

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 63

06/26/2021 Authored by Mariani
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

06/27/2021 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to public safety; modifying certain provisions relating to public safety,

1.3 courts, corrections, sexual offenders, crime victims, background checks, forfeiture,

1.4 law enforcement, human rights, and data practices; providing for task forces and

1.5 working groups; requiring reports; providing for criminal penalties; appropriating

1.6 money for courts, public safety, sentencing guidelines, corrections, human rights,

1.7 Peace Officer Standards and Training (POST) Board, Private Detective Board,

1.8 Guardian ad Litem Board, state auditor, Legislative Coordinating Commission,

1.9 Department of Natural Resources, Uniform Laws Commission, Board on Judicial

1.10 Standards, and Board of Public Defense; amending Minnesota Statutes 2020,

1.11 sections 2.722, subdivision 1; 13.41, subdivision 3; 13.411, by adding a subdivision;

1.12 13.552, by adding a subdivision; 13.7931, by adding a subdivision; 13.824,

1.13 subdivision 6; 13.825, subdivision 9; 13.851, by adding a subdivision; 152.01,

1.14 subdivision 18; 169.99, subdivision 1c, by adding a subdivision; 169A.55,

1.15 subdivisions 2, 4; 169A.60, subdivisions 2, 3, 13; 169A.63, subdivisions 1, 7, 8,

1.16 9, 10, 13, by adding subdivisions; 171.29, subdivision 1; 171.30, subdivision 1;

1.17 171.306, subdivisions 2, 4; 214.10, subdivision 11; 241.016; 241.021, subdivision

1.18 1, by adding subdivisions; 243.166, subdivision 1b; 243.48, subdivision 1; 243.52;

1.19 244.19, subdivision 3; 253B.18, subdivision 5a; 253D.14, subdivisions 2, 3, by

1.20 adding a subdivision; 299A.52, subdivision 2; 299C.60; 299C.61, subdivisions 2,

1.21 4, by adding subdivisions; 299C.62, subdivisions 1, 2, 3, 4, 6; 299C.63; 299C.72;

1.22 299C.80, subdivision 3; 340A.504, subdivision 7; 357.021, subdivisions 1a, 6;

1.23 363A.02, subdivision 1; 363A.08, subdivision 6; 363A.28, subdivisions 1, 6;

1.24 363A.31, subdivision 2; 363A.33, subdivision 3; 363A.36, subdivisions 1, 2, 3, 4,

1.25 by adding a subdivision; 363A.44, subdivisions 2, 4, 9; 401.06; 403.02, subdivision

1.26 16; 403.03, subdivision 1; 403.07, subdivision 2; 403.11, subdivision 1; 403.21,

1.27 subdivisions 3, 12; 403.36, subdivision 1; 477A.03, subdivision 2b; 524.2-503;

1.28 609.101, subdivision 5; 609.1095, subdivision 1; 609.131, subdivision 2; 609.135,

1.29 subdivision 2; 609.221; 609.2325; 609.322, subdivisions 1, 1a; 609.324,

1.30 subdivisions 1, 2, 4; 609.3241; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding

1.31 subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; 609.3459;

1.32 609.352, subdivision 4; 609.531, subdivision 1, by adding a subdivision; 609.5311,

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

1.34 609.5315, subdivisions 5, 5b, 6; 609.605, subdivision 2; 609.66, subdivision 1e;

1.35 611.21; 611.27, subdivisions 9, 10, 11, 13, 15; 611A.039, subdivision 1; 611A.06,

1.36 subdivision 1; 617.246, subdivisions 2, 3, 4; 617.247, subdivisions 3, 4; 626.14;

1.37 626.842, subdivision 2; 626.8435, subdivision 1; 626.845, subdivision 3; 626.8457,

1.38 subdivision 3; 626.8469, by adding a subdivision; 628.26; Laws 2016, chapter

2.1 189, article 4, section 7; Laws 2017, chapter 95, article 1, section 11, subdivision
 2.2 7; Laws 2020, Seventh Special Session chapter 2, article 2, section 4; Laws 2021,
 2.3 First Special Session chapter 4, article 9, sections 1; 2; 3; 4; 5; Laws 2021, First
 2.4 Special Session chapter 5, article 3, sections 1; 2; 3; 4; 5; proposing coding for
 2.5 new law in Minnesota Statutes, chapters 3; 84; 260B; 299A; 299F; 326B; 604A;
 2.6 609; 611A; 626; 634; repealing Minnesota Statutes 2020, sections 253D.14,
 2.7 subdivision 4; 609.324, subdivision 3; 609.5317; 611A.0385.

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

2.9 **ARTICLE 1**

2.10 **APPROPRIATIONS**

2.11 Section 1. **APPROPRIATIONS.**

2.12 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.13 and for the purposes specified in this article. The appropriations are from the general fund,
 2.14 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.15 The figures "2022" and "2023" used in this article mean that the appropriations listed under
 2.16 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
 2.17 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
 2.18 is fiscal years 2022 and 2023. Appropriations for the fiscal year ending June 30, 2021, are
 2.19 effective the day following final enactment.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2022</u>	<u>2023</u>

2.24 Sec. 2. **SUPREME COURT**

2.25 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>60,487,000</u>	<u>\$</u>	<u>61,582,000</u>
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2.26 The amounts that may be spent for each
 2.27 purpose are specified in the following
 2.28 subdivisions.

2.29 <u>Subd. 2. Supreme Court Operations</u>		<u>43,559,000</u>		<u>43,384,000</u>
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2.30 **(a) Contingent Account**

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

2.35 **(b) Justices' Compensation**

3.1 Justices' compensation is increased by 2.5
 3.2 percent in the first year.

3.3 **(c) Courthouse Security Grants**

3.4 \$500,000 the first year is for a competitive
 3.5 grant program established by the chief justice
 3.6 for the distribution of safe and secure
 3.7 courthouse fund grants to governmental
 3.8 entities responsible for providing or
 3.9 maintaining a courthouse or other facility
 3.10 where court proceedings are held. Grant
 3.11 recipients must provide a 50 percent nonstate
 3.12 match. This appropriation is available until
 3.13 June 30, 2024.

3.14 **(d) Neuropsychological Examination**
 3.15 **Feasibility Study**

3.16 \$30,000 the first year is for the
 3.17 neuropsychological examination feasibility
 3.18 study.

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

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

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

4.1 **Judges' Compensation.** Judges' compensation
 4.2 is increased by 2.5 percent in the first year.

4.3 Sec. 4. **DISTRICT COURTS** \$ **326,372,000** \$ **329,146,000**

4.4 **(a) Judges' Compensation**

4.5 Judges' compensation is increased by 2.5
 4.6 percent in the first year.

4.7 **(b) New Judgeship**

4.8 \$482,000 the first year and \$449,000 the
 4.9 second year are for a new judge unit in the
 4.10 Fifth Judicial District.

4.11 **(c) Interpreter Compensation**

4.12 \$200,000 each year is to increase hourly fees
 4.13 paid to qualified certified and uncertified
 4.14 interpreters who are independent contractors
 4.15 and assist persons disabled in communication
 4.16 in legal proceedings. This is a onetime
 4.17 appropriation.

4.18 Sec. 5. **GUARDIAN AD LITEM BOARD** \$ **22,576,000** \$ **22,815,000**

4.19 Sec. 6. **TAX COURT** \$ **1,827,000** \$ **1,841,000**

4.20 Sec. 7. **UNIFORM LAWS COMMISSION** \$ **100,000** \$ **100,000**

4.21 Sec. 8. **BOARD ON JUDICIAL STANDARDS** \$ **580,000** \$ **586,000**

4.22 **(a) Availability of Appropriation**

4.23 If the appropriation for either year is
 4.24 insufficient, the appropriation for the other
 4.25 fiscal year is available.

4.26 **(b) Major Disciplinary Actions**

4.27 \$125,000 each year is for special investigative
 4.28 and hearing costs for major disciplinary
 4.29 actions undertaken by the board. This
 4.30 appropriation does not cancel. Any
 4.31 unencumbered and unspent balances remain

6.1 The amounts that may be spent for each
 6.2 purpose are specified in the following
 6.3 subdivisions.

6.4	<u>Subd. 2. Emergency Management</u>	<u>3,000,000</u>	<u>3,156,000</u>
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6.5	<u>Appropriations by Fund</u>		
6.6	<u>General</u>	<u>2,927,000</u>	<u>3,083,000</u>
6.7	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>

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

6.9 \$225,000 each year is for supplemental
 6.10 nonprofit security grants under this paragraph.

6.11 Nonprofit organizations whose applications
 6.12 for funding through the Federal Emergency
 6.13 Management Agency's nonprofit security grant
 6.14 program have been approved by the Division
 6.15 of Homeland Security and Emergency
 6.16 Management are eligible for grants under this
 6.17 paragraph. No additional application shall be
 6.18 required for grants under this paragraph, and
 6.19 an application for a grant from the federal
 6.20 program is also an application for funding
 6.21 from the state supplemental program.

6.22 Eligible organizations may receive grants of
 6.23 up to \$75,000, except that the total received
 6.24 by any individual from both the federal
 6.25 nonprofit security grant program and the state
 6.26 supplemental nonprofit security grant program
 6.27 shall not exceed \$75,000. Grants shall be
 6.28 awarded in an order consistent with the
 6.29 ranking given to applicants for the federal
 6.30 nonprofit security grant program. No grants
 6.31 under the state supplemental nonprofit security
 6.32 grant program shall be awarded until the
 6.33 announcement of the recipients and the

7.1 amount of the grants awarded under the federal
 7.2 nonprofit security grant program.

7.3 The commissioner may use up to one percent
 7.4 of the appropriation received under this
 7.5 paragraph to pay costs incurred by the
 7.6 department in administering the supplemental
 7.7 nonprofit security grant program. These
 7.8 appropriations are onetime.

7.9 **(b) School Safety Center**

7.10 \$250,000 each year is for two school safety
 7.11 specialists at the Minnesota School Safety
 7.12 Center.

