
206.6 service to Black, Indigenous, and people of color communities in Minnesota;

206.7 (4) providing healing circles;

206.8 (5) establishing and expanding Community Coach Certification programs to train
206.9 community healers and establish a long-term strategy to build the infrastructure for
206.10 community healers to be available during times of tragedy; or

206.11 (6) restorative justice programs including but not limited to sentencing circles.

206.12 (e) Recipients of grants to establish or maintain co-responder teams must partner with
206.13 local units of government or Tribal governments to build on existing mobile mental health
206.14 crisis teams and identify gaps in order to do any of the following:

206.15 (1) develop and establish independent crisis-response teams to de-escalate volatile
206.16 situations;

206.17 (2) respond to situations involving a mental health crisis;

206.18 (3) promote community-based efforts designed to enhance community safety and
206.19 wellness; or

206.20 (4) support community-based strategies to interrupt, intervene in, or respond to violence.

206.21 (f) Recipients of grants to establish or maintain community-based mental health and
206.22 social service centers must provide direct services to community members in targeted areas.

206.23 Subd. 5. **Appropriation; distribution.** (a) Of the amount appropriated for grants issued
206.24 pursuant to subdivision 4, two-thirds shall be distributed in the metropolitan area and
206.25 one-third shall be distributed outside the metropolitan area.

206.26 (b) No grant recipient shall receive more than \$1,000,000 each year.

206.27 Subd. 6. **Community grant advisory boards; members.** (a) The coordinator shall work
206.28 with the chair or director of a local commission, civilian review board, or similar organization
206.29 to establish a community grant advisory board within a targeted area.

206.30 (b) Community grant advisory boards shall review grant applications and direct the
206.31 coordinator to award grants to approved applicants.

207.1 (c) The chair or director of a local commission, civilian review board, or similar
207.2 organization shall serve as the chair of a community grant advisory board.

207.3 (d) A community grant advisory board shall include the chair and at least four but not
207.4 more than six other members.

207.5 (e) The membership of community grant advisory boards shall reflect the demographic
207.6 makeup of the targeted area and the members, other than the chair, must reside in the targeted
207.7 area over which a board has jurisdiction. A majority of the members of a board must provide
207.8 direct services to victims or others in the targeted area as a part of the person's employment
207.9 or regular volunteer work.

207.10 (f) Community grant advisory board members may not accept gifts, donations, or any
207.11 other thing of value from applicants.

207.12 Subd. 7. **Community grant advisory board; procedure.** (a) Community grant advisory
207.13 boards shall provide notice of available grants and application materials for organizations
207.14 or individuals to apply for grants.

207.15 (b) Community grant advisory boards shall establish reasonable application deadlines
207.16 and review grant applications. Boards may interview applicants and invite presentations.

207.17 (c) Community grant advisory boards shall determine which applicants will receive
207.18 funds and the amount of those funds, and shall inform the coordinator of their decisions.

207.19 Sec. 17. **[299A.783] STATEWIDE ANTITRAFFICKING INVESTIGATION**
207.20 **COORDINATION.**

207.21 Subdivision 1. **Antitrafficking investigation coordinator.** The commissioner of public
207.22 safety must appoint a statewide antitrafficking investigation coordinator who shall work in
207.23 the Office of Justice Programs. The coordinator must be a current or former law enforcement
207.24 officer or prosecutor with experience investigating or prosecuting trafficking-related offenses.
207.25 The coordinator must also have knowledge of services available to and Safe Harbor response
207.26 for victims of sex trafficking and sexual exploitation and Minnesota's child welfare system
207.27 response. The coordinator serves at the pleasure of the commissioner in the unclassified
207.28 service.

207.29 Subd. 2. **Coordinator's responsibilities.** The coordinator shall have the following duties:

207.30 (1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,
207.31 courts, child welfare workers, social service providers, medical providers, and other
207.32 community members;

- 208.1 (2) establish standards for approved training and review compliance with those standards;
- 208.2 (3) coordinate and monitor multijurisdictional sex trafficking task forces;
- 208.3 (4) review, develop, promote, and monitor compliance with investigative protocols to
- 208.4 ensure that law enforcement officers and prosecutors engage in best practices;
- 208.5 (5) provide technical assistance and advice related to the investigation and prosecution
- 208.6 of trafficking offenses and the treatment of victims;
- 208.7 (6) promote the efficient use of resources by addressing issues of deconfliction, providing
- 208.8 advice regarding questions of jurisdiction, and promoting the sharing of data between entities
- 208.9 investigating and prosecuting trafficking offenses;
- 208.10 (7) assist in the appropriate distribution of grants;
- 208.11 (8) perform other duties necessary to ensure effective and efficient investigation and
- 208.12 prosecution of trafficking-related offenses; and
- 208.13 (9) coordinate with other federal, state, and local agencies to ensure multidisciplinary
- 208.14 responses to trafficking and exploitation of youth in Minnesota.

208.15 Sec. 18. **[299A.85] OFFICE FOR MISSING AND MURDERED INDIGENOUS**

208.16 **RELATIVES.**

208.17 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings

208.18 given.

208.19 (a) "Indigenous" means descended from people who were living in North America at

208.20 the time people from Europe began settling in North America.

208.21 (b) "Missing and murdered Indigenous relatives" means missing and murdered Indigenous

208.22 people.

208.23 (c) "Missing and Murdered Indigenous Women Task Force report" means the report

208.24 titled "Missing and Murdered Indigenous Women Task Force: a Report to the Minnesota

208.25 Legislature," published by the Wilder Research organization in December 2020.

208.26 Subd. 2. **Establishment.** The commissioner shall establish and maintain an office

208.27 dedicated to preventing and ending the targeting of Indigenous women, children, and

208.28 two-spirited people with the Minnesota Office of Justice Programs.

208.29 Subd. 3. **Executive director; staff.** (a) The commissioner must appoint an executive

208.30 director who is a person closely connected to a Tribe or Indigenous community and who is

208.31 highly knowledgeable about criminal investigations. The commissioner is encouraged to

209.1 consider candidates for appointment who are recommended by Tribes and Indigenous
209.2 communities. The executive director serves in the unclassified service.

209.3 (b) The executive director may select, appoint, and compensate out of available funds
209.4 assistants and employees as necessary to discharge the office's responsibilities. The executive
209.5 director may appoint an assistant executive director in the unclassified service.

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

209.8 Subd. 4. **Duties.** The office has the following duties:

209.9 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
209.10 the mandates identified in the Missing and Murdered Indigenous Women Task Force report;

209.11 (2) advocate for state agencies to take actions to facilitate the accomplishment of the
209.12 mandates identified in the Missing and Murdered Indigenous Women Task Force report;

209.13 (3) develop recommendations for legislative and agency actions to address injustice in
209.14 the criminal justice system's response to the cases of missing and murdered Indigenous
209.15 relatives;

209.16 (4) facilitate research to refine the mandates in the Missing and Murdered Indigenous
209.17 Women Task Force report and to assess the potential efficacy, feasibility, and impact of the
209.18 recommendations;

209.19 (5) develop tools and processes to evaluate the implementation and impact of the efforts
209.20 of the office;

209.21 (6) facilitate technical assistance for local and Tribal law enforcement agencies during
209.22 active missing and murdered Indigenous relatives cases;

209.23 (7) conduct case reviews and report on the results of case reviews for the following types
209.24 of missing and murdered Indigenous relatives cases: cold cases for missing Indigenous
209.25 people and death investigation review for cases of Indigenous people ruled as suicide or
209.26 overdose under suspicious circumstances;

209.27 (8) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
209.28 committed a violent or exploitative crime against an Indigenous person. These case reviews
209.29 should identify those cases where the perpetrator is a repeat offender;

209.30 (9) prepare draft legislation as necessary to allow the office access to the data required
209.31 for the office to conduct the reviews required in this section and advocate for passage of
209.32 that legislation;

210.1 (10) review sentencing guidelines for missing and murdered Indigenous women-related
210.2 crimes, recommend changes if needed, and advocate for consistent implementation of the
210.3 guidelines across Minnesota courts;

210.4 (11) develop and maintain communication with relevant divisions in the Department of
210.5 Public Safety regarding any cases involving missing and murdered Indigenous relatives and
210.6 on procedures for investigating cases involving missing and murdered Indigenous relatives;
210.7 and

210.8 (12) coordinate, as relevant, with the Bureau of Indian Affairs' Cold Case Office through
210.9 Operation Lady Justice and other federal efforts, as well as efforts in neighboring states and
210.10 Canada. This recommendation pertains to state efforts. Tribes are sovereign nations that
210.11 have the right to determine if and how they will coordinate with these other efforts.

210.12 Subd. 5. **Coordination with other organizations.** In fulfilling its duties the office may
210.13 coordinate, as useful, with stakeholder groups that were represented on the Missing and
210.14 Murdered Indigenous Women Task Force and state agencies that are responsible for the
210.15 systems that play a role in investigating, prosecuting, and adjudicating cases involving
210.16 violence committed against Indigenous women, those who have a role in supporting or
210.17 advocating for missing or murdered Indigenous women and the people who seek justice for
210.18 them, and those who represent the interests of Indigenous people. This includes the following
210.19 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
210.20 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
210.21 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
210.22 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
210.23 Coast Guard; state agencies, including the Departments of Health, Human Services,
210.24 Education, Corrections, and Public Safety; the Minnesota Indian Affairs Council; service
210.25 providers who offer legal services, advocacy, and other services to Indigenous women and
210.26 girls; the Minnesota Indian Women's Sexual Assault Coalition; Mending the Sacred Hoop;
210.27 Indian health organizations; Indigenous women and girls who are survivors; the 11 Tribal
210.28 nations that share geography with Minnesota; and organizations and leadership from urban
210.29 and statewide American Indian communities.

210.30 Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its
210.31 statutory duties, along with specific objectives and outcome measures proposed for the
210.32 following year. The office must submit the report by January 15 each year to the chairs and
210.33 ranking minority members of the legislative committees with primary jurisdiction over
210.34 public safety.

211.1 Subd. 7. **Grants.** The office may apply for and receive grants from public and private
211.2 entities for purposes of carrying out the office's duties under this section.

211.3 Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the executive director
211.4 has access to corrections and detention data and medical data maintained by an agency and
211.5 classified as private data on individuals or confidential data on individuals when access to
211.6 the data is necessary for the office to perform its duties under this section.

211.7 Sec. 19. **[299A.86] MINNESOTA HEALS.**

211.8 (a) The Minnesota Heals Initiative is established in the Department of Public Safety to
211.9 provide:

211.10 (1) grants to community healing networks;

211.11 (2) resources for families after an officer-involved death; and

211.12 (3) a statewide critical incident stress management service.

211.13 (b) The commissioner of public safety shall establish and maintain a Statewide Critical
211.14 Incident Stress Management Service Office for first responders. The office shall manage a
211.15 mental health and wellness program for first responders including but not limited to regular
211.16 trainings and education videos, self-assessment tools, and professional guidance and
211.17 coaching. The office shall establish response teams across the state; provide support and
211.18 technical assistance in establishing mutual aid requests; and develop and implement new
211.19 trainings, services, online resources, and meetings. The office shall also maintain a referral
211.20 program.

211.21 (c) The Office of Justice Programs shall administer a grant program to fund community
211.22 healing networks to sustain trauma-informed responses to promote healing after critical
211.23 events and natural disasters. Grants are for culturally, trauma-informed training and for
211.24 coordinating a statewide response network of trainers and responders in collaboration with
211.25 local or Tribal governments, or both governments in impacted areas.

211.26 (d) The Office of Justice Programs shall establish and maintain a fund to reimburse costs
211.27 related to funeral and burial expenses, cultural healing ceremonies, and mental health and
211.28 trauma healing services for family members impacted by officer-involved deaths.

211.29 Sec. 20. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

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

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

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

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

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

212.10 Sec. 21. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

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

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

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

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

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

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

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

212.28 Sec. 22. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

212.29 **Subdivision 1. Emergency telecommunications service fee; account.** (a) Each customer
212.30 of a wireless or wire-line switched or packet-based telecommunications service provider
212.31 connected to the public switched telephone network that furnishes service capable of

213.1 originating a 911 emergency telephone call is assessed a fee based upon the number of
213.2 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
213.3 maintenance and related improvements for trunking and central office switching equipment
213.4 for 911 emergency telecommunications service, to offset administrative and staffing costs
213.5 of the commissioner related to managing the 911 emergency telecommunications service
213.6 program, to make distributions provided for in section 403.113, and to offset the costs,
213.7 including administrative and staffing costs, incurred by the State Patrol Division of the
213.8 Department of Public Safety in handling 911 emergency calls made from wireless phones.