7.13 **Subd. 3. Criminal**
 7.14 **Apprehension**

	<u>1,316,000</u>	<u>78,263,000</u>	<u>77,023,000</u>
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7.15 Appropriations by Fund

<u>General</u>	<u>1,316,000</u>	<u>75,827,000</u>	<u>74,587,000</u>
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7.17 State Government

<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>	
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<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>	
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7.20 **(a) DWI Lab Analysis**

7.21 Notwithstanding Minnesota Statutes, section
 7.22 161.20, subdivision 3, \$2,429,000 each year
 7.23 is from the trunk highway fund for staff and
 7.24 operating costs for laboratory analysis related
 7.25 to driving-while-impaired cases.

7.26 **(b) Cybersecurity**

7.27 \$2,611,000 the first year and \$1,558,000 the
 7.28 second year are for identity and access
 7.29 management, critical infrastructure upgrades,
 7.30 and Federal Bureau of Investigation audit
 7.31 compliance. The base for this is \$1,050,000
 7.32 in fiscal years 2024 and 2025.

7.33 **(c) Rapid DNA Program**

8.1 \$285,000 each year is for the Rapid DNA
 8.2 Program.

8.3 **(d) Body Cameras**

8.4 \$397,000 the first year and \$205,000 the
 8.5 second year are to purchase body cameras for
 8.6 peace officers employed by the Bureau of
 8.7 Criminal Apprehension and to maintain the
 8.8 necessary hardware, software, and data.

8.9 **(e) National Guard Sexual Assault**
 8.10 **Investigations**

8.11 \$160,000 each year is for investigation of
 8.12 criminal sexual conduct allegations filed
 8.13 against members of the Minnesota National
 8.14 Guard by another member of the Minnesota
 8.15 National Guard. This appropriation is onetime.

8.16 **(f) Criminal Alert Network; Alzheimer's**
 8.17 **and Dementia**

8.18 \$200,000 the first year is for the criminal alert
 8.19 network to increase membership, reduce the
 8.20 registration fee, and create additional alert
 8.21 categories, including at a minimum a dementia
 8.22 and Alzheimer's disease specific category.

8.23 **(g) Forfeiture Notices**

8.24 \$24,000 in fiscal year 2022 is for costs for
 8.25 technological upgrades required for generating
 8.26 forfeiture notices and property receipts.

8.27 **(h) Drugged Driving Lab Testing Support**

8.28 \$825,000 each year is for staffing and supplies
 8.29 for drugged driving lab testing.

8.30 **Subd. 4. Fire Marshal**

8,752,000

8,818,000

9.1	<u>Appropriations by Fund</u>		
9.2	<u>General</u>	<u>178,000</u>	<u>178,000</u>
9.3	<u>Special Revenue</u>	<u>8,574,000</u>	<u>8,640,000</u>

9.4 The special revenue fund appropriation is from
 9.5 the fire safety account in the special revenue
 9.6 fund and is for activities under Minnesota
 9.7 Statutes, section 299F.012. The base
 9.8 appropriation from this account is \$8,740,000
 9.9 in fiscal year 2024 and \$8,640,000 in fiscal
 9.10 year 2025.

9.11 **(a) Inspections**

9.12 \$300,000 each year is for inspection of nursing
 9.13 homes and boarding care facilities.

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

9.15 **Teams**

9.16 \$950,000 the first year and \$850,000 the
 9.17 second year are from the fire safety account
 9.18 in the special revenue fund. These amounts
 9.19 must be used to fund the hazardous materials
 9.20 and chemical assessment teams. Of this
 9.21 amount, \$100,000 the first year is for cases
 9.22 for which there is no identified responsible
 9.23 party. The base appropriation is \$950,000 in
 9.24 fiscal year 2024 and \$850,000 in fiscal year
 9.25 2025.

9.26 **(c) Bomb Squad Reimbursements**

9.27 \$50,000 each year is from the general fund for
 9.28 reimbursements to local governments for
 9.29 bomb squad services.

9.30 **(d) Emergency Response Teams**

9.31 \$675,000 each year is from the fire safety
 9.32 account in the special revenue fund to maintain
 9.33 four emergency response teams: one under the

10.1 jurisdiction of the St. Cloud Fire Department
 10.2 or a similarly located fire department if
 10.3 necessary; one under the jurisdiction of the
 10.4 Duluth Fire Department; one under the
 10.5 jurisdiction of the St. Paul Fire Department;
 10.6 and one under the jurisdiction of the Moorhead
 10.7 Fire Department.

10.8 **Subd. 5. Firefighter Training and Education**
 10.9 **Board**

5,792,000

5,792,000

10.10 Appropriations by Fund
 10.11 Special Revenue 5,792,000 5,792,000

10.12 The special revenue fund appropriation is from
 10.13 the fire safety account in the special revenue
 10.14 fund and is for activities under Minnesota
 10.15 Statutes, section 299F.012.

10.16 **(a) Firefighter Training and Education**
 10.17 \$4,500,000 each year is for firefighter training
 10.18 and education.

10.19 **(b) Task Force 1**
 10.20 \$975,000 each year is for the Minnesota Task
 10.21 Force 1.

10.22 **(c) Air Rescue**
 10.23 \$317,000 each year is for the Minnesota Air
 10.24 Rescue Team.

10.25 **(d) Unappropriated Revenue**
 10.26 Any additional unappropriated money
 10.27 collected in fiscal year 2021 is appropriated
 10.28 to the commissioner of public safety for the
 10.29 purposes of Minnesota Statutes, section
 10.30 299F.012. The commissioner may transfer
 10.31 appropriations and base amounts between
 10.32 activities in this subdivision.

12.1 **(c) Survivor Support and Prevention**

12.2 **Grants**

12.3 \$400,000 each year is for grants to victim
12.4 survivors and to fund emerging or unmet
12.5 needs impacting victims of crime, particularly
12.6 in underserved populations. This is a onetime
12.7 appropriation.

12.8 **(d) Improving Retention in Domestic**

12.9 **Violence Programs**

12.10 \$150,000 the first year is to develop an open
12.11 and competitive grant process to award a grant
12.12 to establish a pilot project to increase the rate
12.13 at which participants voluntarily complete a
12.14 person-centered, trauma-informed violence
12.15 prevention program by addressing the social
12.16 and economic barriers that inhibit program
12.17 completion. This appropriation is available
12.18 until June 30, 2024.

12.19 The grant recipient shall have an established
12.20 program for individuals who have been
12.21 identified as using abusive behaviors within
12.22 a home or community setting. The established
12.23 program must apply evidence-based
12.24 interventions to equip participants with skills
12.25 and techniques to stop abusive behaviors as
12.26 they occur and prevent them from happening
12.27 in the future.

12.28 The pilot project shall address financial,
12.29 transportation, food, housing, or social support
12.30 barriers in order to increase the rate of
12.31 participants completing the program. Money
12.32 may be used to advance program capacity,
12.33 reduce the administrative burden on program
12.34 staff, secure participant consent for

- 13.1 assessment, enhance measurement and
13.2 evaluation of the program, and provide other
13.3 services and support to increase the rate of
13.4 program completion while maintaining low
13.5 recidivism rates.
- 13.6 By January 15, 2023, the grant recipient shall
13.7 provide a report to the Office of Justice
13.8 Programs identifying:
- 13.9 (1) the number of individuals, including the
13.10 age, race, and sex of those individuals, who
13.11 were admitted into the program before and
13.12 after the pilot project began;
- 13.13 (2) the number of individuals, including the
13.14 age, race, and sex of those individuals, who
13.15 completed the program before and after the
13.16 pilot project began;
- 13.17 (3) the number of individuals, including the
13.18 age, race, and sex of those individuals, who
13.19 left the program prior to completion before
13.20 and after the pilot project began;
- 13.21 (4) information on whether the individuals
13.22 were members of a two-parent or single-parent
13.23 home; and
- 13.24 (5) any other relevant measurement and
13.25 evaluation of the pilot project, including
13.26 information related to social and economic
13.27 barriers that impact program completion rates.
- 13.28 By January 15, 2024, the grant recipient shall
13.29 provide a report to the Office of Justice
13.30 Programs identifying the domestic violence
13.31 recidivism rate of individuals who completed
13.32 the program, including the age, race, and sex
13.33 of those individuals, before and after the pilot
13.34 project began.

14.1 By February 15, 2024, the Office of Justice
14.2 Programs shall compile the information
14.3 received from the grant recipient and provide
14.4 that compilation to the senate and house of
14.5 representatives committees and divisions with
14.6 jurisdiction over public safety.

14.7 **(e) Innovation in Community Safety Grants**

14.8 \$400,000 each year is for innovation in
14.9 community safety grants. This is a onetime
14.10 appropriation.

14.11 **(f) Youth Intervention Program Grants**

14.12 \$286,000 each year is for youth intervention
14.13 program grants.

14.14 **(g) Racially Diverse Youth in Shelters**

14.15 \$45,000 each year is for grants to
14.16 organizations to address racial disparity of
14.17 youth using shelter services in the Rochester
14.18 and St. Cloud regional areas. A grant recipient
14.19 shall establish and operate a pilot program to
14.20 engage in community intervention, family
14.21 reunification, aftercare, and follow up when
14.22 family members are released from shelter
14.23 services. A pilot program shall specifically
14.24 address the high number of racially diverse
14.25 youth that enter shelters in the region. This is
14.26 a onetime appropriation.

14.27 **(h) Task Force on Missing and Murdered**

14.28 **African American Women**

14.29 \$100,000 the first year and \$50,000 the second
14.30 year are to implement the task force on
14.31 missing and murdered African American
14.32 women. This is a onetime appropriation.

14.33 **(i) Body Camera Grant Program**

15.1 \$500,000 each year is to provide grants to
15.2 local law enforcement agencies for portable
15.3 recording systems. The commissioner shall
15.4 award grants to local law enforcement
15.5 agencies for the purchase and maintenance of
15.6 portable recording systems and portable
15.7 recording system data. An applicant must
15.8 provide a 50 percent match to be eligible to
15.9 receive a grant. The commissioner must give
15.10 priority to law enforcement agencies located
15.11 outside of the seven-county metropolitan area
15.12 that do not have a portable recording system
15.13 program.

15.14 As a condition of receiving a grant, a law
15.15 enforcement agency's portable recording
15.16 system policy must comply with the standards
15.17 developed by the Legislative Commission on
15.18 Data Practices and Personal Data Privacy. This
15.19 is a onetime appropriation.

15.20 (j) VCETs

15.21 \$1,000,000 each year is for additional violent
15.22 crime enforcement teams. The base for this is
15.23 \$1,000,000 in fiscal years 2024 and 2025.

15.24 Of this amount, \$250,000 each year is a
15.25 onetime appropriation for a team to address
15.26 criminal activities in and around metropolitan
15.27 transit lines. This team must include members
15.28 from the Hennepin County Sheriff's Office,
15.29 the Ramsey County Sheriff's Office, the St.
15.30 Paul Police Department, the Minneapolis
15.31 Police Department, and the Metropolitan
15.32 Transit Police Department. The Hennepin
15.33 County Sheriff's Office shall serve as the
15.34 team's fiscal agent. By February 1, 2022, the
15.35 commissioner shall report to the chairs and

16.1 ranking minority members of the legislative
 16.2 committees with jurisdiction over criminal
 16.3 justice policy and funding on the activities of
 16.4 the team. The report must detail the impact
 16.5 the team had on reducing criminal activity in
 16.6 and around metropolitan transit lines and
 16.7 recommend whether to fund the team in the
 16.8 future or whether the money for this would be
 16.9 better directed toward other violent crime
 16.10 enforcement teams.

16.11 **(k) Office of Missing and Murdered**

16.12 **Indigenous Relatives**

16.13 \$500,000 each year is to establish and
 16.14 maintain the Office of Missing and Murdered
 16.15 Indigenous Relatives.

16.16 **(l) Hometown Heroes Assistance Program**

16.17 \$4,000,000 each year is appropriated for grants
 16.18 to the Minnesota Firefighter Initiative to fund
 16.19 the hometown heroes assistance program
 16.20 established in Minnesota Statutes, section
 16.21 299A.477.

16.22 **(m) Juvenile Justice Unit**

16.23 \$200,000 each year is to establish and
 16.24 maintain a Juvenile Justice Unit.

16.25 **Subd. 8. Emergency Communication Networks**

67,897,000

67,888,000

16.26 This appropriation is from the state
 16.27 government special revenue fund for 911
 16.28 emergency telecommunications services.

16.29 This appropriation includes funds for
 16.30 information technology project services and
 16.31 support subject to the provisions of Minnesota
 16.32 Statutes, section 16E.0466. Any ongoing
 16.33 information technology costs shall be

17.1 incorporated into the service level agreement
17.2 and shall be paid to the Office of MN.IT
17.3 Services by the Department of Public Safety
17.4 under the rates and mechanism specified in
17.5 that agreement.

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

17.7 \$27,328,000 the first year and \$28,011,000
17.8 the second year shall be distributed as
17.9 provided in Minnesota Statutes, section
17.10 403.113, subdivision 2. The base appropriation
17.11 is \$28,011,000 in fiscal year 2024 and
17.12 \$28,011,000 in fiscal year 2025.

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

17.14 \$683,000 the first year is for grants to the
17.15 Minnesota Emergency Medical Services
17.16 Regulatory Board for the Metro East and
17.17 Metro West Medical Resource
17.18 Communication Centers that were in operation
17.19 before January 1, 2000.

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

17.21 **Costs**

17.22 \$9,675,000 each year is transferred to the
17.23 commissioner of transportation for costs of
17.24 maintaining and operating the statewide radio
17.25 system backbone.

17.26 **(d) ARMER Improvements**

17.27 \$1,000,000 each year is to the Statewide
17.28 Emergency Communications Board for
17.29 improvements to those elements of the
17.30 statewide public safety radio and
17.31 communication system that support mutual
17.32 aid communications and emergency medical
17.33 services or provide interim enhancement of

18.1 public safety communication interoperability
 18.2 in those areas of the state where the statewide
 18.3 public safety radio and communication system
 18.4 is not yet implemented, and grants to local
 18.5 units of government to further the strategic
 18.6 goals set forth by the Statewide Emergency
 18.7 Communications Board strategic plan.

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

18.9 \$9,000 the first year is to convene, administer,
 18.10 and implement the 911 telecommunicator
 18.11 working group.

18.12 **Subd. 9. Driver and Vehicle Services** 465,000 389,000

18.13 \$465,000 the first year and \$389,000 the
 18.14 second year are from the driver services
 18.15 operating account in the special revenue fund
 18.16 for the ignition interlock program under
 18.17 Minnesota Statutes, section 171.306.

18.18 **Sec. 15. PEACE OFFICER STANDARDS AND**
 18.19 **TRAINING (POST) BOARD**

18.20 **Subdivision 1. Total Appropriation** **\$ 11,563,000 \$ 11,554,000**

18.21 The amounts that may be spent for each
 18.22 purpose are specified in the following
 18.23 subdivisions.

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

18.25 \$2,949,000 each year is for reimbursements
 18.26 to local governments for peace officer training
 18.27 costs.

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

18.29 **Philando Castile Memorial Training Fund**

18.30 \$6,000,000 each year is to support and
 18.31 strengthen law enforcement training and
 18.32 implement best practices. This funding shall

- 19.1 be named the "Philando Castile Memorial
19.2 Training Fund."
- 19.3 Each sponsor of a training course is required
19.4 to include the following in the sponsor's
19.5 application for approval submitted to the
19.6 board: course goals and objectives; a course
19.7 outline including at a minimum a timeline and
19.8 teaching hours for all courses; instructor
19.9 qualifications, including skills and concepts
19.10 such as crisis intervention, de-escalation, and
19.11 cultural competency that are relevant to the
19.12 course provided; and a plan for learning
19.13 assessments of the course and documenting
19.14 the assessments to the board during review.
- 19.15 Upon completion of each course, instructors
19.16 must submit student evaluations of the
19.17 instructor's teaching to the sponsor.
- 19.18 The board shall keep records of the
19.19 applications of all approved and denied
19.20 courses. All continuing education courses shall
19.21 be reviewed after the first year. The board
19.22 must set a timetable for recurring review after
19.23 the first year. For each review, the sponsor
19.24 must submit its learning assessments to the
19.25 board to show that the course is teaching the
19.26 learning outcomes that were approved by the
19.27 board.
- 19.28 A list of licensees who successfully complete
19.29 the course shall be maintained by the sponsor
19.30 and transmitted to the board following the
19.31 presentation of the course and the completed
19.32 student evaluations of the instructors.
- 19.33 Evaluations are available to chief law
19.34 enforcement officers. The board shall establish

21.1 **(c) Incarceration and Prerelease Services**

21.2 **Base Budget**

21.3 The general fund base for Department of
 21.4 Corrections incarceration and prerelease
 21.5 services is \$469,883,000 in fiscal year 2024
 21.6 and \$470,331,000 in fiscal year 2025.

21.7 **Subd. 3. Community**
 21.8 **Supervision and Postrelease**
 21.9 **Services**

137,780,000

138,204,000

21.10 **(a) Community Corrections Act**

21.11 \$1,220,000 each year is added to the
 21.12 Community Corrections Act subsidy, as
 21.13 described in Minnesota Statutes, section
 21.14 401.14. This is a onetime increase for the
 21.15 biennium and requires the submission of a
 21.16 report to the legislature no later than December
 21.17 15, 2021, with recommendations from a
 21.18 working group established to study
 21.19 supervision services and funding across the
 21.20 state and develop recommendations. This is a
 21.21 onetime appropriation.

21.22 The commissioner of corrections shall convene
 21.23 a working group to study and report to the
 21.24 legislature on the attributes and requirements
 21.25 of an effective supervision system. The report
 21.26 shall describe how the state and counties can
 21.27 achieve an effective supervision system
 21.28 together, balancing local control with state
 21.29 support and collaboration. The report shall
 21.30 include: a proposal for sustainable funding of
 21.31 the state's community supervision delivery
 21.32 systems; a plan for the potential of future
 21.33 Tribal government supervision of probationers
 21.34 and supervised releasees; a definition of core
 21.35 or base-level supervision standards in

22.1 accordance with the state's obligation to fund
22.2 or provide supervision services that are
22.3 geographically equitable and reflect the
22.4 principles of modern correctional practice; a
22.5 recommended funding model and the
22.6 associated costs as compared to the state's
22.7 current investment in those services;
22.8 alternative funding and delivery models and
22.9 the alternative models' associated costs when
22.10 compared with the state's current investment
22.11 in those services; and mechanisms to ensure
22.12 balanced application of increases in the cost
22.13 of community supervision services.

22.14 The working group shall at a minimum include
22.15 the following members: the commissioner of
22.16 corrections or the commissioner's designee
22.17 and four other representatives from the
22.18 Department of Corrections, five directors of
22.19 the Minnesota Association of Community
22.20 Corrections Act Counties, five directors of the
22.21 Minnesota Association of County Probation
22.22 Offices, three county commissioner
22.23 representatives from the Association of
22.24 Minnesota Counties with one from each
22.25 delivery system, three representatives of the
22.26 Minnesota Indian Affairs Council Tribal
22.27 government members, and two district court
22.28 judge representatives designated by the State
22.29 Court Administrator. The working group may
22.30 include other members and the use of a
22.31 third-party organization to provide process
22.32 facilitation, statewide stakeholder engagement,
22.33 data analysis, programming and supervision
22.34 assessments, and technical assistance through
22.35 implementation of the adopted report
22.36 recommendations.

23.1 The report shall be submitted to the chairs and
23.2 ranking minority members of the house of
23.3 representatives Public Safety Committee and
23.4 the senate Judiciary and Finance Committees
23.5 no later than December 15, 2021.

23.6 **(b) County Probation Officer**

23.7 **Reimbursement**

23.8 \$101,000 each year is for county probation
23.9 officers reimbursement, as described in
23.10 Minnesota Statutes, section 244.19,
23.11 subdivision 6. This is a onetime increase for
23.12 the biennium and requires the submission of
23.13 a report to the legislature no later than
23.14 December 15, 2021, with recommendations
23.15 from a working group established to study
23.16 supervision services and funding across the
23.17 state and develop recommendations. This is a
23.18 onetime appropriation.

23.19 **(c) Probation Supervision Services**

23.20 \$1,170,000 each year is for probation
23.21 supervision services provided by the
23.22 Department of Corrections in Meeker, Mille
23.23 Lacs, and Renville Counties as described in
23.24 Minnesota Statutes, section 244.19,
23.25 subdivision 1. The commissioner of
23.26 corrections shall bill Meeker, Mille Lacs, and
23.27 Renville Counties for the total cost of and
23.28 expenses incurred for probation services on
23.29 behalf of each county, as described in
23.30 Minnesota Statutes, section 244.19,
23.31 subdivision 5, and all reimbursements shall
23.32 be deposited in the general fund.