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

213.13 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
213.14 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
213.15 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~
213.16 ~~eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access~~
213.17 line or other basic access service, including trunk equivalents as designated by the Public
213.18 Utilities Commission for access charge purposes and including wireless telecommunications
213.19 services. With the approval of the commissioner of management and budget, the
213.20 commissioner of public safety shall establish the amount of the fee within the limits specified
213.21 and inform the companies and carriers of the amount to be collected. When the revenue
213.22 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
213.23 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
213.24 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
213.25 notice of each fee change. The fee must be the same for all customers, except that the fee
213.26 imposed under this subdivision does not apply to prepaid wireless telecommunications
213.27 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
213.28 paragraph (a).

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

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

214.3 Sec. 23. [604A.06] AID TO SEXUAL ASSAULT VICTIMS.

214.4 Subdivision 1. Person seeking assistance; immunity from prosecution. (a) A person
214.5 acting in good faith who contacts a 911 operator or first responder to report that a sexual
214.6 assault victim is in need of assistance may not be charged or prosecuted for:

214.7 (1) the possession, sharing, or use of a controlled substance under section 152.025, or
214.8 possession of drug paraphernalia; and

214.9 (2) if the person is under the age of 21 years, the possession, purchase, or consumption
214.10 of alcoholic beverages under section 340A.503.

214.11 (b) A person qualifies for the immunities provided in this subdivision only if:

214.12 (1) the evidence for the charge or prosecution was obtained as a result of the person's
214.13 seeking assistance for a sexual assault victim; and

214.14 (2) the person seeks assistance for a sexual assault victim who is in need of assistance
214.15 for an immediate health or safety concern, provided that the person who seeks the assistance
214.16 is the first person to seek the assistance, provides a name and contact information, and
214.17 remains on the scene until assistance arrives or is provided.

214.18 (c) This subdivision applies to one or two persons acting in concert with the person
214.19 initiating contact provided all the requirements of paragraphs (a) and (b) are met.

214.20 Subd. 2. Person experiencing sexual assault; immunity from prosecution. (a) A
214.21 sexual assault victim who is in need of assistance may not be charged or prosecuted for:

214.22 (1) the possession, sharing, or use of a controlled substance under section 152.025, or
214.23 possession of drug paraphernalia; and

214.24 (2) if the victim is under the age of 21 years, the possession, purchase, or consumption
214.25 of alcoholic beverages under section 340A.503.

214.26 (b) A victim qualifies for the immunities provided in this subdivision only if the evidence
214.27 for the charge or prosecution was obtained as a result of the request for assistance related
214.28 to the sexual assault.

214.29 Subd. 3. Persons on probation or release. A person's pretrial release, probation,
214.30 furlough, supervised release, or parole shall not be revoked based on an incident for which
214.31 the person would be immune from prosecution under subdivision 1 or 2.

215.1 Subd. 4. Effect on other criminal prosecutions. (a) The act of providing assistance to
215.2 a sexual assault victim may be used as a mitigating factor in a criminal prosecution for
215.3 which immunity is not provided.

215.4 (b) Nothing in this section shall:

215.5 (1) be construed to bar the admissibility of any evidence obtained in connection with
215.6 the investigation and prosecution of other crimes or violations committed by a person who
215.7 otherwise qualifies for limited immunity under this section;

215.8 (2) preclude prosecution of a person on the basis of evidence obtained from an
215.9 independent source;

215.10 (3) be construed to limit, modify, or remove any immunity from liability currently
215.11 available to public entities, public employees by law, or prosecutors; or

215.12 (4) prevent probation officers from conducting drug or alcohol testing of persons on
215.13 pretrial release, probation, furlough, supervised release, or parole.

215.14 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to actions
215.15 arising from incidents occurring on or after that date.

215.16 Sec. 24. Minnesota Statutes 2020, section 609.3459, is amended to read:

215.17 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

215.18 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
215.19 enforcement investigation by contacting any law enforcement agency, regardless of where
215.20 the crime may have occurred. The agency must prepare a summary of the allegation and
215.21 provide the person with a copy of it. The agency must begin an investigation of the facts,
215.22 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
215.23 with the summary to the law enforcement agency where the suspected crime was committed
215.24 for an investigation of the facts. If the agency learns that both the victim and the accused
215.25 are members of the Minnesota National Guard, the agency receiving the report must refer
215.26 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
215.27 pursuant to section 299C.80.

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

216.1 Sec. 25. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

216.2 Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

216.3 (1) the certification of postsecondary schools to provide programs of professional peace
216.4 officer education;

216.5 (2) minimum courses of study and equipment and facilities to be required at each certified
216.6 school within the state;

216.7 (3) minimum qualifications for coordinators and instructors at certified schools offering
216.8 a program of professional peace officer education located within this state;

216.9 (4) minimum standards of physical, mental, and educational fitness which shall govern
216.10 the admission to professional peace officer education programs and the licensing of peace
216.11 officers within the state, by any state, county, municipality, or joint or contractual
216.12 combination thereof, including members of the Minnesota State Patrol;

216.13 (5) board-approved continuing education courses that ensure professional competence
216.14 of peace officers and part-time peace officers;

216.15 (6) minimum standards of conduct which would affect the individual's performance of
216.16 duties as a peace officer. These standards shall be established and published. The board
216.17 shall review the minimum standards of conduct described in this clause for possible
216.18 modification in 1998 and every three years after that time;

216.19 (7) a set of educational learning objectives that must be met within a certified school's
216.20 professional peace officer education program. These learning objectives must concentrate
216.21 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
216.22 these learning objectives shall be deemed satisfactory for the completion of the minimum
216.23 basic training requirement;

216.24 (8) the establishment and use by any political subdivision or state law enforcement
216.25 agency that employs persons licensed by the board of procedures for investigation and
216.26 resolution of allegations of misconduct by persons licensed by the board. The procedures
216.27 shall be in writing and shall be established on or before October 1, 1984;

216.28 (9) the issues that must be considered by each political subdivision and state law
216.29 enforcement agency that employs persons licensed by the board in establishing procedures
216.30 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
216.31 vehicle being operated in violation of section 609.487, and requirements for the training of
216.32 peace officers in conducting pursuits. The adoption of specific procedures and requirements
216.33 is within the authority of the political subdivision or agency;

217.1 (10) supervision of part-time peace officers and requirements for documentation of hours
217.2 worked by a part-time peace officer who is on active duty. These rules shall be adopted by
217.3 December 31, 1993;

217.4 (11) citizenship requirements for peace officers and part-time peace officers;

217.5 (12) driver's license requirements for peace officers and part-time peace officers; and

217.6 (13) such other matters as may be necessary consistent with sections 626.84 to 626.863.
217.7 Rules promulgated by the attorney general with respect to these matters may be continued
217.8 in force by resolution of the board if the board finds the rules to be consistent with sections
217.9 626.84 to 626.863.

217.10 (b) In adopting and enforcing the rules described under paragraph (a), the board shall
217.11 prioritize the goal of promoting public safety. Promoting public safety includes the promotion
217.12 of human rights. "Public safety" means reducing or preventing crime while maintaining the
217.13 basic rights, freedoms, and privileges that belong to every person including the right to
217.14 dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by
217.15 engaging in practices that include promoting community cohesion, employing meaningful
217.16 problem-solving strategies, and utilizing the least restrictive sanctions or interventions
217.17 necessary to reduce or repair harm, ensure victim safety, and ensure accountability for
217.18 offending.

217.19 Sec. 26. Minnesota Statutes 2020, section 628.26, is amended to read:

217.20 **628.26 LIMITATIONS.**

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

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

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

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

218.1 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
218.2 ~~if the victim was under the age of 18 years at the time the offense was committed, shall may~~
218.3 ~~be found or made and filed in the proper court within the later of nine years after the~~
218.4 ~~commission of the offense or three years after the offense was reported to law enforcement~~
218.5 ~~authorities at any time after the commission of the offense.~~

218.6 ~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for~~
218.7 ~~violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in~~
218.8 ~~the proper court at any time after commission of the offense, if physical evidence is collected~~
218.9 ~~and preserved that is capable of being tested for its DNA characteristics. If this evidence is~~
218.10 ~~not collected and preserved and the victim was 18 years old or older at the time of the~~
218.11 ~~offense, the prosecution must be commenced within nine years after the commission of the~~
218.12 ~~offense.~~

218.13 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
218.14 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
218.15 within six years after the commission of the offense.

218.16 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
218.17 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
218.18 the value of the property or services stolen is more than \$35,000, or for violation of section
218.19 609.527 where the offense involves eight or more direct victims or the total combined loss
218.20 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
218.21 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

219.9 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
 219.10 committed on or after that date and to crimes committed before that date if the limitations
 219.11 period for the crime did not expire before August 1, 2021.

219.12 Sec. 27. Laws 2016, chapter 189, article 4, section 7, is amended to read:

219.13 **Sec. 7. PUBLIC SAFETY** **\$ -0- \$ 6,100,000**

219.14 Appropriations by Fund

219.15 General -0- 1,600,000

219.16 Trunk Highway -0- 4,500,000

219.17 The amounts that may be spent for each
 219.18 purpose are specified in the following
 219.19 paragraphs.

219.20 **(a) DNA Laboratory**

219.21 \$630,000 is for the Bureau of Criminal
 219.22 Apprehension DNA laboratory, including the
 219.23 addition of six forensic scientists. The base
 219.24 for this activity is \$1,000,000 in each of the
 219.25 fiscal years 2018 and 2019 for eight forensic
 219.26 scientists.

219.27 **(b) Children In Need of Services or in**
 219.28 **Out-Of-Home Placement**

219.29 \$150,000 is for a grant to an organization that
 219.30 provides legal representation to children in
 219.31 need of protection or services and children in
 219.32 out-of-home placement. The grant is

220.1 contingent upon a match in an equal amount
 220.2 from nonstate funds. The match may be in
 220.3 kind, including the value of volunteer attorney
 220.4 time, or in cash, or in a combination of the
 220.5 two.

220.6 **(c) Sex Trafficking**

220.7 \$820,000 is for grants to state and local units
 220.8 of government for the following purposes:

220.9 (1) to support new or existing
 220.10 multijurisdictional entities to investigate sex
 220.11 trafficking crimes; and

220.12 (2) to provide technical assistance for sex
 220.13 trafficking crimes, including ~~training and~~ case
 220.14 consultation, to law enforcement agencies
 220.15 statewide.

220.16 **(d) State Patrol**

220.17 \$4,500,000 is from the trunk highway fund to
 220.18 recruit, hire, train, and equip a State Patrol
 220.19 Academy. This amount is added to the
 220.20 appropriation in Laws 2015, chapter 75, article
 220.21 1, section 5, subdivision 3. The base
 220.22 appropriation from the trunk highway fund
 220.23 for patrolling highways in each of fiscal years
 220.24 2018 and 2019 is \$87,492,000, which includes
 220.25 \$4,500,000 each year for a State Patrol
 220.26 Academy.

220.27 Sec. 28. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

220.28	Subd. 7. Office of Justice Programs		39,580,000	40,036,000
220.29	Appropriations by Fund			
220.30	General	39,484,000	39,940,000	
220.31	State Government			
220.32	Special Revenue	96,000	96,000	

220.33 **(a) OJP Administration Costs**

221.1 Up to 2.5 percent of the grant funds
221.2 appropriated in this subdivision may be used
221.3 by the commissioner to administer the grant
221.4 program.

221.5 **(b) Combating Terrorism Recruitment**

221.6 \$250,000 each year is for grants to local law
221.7 enforcement agencies to develop strategies
221.8 and make efforts to combat the recruitment of
221.9 Minnesota residents by terrorist organizations
221.10 such as ISIS and al-Shabaab. This is a onetime
221.11 appropriation.

221.12 **(c) Sex Trafficking Prevention Grants**

221.13 \$180,000 each year is for grants to state and
221.14 local units of government for the following
221.15 purposes:

221.16 (1) to support new or existing
221.17 multijurisdictional entities to investigate sex
221.18 trafficking crimes; and

221.19 (2) to provide technical assistance, including
221.20 ~~training and~~ case consultation, to law
221.21 enforcement agencies statewide.

221.22 **(d) Pathway to Policing Reimbursement Grants**

221.23 \$400,000 the second year is for reimbursement
221.24 grants to local units of government that operate
221.25 pathway to policing programs intended to
221.26 bring persons with nontraditional backgrounds
221.27 into law enforcement. Applicants for
221.28 reimbursement grants may receive up to 50
221.29 percent of the cost of compensating and
221.30 training pathway to policing participants.
221.31 Reimbursement grants shall be proportionally
221.32 allocated based on the number of grant
221.33 applications approved by the commissioner.

222.1 Sec. 29. Laws 2020, Second Special Session chapter 1, section 9, the effective date, is
222.2 amended to read:

222.3 **EFFECTIVE DATE.** This section is effective ~~March 1~~ May 8, 2021.

222.4 **EFFECTIVE DATE.** This section is effective the day following final enactment and
222.5 applies retroactively from March 1, 2021.

222.6 Sec. 30. Laws 2020, Second Special Session chapter 1, section 10, the effective date, is
222.7 amended to read:

222.8 **EFFECTIVE DATE.** This section is effective ~~March 1~~ May 8, 2021.

222.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and
222.10 applies retroactively from March 1, 2021.

222.11 Sec. 31. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended
222.12 to read:

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

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

222.20 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
222.21 ~~commissioner of management and budget the amount of permit fees waived under section~~
222.22 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
222.23 ~~commissioner of management and budget must transfer the certified amount from the general~~
222.24 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
222.25 ~~Minnesota Statutes, section 299A.706.~~

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

222.27 Sec. 32. **SURVIVOR SUPPORT AND PREVENTION GRANTS.**

222.28 **Subdivision 1. Meeting victim needs; grants.** The Office of Justice Programs shall
222.29 award grants directly to victim survivors of crime to support their needs and mitigate the

223.1 impacts of crime on those individuals, and shall award grants to meet emerging or unmet
223.2 needs impacting victims of crime.

223.3 Subd. 2. **Eligibility and awards.** (a) For grants awarded directly to victim survivors,
223.4 the director shall establish the eligibility requirements and mechanisms for distribution of
223.5 funds in consultation with Violence Free Minnesota, the Minnesota Coalition Against Sexual
223.6 Assault, Minnesota Alliance on Crime, the Minnesota Indian Women Sexual Assault
223.7 Coalition, and Sacred Hoop Coalition. Eligibility requirements shall prioritize victim
223.8 survivors based on economic need; whether the victim survivor is a member of an
223.9 underserved population; whether the person was a victim of sexual assault, domestic violence,
223.10 child abuse, or other violent crime; and whether the victim was a juvenile.

223.11 (b) For grants to meet emerging or unmet needs impacting victims of crime, the director
223.12 shall award grants to individuals or organizations who provide direct support to victims
223.13 including, but not limited to, providing support for immediate and emerging needs for
223.14 victims of crime or for domestic abuse transformative justice programs. The director shall
223.15 prioritize applicants seeking to establish, maintain, or expand services to underserved
223.16 populations.

223.17 (c) Of the amount appropriated for survivor support and prevention grants, at least 30
223.18 percent must be provided directly to victim survivors pursuant to paragraph (a) and at least
223.19 30 percent must be awarded to individuals or organizations providing support to victims
223.20 pursuant to paragraph (b).

223.21 Subd. 3. **Report.** (a) By January 15 of each odd-numbered year the director shall submit
223.22 a report to the legislative committees with jurisdiction over public safety on the survivor
223.23 support and prevention grants. At a minimum, the report shall include the following:

223.24 (1) the total number of grants issued directly to victim survivors;

223.25 (2) the average amount of money provided directly to victim survivors;

223.26 (3) summary demographic information of recipients of direct financial assistance,
223.27 including the age, sex, and race of the recipients;

223.28 (4) summary information identifying the crimes committed against the recipients of
223.29 direct assistance;

223.30 (5) summary information identifying the counties in which recipients of direct assistance
223.31 resided at the time they received a grant;

223.32 (6) the total number of grants issued to individuals or organizations providing support
223.33 for crime victims;

224.1 (7) the amount of grants issued to individuals or organizations providing support for
224.2 crime victims; and

224.3 (8) the services provided by the grant recipients that provided support for crime victims.

224.4 (b) If the director enters into an agreement with any other organization for the distribution
224.5 of funds, the director shall require that organization to provide the information identified
224.6 in paragraph (a).

224.7 **Sec. 33. TASK FORCE ON MISSING AND MURDERED AFRICAN AMERICAN**
224.8 **WOMEN.**

224.9 Subdivision 1. **Creation and duties.** (a) The Task Force on Missing and Murdered
224.10 African American Women is established to advise the commissioner of public safety and
224.11 report to the legislature on recommendations to reduce and end violence against African
224.12 American women and girls in Minnesota. The task force may also serve as a liaison between
224.13 the commissioner and agencies and nonprofit, nongovernmental organizations that provide
224.14 legal, social, or other community services to victims, victims' families, and victims'
224.15 communities.

224.16 (b) The Task Force on Missing and Murdered African American Women must examine
224.17 and report on the following:

224.18 (1) the systemic causes behind violence that African American women and girls
224.19 experience, including patterns and underlying factors that explain why disproportionately
224.20 high levels of violence occur against African American women and girls, including
224.21 underlying historical, social, economic, institutional, and cultural factors which may
224.22 contribute to the violence;

224.23 (2) appropriate methods for tracking and collecting data on violence against African
224.24 American women and girls, including data on missing and murdered African American
224.25 women and girls;

224.26 (3) policies and institutions such as policing, child welfare, coroner practices, and other
224.27 governmental practices that impact violence against African American women and girls
224.28 and the investigation and prosecution of crimes of gender violence against African American
224.29 people;

224.30 (4) measures necessary to address and reduce violence against African American women
224.31 and girls; and

225.1 (5) measures to help victims, victims' families, and victims' communities prevent and
225.2 heal from violence that occurs against African American women and girls.

225.3 (c) At its discretion, the task force may examine other related issues consistent with this
225.4 section as necessary.

225.5 Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and
225.6 Murdered African American Women shall consist of the following individuals, or their
225.7 designees, who are knowledgeable in crime victims' rights or violence protection and, unless
225.8 otherwise specified, members shall be appointed by the commissioner of public safety:

225.9 (1) two members of the senate, one appointed by the majority leader and one appointed
225.10 by the minority leader;

225.11 (2) two members of the house of representatives, one appointed by the speaker of the
225.12 house and one appointed by the minority leader;

225.13 (3) two representatives from among the following:

225.14 (i) the Minnesota Chiefs of Police Association;

225.15 (ii) the Minnesota Sheriffs' Association;

225.16 (iii) the Bureau of Criminal Apprehension; or

225.17 (iv) the Minnesota Police and Peace Officers Association;

225.18 (4) one or more representatives from among the following:

225.19 (i) the Minnesota County Attorneys Association;

225.20 (ii) the United States Attorney's Office; or

225.21 (iii) a judge or attorney working in juvenile court;

225.22 (5) a county coroner or a representative from a statewide coroner's association or a
225.23 representative of the Department of Health; and

225.24 (6) three or more representatives from among the following:

225.25 (i) a statewide or local organization that provides legal services to African American
225.26 women and girls;

225.27 (ii) a statewide or local organization that provides advocacy or counseling for African
225.28 American women and girls who have been victims of violence;

225.29 (iii) a statewide or local organization that provides services to African American women
225.30 and girls; or

226.1 (iv) an African American woman who is a survivor of gender violence.

226.2 (b) In making appointments under paragraph (a), the commissioner of public safety shall
226.3 consult with the Council for Minnesotans of African Heritage.

226.4 (c) Appointments to the task force must be made by September 1, 2021.

226.5 (d) Members are eligible for compensation and expense reimbursement consistent with
226.6 Minnesota Statutes, section 15.059, subdivision 3.

226.7 (e) Members of the task force serve at the pleasure of the appointing authority or until
226.8 the task force expires. Vacancies in commissioner-appointed positions shall be filled by the
226.9 commissioner consistent with the qualifications of the vacating member required by this
226.10 subdivision.

226.11 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
226.12 may elect other officers as necessary.

226.13 (b) The commissioner of public safety shall convene the first meeting of the task force
226.14 no later than October 1, 2021, and shall provide meeting space and administrative assistance
226.15 as necessary for the task force to conduct its work.

226.16 (c) The task force shall meet at least quarterly, or upon the call of its chair, and may
226.17 hold meetings throughout the state. The task force shall meet sufficiently enough to
226.18 accomplish the tasks identified in this section. Meetings of the task force are subject to
226.19 Minnesota Statutes, chapter 13D.

226.20 (d) To accomplish its duties, the task force shall seek out and enlist the cooperation and
226.21 assistance of nonprofit, nongovernmental organizations that provide legal, social, or other
226.22 community services to victims, victims' families, and victims' communities; community
226.23 and advocacy organizations working with the African American community; and academic
226.24 researchers and experts, specifically those specializing in violence against African American
226.25 women and girls, those representing diverse communities disproportionately affected by
226.26 violence against women and girls, or those focusing on issues related to gender violence
226.27 and violence against African American women and girls. Meetings of the task force may
226.28 include reports from, or information provided by, those individuals or groups.

226.29 Subd. 4. **Report.** On or before December 15, 2022, the task force shall report to the
226.30 chairs and ranking minority members of the legislative committees with jurisdiction over
226.31 public safety, human services, and state government on the work of the task force. The
226.32 report must contain the task force's findings and recommendations and shall include
226.33 institutional policies and practices, or proposed institutional policies and practices, that are

227.1 effective in reducing gender violence and increasing the safety of African American women
227.2 and girls; recommendations for appropriate tracking and collecting of data on violence
227.3 against African American women and girls; and recommendations for legislative action to
227.4 reduce and end violence against African American women and girls and help victims and
227.5 communities heal from gender violence and violence against African American women and
227.6 girls.

227.7 Subd. 5. **Expiration.** The task force expires upon submission of the report required
227.8 under subdivision 4.

227.9 **Sec. 34. STUDY ON LIABILITY INSURANCE FOR PEACE OFFICERS.**

227.10 (a) The commissioner of public safety shall issue a grant to an organization with
227.11 experience in studying issues related to community safety and criminal justice for a study
227.12 on the effects of requiring peace officers to carry liability insurance to pay for any valid
227.13 claim based upon an act or omission of a licensed peace officer during paid on-duty time
227.14 or paid off-duty work approved by the employing agency.

227.15 (b) At a minimum, the study shall analyze:

227.16 (1) the availability of liability insurance for peace officers;

227.17 (2) the cost of premiums for liability insurance to cover individual peace officers;

227.18 (3) the terms of relevant policies of liability insurance, including the amount of any
227.19 deductible and applicable exclusions;

227.20 (4) what activities, if any, should be covered by liability insurance, including whether
227.21 the negligent operation of a motor vehicle should be subject to a liability insurance
227.22 requirement;

227.23 (5) whether the employer of the peace officer, the insurance company, or both would
227.24 have a duty to defend the officer;

227.25 (6) whether limits should be placed on the subrogation rights of an employer, insurer,
227.26 or both;

227.27 (7) whether limits should be placed on the subrogation rights of an insurer for claims
227.28 involving joint and several liability with a peace officer insured by a separate insurer;

227.29 (8) whether statutory direction is necessary to establish priorities of coverage if multiple
227.30 policies apply;

228.1 (9) what impact, if any, the existence of a requirement that peace officers carry liability
228.2 insurance would be expected to have on claims against peace officers;

228.3 (10) the cost to employers, if any, if there was a requirement that peace officers carry
228.4 liability insurance; and

228.5 (11) the expected impact on public safety, if any, if there was a requirement that peace
228.6 officers carry liability insurance.

228.7 (c) By January 15, 2023, the grant recipient shall provide a report to the commissioner
228.8 of public safety. By February 1, 2023, the commissioner shall forward the report to the
228.9 chairs and ranking members of the legislative committees with primary jurisdiction over
228.10 public safety.