23.33 **(d) Task Force on Aiding and Abetting**

23.34 **Felony Murder**

24.1 \$25,000 the first year is to implement the task
24.2 force on aiding and abetting felony murder.

24.3 **(e) Alternatives to Incarceration**

24.4 \$320,000 each year is for funding to Anoka
24.5 County, Crow Wing County, and Wright
24.6 County to facilitate access to community
24.7 treatment options under the alternatives to
24.8 incarceration program.

24.9 **(f) Juvenile Justice Report**

24.10 \$55,000 the first year and \$9,000 the second
24.11 year are for reporting on extended jurisdiction
24.12 juveniles.

24.13 **(g) Postrelease Employment for Inmates**

24.14 **Grant; Request for Proposals**

24.15 \$300,000 the first year is for a grant to a
24.16 nongovernmental organization to provide
24.17 curriculum and corporate mentors to inmates
24.18 and assist inmates in finding meaningful
24.19 employment upon release from a correctional
24.20 facility. By September 1, 2021, the
24.21 commissioner of corrections must issue a
24.22 request for proposals. By December 1, 2021,
24.23 the commissioner shall award a \$300,000 grant
24.24 to the applicant that is best qualified to provide
24.25 the programming described in this paragraph.

24.26 **(h) Homelessness Mitigation Plan**

24.27 \$12,000 the first year is to develop and
24.28 implement a homelessness mitigation plan for
24.29 individuals released from prison.

24.30 **(i) Identifying Documents**

24.31 \$23,000 the first year and \$28,000 the second
24.32 year are to assist inmates in obtaining a copy
24.33 of their birth certificates and provide

25.1 appropriate Department of Corrections
 25.2 identification cards to individuals released
 25.3 from prison.

25.4 **(j) Predatory Offender Statutory**

25.5 **Framework Working Group**

25.6 \$25,000 the first year is to convene,
 25.7 administer, and implement the Predatory
 25.8 Offender Statutory Framework Working
 25.9 Group.

25.10 **Subd. 4. Organizational, Regulatory, and**
 25.11 **Administrative Services**

31,625,000

31,530,000

25.12 **(a) Technology**

25.13 \$1,566,000 the first year and \$1,621,000 the
 25.14 second year are to increase support for
 25.15 ongoing technology needs.

25.16 **(b) Correctional Facilities Security Audit**

25.17 **Group**

25.18 \$42,000 the first year and \$69,000 the second
 25.19 year are for the correctional facilities security
 25.20 audit group to prepare security audit standards,
 25.21 conduct security audits, and prepare required
 25.22 reports.

25.23 **(c) Oversight**

25.24 \$992,000 the first year and \$492,000 the
 25.25 second year are to expand and improve
 25.26 oversight of jails and other state and local
 25.27 correctional facilities, including the addition
 25.28 of four full-time corrections detention facilities
 25.29 inspectors and funds for county sheriffs who
 25.30 inspect municipal lockups.

25.31 **(d) Jailhouse Witness Data**

26.1 \$20,000 the first year is for costs associated
 26.2 with collecting and reporting on jailhouse
 26.3 witness data.

26.4 **Sec. 18. OMBUDSPERSON FOR**
 26.5 **CORRECTIONS** **\$ 659,000 \$ 663,000**

26.6 **Sec. 19. DEPARTMENT OF NATURAL**
 26.7 **RESOURCES** **\$ 489,000 \$ 387,000**

26.8 \$489,000 the first year and \$387,000 the
 26.9 second year are to purchase body cameras for
 26.10 conservation officers employed by the
 26.11 Department of Natural Resources and to
 26.12 maintain the necessary hardware, software,
 26.13 and data. The base appropriation is \$387,000
 26.14 in fiscal year 2024 and \$387,000 in fiscal year
 26.15 2025.

26.16 **Sec. 20. CANCELLATION; FISCAL YEAR**
 26.17 **2021**

26.18 **(a) Alcohol and Gambling Enforcement**

26.19 \$132,000 of the fiscal year 2021 general fund
 26.20 appropriation under Laws 2019, First Special
 26.21 Session chapter 5, article 1, section 12,
 26.22 subdivision 6, is canceled.

26.23 **(b) Office of Justice Programs**

26.24 \$213,000 of the fiscal year 2021 general fund
 26.25 appropriation under Laws 2019, First Special
 26.26 Session chapter 5, article 1, section 12,
 26.27 subdivision 7, is canceled.

26.28 **Sec. 21. TRANSFER; DISASTER ASSISTANCE CONTINGENCY ACCOUNT.**

26.29 (a) If the fiscal year 2021 final closing balance in the general fund exceeds the closing
 26.30 balance projected at the end of the 2021 first special legislative session by at least
 26.31 \$30,000,000, the commissioner of management and budget must transfer \$30,000,000 from
 26.32 the general fund to the disaster assistance contingency account established under Minnesota
 26.33 Statutes, section 12.221, subdivision 6.

27.1 (b) If the fiscal year 2021 final closing balance in the general fund exceeds the closing
27.2 balance projected at the end of the 2021 first special legislative session by less than
27.3 \$30,000,000, the commissioner of management and budget must transfer an amount equal
27.4 to the difference between the fiscal year 2021 final closing balance and the closing balance
27.5 projected at the end of the 2021 first special legislative session from the general fund to the
27.6 disaster assistance contingency account established under Minnesota Statutes, section 12.221,
27.7 subdivision 6.

27.8 (c) If a transfer is required under this section, the transfer must be completed before
27.9 September 30, 2021.

27.10 ARTICLE 2

27.11 PUBLIC SAFETY

27.12 Section 1. Minnesota Statutes 2020, section 152.01, subdivision 18, is amended to read:

27.13 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug
27.14 paraphernalia" means all equipment, products, and materials of any kind, except those items
27.15 used in conjunction with permitted uses of controlled substances under this chapter or the
27.16 Uniform Controlled Substances Act, which are knowingly or intentionally used primarily
27.17 in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise
27.18 introducing into the human body a controlled substance, (3) testing the strength, effectiveness,
27.19 or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

27.20 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale
27.21 of: (1) hypodermic needles or syringes in accordance with section 151.40, subdivision 2;
27.22 or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled
27.23 substance.

27.24 **EFFECTIVE DATE.** This section is effective July 1, 2021, for acts occurring on or
27.25 after that date.

27.26 Sec. 2. Minnesota Statutes 2020, section 169A.55, subdivision 2, is amended to read:

27.27 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
27.28 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
27.29 (impaired driving convictions and adjudications; administrative penalties), or 171.177
27.30 (revocation; search warrant), the commissioner shall notify the person of the terms upon
27.31 which driving privileges can be reinstated, and new registration plates issued, which terms
27.32 are: ~~(1) successful completion of an examination and~~ proof of compliance with any terms

28.1 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
28.2 requirements imposed by the commissioner and applicable to that particular case. The
28.3 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
28.4 under section 169A.60 (administrative impoundment of plates) as a result of the violation
28.5 of the procedures for obtaining new registration plates, if the owner is not the violator. The
28.6 commissioner shall also notify the person that if driving is resumed without reinstatement
28.7 of driving privileges or without valid registration plates and registration certificate, the
28.8 person will be subject to criminal penalties.

28.9 Sec. 3. Minnesota Statutes 2020, section 169A.55, subdivision 4, is amended to read:

28.10 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
28.11 driver's license has been revoked as a result of an offense listed under clause (2) shall not
28.12 be eligible for reinstatement of driving privileges without an ignition interlock restriction
28.13 until the commissioner certifies that either:

28.14 (1) the person did not own or lease a vehicle at the time of the offense or at any time
28.15 between the time of the offense and the driver's request for reinstatement, or commit a
28.16 violation of chapter 169, 169A, or 171 between the time of the offense and the driver's
28.17 request for reinstatement or at the time of the arrest for the offense listed under clause (2),
28.18 item (i), subitem (A) or (B), or (ii), subitem (A) or (B), as based on:

28.19 (i) a request by the person for reinstatement, on a form to be provided by the Department
28.20 of Public Safety;

28.21 (ii) the person's attestation under penalty of perjury; and

28.22 (iii) the submission by the driver of certified copies of vehicle registration records and
28.23 driving records for the period from the arrest until the driver seeks reinstatement of driving
28.24 privileges; or

28.25 (2) the person used the ignition interlock device and complied with section 171.306 for
28.26 a period of not less than:

28.27 (i) one year, for a person whose driver's license was revoked for:

28.28 (A) an offense occurring within ten years of a qualified prior impaired driving incident;
28.29 or

28.30 (B) an offense occurring after two qualified prior impaired driving incidents; or

28.31 (ii) two years, for a person whose driver's license was revoked for:

29.1 (A) an offense occurring under item (i), subitem (A) or (B), and the test results indicated
 29.2 an alcohol concentration of twice the legal limit or more; or

29.3 (B) an offense occurring under item (i), subitem (A) or (B), and the current offense is
 29.4 for a violation of section 169A.20, subdivision 2.

29.5 ~~(a)~~ (b) A person whose driver's license has been canceled or denied as a result of three
 29.6 or more qualified impaired driving incidents shall not be eligible for reinstatement of driving
 29.7 privileges without an ignition interlock restriction until the person:

29.8 (1) has completed rehabilitation according to rules adopted by the commissioner or been
 29.9 granted a variance from the rules by the commissioner; and

29.10 (2) has submitted verification of abstinence from alcohol and controlled substances
 29.11 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
 29.12 chemical monitoring device approved by the commissioner.

29.13 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
 29.14 use of alcohol and controlled substances for a period of not less than:

29.15 (1) three years, for a person whose driver's license was canceled or denied for an offense
 29.16 occurring within ten years of the first of two qualified prior impaired driving incidents, or
 29.17 occurring after three qualified prior impaired driving incidents;

29.18 (2) four years, for a person whose driver's license was canceled or denied for an offense
 29.19 occurring within ten years of the first of three qualified prior impaired driving incidents; or

29.20 (3) six years, for a person whose driver's license was canceled or denied for an offense
 29.21 occurring after four or more qualified prior impaired driving incidents.