228.11 (d) As used in this section, "peace officer" has the meaning given in Minnesota Statutes,
228.12 section 626.84, subdivision 1, paragraph (c).

228.13 **ARTICLE 8**

228.14 **CHILD PROTECTION BACKGROUND CHECKS**

228.15 Section 1. Minnesota Statutes 2020, section 299C.60, is amended to read:

228.16 **299C.60 CITATION.**

228.17 Sections 299C.60 to 299C.64 may be cited as the "Minnesota Child, Elder, and
228.18 Individuals with Disabilities Protection Background Check Act."

228.19 Sec. 2. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
228.20 read:

228.21 Subd. 1a. **Authorized agency.** "Authorized agency" means the licensing agency or, if
228.22 one does not exist, the Bureau of Criminal Apprehension. Licensing agencies include but
228.23 are not limited to the:

228.24 (1) Department of Human Services;

228.25 (2) Department of Health; and

228.26 (3) Professional Educator Licensing and Standards Board.

228.27 Sec. 3. Minnesota Statutes 2020, section 299C.61, subdivision 2, is amended to read:

228.28 Subd. 2. **Background check crime.** "Background check crime" includes child abuse
228.29 crimes, murder, manslaughter, felony level assault or any assault crime committed against

229.1 a minor or vulnerable adult, kidnapping, arson, criminal sexual conduct, and
229.2 prostitution-related crimes.

229.3 Sec. 4. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
229.4 read:

229.5 Subd. 2a. **Care.** "Care" means the provision of care, treatment, education, training,
229.6 instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

229.7 Sec. 5. Minnesota Statutes 2020, section 299C.61, subdivision 4, is amended to read:

229.8 Subd. 4. **Child abuse crime.** "Child abuse crime" means:

229.9 (1) an act committed against a minor victim that constitutes a violation of section 609.185,
229.10 paragraph (a), clause (5); 609.221; 609.222; 609.223; 609.224; 609.2242; 609.322; 609.324;
229.11 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; ~~or 609.378;~~ or 617.247; or

229.12 (2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1,
229.13 clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause
229.14 (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

229.15 Sec. 6. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
229.16 read:

229.17 Subd. 8b. **Covered individual.** "Covered individual" means an individual:

229.18 (1) who has, seeks to have, or may have access to children, the elderly, or individuals
229.19 with disabilities, served by a qualified entity; and

229.20 (2) who:

229.21 (i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a
229.22 qualified entity; or

229.23 (ii) owns or operates, or seeks to own or operate, a qualified entity.

229.24 Sec. 7. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
229.25 read:

229.26 Subd. 8c. **Individuals with disabilities.** "Individuals with disabilities" means persons
229.27 with a mental or physical impairment who require assistance to perform one or more daily
229.28 living tasks.

230.1 Sec. 8. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
230.2 read:

230.3 Subd. 8d. **National criminal history background check system.** "National criminal
230.4 history background check system" means the criminal history record system maintained by
230.5 the Federal Bureau of Investigation based on fingerprint identification or any other method
230.6 of positive identification.

230.7 Sec. 9. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
230.8 read:

230.9 Subd. 8e. **Qualified entity.** "Qualified entity" means a business or organization, whether
230.10 public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement
230.11 services, including a business or organization that licenses or certifies others to provide care
230.12 or care placement services.

230.13 Sec. 10. Minnesota Statutes 2020, section 299C.62, subdivision 1, is amended to read:

230.14 Subdivision 1. **Generally.** The superintendent shall develop procedures in accordance
230.15 with United States Code, title 34, section 40102, to enable a ~~children's service provider~~
230.16 qualified entity to request a background check to determine whether a ~~children's service~~
230.17 ~~worker~~ covered worker is the subject of any reported conviction for a background check
230.18 crime. ~~The superintendent shall perform the background check by retrieving and reviewing~~
230.19 ~~data on background check crimes.~~ The superintendent is authorized to exchange fingerprints
230.20 with the Federal Bureau of Investigation for purposes of a ~~criminal history~~ the background
230.21 check. The superintendent shall recover the cost of a background check through a fee charged
230.22 the ~~children's service provider~~ to the qualified entity and make reasonable efforts to respond
230.23 to the inquiry within 15 business days.

230.24 Sec. 11. Minnesota Statutes 2020, section 299C.62, subdivision 2, is amended to read:

230.25 Subd. 2. **Background check; requirements.** ~~(a) The superintendent may not perform~~
230.26 ~~a background check under this section unless the children's service provider submits a~~
230.27 ~~written document, signed by the children's service worker on whom the background check~~
230.28 ~~is to be performed, containing the following:~~

230.29 ~~(1) a question asking whether the children's service worker has ever been convicted of~~
230.30 ~~a background check crime and if so, requiring a description of the crime and the particulars~~
230.31 ~~of the conviction;~~

231.1 ~~(2) a notification to the children's service worker that the children's service provider will~~
231.2 ~~request the superintendent to perform a background check under this section; and~~

231.3 ~~(3) a notification to the children's service worker of the children's service worker's rights~~
231.4 ~~under subdivision 3.~~

231.5 ~~(b) Background checks performed under this section may only be requested by and~~
231.6 ~~provided to authorized representatives of a children's service provider who have a need to~~
231.7 ~~know the information and may be used only for the purposes of sections 299C.60 to 299C.64.~~
231.8 ~~Background checks may be performed pursuant to this section not later than one year after~~
231.9 ~~the document is submitted under this section.~~

231.10 The superintendent may not perform a background check of a covered individual under
231.11 this section unless the covered individual:

231.12 (1) completes and signs a statement that:

231.13 (i) contains the name, address, and date of birth appearing on a valid identification
231.14 document, as defined in United States Code, title 18, section 1028, of the covered individual;

231.15 (ii) the covered individual has not been convicted of a crime and, if the covered individual
231.16 has been convicted of a crime, contains a description of the crime and the particulars of the
231.17 conviction;

231.18 (iii) notifies the covered individual that the entity may request a background check under
231.19 subdivision 1;

231.20 (iv) notifies the covered individual of the covered individual's rights under subdivision
231.21 3; and

231.22 (v) notifies the covered individual that prior to the completion of the background check
231.23 the qualified entity may choose to deny the covered individual access to a person to whom
231.24 the qualified entity provides care; and

231.25 (2) if requesting a national criminal history background check, provides a set of
231.26 fingerprints.

231.27 Sec. 12. Minnesota Statutes 2020, section 299C.62, subdivision 3, is amended to read:

231.28 Subd. 3. ~~Children's service worker~~ Covered individuals rights. ~~(a) The children's~~
231.29 ~~service provider shall notify the children's service worker of the children's service worker's~~
231.30 ~~rights under paragraph (b).~~

232.1 ~~(b) A children's service worker who is the subject of a background check request has~~
232.2 ~~the following rights:~~

232.3 ~~(1) the right to be informed that a children's service provider will request a background~~
232.4 ~~check on the children's service worker:~~

232.5 ~~(i) for purposes of the children's service worker's application to be employed by, volunteer~~
232.6 ~~with, be an independent contractor for, or be an owner of a children's service provider or~~
232.7 ~~for purposes of continuing as an employee, volunteer, independent contractor, or owner;~~
232.8 ~~and~~

232.9 ~~(ii) to determine whether the children's service worker has been convicted of any crime~~
232.10 ~~specified in section 299C.61, subdivision 2 or 4;~~

232.11 ~~(2) the right to be informed by the children's service provider of the superintendent's~~
232.12 ~~response to the background check and to obtain from the children's service provider a copy~~
232.13 ~~of the background check report;~~

232.14 ~~(3) the right to obtain from the superintendent any record that forms the basis for the~~
232.15 ~~report;~~

232.16 ~~(4) the right to challenge the accuracy and completeness of any information contained~~
232.17 ~~in the report or record pursuant to section 13.04, subdivision 4;~~

232.18 ~~(5) the right to be informed by the children's service provider if the children's service~~
232.19 ~~worker's application to be employed with, volunteer with, be an independent contractor for,~~
232.20 ~~or be an owner of a children's service provider, or to continue as an employee, volunteer,~~
232.21 ~~independent contractor, or owner, has been denied because of the superintendent's response;~~
232.22 ~~and~~

232.23 ~~(6) the right not to be required directly or indirectly to pay the cost of the background~~
232.24 ~~check.~~

232.25 The qualified entity shall notify the covered individual who is subjected to a background
232.26 check under subdivision 1 that the individual has the right to:

232.27 (1) obtain a copy of any background check report;

232.28 (2) challenge the accuracy or completeness of the information contained in the background
232.29 report or record pursuant to section 13.04, subdivision 4, or applicable federal authority;
232.30 and

232.31 (3) be given notice of the opportunity to appeal and instructions on how to complete the
232.32 appeals process.

233.1 Sec. 13. Minnesota Statutes 2020, section 299C.62, subdivision 4, is amended to read:

233.2 Subd. 4. **Response of bureau.** The superintendent shall respond to a background check
233.3 request within a reasonable time after receiving a request from a qualified entity or the
233.4 signed, written document described in subdivision 2. The superintendent shall provide the
233.5 ~~children's service provider~~ qualified entity with a copy of the ~~applicant's covered individual's~~
233.6 criminal record or a statement that the ~~applicant~~ covered individual is not the subject of a
233.7 criminal history record at the bureau. It is the responsibility of the ~~service provider~~ qualified
233.8 entity to determine if the ~~applicant~~ covered individual qualifies as an employee, volunteer,
233.9 or independent contractor under this section.

233.10 Sec. 14. Minnesota Statutes 2020, section 299C.62, subdivision 6, is amended to read:

233.11 Subd. 6. **Admissibility of evidence.** Evidence or proof that a background check of a
233.12 volunteer was not requested under sections 299C.60 to 299C.64 by a ~~children's service~~
233.13 ~~provider~~ qualified entity is not admissible in evidence in any litigation against a nonprofit
233.14 or charitable organization.

233.15 Sec. 15. Minnesota Statutes 2020, section 299C.63, is amended to read:

233.16 **299C.63 EXCEPTION; OTHER LAWS.**

233.17 The superintendent is not required to respond to a background check request concerning
233.18 a ~~children's service worker~~ covered individual who, as a condition of occupational licensure
233.19 or employment, is subject to the background study requirements imposed by any statute or
233.20 rule other than sections 299C.60 to 299C.64. ~~A background check performed on a licensee,~~
233.21 ~~license applicant, or employment applicant under this section does not satisfy the~~
233.22 ~~requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides~~
233.23 ~~for background study of members of an individual's particular occupation.~~

233.24 Sec. 16. Minnesota Statutes 2020, section 299C.72, is amended to read:

233.25 **299C.72 MINNESOTA CRIMINAL HISTORY CHECKS.**

233.26 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
233.27 meanings given.

233.28 (a) "Applicant for employment" means an individual who seeks either county or city
233.29 employment or has applied to serve as a volunteer in the county or city.

233.30 (b) "Applicant for licensure" means the individual seeks a license issued by the county
233.31 or city which is not subject to a federal- or state-mandated background check.

234.1 (c) "Authorized law enforcement agency" means the county sheriff for checks conducted
234.2 for county purposes, the police department for checks conducted for city purposes, or the
234.3 county sheriff for checks conducted for city purposes where there is no police department.

234.4 (d) "Criminal history check" means retrieval of criminal history data via the secure
234.5 network described in section 299C.46.

234.6 (e) "Criminal history data" means adult convictions and adult open arrests less than one
234.7 year old found in the Minnesota computerized criminal history repository.

234.8 (f) "Current employee" means an individual presently employed by either a county or
234.9 city or who presently serves as a volunteer in the county or city.

234.10 (g) "Current licensee" means an individual who has previously sought and received a
234.11 license, which is still presently valid, issued by a county or city.

234.12 ~~(f)~~ (h) "Informed consent" has the meaning given in section 13.05, subdivision 4,
234.13 paragraph (d).

234.14 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized
234.15 by this section shall not be used in place of a statutorily mandated or authorized background
234.16 check.

234.17 (b) An authorized law enforcement agency may conduct a criminal history check of an
234.18 individual who is an applicant for employment ~~or~~, current employee, applicant for licensure,
234.19 or current licensee. Prior to conducting the criminal history check, the authorized law
234.20 enforcement agency must receive the informed consent of the individual.

234.21 (c) The authorized law enforcement agency shall not disseminate criminal history data
234.22 and must maintain it securely with the agency's office. The authorized law enforcement
234.23 agency can indicate whether the applicant for employment or applicant for licensure has a
234.24 criminal history that would prevent hire, acceptance as a volunteer to a hiring authority, or
234.25 would prevent the issuance of a license to the department that issues the license.

234.26 ARTICLE 9

234.27 CRIME VICTIM REIMBURSEMENTS

234.28 Section 1. Minnesota Statutes 2020, section 611A.51, is amended to read:

234.29 **611A.51 TITLE.**

234.30 Sections 611A.51 to 611A.68 shall be known as the "Minnesota Crime Victims
234.31 ~~Reparations~~ Reimbursement Act."

235.1 Sec. 2. Minnesota Statutes 2020, section 611A.52, subdivision 3, is amended to read:

235.2 Subd. 3. **Board.** "Board" means the Crime Victims ~~reparations~~ Reimbursement Board
235.3 established by section 611A.55.

235.4 Sec. 3. Minnesota Statutes 2020, section 611A.52, subdivision 4, is amended to read:

235.5 Subd. 4. **Claimant.** "Claimant" means a person entitled to apply for ~~reparations~~
235.6 reimbursement pursuant to sections 611A.51 to 611A.68.

235.7 Sec. 4. Minnesota Statutes 2020, section 611A.52, subdivision 5, is amended to read:

235.8 Subd. 5. **Collateral source.** "Collateral source" means a source of benefits or advantages
235.9 for economic loss otherwise ~~reparable~~ reimbursable under sections 611A.51 to 611A.68
235.10 which the victim or claimant has received, or which is readily available to the victim, from:

235.11 (1) the offender;

235.12 (2) the government of the United States or any agency thereof, a state or any of its
235.13 political subdivisions, or an instrumentality of two or more states, unless the law providing
235.14 for the benefits or advantages makes them excess or secondary to benefits under sections
235.15 611A.51 to 611A.68;

235.16 (3) Social Security, Medicare, and Medicaid;

235.17 (4) state required temporary nonoccupational disability insurance;

235.18 (5) workers' compensation;

235.19 (6) wage continuation programs of any employer;

235.20 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained
235.21 because of the crime;

235.22 (8) a contract providing prepaid hospital and other health care services, or benefits for
235.23 disability;

235.24 (9) any private source as a voluntary donation or gift; or

235.25 (10) proceeds of a lawsuit brought as a result of the crime.

235.26 The term does not include a life insurance contract.

236.1 Sec. 5. Minnesota Statutes 2020, section 611A.53, is amended to read:

236.2 **611A.53 REPARATIONS REIMBURSEMENT AWARDS PROHIBITED.**

236.3 Subdivision 1. **Generally.** Except as provided in subdivisions 1a and 2, the following
236.4 persons shall be entitled to ~~reparations~~ reimbursement upon a showing by a preponderance
236.5 of the evidence that the requirements for ~~reparations~~ reimbursement have been met:

236.6 (1) a victim who has incurred economic loss;

236.7 (2) a dependent who has incurred economic loss;

236.8 (3) the estate of a deceased victim if the estate has incurred economic loss;

236.9 (4) any other person who has incurred economic loss by purchasing any of the products,
236.10 services, and accommodations described in section 611A.52, subdivision 8, for a victim;

236.11 (5) the guardian, guardian ad litem, conservator or authorized agent of any of these
236.12 persons.

236.13 Subd. 1a. **Providers; limitations.** No hospital, medical organization, health care provider,
236.14 or other entity that is not an individual may qualify for reparations under subdivision 1,
236.15 clause (4). If a hospital, medical organization, health care provider, or other entity that is
236.16 not an individual qualifies for ~~reparations~~ reimbursement under subdivision 1, clause (5),
236.17 because it is a guardian, guardian ad litem, conservator, or authorized agent, any ~~reparations~~
236.18 reimbursement to which it is entitled must be made payable solely or jointly to the victim,
236.19 if alive, or to the victim's estate or successors, if the victim is deceased.

236.20 Subd. 1b. **Minnesota residents injured elsewhere.** (a) A Minnesota resident who is
236.21 the victim of a crime committed outside the geographical boundaries of this state but who
236.22 otherwise meets the requirements of this section shall have the same rights under this chapter
236.23 as if the crime had occurred within this state upon a showing that the state, territory, United
236.24 States possession, country, or political subdivision of a country in which the crime occurred
236.25 does not have a crime victim ~~reparations~~ reimbursement law covering the resident's injury
236.26 or death.

236.27 (b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime
236.28 involving international terrorism who otherwise meets the requirements of this section has
236.29 the same rights under this chapter as if the crime had occurred within this state regardless
236.30 of where the crime occurred or whether the jurisdiction has a crime victims ~~reparations~~
236.31 reimbursement law.

237.1 Subd. 2. **Limitations on awards.** No ~~reparations~~ reimbursement shall be awarded to a
237.2 claimant otherwise eligible if:

237.3 (1) the crime was not reported to the police within 30 days of its occurrence or, if it
237.4 could not reasonably have been reported within that period, within 30 days of the time when
237.5 a report could reasonably have been made. A victim of criminal sexual conduct in the first,
237.6 second, third, or fourth degree who does not report the crime within 30 days of its occurrence
237.7 is deemed to have been unable to have reported it within that period;

237.8 (2) the victim or claimant failed or refused to cooperate fully with the police and other
237.9 law enforcement officials, based on a review of information available from law enforcement,
237.10 prosecutors, and other professionals familiar with the case;

237.11 (3) the victim or claimant was the offender or an accomplice of the offender or an award
237.12 to the claimant would unjustly benefit the offender or an accomplice;

237.13 (4) the victim or claimant was in the act of committing a crime at the time the injury
237.14 occurred;

237.15 (5) no claim was filed with the board within three years of victim's injury or death; except
237.16 that (i) if the claimant was unable to file a claim within that period, then the claim can be
237.17 made within three years of the time when a claim could have been filed; and (ii) if the
237.18 victim's injury or death was not reasonably discoverable within three years of the injury or
237.19 death, then the claim can be made within three years of the time when the injury or death
237.20 is reasonably discoverable. The following circumstances do not render a claimant unable
237.21 to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the
237.22 Minnesota Crime Victims ~~Reparations~~ Reimbursement Act, (B) the failure of a law
237.23 enforcement agency to provide information or assistance to a potential claimant under
237.24 section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being
237.25 managed during that period by a guardian, guardian ad litem, conservator, authorized agent,
237.26 or parent, or (D) the fact that the claimant is not of the age of majority; or

237.27 (6) the claim is less than \$50.

237.28 The limitations contained in clauses (1) and (6) do not apply to victims of child abuse.
237.29 In those cases the three-year limitation period commences running with the report of the
237.30 crime to the police.

238.1 Sec. 6. Minnesota Statutes 2020, section 611A.54, is amended to read:

238.2 **611A.54 AMOUNT OF ~~REPARATIONS~~ REIMBURSEMENT.**

238.3 ~~Reparations~~ Reimbursement shall equal economic loss except that:

238.4 (1) ~~reparations~~ reimbursement shall be reduced to the extent that economic loss is
238.5 recouped from a collateral source or collateral sources. Where compensation is readily
238.6 available to a claimant from a collateral source, the claimant must take reasonable steps to
238.7 recoup from the collateral source before claiming ~~reparations~~ reimbursement;

238.8 (2) ~~reparations~~ reimbursement shall be denied or reduced to the extent, if any, that the
238.9 board deems reasonable because of the contributory misconduct of the claimant or of a
238.10 victim through whom the claimant claims. Contributory misconduct may not be based on
238.11 current or past affiliation with any particular group; and

238.12 (3) ~~reparations~~ reimbursement paid to all claimants suffering economic loss as the result
238.13 of the injury or death of any one victim shall not exceed \$50,000.

238.14 No employer may deny an employee an award of benefits based on the employee's
238.15 eligibility or potential eligibility for ~~reparations~~ reimbursement.

238.16 Sec. 7. Minnesota Statutes 2020, section 611A.55, is amended to read:

238.17 **611A.55 CRIME VICTIMS ~~REPARATIONS~~ REIMBURSEMENT BOARD.**

238.18 Subdivision 1. **Creation of board.** There is created in the Department of Public Safety,
238.19 for budgetary and administrative purposes, the Crime Victims ~~Reparations~~ Reimbursement
238.20 Board, which shall consist of five members appointed by the commissioner of public safety.
238.21 One of the members shall be designated as chair by the commissioner of public safety and
238.22 serve as such at the commissioner's pleasure. At least one member shall be a medical or
238.23 osteopathic physician licensed to practice in this state, and at least one member shall be a
238.24 victim, as defined in section 611A.01.

238.25 Subd. 2. **Membership, terms and compensation.** The membership terms, compensation,
238.26 removal of members, and filling of vacancies on the board shall be as provided in section
238.27 15.0575.

238.28 Subd. 3. **Part-time service.** Members of the board shall serve part time.

239.1 Sec. 8. Minnesota Statutes 2020, section 611A.56, is amended to read:

239.2 **611A.56 POWERS AND DUTIES OF BOARD.**

239.3 Subdivision 1. **Duties.** In addition to carrying out any duties specified elsewhere in
239.4 sections 611A.51 to 611A.68 or in other law, the board shall:

239.5 (1) provide all claimants with an opportunity for hearing pursuant to chapter 14;

239.6 (2) adopt rules to implement and administer sections 611A.51 to 611A.68, including
239.7 rules governing the method of practice and procedure before the board, prescribing the
239.8 manner in which applications for ~~reparations~~ reimbursement shall be made, and providing
239.9 for discovery proceedings;

239.10 (3) publicize widely the availability of ~~reparations~~ reimbursement and the method of
239.11 making claims; and

239.12 (4) prepare and transmit annually to the governor and the commissioner of public safety
239.13 a report of its activities including the number of claims awarded, a brief description of the
239.14 facts in each case, the amount of ~~reparation~~ reimbursement awarded, and a statistical
239.15 summary of claims and awards made and denied.

239.16 Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections
239.17 611A.51 to 611A.68 or other law, the board upon its own motion or the motion of a claimant
239.18 or the attorney general may:

239.19 (1) issue subpoenas for the appearance of witnesses and the production of books, records,
239.20 and other documents;

239.21 (2) administer oaths and affirmations and cause to be taken affidavits and depositions
239.22 within and without this state;

239.23 (3) take notice of judicially cognizable facts and general, technical, and scientific facts
239.24 within their specialized knowledge;

239.25 (4) order a mental or physical examination of a victim or an autopsy of a deceased victim
239.26 provided that notice is given to the person to be examined and that the claimant and the
239.27 attorney general receive copies of any resulting report;

239.28 (5) suspend or postpone the proceedings on a claim if a criminal prosecution arising out
239.29 of the incident which is the basis of the claim has been commenced or is imminent;

239.30 (6) request from prosecuting attorneys and law enforcement officers investigations and
239.31 data to enable the board to perform its duties under sections 611A.51 to 611A.68;

240.1 (7) grant emergency ~~reparations~~ reimbursement pending the final determination of a
240.2 claim if it is one with respect to which an award will probably be made and undue hardship
240.3 will result to the claimant if immediate payment is not made; and

240.4 (8) reconsider any decision granting or denying ~~reparations~~ reimbursement or determining
240.5 their amount.

240.6 Sec. 9. Minnesota Statutes 2020, section 611A.57, subdivision 5, is amended to read:

240.7 Subd. 5. **Reconsideration.** The claimant may, within 30 days after receiving the decision
240.8 of the board, apply for reconsideration before the entire board. Upon request for
240.9 reconsideration, the board shall reexamine all information filed by the claimant, including
240.10 any new information the claimant provides, and all information obtained by investigation.
240.11 The board may also conduct additional examination into the validity of the claim. Upon
240.12 reconsideration, the board may affirm, modify, or reverse the prior ruling. A claimant denied
240.13 ~~reparations~~ reimbursement upon reconsideration is entitled to a contested case hearing within
240.14 the meaning of chapter 14.