29.22 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
 29.23 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
 29.24 ~~from chapter 14, including section 14.386.~~

29.25 **EFFECTIVE DATE.** This section is effective August 1, 2021, for revocations occurring
 29.26 on or after that date.

29.27 Sec. 4. Minnesota Statutes 2020, section 169A.60, subdivision 2, is amended to read:

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

29.30 (1) a person's driver's license or driving privileges are revoked for a plate impoundment
 29.31 violation; ~~or~~

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

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

30.6 (b) The order must require the impoundment of the registration plates of the motor
30.7 vehicle involved in the plate impoundment violation and all motor vehicles owned by,
30.8 registered, or leased in the name of the violator, including motor vehicles registered jointly
30.9 or leased in the name of the violator and another. The commissioner shall not issue an
30.10 impoundment order for the registration plates of a rental vehicle, as defined in section
30.11 168.041, subdivision 10, or a vehicle registered in another state.

30.12 Sec. 5. Minnesota Statutes 2020, section 169A.60, subdivision 3, is amended to read:

30.13 Subd. 3. **Notice of impoundment.** An impoundment order is effective when the
30.14 commissioner or a peace officer acting on behalf of the commissioner notifies the violator
30.15 or the registered owner of the motor vehicle of the intent to impound and order of
30.16 impoundment. The notice must advise the violator of the duties and obligations set forth in
30.17 subdivision 6 (surrender of plates) and of the right to obtain administrative and judicial
30.18 review. The notice to the registered owner who is not the violator must include the procedure
30.19 to obtain new registration plates under subdivision 8. If mailed, the notice and order of
30.20 impoundment is deemed received three days after mailing to the last known address of the
30.21 violator or the registered owner, including the address provided when the person became a
30.22 program participant in the ignition interlock program under section 171.306.

30.23 Sec. 6. Minnesota Statutes 2020, section 169A.60, subdivision 13, is amended to read:

30.24 Subd. 13. **Special registration plates.** (a) At any time during the effective period of an
30.25 impoundment order, a violator or registered owner may apply to the commissioner for new
30.26 registration plates, which must bear a special series of numbers or letters so as to be readily
30.27 identified by traffic law enforcement officers. The commissioner may authorize the issuance
30.28 of special plates if:

30.29 (1) the violator has a qualified licensed driver whom the violator must identify;

30.30 (2) the violator or registered owner has a limited license issued under section 171.30;

30.31 (3) the registered owner is not the violator and the registered owner has a valid or limited
30.32 driver's license;

31.1 (4) a member of the registered owner's household has a valid driver's license; or

31.2 (5) the violator has been reissued a valid driver's license.

31.3 (b) The commissioner may not issue new registration plates for that vehicle subject to
31.4 plate impoundment for a period of at least one year from the date of the impoundment order.
31.5 In addition, if the owner is the violator, new registration plates may not be issued for the
31.6 vehicle unless the person has been reissued a valid driver's license in accordance with chapter
31.7 171.

31.8 (c) A violator may not apply for new registration plates for a vehicle at any time before
31.9 the person's driver's license is reinstated.

31.10 (d) The commissioner may issue the special plates on payment of a \$50 fee for each
31.11 vehicle for which special plates are requested, except that a person who paid the fee required
31.12 under paragraph (f) must not be required to pay an additional fee if the commissioner issued
31.13 an impoundment order pursuant to paragraph (g).

31.14 (e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request
31.15 new registration plates for ~~a~~ any vehicle owned by a violator or registered owner for which
31.16 the registration plates have been impounded if:

31.17 (1) the impoundment order is rescinded;

31.18 (2) the vehicle is transferred in compliance with subdivision 14; or

31.19 (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section
31.20 168.27, a financial institution that has submitted a repossession affidavit, or a government
31.21 agency.

31.22 (f) Notwithstanding paragraphs (a) to (d), the commissioner, upon request and payment
31.23 of a \$100 fee for each vehicle for which special plates are requested, must issue new
31.24 registration plates for any vehicle owned by a violator or registered owner for which the
31.25 registration plates have been impounded if the violator becomes a program participant in
31.26 the ignition interlock program under section 171.306. This paragraph does not apply if the
31.27 registration plates have been impounded pursuant to paragraph (g).

31.28 (g) The commissioner shall issue a registration plate impoundment order for new
31.29 registration plates issued pursuant to paragraph (f) if, before a program participant in the
31.30 ignition interlock program under section 171.306 has been restored to full driving privileges,
31.31 the program participant:

32.1 (1) either voluntarily or involuntarily ceases to participate in the program for more than
 32.2 30 days; or

32.3 (2) fails to successfully complete the program as required by the Department of Public
 32.4 Safety due to:

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

32.8 (ii) violating the terms of the contract with the provider as determined by the provider.

32.9 Sec. 7. Minnesota Statutes 2020, section 171.29, subdivision 1, is amended to read:

32.10 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
 32.11 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
 32.12 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, 169A.52,
 32.13 ~~or 171.177~~ shall be issued another license unless and until that person shall have successfully
 32.14 passed an examination as required by the commissioner of public safety. This subdivision
 32.15 does not apply to an applicant for early reinstatement under section 169.792, subdivision
 32.16 7a.

32.17 (b) The requirement to successfully pass the examination described in paragraph (a)
 32.18 does not apply to a person whose driver's license has been revoked because of an impaired
 32.19 driving offense.

32.20 Sec. 8. Minnesota Statutes 2020, section 171.30, subdivision 1, is amended to read:

32.21 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license
 32.22 to the driver under the conditions in paragraph (b) in any case where a person's license has
 32.23 been:

32.24 (1) suspended under section 171.18, 171.173, 171.186, or 171.187;

32.25 (2) revoked, canceled, or denied under section:

32.26 (i) 169.792;

32.27 (ii) 169.797;

32.28 (iii) 169A.52:

32.29 (A) subdivision 3, paragraph (a), clause (1) or (2); or

33.1 ~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 33.2 ~~171.306;~~

33.3 ~~(C)~~ (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
 33.4 alcohol concentration of less than twice the legal limit;

33.5 ~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 33.6 ~~171.306;~~

33.7 (iv) 171.17; or

33.8 (v) 171.172;

33.9 (3) revoked, canceled, or denied under section 169A.54:

33.10 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less
 33.11 than twice the legal limit;

33.12 (ii) subdivision 1, clause (2); or

33.13 ~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~

33.14 ~~(iv)~~ (iii) subdivision 2, if the person does not have a qualified prior impaired driving
 33.15 incident as defined in section 169A.03, subdivision 22, on the person's record, and the test
 33.16 results indicate an alcohol concentration of less than twice the legal limit; or

33.17 (4) revoked, canceled, or denied under section 171.177:

33.18 (i) subdivision 4, paragraph (a), clause (1) or (2); or

33.19 ~~(ii) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 33.20 ~~171.306;~~

33.21 ~~(iii)~~ (ii) subdivision 5, paragraph (a), clause (1) or (2), if the test results indicate an
 33.22 alcohol concentration of less than twice the legal limit; ~~or.~~

33.23 ~~(iv) subdivision 5, paragraph (a), clause (4), (5), or (6), if in compliance with section~~
 33.24 ~~171.306.~~

33.25 (b) The following conditions for a limited license under paragraph (a) include:

33.26 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
 33.27 counseling program depends upon the use of the driver's license;

33.28 (2) if the use of a driver's license by a homemaker is necessary to prevent the substantial
 33.29 disruption of the education, medical, or nutritional needs of the family of the homemaker;

33.30 or

34.1 (3) if attendance at a postsecondary institution of education by an enrolled student of
34.2 that institution depends upon the use of the driver's license.

34.3 (c) The commissioner in issuing a limited license may impose such conditions and
34.4 limitations as in the commissioner's judgment are necessary to the interests of the public
34.5 safety and welfare including reexamination as to the driver's qualifications. The license may
34.6 be limited to the operation of particular vehicles, to particular classes and times of operation,
34.7 and to particular conditions of traffic. The commissioner may require that an applicant for
34.8 a limited license affirmatively demonstrate that use of public transportation or carpooling
34.9 as an alternative to a limited license would be a significant hardship.

34.10 (d) For purposes of this subdivision:

34.11 (1) "homemaker" refers to the person primarily performing the domestic tasks in a
34.12 household of residents consisting of at least the person and the person's dependent child or
34.13 other dependents; and

34.14 (2) "twice the legal limit" means an alcohol concentration of two times the limit specified
34.15 in section 169A.20, subdivision 1, clause (5).

34.16 (e) The limited license issued by the commissioner shall clearly indicate the limitations
34.17 imposed and the driver operating under the limited license shall have the license in possession
34.18 at all times when operating as a driver.

34.19 (f) In determining whether to issue a limited license, the commissioner shall consider
34.20 the number and the seriousness of prior convictions and the entire driving record of the
34.21 driver and shall consider the number of miles driven by the driver annually.

34.22 (g) If the person's driver's license or permit to drive has been revoked under section
34.23 169.792 or 169.797, the commissioner may only issue a limited license to the person after
34.24 the person has presented an insurance identification card, policy, or written statement
34.25 indicating that the driver or owner has insurance coverage satisfactory to the commissioner
34.26 of public safety. The commissioner of public safety may require the insurance identification
34.27 card provided to satisfy this subdivision be certified by the insurance company to be
34.28 noncancelable for a period not to exceed 12 months.

34.29 (h) The limited license issued by the commissioner to a person under section 171.186,
34.30 subdivision 4, must expire 90 days after the date it is issued. The commissioner must not
34.31 issue a limited license to a person who previously has been issued a limited license under
34.32 section 171.186, subdivision 4.

35.1 (i) The commissioner shall not issue a limited driver's license to any person described
35.2 in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

35.3 (j) The commissioner shall not issue a class A, class B, or class C limited license.

35.4 Sec. 9. Minnesota Statutes 2020, section 171.306, subdivision 2, is amended to read:

35.5 Subd. 2. **Performance standards; certification; manufacturer and provider**

35.6 **requirements.** (a) The commissioner shall establish performance standards and a process
35.7 for certifying devices used in the ignition interlock program, except that the commissioner
35.8 may not establish standards that, directly or indirectly, require devices to use or enable
35.9 location tracking capabilities without a court order.