240.15 Sec. 10. Minnesota Statutes 2020, section 611A.57, subdivision 6, is amended to read:

240.16 Subd. 6. **Data.** Claims for ~~reparations~~ reimbursement and supporting documents and
240.17 reports are investigative data and subject to the provisions of section 13.39 until the claim
240.18 is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or
240.19 abandonment of a claim, the claim and supporting documents and reports are private data
240.20 on individuals as defined in section 13.02, subdivision 12; provided that the board may
240.21 forward any ~~reparations~~ reimbursement claim forms, supporting documents, and reports to
240.22 local law enforcement authorities for purposes of implementing section 611A.67.

240.23 Sec. 11. Minnesota Statutes 2020, section 611A.60, is amended to read:

240.24 **611A.60 REPARATIONS REIMBURSEMENT; HOW PAID.**

240.25 ~~Reparations~~ Reimbursement may be awarded in a lump sum or in installments in the
240.26 discretion of the board. The amount of any emergency award shall be deducted from the
240.27 final award, if a lump sum, or prorated over a period of time if the final award is made in
240.28 installments. ~~Reparations are~~ Reimbursement is exempt from execution or attachment except
240.29 by persons who have supplied services, products or accommodations to the victim as a result
240.30 of the injury or death which is the basis of the claim. The board, in its discretion may order
240.31 that all or part of the ~~reparations~~ reimbursement awarded be paid directly to these suppliers.

241.1 Sec. 12. Minnesota Statutes 2020, section 611A.61, is amended to read:

241.2 **611A.61 SUBROGATION.**

241.3 Subdivision 1. **Subrogation rights of state.** The state shall be subrogated, to the extent
241.4 of ~~repairs~~ reimbursement awarded, to all the claimant's rights to recover benefits or
241.5 advantages for economic loss from a source which is or, if readily available to the victim
241.6 or claimant would be, a collateral source. Nothing in this section shall limit the claimant's
241.7 right to bring a cause of action to recover for other damages.

241.8 Subd. 2. **Duty of claimant to assist.** A claimant who receives ~~repairs~~ reimbursement
241.9 must agree to assist the state in pursuing any subrogation rights arising out of the claim.
241.10 The board may require a claimant to agree to represent the state's subrogation interests if
241.11 the claimant brings a cause of action for damages arising out of the crime or occurrence for
241.12 which the board has awarded ~~repairs~~ reimbursement. An attorney who represents the
241.13 state's subrogation interests pursuant to the client's agreement with the board is entitled to
241.14 reasonable attorney's fees not to exceed one-third of the amount recovered on behalf of the
241.15 state.

241.16 Sec. 13. Minnesota Statutes 2020, section 611A.612, is amended to read:

241.17 **611A.612 CRIME VICTIMS ACCOUNT.**

241.18 A crime victim account is established as a special account in the state treasury. Amounts
241.19 collected by the state under section 611A.61, paid to the Crime Victims ~~Reparations~~
241.20 Reimbursement Board under section 611A.04, subdivision 1a, or amounts deposited by the
241.21 court under section 611A.04, subdivision 5, shall be credited to this account. Money credited
241.22 to this account is annually appropriated to the Department of Public Safety for use for crime
241.23 victim ~~repairs~~ reimbursement under sections 611A.51 to 611A.67.

241.24 Sec. 14. Minnesota Statutes 2020, section 611A.66, is amended to read:

241.25 **611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS**
241.26 **OF RIGHT TO FILE CLAIM.**

241.27 All law enforcement agencies investigating crimes shall provide victims with notice of
241.28 their right to apply for ~~repairs~~ reimbursement with the telephone number ~~to call to~~
241.29 ~~request~~ and website information to obtain an application form.

241.30 Law enforcement agencies shall assist the board in performing its duties under sections
241.31 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request
241.32 from the board shall supply the board with requested reports, notwithstanding any provisions

242.1 to the contrary in chapter 13, and including reports otherwise maintained as confidential or
242.2 not open to inspection under section 260B.171 or 260C.171. All data released to the board
242.3 retains the data classification that it had in the possession of the law enforcement agency.

242.4 Sec. 15. Minnesota Statutes 2020, section 611A.68, subdivision 2a, is amended to read:

242.5 Subd. 2a. **Notice and payment of proceeds to board required.** A person that enters
242.6 into a contract with an offender convicted in this state, and a person that enters into a contract
242.7 in this state with an offender convicted in this state or elsewhere within the United States,
242.8 must comply with this section if the person enters into the contract during the ten years after
242.9 the offender is convicted of a crime or found not guilty by reason of insanity. If an offender
242.10 is imprisoned or committed to an institution following the conviction or finding of not guilty
242.11 by reason of insanity, the ten-year period begins on the date of the offender's release. A
242.12 person subject to this section must notify the Crime Victims ~~Reparations~~ Reimbursement
242.13 Board of the existence of the contract immediately upon its formation, and pay over to the
242.14 board money owed to the offender or the offender's representatives by virtue of the contract
242.15 according to the following proportions:

242.16 (1) if the crime occurred in this state, the person shall pay to the board 100 percent of
242.17 the money owed under the contract;

242.18 (2) if the crime occurred in another jurisdiction having a law applicable to the contract
242.19 which is substantially similar to this section, this section does not apply, and the person
242.20 must not pay to the board any of the money owed under the contract; and

242.21 (3) in all other cases, the person shall pay to the board that percentage of money owed
242.22 under the contract which can fairly be attributed to commerce in this state with respect to
242.23 the subject matter of the contract.

242.24 Sec. 16. Minnesota Statutes 2020, section 611A.68, subdivision 4, is amended to read:

242.25 Subd. 4. **Deductions.** When the board has made ~~reparations~~ reimbursement payments
242.26 to or on behalf of a victim of the offender's crime pursuant to sections 611A.51 to 611A.68,
242.27 it shall deduct the amount of the ~~reparations~~ reimbursement award from any payment
242.28 received under this section by virtue of the offender's contract unless the board has already
242.29 been reimbursed for the ~~reparations~~ award from another collateral source.

242.30 Sec. 17. Minnesota Statutes 2020, section 611A.68, subdivision 4b, is amended to read:

242.31 Subd. 4b. **Claims by victims of offender's crime.** A victim of a crime committed by
242.32 the offender and the estate of a deceased victim of a crime committed by the offender may

243.1 submit the following claims for ~~reparations~~ reimbursement and damages to the board to be
243.2 paid from money received by virtue of the offender's contract:

243.3 (1) claims for ~~reparations~~ reimbursement to which the victim is entitled under sections
243.4 611A.51 to 611A.68 and for which the victim has not yet received an award from the board;

243.5 (2) claims for ~~reparations~~ reimbursement to which the victim would have been entitled
243.6 under sections 611A.51 to 611A.68, but for the \$50,000 maximum limit contained in section
243.7 611A.54, clause (3); and

243.8 (3) claims for other uncompensated damages suffered by the victim as a result of the
243.9 offender's crime including, but not limited to, damages for pain and suffering.

243.10 The victim must file the claim within five years of the date on which the board received
243.11 payment under this section. The board shall determine the victim's claim in accordance with
243.12 the procedures contained in sections 611A.57 to 611A.63. An award made by the board
243.13 under this subdivision must be paid from the money received by virtue of the offender's
243.14 contract that remains after a deduction or allocation, if any, has been made under subdivision
243.15 4 or 4a.

243.16 Sec. 18. Minnesota Statutes 2020, section 611A.68, subdivision 4c, is amended to read:

243.17 Subd. 4c. **Claims by other crime victims.** The board may use money received by virtue
243.18 of an offender's contract for the purpose of paying ~~reparations~~ reimbursement awarded to
243.19 victims of other crimes pursuant to sections 611A.51 to 611A.68 under the following
243.20 circumstances:

243.21 (1) money remain after deductions and allocations have been made under subdivisions
243.22 4 and 4a, and claims have been paid under subdivision 4b; or

243.23 (2) no claim is filed under subdivision 4b within five years of the date on which the
243.24 board received payment under this section.

243.25 None of this money may be used for purposes other than ~~the payment of reparations~~
243.26 reimbursement.

243.27 Sec. 19. REVISOR INSTRUCTION.

243.28 In Minnesota Statutes, the revisor of statutes shall change "reparations," "reparable," or
243.29 the same or similar terms to "reimbursement," "reimbursable," or the same or similar terms
243.30 consistent with this article. The revisor shall also make other technical changes resulting

244.1 from the change of term to the statutory language, sentence structure, or both, if necessary
244.2 to preserve the meaning of the text.

244.3 **ARTICLE 10**

244.4 **CRIME VICTIM NOTIFICATION**

244.5 Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 5a, is amended to read:

244.6 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)

244.7 As used in this subdivision:

244.8 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
244.9 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
244.10 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
244.11 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
244.12 motivated;

244.13 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
244.14 behavior for which forms the basis for a commitment under this section or chapter 253D;
244.15 and

244.16 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
244.17 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
244.18 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
244.19 commitment cases under this section or chapter 253D that an act or acts constituting a crime
244.20 occurred or were part of their course of harmful sexual conduct.

244.21 (b) A county attorney who files a petition to commit a person under this section or chapter
244.22 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
244.23 victim of a crime for which the person was convicted. In addition, the county attorney shall
244.24 make a reasonable effort to promptly notify the victim of the resolution of the petition and
244.25 the process for requesting notification of an individual's change in status as provided in
244.26 paragraph (c).

244.27 (c) A victim may request notification of an individual's discharge or release as provided
244.28 in paragraph (d) by submitting a written request for notification to the executive director of
244.29 the facility in which the individual is confined. The Department of Corrections or a county
244.30 attorney who receives a request for notification from a victim under this section shall
244.31 promptly forward the request to the executive director of the treatment facility in which the
244.32 individual is confined.

245.1 ~~(e)~~ (d) Before provisionally discharging, discharging, granting pass-eligible status,
245.2 approving a pass plan, or otherwise permanently or temporarily releasing a person committed
245.3 under this section from a state-operated treatment program or treatment facility, the head
245.4 of the state-operated treatment program or head of the treatment facility shall make a
245.5 reasonable effort to notify any victim of a crime for which the person was convicted that
245.6 the person may be discharged or released and that the victim has a right to submit a written
245.7 statement regarding decisions of the medical director, special review board, or commissioner
245.8 with respect to the person. To the extent possible, the notice must be provided at least 14
245.9 days before any special review board hearing or before a determination on a pass plan.
245.10 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial
245.11 appeal panel with victim information in order to comply with the provisions of this section.
245.12 The judicial appeal panel shall ensure that the data on victims remains private as provided
245.13 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who
245.14 have submitted a written request for notification as provided in paragraph (c).

245.15 ~~(d) This subdivision applies only to victims who have requested notification through~~
245.16 ~~the Department of Corrections electronic victim notification system, or by contacting, in~~
245.17 ~~writing, the county attorney in the county where the conviction for the crime occurred. A~~
245.18 ~~request for notice under this subdivision received by the commissioner of corrections through~~
245.19 ~~the Department of Corrections electronic victim notification system shall be promptly~~
245.20 ~~forwarded to the prosecutorial authority with jurisdiction over the offense to which the~~
245.21 ~~notice relates or, following commitment, the head of the state-operated treatment program~~
245.22 ~~or head of the treatment facility. A county attorney who receives a request for notification~~
245.23 ~~under this paragraph following commitment shall promptly forward the request to the~~
245.24 ~~commissioner of human services.~~

245.25 (e) The rights under this subdivision are in addition to rights available to a victim under
245.26 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
245.27 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

245.28 Sec. 2. Minnesota Statutes 2020, section 253D.14, subdivision 2, is amended to read:

245.29 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
245.30 person under this chapter shall make a reasonable effort to provide prompt notice of filing
245.31 the petition to any victim of a crime for which the person was convicted or was listed as a
245.32 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
245.33 and good faith effort to promptly notify the victim of the resolution of the petition process

246.1 for requesting the notification of an individual's change in status as provided in section
246.2 253D.14, subdivision 3.