35.10 (b) The manufacturer of a device must apply annually for certification of the device by
35.11 submitting the form prescribed by the commissioner. The commissioner shall require
35.12 manufacturers of certified devices to:

35.13 (1) provide device installation, servicing, and monitoring to indigent program participants
35.14 at a discounted rate, according to the standards established by the commissioner; ~~and~~

35.15 (2) include in an ignition interlock device contract a provision that a program participant
35.16 who voluntarily terminates participation in the program is only liable for servicing and
35.17 monitoring costs incurred during the time the device is installed on the motor vehicle,
35.18 regardless of whether the term of the contract has expired; and

35.19 (3) include in an ignition interlock device contract a provision that requires manufacturers
35.20 of certified devices to pay any towing or repair costs caused by device failure or malfunction,
35.21 or by damage caused during device installation, servicing, or monitoring.

35.22 (c) The manufacturer of a certified device must include with an ignition interlock device
35.23 contract a separate notice to the program participant regarding any location tracking
35.24 capabilities of the device.

35.25 Sec. 10. Minnesota Statutes 2020, section 171.306, subdivision 4, is amended to read:

35.26 Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D
35.27 driver's license, subject to the applicable limitations and restrictions of this section, to a
35.28 program participant who meets the requirements of this section and the program guidelines.
35.29 The commissioner shall not issue a license unless the program participant has provided
35.30 satisfactory proof that:

36.1 (1) a certified ignition interlock device has been installed on the participant's motor
36.2 vehicle at an installation service center designated by the device's manufacturer; and

36.3 (2) the participant has insurance coverage on the vehicle equipped with the ignition
36.4 interlock device. If the participant has previously been convicted of violating section 169.791,
36.5 169.793, or 169.797 or the participant's license has previously been suspended or canceled
36.6 under section 169.792 or 169.797, the commissioner shall require the participant to present
36.7 an insurance identification card, ~~policy, or written statement as proof of insurance coverage,~~
36.8 ~~and may require the insurance identification card provided be~~ that is certified by the insurance
36.9 company to be noncancelable for a period not to exceed 12 months.

36.10 (b) A license issued under authority of this section must contain a restriction prohibiting
36.11 the program participant from driving, operating, or being in physical control of any motor
36.12 vehicle not equipped with a functioning ignition interlock device certified by the
36.13 commissioner. A participant may drive an employer-owned vehicle not equipped with an
36.14 interlock device while in the normal course and scope of employment duties pursuant to
36.15 the program guidelines established by the commissioner and with the employer's written
36.16 consent.

36.17 (c) A program participant whose driver's license has been: (1) revoked under section
36.18 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph
36.19 (a), clause (1), (2), or (3); 169A.54, subdivision 1, clause (1), (2), (3), or (4); or 171.177,
36.20 subdivision 4, paragraph (a), clause (1), (2), or (3), or subdivision 5, paragraph (a), clause
36.21 (1), (2), or (3); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause
36.22 (1), or suspended under section 171.187, for a violation of section 609.2113, subdivision
36.23 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or
36.24 (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 2,
36.25 clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or
36.26 great bodily harm, where the participant has fewer than two qualified prior impaired driving
36.27 incidents within the past ten years or fewer than three qualified prior impaired driving
36.28 incidents ever; may apply for conditional reinstatement of the driver's license, subject to
36.29 the ignition interlock restriction.

36.30 (d) A program participant whose driver's license has been: (1) revoked, canceled, or
36.31 denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or
36.32 subdivision 4, paragraph (a), clause (4), (5), or (6); 169A.54, subdivision 1, clause (5), (6),
36.33 or (7); or 171.177, subdivision 4, paragraph (a), clause (4), (5), or (6), or subdivision 5,
36.34 paragraph (a), clause (4), (5), or (6); or (2) revoked under section 171.17, subdivision 1,
36.35 paragraph (a), clause (1), or suspended under section 171.187, for a violation of section

37.1 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2),
 37.2 item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or
 37.3 609.2114, subdivision 2, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm,
 37.4 substantial bodily harm, or great bodily harm, where the participant has two or more qualified
 37.5 prior impaired driving incidents within the past ten years or three or more qualified prior
 37.6 impaired driving incidents ever; may apply for a ~~limited~~ conditional reinstatement of the
 37.7 driver's license, subject to the ignition interlock restriction, if the program participant is
 37.8 enrolled in a licensed chemical dependency treatment or rehabilitation program as
 37.9 recommended in a chemical use assessment, ~~and if the participant meets the other applicable~~
 37.10 ~~requirements of section 171.30. After completing.~~ As a prerequisite to eligibility for eventual
 37.11 reinstatement of full driving privileges, a participant whose chemical use assessment
 37.12 recommended treatment or rehabilitation shall complete a licensed chemical dependency
 37.13 treatment or rehabilitation program and one year of limited license use without violating
 37.14 the ignition interlock restriction, the conditions of limited license use, or program guidelines,
 37.15 ~~the participant may apply for conditional reinstatement of the driver's license, subject to the~~
 37.16 ~~ignition interlock restriction.~~ If the program participant's ignition interlock device
 37.17 subsequently registers a positive breath alcohol concentration of 0.02 or higher, the
 37.18 commissioner shall ~~cancel the driver's license, and the program participant may apply for~~
 37.19 ~~another limited license according to this paragraph.~~ extend the time period that the participant
 37.20 must participate in the program until the participant has reached the required abstinence
 37.21 period described in section 169A.55, subdivision 4.

37.22 (e) Notwithstanding any statute or rule to the contrary, the commissioner has authority
 37.23 to determine when a program participant is eligible for restoration of full driving privileges,
 37.24 except that the commissioner shall not reinstate full driving privileges until the program
 37.25 participant has met all applicable prerequisites for reinstatement under section 169A.55 and
 37.26 until the program participant's device has registered no positive breath alcohol concentrations
 37.27 of 0.02 or higher during the preceding 90 days.

37.28 Sec. 11. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

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

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

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

- 38.1 (ii) kidnapping under section 609.25;
- 38.2 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
38.3 subdivision 3; or 609.3453;
- 38.4 (iv) indecent exposure under section 617.23, subdivision 3; or
- 38.5 (v) surreptitious intrusion under the circumstances described in section 609.746,
38.6 subdivision 1, paragraph (f);
- 38.7 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
38.8 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
38.9 delinquent for that offense or another offense arising out of the same set of circumstances:
- 38.10 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);
- 38.11 (ii) false imprisonment in violation of section 609.255, subdivision 2;
- 38.12 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
38.13 the sex trafficking of a minor in violation of section 609.322;
- 38.14 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);
- 38.15 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
38.16 subdivision 2 or 2a, clause (1);
- 38.17 (vi) using a minor in a sexual performance in violation of section 617.246; or
- 38.18 (vii) possessing pornographic work involving a minor in violation of section 617.247;
- 38.19 (3) the person was sentenced as a patterned sex offender under section 609.3455,
38.20 subdivision 3a; or
- 38.21 (4) the person was charged with or petitioned for, including pursuant to a court martial,
38.22 violating a law of the United States, including the Uniform Code of Military Justice, similar
38.23 to ~~the offenses~~ an offense or involving similar circumstances to an offense described in
38.24 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
38.25 offense arising out of the same set of circumstances.
- 38.26 (b) A person also shall register under this section if:
- 38.27 (1) the person was charged with or petitioned for an offense in another state ~~that would~~
38.28 ~~be a violation of a law~~ similar to an offense or involving similar circumstances to an offense
38.29 described in paragraph (a) ~~if committed in this state,~~ clause (1), (2), or (3), and convicted
38.30 of or adjudicated delinquent for that offense or another offense arising out of the same set
38.31 of circumstances;

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

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

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

39.13 (c) A person also shall register under this section if the person was committed pursuant
39.14 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
39.15 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
39.16 United States, regardless of whether the person was convicted of any offense.

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

39.18 (1) the person was charged with or petitioned for a felony violation or attempt to violate
39.19 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
39.20 the United States, or the person was charged with or petitioned for a violation of any of the
39.21 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
39.22 States;

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

39.26 (3) the person was committed pursuant to a court commitment order under section
39.27 253B.18 or a similar law of another state or the United States.

39.28 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to offenders
39.29 who live in the state or who enter the state on or after that date.

39.30 Sec. 12. **[299A.477] HOMETOWN HEROES ASSISTANCE PROGRAM.**

39.31 **Subdivision 1. Definitions.** (a) The definitions in this subdivision apply to this section.

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

40.3 (c) "Minnesota Firefighter Initiative" means a collaborative that is established by major
40.4 fire service organizations in Minnesota, is a nonprofit organization, and is tax exempt under
40.5 section 501(c)(3) of the Internal Revenue Code.

40.6 Subd. 2. **Program established.** The commissioner of public safety shall award a grant
40.7 to the Minnesota Firefighter Initiative to administer a hometown heroes assistance program
40.8 for Minnesota firefighters. The Minnesota Firefighter Initiative shall use the grant funds:

40.9 (1) to provide a onetime critical illness monetary support payment to each firefighter
40.10 who is diagnosed with cancer or heart disease and who applies for the payment. Monetary
40.11 support shall be provided according to the requirements in subdivision 3;

40.12 (2) to develop a psychotherapy program customized to address emotional trauma
40.13 experienced by firefighters and to offer all firefighters in the state up to five psychotherapy
40.14 sessions per year under the customized program, provided by mental health professionals;

40.15 (3) to offer additional psychotherapy sessions to firefighters who need them;

40.16 (4) to develop, annually update, and annually provide to all firefighters in the state at
40.17 least two hours of training on cancer, heart disease, and emotional trauma as causes of illness
40.18 and death for firefighters; steps and best practices for firefighters to limit the occupational
40.19 risks of cancer, heart disease, and emotional trauma; provide evidence-based suicide
40.20 prevention strategies; and ways for firefighters to address occupation-related emotional
40.21 trauma and promote emotional wellness. The training shall be presented by firefighters who
40.22 attend an additional course to prepare them to serve as trainers; and

40.23 (5) for administrative and overhead costs of the Minnesota Firefighter Initiative associated
40.24 with conducting the activities in clauses (1) to (4).

40.25 Subd. 3. **Critical illness monetary support program.** (a) The Minnesota Firefighter
40.26 Initiative shall establish and administer a critical illness monetary support program which
40.27 shall provide a onetime support payment of up to \$20,000 to each firefighter diagnosed with
40.28 cancer or heart disease. A firefighter may apply for monetary support from the program, in
40.29 a form specified by the Minnesota Firefighter Initiative, if the firefighter has a current
40.30 diagnosis of cancer or heart disease or was diagnosed with cancer or heart disease in the
40.31 year preceding the firefighter's application. A firefighter's application for monetary support
40.32 must include a certification from the firefighter's health care provider of the firefighter's
40.33 diagnosis with cancer or heart disease. The Minnesota Firefighter Initiative shall establish

41.1 criteria to guide disbursement of monetary support payments under this program, and shall
41.2 scale the amount of monetary support provided to each firefighter according to the severity
41.3 of the firefighter's diagnosis.

41.4 (b) The commissioner of public safety may access the accounts of the critical illness
41.5 monetary support program and may conduct periodic audits of the program to ensure that
41.6 payments are being made in compliance with this section and disbursement criteria
41.7 established by the Minnesota Firefighter Initiative.

41.8 Subd. 4. **Money from nonstate sources.** The commissioner may accept contributions
41.9 from nonstate sources to supplement state appropriations for the hometown heroes assistance
41.10 program. Contributions received under this subdivision are appropriated to the commissioner
41.11 for the grant to the Minnesota Firefighter Initiative for purposes of this section.

41.12 Sec. 13. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

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

41.19 Sec. 14. [299A.783] STATEWIDE ANTITRAFFICKING INVESTIGATION
41.20 COORDINATION.

41.21 Subdivision 1. **Antitrafficking investigation coordinator.** The commissioner of public
41.22 safety must appoint a statewide antitrafficking investigation coordinator who shall work in
41.23 the Office of Justice Programs. The coordinator must be a current or former law enforcement
41.24 officer or prosecutor with experience investigating or prosecuting trafficking-related offenses.
41.25 The coordinator must also have knowledge of services available to and Safe Harbor response
41.26 for victims of sex trafficking and sexual exploitation and Minnesota's child welfare system
41.27 response. The coordinator serves at the pleasure of the commissioner in the unclassified
41.28 service.

41.29 Subd. 2. **Coordinator's responsibilities.** The coordinator shall have the following duties:

41.30 (1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,
41.31 courts, child welfare workers, social service providers, medical providers, and other
41.32 community members;

- 42.1 (2) establish standards for approved training and review compliance with those standards;
- 42.2 (3) coordinate and monitor multijurisdictional sex trafficking task forces;
- 42.3 (4) review, develop, promote, and monitor compliance with investigative protocols to
- 42.4 ensure that law enforcement officers and prosecutors engage in best practices;
- 42.5 (5) provide technical assistance and advice related to the investigation and prosecution
- 42.6 of trafficking offenses and the treatment of victims;
- 42.7 (6) promote the efficient use of resources by addressing issues of deconfliction, providing
- 42.8 advice regarding questions of jurisdiction, and promoting the sharing of data between entities
- 42.9 investigating and prosecuting trafficking offenses;
- 42.10 (7) assist in the appropriate distribution of grants;
- 42.11 (8) perform other duties necessary to ensure effective and efficient investigation and
- 42.12 prosecution of trafficking-related offenses; and
- 42.13 (9) coordinate with other federal, state, and local agencies to ensure multidisciplinary
- 42.14 responses to trafficking and exploitation of youth in Minnesota.

42.15 **Sec. 15. [299A.85] OFFICE FOR MISSING AND MURDERED INDIGENOUS**

42.16 **RELATIVES.**

42.17 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings

42.18 given.

42.19 (a) "Indigenous" means descended from people who were living in North America at

42.20 the time people from Europe began settling in North America.

42.21 (b) "Missing and murdered Indigenous relatives" means missing and murdered Indigenous

42.22 people.

42.23 (c) "Missing and Murdered Indigenous Women Task Force report" means the report

42.24 titled "Missing and Murdered Indigenous Women Task Force: a Report to the Minnesota

42.25 Legislature," published by the Wilder Research organization in December 2020.

42.26 Subd. 2. **Establishment.** The commissioner shall establish and maintain an office

42.27 dedicated to preventing and ending the targeting of Indigenous women, children, and

42.28 two-spirited people with the Minnesota Office of Justice Programs.

42.29 Subd. 3. **Director; staff.** (a) The commissioner must appoint a director who is a person

42.30 closely connected to a Tribe or Indigenous community and who is highly knowledgeable

43.1 about criminal investigations. The commissioner is encouraged to consider candidates for
43.2 appointment who are recommended by Tribes and Indigenous communities.

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

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

43.7 Subd. 4. **Duties.** The office has the following duties:

43.8 (1) advocate in the legislature for legislation that will facilitate the accomplishment of
43.9 the mandates identified in the Missing and Murdered Indigenous Women Task Force report;

43.10 (2) advocate for state agencies to take actions to facilitate the accomplishment of the
43.11 mandates identified in the Missing and Murdered Indigenous Women Task Force report;

43.12 (3) develop recommendations for legislative and agency actions to address injustice in
43.13 the criminal justice system's response to the cases of missing and murdered Indigenous
43.14 relatives;

43.15 (4) facilitate research to refine the mandates in the Missing and Murdered Indigenous
43.16 Women Task Force report and to assess the potential efficacy, feasibility, and impact of the
43.17 recommendations;

43.18 (5) develop tools and processes to evaluate the implementation and impact of the efforts
43.19 of the office;

43.20 (6) track and collect Minnesota data on missing and murdered indigenous women,
43.21 children, and relatives, and provide statistics upon public or legislative inquiry;

43.22 (7) facilitate technical assistance for local and Tribal law enforcement agencies during
43.23 active missing and murdered Indigenous relatives cases;

43.24 (8) conduct case reviews and report on the results of case reviews for the following types
43.25 of missing and murdered Indigenous relatives cases: cold cases for missing Indigenous
43.26 people and death investigation review for cases of Indigenous people ruled as suicide or
43.27 overdose under suspicious circumstances;

43.28 (9) conduct case reviews of the prosecution and sentencing for cases where a perpetrator
43.29 committed a violent or exploitative crime against an Indigenous person. These case reviews
43.30 should identify those cases where the perpetrator is a repeat offender;

44.1 (10) prepare draft legislation as necessary to allow the office access to the data required
44.2 for the office to conduct the reviews required in this section and advocate for passage of
44.3 that legislation;

44.4 (11) review sentencing guidelines for missing and murdered Indigenous women-related
44.5 crimes, recommend changes if needed, and advocate for consistent implementation of the
44.6 guidelines across Minnesota courts;

44.7 (12) develop and maintain communication with relevant divisions in the Department of
44.8 Public Safety regarding any cases involving missing and murdered Indigenous relatives and
44.9 on procedures for investigating cases involving missing and murdered Indigenous relatives;
44.10 and

44.11 (13) coordinate, as relevant, with the Bureau of Indian Affairs' Cold Case Office through
44.12 Operation Lady Justice and other federal efforts, as well as efforts in neighboring states and
44.13 Canada. This recommendation pertains to state efforts. Tribes are sovereign nations that
44.14 have the right to determine if and how they will coordinate with these other efforts.

44.15 Subd. 5. **Coordination with other organizations.** In fulfilling its duties the office may
44.16 coordinate, as useful, with stakeholder groups that were represented on the Missing and
44.17 Murdered Indigenous Women Task Force and state agencies that are responsible for the
44.18 systems that play a role in investigating, prosecuting, and adjudicating cases involving
44.19 violence committed against Indigenous women, those who have a role in supporting or
44.20 advocating for missing or murdered Indigenous women and the people who seek justice for
44.21 them, and those who represent the interests of Indigenous people. This includes the following
44.22 entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau
44.23 of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law
44.24 enforcement; Minnesota County Attorneys Association; United States Attorney's Office;
44.25 juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States
44.26 Coast Guard; state agencies, including the Departments of Health, Human Services,
44.27 Education, Corrections, and Public Safety; the Minnesota Indian Affairs Council; service
44.28 providers who offer legal services, advocacy, and other services to Indigenous women and
44.29 girls; the Minnesota Indian Women's Sexual Assault Coalition; Mending the Sacred Hoop;
44.30 Indian health organizations; Indigenous women and girls who are survivors; the 11 Tribal
44.31 nations that share geography with Minnesota; and organizations and leadership from urban
44.32 and statewide American Indian communities.

44.33 Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its
44.34 statutory duties, along with specific objectives and outcome measures proposed for the

45.1 following year. The report must include data and statistics on missing and murdered
45.2 indigenous women, children, and relatives in Minnesota, including names, dates of
45.3 disappearance, and dates of death, to the extent the data is publicly available. The office
45.4 must submit the report by January 15 each year to the chairs and ranking minority members
45.5 of the legislative committees with primary jurisdiction over public safety.

45.6 Subd. 7. **Grants.** The office may apply for and receive grants from public and private
45.7 entities for purposes of carrying out the office's duties under this section.

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

45.12 Sec. 16. Minnesota Statutes 2020, section 299C.80, subdivision 3, is amended to read:

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

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

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

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

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

45.24 **EFFECTIVE DATE.** This section is effective August 1, 2021, for investigations
45.25 beginning on or after that date.

45.26 Sec. 17. **[299F.0115] EXEMPTION FOR MEMBERS OF FEDERALLY**
45.27 **RECOGNIZED TRIBES.**

45.28 (a) The state fire marshal shall issue building-specific waivers for elements of the State
45.29 Fire Code that conflict with a federally recognized Tribe's religious beliefs, traditional
45.30 building practices, or established teachings. Both individual members of federally recognized

46.1 Tribes, direct lineal descendents of federally recognized Tribes, and organizations of members
 46.2 of federally recognized Tribes may apply for these waivers.

46.3 (b) Waivers may only be granted for the following types of buildings:

46.4 (1) traditional residential buildings that will be used solely by an individual applicant's
 46.5 household or an organizational applicant's members;

46.6 (2) meeting houses; and

46.7 (3) one-room educational buildings.