246.3 Sec. 3. Minnesota Statutes 2020, section 253D.14, is amended by adding a subdivision to
246.4 read:

246.5 Subd. 2a. **Requesting notification.** A victim may request notification of an individual's
246.6 discharge or release as outlined in subdivision 3 by submitting a written request for
246.7 notification to the executive director of the facility in which the individual is confined. The
246.8 Department of Corrections or a county attorney who receives a request for notification from
246.9 a victim under this section following an individual's civil commitment shall promptly forward
246.10 the request to the executive director of the treatment facility in which the individual is
246.11 confined.

246.12 Sec. 4. Minnesota Statutes 2020, section 253D.14, subdivision 3, is amended to read:

246.13 Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging,
246.14 granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily
246.15 releasing a person committed under this chapter from a treatment facility, the executive
246.16 director shall make a reasonable effort to notify any victim of a crime for which the person
246.17 was convicted that the person may be discharged or released and that the victim has a right
246.18 to submit a written statement regarding decisions of the executive director, or special review
246.19 board, with respect to the person. To the extent possible, the notice must be provided at
246.20 least 14 days before any special review board hearing or before a determination on a pass
246.21 plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the
246.22 judicial appeal panel with victim information in order to comply with the provisions of this
246.23 chapter. The judicial appeal panel shall ensure that the data on victims remains private as
246.24 provided for in section 611A.06, subdivision 4. This subdivision applies only to victims
246.25 who have submitted a written request for notification as provided in subdivision 2a.

246.26 Sec. 5. Minnesota Statutes 2020, section 611A.039, subdivision 1, is amended to read:

246.27 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
246.28 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
246.29 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
246.30 to provide to each affected crime victim oral or written notice of the final disposition of the
246.31 case and of the victim rights under section 611A.06. When the court is considering modifying
246.32 the sentence for a felony or a crime of violence or an attempted crime of violence, the court
246.33 or its designee shall make a reasonable and good faith effort to notify the victim of the

247.1 crime. If the victim is incapacitated or deceased, notice must be given to the victim's family.
247.2 If the victim is a minor, notice must be given to the victim's parent or guardian. The notice
247.3 must include:

247.4 (1) the date and approximate time of the review;

247.5 (2) the location where the review will occur;

247.6 (3) the name and telephone number of a person to contact for additional information;
247.7 and

247.8 (4) a statement that the victim and victim's family may provide input to the court
247.9 concerning the sentence modification.

247.10 (b) The Office of Justice Programs in the Department of Public Safety shall develop and
247.11 update a model notice of postconviction rights under this subdivision and section 611A.06.

247.12 (c) As used in this section, "crime of violence" has the meaning given in section 624.712,
247.13 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and
247.14 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

247.15 Sec. 6. Minnesota Statutes 2020, section 611A.06, subdivision 1, is amended to read:

247.16 Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other
247.17 custodial authority shall make a good faith effort to notify the victim that the offender is to
247.18 be released from imprisonment or incarceration, including release on extended furlough
247.19 and for work release; ~~released~~ and release from a juvenile correctional facility; ~~released~~
247.20 ~~from a facility in which the offender was confined due to incompetency, mental illness, or~~
247.21 ~~mental deficiency, or commitment under section 253B.18 or chapter 253D;~~ or if the
247.22 offender's custody status is reduced, ~~if the victim has mailed to the commissioner of~~
247.23 ~~corrections or.~~ These notices shall only be provided to victims who have submitted a written
247.24 request for notification to the head of the county correctional facility in which the offender
247.25 ~~is confined a written request for this notice, or the victim has made~~ if committed to the
247.26 Department of Corrections, submitted a written request for this notice to the commissioner
247.27 of corrections or electronic request through the Department of Corrections electronic victim
247.28 notification system. The good faith effort to notify the victim must occur prior to the
247.29 offender's release or when the offender's custody status is reduced. For a victim of a felony
247.30 crime against the person for which the offender was sentenced to imprisonment for more
247.31 than 18 months, the good faith effort to notify the victim must occur 60 days before the
247.32 offender's release.

248.1 (b) The commissioner of human services shall make a good faith effort to notify the
248.2 victim in writing that the offender is to be released from confinement in a facility due to
248.3 incompetency, mental illness, or mental deficiency, or commitment under section 253B.18
248.4 or chapter 253D if the victim has submitted a written request for notification to the executive
248.5 director of the facility in which the individual is confined.

248.6 Sec. 7. **REPEALER.**

248.7 Minnesota Statutes 2020, sections 253D.14, subdivision 4; and 611A.0385, are repealed.

248.8 **ARTICLE 11**

248.9 **EMERGENCY RESPONSE AND FIRE SAFETY**

248.10 Section 1. **[299F.0115] EXEMPTION FOR MEMBERS OF FEDERALLY**
248.11 **RECOGNIZED TRIBES.**

248.12 (a) The state fire marshal shall issue building-specific waivers for elements of the State
248.13 Fire Code that conflict with a federally recognized Tribe's religious beliefs, traditional
248.14 building practices, or established teachings. Both individual members of federally recognized
248.15 Tribes, direct lineal descendants of federally recognized Tribes, and organizations of members
248.16 of federally recognized Tribes may apply for these waivers.

248.17 (b) Waivers may only be granted for the following types of buildings:

248.18 (1) traditional residential buildings that will be used solely by an individual applicant's
248.19 household or an organizational applicant's members;

248.20 (2) meeting houses; and

248.21 (3) one-room educational buildings.

248.22 (c) To obtain a waiver, an applicant must apply to the state fire marshal on a form
248.23 established by the state fire marshal. The application must:

248.24 (1) identify the building the waiver will apply to;

248.25 (2) identify the Tribe the applicant is a member of; and

248.26 (3) declare that requirements of the State Fire Code conflict with religious beliefs,
248.27 traditional building practices, or established teachings of the identified Tribe, which the
248.28 applicant adheres to.

248.29 (d) Any building for which a waiver is granted may not be sold or leased until:

249.1 (1) the building is brought into compliance with the version of the State Fire Code in
249.2 force at the time of the sale or lease; or

249.3 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
249.4 a waiver under this section for the building.

249.5 Sec. 2. [299F.3605] PETROLEUM REFINERIES.

249.6 (a) As used in this section, "petroleum refinery" has the meaning given in section
249.7 115C.02, subdivision 10a.

249.8 (b) By January 1, 2022, each petroleum refinery operating in the state shall maintain or
249.9 contract for a full-time paid on-site fire department regularly charged with the responsibility
249.10 of providing fire protection to the refinery that is sufficiently trained, equipped, and staffed
249.11 to respond to fires at the refinery and to conduct inspections and employee training to prevent
249.12 fires.

249.13 Sec. 3. Minnesota Statutes 2020, section 299N.04, subdivision 1, is amended to read:

249.14 Subdivision 1. **Examination; requirements.** (a) The board must appoint an organization
249.15 ~~that is accredited by the International Fire Service Accreditation Congress~~ to prepare and
249.16 administer firefighter certification examinations. Firefighter certification examinations must
249.17 be designed to ensure and demonstrate competency that meets ~~the applicable NFPA 1001~~
249.18 ~~standard or a national standard in areas including but not limited to:~~ standards.

249.19 ~~(1) fire prevention;~~

249.20 ~~(2) fire suppression; and~~

249.21 ~~(3) hazardous materials operations.~~

249.22 ~~(b) Certification must be obtained by the individual demonstrating competency in fire~~
249.23 ~~prevention and protection under the NFPA 1001 standard.~~

249.24 ~~(e)~~ (b) Nothing in this section shall be construed to prohibit any requirement imposed
249.25 by a local fire department for more comprehensive training.

249.26 Sec. 4. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
249.27 read:

249.28 Subd. 1a. **Firefighter Certification Board; appointments; duties.** (a) By July 1, 2022,
249.29 the commissioner shall appoint a Firefighter Certification Board consisting of 18 members
249.30 as recommended by the following organizations:

- 250.1 (1) one member recommended by the Minnesota State Fire Chiefs Association;
- 250.2 (2) one member recommended by the Minnesota State Fire Department Association;
- 250.3 (3) one member recommended by the Minnesota Chapter of the International Association
- 250.4 of Arson Investigators;
- 250.5 (4) one member recommended by the Fire Marshals Association of Minnesota;
- 250.6 (5) one member recommended by the State Fire Marshal Division;
- 250.7 (6) one member recommended by the Minnesota State Fire Training Program
- 250.8 Coordinator's Group;
- 250.9 (7) two members recommended by Minnesota Professional Fire Fighters;
- 250.10 (8) one member recommended by a private fire training organization;
- 250.11 (9) one member recommended by regional fire training academies;
- 250.12 (10) five members recommended by the regional director of Greater Minnesota Fire
- 250.13 Service;
- 250.14 (11) one member recommended by the League of Minnesota Cities;
- 250.15 (12) one member recommended by the Minnesota Association of Townships; and
- 250.16 (13) one public member not affiliated or associated with any member or interest,
- 250.17 appointed by the commissioner.
- 250.18 (b) Each member shall serve an initial term of two years. The commissioner shall appoint
- 250.19 at least eight members from outside the metropolitan area.
- 250.20 (c) Appointed members serve without compensation.
- 250.21 (d) By January 1, 2023, the board must be accredited by the International Fire Service
- 250.22 Accreditation Congress and begin to carry out the following duties:
- 250.23 (1) establish qualifications for, appoint, and train examiners to conduct both the written
- 250.24 and skills tests required for firefighter certification;
- 250.25 (2) maintain a list of examiners that have met the qualifications;
- 250.26 (3) develop and maintain a program to determine and certify the competency of and
- 250.27 issue certificates to individuals who pass examinations based on the NFPA fire service
- 250.28 professional qualifications and other standards approved by the certification assembly;
- 250.29 (4) make recommendations to the legislature to improve the quality of firefighter training;

251.1 (5) conduct studies and surveys and make reports to the commissioner; and

251.2 (6) conduct other activities as necessary to carry out these duties.

251.3 (e) The commissioner shall provide the necessary staff and support to the board and may
251.4 charge back any costs related to the board to the special account created in subdivision 4.

251.5 Sec. 5. Minnesota Statutes 2020, section 299N.04, subdivision 2, is amended to read:

251.6 Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision
251.7 3, any person may take the firefighter certification examination who has successfully
251.8 completed the following:

251.9 (1)(i) a firefighter course from a postsecondary educational institution, an accredited
251.10 institution of higher learning, or another entity that teaches a course that has been approved
251.11 by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire
251.12 department that has been approved by the ~~board~~ Board of Firefighter Training and Education;
251.13 and

251.14 (2) a skills-oriented basic training course.

251.15 Sec. 6. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
251.16 read:

251.17 Subd. 4. **Revenues.** (a) The board and its programs shall be funded through fees collected
251.18 from individuals who apply for certification and for certification renewal.

251.19 (b) A firefighter certification account is created in the special revenue fund. The account
251.20 consists of the fees collected under this section and any other money donated, allotted,
251.21 transferred, or otherwise provided to the account. Money in the account is annually
251.22 appropriated to the commissioner to pay costs incurred under this section.

251.23 (c) The board may accept funding from the fire safety account established in section
251.24 297I.06 for special or distinctive projects.

251.25 (d) The board shall recommend a certification fee schedule to the commissioner. The
251.26 commissioner shall set the fee on an annual basis to coincide with the state's fiscal year.

251.27 Sec. 7. Minnesota Statutes 2020, section 299N.04, is amended by adding a subdivision to
251.28 read:

251.29 Subd. 5. **Definitions.** (a) Unless otherwise indicated, for purposes of this section, the
251.30 terms in this subdivision have the meanings given them.

252.1 (b) "Board" means the Firefighter Certification Board established under subdivision 1a.

252.2 (c) "Commissioner" means the commissioner of public safety.

252.3 **Sec. 8. [326B.125] EXEMPTION FOR MEMBERS OF FEDERALLY RECOGNIZED**
252.4 **TRIBES.**

252.5 (a) The commissioner of labor and industry shall issue building-specific waivers for
252.6 elements of the State Building Code that conflict with a federally recognized Tribe's religious
252.7 beliefs, traditional building practices, or established teachings. Both individual members
252.8 of federally recognized Tribes, direct lineal descendents of federally recognized Tribes, and
252.9 organizations of members of federally recognized Tribes may apply for these waivers.

252.10 (b) Waivers may only be granted for the following types of buildings:

252.11 (1) traditional residential buildings that will be used solely by an individual applicant's
252.12 household or an organizational applicant's members;

252.13 (2) meeting houses; and

252.14 (3) one-room educational buildings.

252.15 (c) To obtain a waiver, an applicant must apply to the commissioner on a form established
252.16 by the commissioner. The application must:

252.17 (1) identify the building the waiver will apply to;

252.18 (2) identify the Tribe the applicant is a member of; and

252.19 (3) declare that requirements of the State Building Code conflict with religious beliefs,
252.20 traditional building practices, or established teachings of the identified Tribe, which the
252.21 applicant adheres to.

252.22 (d) Any building for which a waiver is granted may not be sold or leased until:

252.23 (1) the building is brought into compliance with the version of the State Building Code
252.24 in force at the time of the sale or lease; or

252.25 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
252.26 a waiver under this section for the building.

252.27 **Sec. 9. Minnesota Statutes 2020, section 403.02, subdivision 16, is amended to read:**

252.28 **Subd. 16. Metropolitan area. "Metropolitan area" means the counties of Anoka, Carver,**
252.29 **Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, and Washington.**

253.1 Sec. 10. Minnesota Statutes 2020, section 403.03, subdivision 1, is amended to read:

253.2 Subdivision 1. **Emergency response services.** Services available through a 911 system
253.3 must include police, firefighting, and emergency medical and ambulance services. Other
253.4 emergency and civil defense services may be incorporated into the 911 system at the
253.5 discretion of the public agency operating the public safety answering point. The 911 system
253.6 ~~may~~ shall include a referral to mental health crisis teams, ~~where available~~ when appropriate.

253.7 Sec. 11. Minnesota Statutes 2020, section 403.07, subdivision 2, is amended to read:

253.8 Subd. 2. **Design standards for metropolitan area.** The Metropolitan ~~911~~ Emergency
253.9 Services Board shall establish and adopt design standards for the metropolitan area 911
253.10 system and transmit them to the commissioner for incorporation into the rules adopted
253.11 pursuant to this section.

253.12 Sec. 12. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

253.13 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
253.14 of a wireless or wire-line switched or packet-based telecommunications service provider
253.15 connected to the public switched telephone network that furnishes service capable of
253.16 originating a 911 emergency telephone call is assessed a fee based upon the number of
253.17 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
253.18 maintenance and related improvements for trunking and central office switching equipment
253.19 for 911 emergency telecommunications service, to offset administrative and staffing costs
253.20 of the commissioner related to managing the 911 emergency telecommunications service
253.21 program, to make distributions provided for in section 403.113, ~~and~~ to offset the costs,
253.22 including administrative and staffing costs, incurred by the State Patrol Division of the
253.23 Department of Public Safety in handling 911 emergency calls made from wireless phones,
253.24 and to offset costs to state and local governments for ongoing increases in expenditures
253.25 related to the updating and maintenance of systems to comply with Next-Generation-IP-based
253.26 911 telecommunications systems.

253.27 (b) Money remaining in the 911 emergency telecommunications service account after
253.28 all other obligations are paid and defined reserves met must not cancel and is carried forward
253.29 to subsequent years and ~~may~~ shall be appropriated ~~from time to time~~ to the commissioner
253.30 to provide financial assistance to counties for the improvement of local emergency
253.31 telecommunications services in compliance with the uses designated in section 403.113,
253.32 subdivision 3.

254.1 (c) The fee may not be less than eight cents nor more than 65 cents a month until June
254.2 30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not
254.3 less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than
254.4 eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access
254.5 line or other basic access service, including trunk equivalents as designated by the Public
254.6 Utilities Commission for access charge purposes and including wireless telecommunications
254.7 services. With the approval of the commissioner of management and budget, the
254.8 commissioner of public safety shall establish the amount of the fee within the limits specified
254.9 and inform the companies and carriers of the amount to be collected. ~~When the revenue~~
254.10 ~~bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the~~
254.11 ~~commissioner shall reduce the fee to reflect that debt service on the bonds is no longer~~
254.12 ~~needed.~~ The commissioner shall provide companies and carriers a minimum of 45 days'
254.13 notice of each fee change. The fee must be the same for all customers, except that the fee
254.14 imposed under this subdivision does not apply to prepaid wireless telecommunications
254.15 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
254.16 paragraph (a).

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

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

254.26 Sec. 13. Minnesota Statutes 2020, section 403.21, subdivision 3, is amended to read:

254.27 Subd. 3. **First phase.** "First phase" or "first phase of the regionwide public safety radio
254.28 communication system" means the initial backbone which serves the following ~~nine-county~~
254.29 ten-county metropolitan area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey,
254.30 Scott, Sherburne, and Washington Counties.

254.31 Sec. 14. Minnesota Statutes 2020, section 403.21, subdivision 12, is amended to read:

254.32 Subd. 12. **Greater Minnesota.** "Greater Minnesota" means the area of the state outside
254.33 the ~~nine-county~~ ten-county metropolitan area served by the first phase.

255.1 Sec. 15. Minnesota Statutes 2020, section 403.36, subdivision 1, is amended to read:

255.2 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and
255.3 chair the Statewide Radio Board to develop a project plan for a statewide, shared, trunked
255.4 public safety radio communication system. The system may be referred to as "Allied Radio
255.5 Matrix for Emergency Response," or "ARMER."

255.6 (b) The board consists of the following members or their designees:

255.7 (1) the commissioner of public safety;

255.8 (2) the commissioner of transportation;

255.9 (3) the state chief information officer;

255.10 (4) the commissioner of natural resources;

255.11 (5) the chief of the Minnesota State Patrol;

255.12 (6) the chair of the Metropolitan Council;

255.13 (7) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area
255.14 and one from Greater Minnesota, appointed by the governing body of the League of
255.15 Minnesota Cities;

255.16 (8) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan area
255.17 and one from Greater Minnesota, appointed by the governing body of the Association of
255.18 Minnesota Counties;

255.19 (9) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one from
255.20 Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

255.21 (10) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area and
255.22 one from Greater Minnesota, appointed by the governor after considering recommendations
255.23 made by the Minnesota Chiefs' of Police Association;

255.24 (11) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and one
255.25 from Greater Minnesota, appointed by the governor after considering recommendations
255.26 made by the Minnesota Fire Chiefs' Association;

255.27 (12) two representatives of emergency medical service providers, one from the
255.28 ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by
255.29 the governor after considering recommendations made by the Minnesota Ambulance
255.30 Association;

256.1 (13) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan
256.2 Emergency Services Board; and

256.3 (14) a representative of Greater Minnesota elected by those units of government in phase
256.4 three and any subsequent phase of development as defined in the statewide, shared radio
256.5 and communication plan, who have submitted a plan to the Statewide Radio Board and
256.6 where development has been initiated.

256.7 (c) The Statewide Radio Board shall coordinate the appointment of board members
256.8 representing Greater Minnesota with the appointing authorities and may designate the
256.9 geographic region or regions from which an appointed board member is selected where
256.10 necessary to provide representation from throughout the state.

256.11 Sec. 16. **911 TELECOMMUNICATOR WORKING GROUP.**

256.12 Subdivision 1. Membership. (a) The commissioner of public safety shall convene a 911
256.13 telecommunicator working group that consists of the commissioner, or a designee, and one
256.14 representative of each of the following organizations:

256.15 (1) the Minnesota Chiefs of Police Association;

256.16 (2) the Minnesota Sheriffs' Association;

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

256.18 (4) the Emergency Communications Network;

256.19 (5) the Minnesota State Fire Chiefs Association;

256.20 (6) the Association of Minnesota Counties;

256.21 (7) the League of Minnesota Cities;

256.22 (8) Tribal dispatchers;

256.23 (9) the Metropolitan Emergency Services Board;

256.24 (10) the Emergency Medical Services Regulatory Board;

256.25 (11) the Statewide Emergency Communications Board;

256.26 (12) each of the Statewide Emergency Communications Board's seven regional boards;

256.27 (13) mental health crisis team providers;

256.28 (14) the Minnesota Association of Public Safety Communications Officials (MN APCO)

256.29 and the National Emergency Number Association of Minnesota (NENA of MN); and

257.1 (15) the Minnesota Ambulance Association.

257.2 (b) The working group must also include a nonsupervisory telecommunicator working
257.3 in a regional center outside of the seven-county metropolitan area, a nonsupervisory
257.4 telecommunicator working in rural Minnesota, and a nonsupervisory telecommunicator
257.5 working in the seven-county metropolitan area.

257.6 (c) The organizations specified in paragraph (a) shall provide the commissioner with a
257.7 designated member to serve on the working group by June 15, 2021. The commissioner
257.8 shall appoint these members to the working group. Appointments to the working group
257.9 must be made by July 1, 2021.

257.10 Subd. 2. **Duties; report.** The working group must submit a report to the chairs and
257.11 ranking minority members of the legislative committees with jurisdiction over public safety
257.12 policy and finance by January 15, 2022. The report must:

257.13 (1) recommend a statutory definition of 911 telecommunicators;

257.14 (2) recommend minimum training and continuing education standards for certification
257.15 of 911 telecommunicators;

257.16 (3) recommend standards for certification of 911 telecommunicators;

257.17 (4) recommend funding options for mandated 911 telecommunicators training;

257.18 (5) recommend best practices in incident response command structure for the state's first
257.19 responders to implement that do not violate either the United States or Minnesota
257.20 Constitutions, after reviewing the various incident response command structures used in
257.21 the field across the nation and world; and

257.22 (6) provide other recommendations the working group deems appropriate.

257.23 Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the
257.24 first meeting of the working group by August 1, 2021. At the first meeting, the members
257.25 must elect a chair. The working group may conduct meetings remotely. The chair shall be
257.26 responsible for document management of materials for the working group.

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

257.28 Subd. 5. **Administrative support.** The commissioner of public safety must provide
257.29 administrative support to the working group.

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

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

258.1 Sec. 17. TITLE.

258.2 Section 10 shall be known as "Travis's Law."

253D.14 VICTIM NOTIFICATION OF PETITION AND RELEASE; RIGHT TO SUBMIT STATEMENT.

Subd. 4. **Electronic notice.** This section applies only to victims who have requested notification through the Department of Corrections electronic victim notification system, or by contacting, in writing, the county attorney in the county where the conviction for the crime occurred or where the civil commitment was filed or, following commitment, the executive director. A request for notice under this section received by the commissioner of corrections through the Department of Corrections electronic victim notification system shall be promptly forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates or, following commitment, the executive director. A county attorney who receives a request for notification under this section following commitment shall promptly forward the request to the commissioner of human services.

609.293 SODOMY.

Subdivision 1. **Definition.** "Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 5. **Consensual acts.** Whoever, in cases not coming within the provisions of sections 609.342 or 609.344, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

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

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

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

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

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

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

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

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

609.34 FORNICATION.

When any man and single woman have sexual intercourse with each other, each is guilty of fornication, which is a misdemeanor.

609.36 ADULTERY.

Subdivision 1. **Acts constituting.** When a married woman has sexual intercourse with a man other than her husband, whether married or not, both are guilty of adultery and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 2. **Limitations.** No prosecution shall be commenced under this section except on complaint of the husband or the wife, except when such husband or wife lacks the mental capacity, nor after one year from the commission of the offense.

Subd. 3. **Defense.** It is a defense to violation of this section if the marital status of the woman was not known to the defendant at the time of the act of adultery.

611A.0385 SENTENCING; IMPLEMENTATION OF RIGHT TO NOTICE OF OFFENDER RELEASE AND EXPUNGEMENT.

At the time of sentencing or the disposition hearing in a case in which there is an identifiable victim, the court or its designee shall make reasonable good faith efforts to inform each affected victim of the offender notice of release and notice of expungement provisions of section 611A.06. If the victim is a minor, the court or its designee shall, if appropriate, also make reasonable good faith efforts to inform the victim's parent or guardian of the right to notice of release and notice of expungement. The state court administrator, in consultation with the commissioner of corrections and the prosecuting authorities, shall prepare a form that outlines the notice of release and notice of expungement provisions under section 611A.06 and describes how a victim should complete and submit a request to the commissioner of corrections or other custodial authority to be informed of an offender's release or submit a request to the prosecuting authorities to be informed of an offender's petition for expungement. The state court administrator shall make these forms available to court administrators who shall assist the court in disseminating right to notice of offender release and notice of expungement information to victims.