46.8 (c) To obtain a waiver, an applicant must apply to the state fire marshal on a form
 46.9 established by the state fire marshal. The application must:

46.10 (1) identify the building the waiver will apply to;

46.11 (2) identify the Tribe the applicant is a member of; and

46.12 (3) declare that requirements of the State Fire Code conflict with religious beliefs,
 46.13 traditional building practices, or established teachings of the identified Tribe, which the
 46.14 applicant adheres to.

46.15 (d) Any building for which a waiver is granted may not be sold or leased until:

46.16 (1) the building is brought into compliance with the version of the State Fire Code in
 46.17 force at the time of the sale or lease; or

46.18 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
 46.19 a waiver under this section for the building.

46.20 **Sec. 18. [326B.125] EXEMPTION FOR MEMBERS OF FEDERALLY**
 46.21 **RECOGNIZED TRIBES.**

46.22 (a) The commissioner of labor and industry shall issue building-specific waivers for
 46.23 elements of the State Building Code that conflict with a federally recognized Tribe's religious
 46.24 beliefs, traditional building practices, or established teachings. Both individual members
 46.25 of federally recognized Tribes, direct lineal descendents of federally recognized Tribes, and
 46.26 organizations of members of federally recognized Tribes may apply for these waivers.

46.27 (b) Waivers may only be granted for the following types of buildings:

46.28 (1) traditional residential buildings that will be used solely by an individual applicant's
 46.29 household or an organizational applicant's members;

46.30 (2) meeting houses; and

47.1 (3) one-room educational buildings.

47.2 (c) To obtain a waiver, an applicant must apply to the commissioner on a form established
47.3 by the commissioner. The application must:

47.4 (1) identify the building the waiver will apply to;

47.5 (2) identify the Tribe the applicant is a member of; and

47.6 (3) declare that requirements of the State Building Code conflict with religious beliefs,
47.7 traditional building practices, or established teachings of the identified Tribe, which the
47.8 applicant adheres to.

47.9 (d) Any building for which a waiver is granted may not be sold or leased until:

47.10 (1) the building is brought into compliance with the version of the State Building Code
47.11 in force at the time of the sale or lease; or

47.12 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
47.13 a waiver under this section for the building.

47.14 Sec. 19. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

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

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

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

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

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

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

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

48.1 Sec. 20. Minnesota Statutes 2020, section 403.02, subdivision 16, is amended to read:

48.2 Subd. 16. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver,
48.3 Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, and Washington.

48.4 Sec. 21. Minnesota Statutes 2020, section 403.03, subdivision 1, is amended to read:

48.5 Subdivision 1. **Emergency response services.** (a) Services available through a 911
48.6 system must include police, firefighting, and emergency medical and ambulance services.
48.7 Other emergency and civil defense services may be incorporated into the 911 system at the
48.8 discretion of the public agency operating the public safety answering point.

48.9 (b) In addition to ensuring an appropriate response under paragraph (a), the 911 system
48.10 may shall include a referral to mental health crisis teams, where available.

48.11 Sec. 22. Minnesota Statutes 2020, section 403.07, subdivision 2, is amended to read:

48.12 Subd. 2. **Design standards for metropolitan area.** The Metropolitan ~~911~~ Emergency
48.13 Services Board shall establish and adopt design standards for the metropolitan area 911
48.14 system and transmit them to the commissioner for incorporation into the rules adopted
48.15 pursuant to this section.

48.16 Sec. 23. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

48.17 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
48.18 of a wireless or wire-line switched or packet-based telecommunications service provider
48.19 connected to the public switched telephone network that furnishes service capable of
48.20 originating a 911 emergency telephone call is assessed a fee based upon the number of
48.21 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
48.22 maintenance and related improvements for trunking and central office switching equipment
48.23 for 911 emergency telecommunications service, to offset administrative and staffing costs
48.24 of the commissioner related to managing the 911 emergency telecommunications service
48.25 program, to make distributions provided for in section 403.113, and to offset the costs,
48.26 including administrative and staffing costs, incurred by the State Patrol Division of the
48.27 Department of Public Safety in handling 911 emergency calls made from wireless phones.

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

49.1 (c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June~~
49.2 ~~30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not~~
49.3 ~~less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than~~
49.4 ~~eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access~~
49.5 line or other basic access service, including trunk equivalents as designated by the Public
49.6 Utilities Commission for access charge purposes and including wireless telecommunications
49.7 services. With the approval of the commissioner of management and budget, the
49.8 commissioner of public safety shall establish the amount of the fee within the limits specified
49.9 and inform the companies and carriers of the amount to be collected. When the revenue
49.10 bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the
49.11 commissioner shall reduce the fee to reflect that debt service on the bonds is no longer
49.12 needed. The commissioner shall provide companies and carriers a minimum of 45 days'
49.13 notice of each fee change. The fee must be the same for all customers, except that the fee
49.14 imposed under this subdivision does not apply to prepaid wireless telecommunications
49.15 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,
49.16 paragraph (a).

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

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

49.26 Sec. 24. Minnesota Statutes 2020, section 403.21, subdivision 3, is amended to read:

49.27 Subd. 3. **First phase.** "First phase" or "first phase of the regionwide public safety radio
49.28 communication system" means the initial backbone which serves the following ~~nine-county~~
49.29 ten-county metropolitan area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey,
49.30 Scott, Sherburne, and Washington Counties.

49.31 Sec. 25. Minnesota Statutes 2020, section 403.21, subdivision 12, is amended to read:

49.32 Subd. 12. **Greater Minnesota.** "Greater Minnesota" means the area of the state outside
49.33 the ~~nine-county~~ ten-county metropolitan area served by the first phase.

50.1 Sec. 26. Minnesota Statutes 2020, section 403.36, subdivision 1, is amended to read:

50.2 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and
50.3 chair the Statewide Radio Board to develop a project plan for a statewide, shared, trunked
50.4 public safety radio communication system. The system may be referred to as "Allied Radio
50.5 Matrix for Emergency Response," or "ARMER."

50.6 (b) The board consists of the following members or their designees:

50.7 (1) the commissioner of public safety;

50.8 (2) the commissioner of transportation;

50.9 (3) the state chief information officer;

50.10 (4) the commissioner of natural resources;

50.11 (5) the chief of the Minnesota State Patrol;

50.12 (6) the chair of the Metropolitan Council;

50.13 (7) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area
50.14 and one from Greater Minnesota, appointed by the governing body of the League of
50.15 Minnesota Cities;

50.16 (8) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan area
50.17 and one from Greater Minnesota, appointed by the governing body of the Association of
50.18 Minnesota Counties;

50.19 (9) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one from
50.20 Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

50.21 (10) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area and
50.22 one from Greater Minnesota, appointed by the governor after considering recommendations
50.23 made by the Minnesota Chiefs' of Police Association;

50.24 (11) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and one
50.25 from Greater Minnesota, appointed by the governor after considering recommendations
50.26 made by the Minnesota Fire Chiefs' Association;

50.27 (12) two representatives of emergency medical service providers, one from the
50.28 ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by
50.29 the governor after considering recommendations made by the Minnesota Ambulance
50.30 Association;

51.1 (13) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan
51.2 Emergency Services Board; and

51.3 (14) a representative of Greater Minnesota elected by those units of government in phase
51.4 three and any subsequent phase of development as defined in the statewide, shared radio
51.5 and communication plan, who have submitted a plan to the Statewide Radio Board and
51.6 where development has been initiated.

51.7 (c) The Statewide Radio Board shall coordinate the appointment of board members
51.8 representing Greater Minnesota with the appointing authorities and may designate the
51.9 geographic region or regions from which an appointed board member is selected where
51.10 necessary to provide representation from throughout the state.

51.11 **Sec. 27. [604A.06] AID TO SEXUAL ASSAULT VICTIMS.**

51.12 **Subdivision 1. Person seeking assistance; immunity from prosecution.** (a) A person
51.13 acting in good faith who contacts a 911 operator or first responder to report that a sexual
51.14 assault victim is in need of assistance may not be charged or prosecuted for:

51.15 (1) the possession, sharing, or use of a controlled substance under section 152.025, or
51.16 possession of drug paraphernalia; and

51.17 (2) if the person is under the age of 21 years, the possession, purchase, or consumption
51.18 of alcoholic beverages under section 340A.503.

51.19 (b) A person qualifies for the immunities provided in this subdivision only if:

51.20 (1) the evidence for the charge or prosecution was obtained as a result of the person's
51.21 seeking assistance for a sexual assault victim; and

51.22 (2) the person seeks assistance for a sexual assault victim who is in need of assistance
51.23 for an immediate health or safety concern, provided that the person who seeks the assistance
51.24 is the first person to seek the assistance, provides a name and contact information, and
51.25 remains on the scene until assistance arrives or is provided.

51.26 (c) This subdivision applies to one or two persons acting in concert with the person
51.27 initiating contact provided all the requirements of paragraphs (a) and (b) are met.

51.28 **Subd. 2. Person experiencing sexual assault; immunity from prosecution.** (a) A
51.29 sexual assault victim who is in need of assistance may not be charged or prosecuted for:

51.30 (1) the possession, sharing, or use of a controlled substance under section 152.025, or
51.31 possession of drug paraphernalia; and

52.1 (2) if the victim is under the age of 21 years, the possession, purchase, or consumption
52.2 of alcoholic beverages under section 340A.503.

52.3 (b) A victim qualifies for the immunities provided in this subdivision only if the evidence
52.4 for the charge or prosecution was obtained as a result of the request for assistance related
52.5 to the sexual assault.

52.6 Subd. 3. **Persons on probation or release.** A person's pretrial release, probation,
52.7 furlough, supervised release, or parole shall not be revoked based on an incident for which
52.8 the person would be immune from prosecution under subdivision 1 or 2.

52.9 Subd. 4. **Effect on other criminal prosecutions.** (a) The act of providing assistance to
52.10 a sexual assault victim may be used as a mitigating factor in a criminal prosecution for
52.11 which immunity is not provided.

52.12 (b) Nothing in this section shall:

52.13 (1) be construed to bar the admissibility of any evidence obtained in connection with
52.14 the investigation and prosecution of other crimes or violations committed by a person who
52.15 otherwise qualifies for limited immunity under this section;

52.16 (2) preclude prosecution of a person on the basis of evidence obtained from an
52.17 independent source;

52.18 (3) be construed to limit, modify, or remove any immunity from liability currently
52.19 available to public entities, public employees by law, or prosecutors; or

52.20 (4) prevent probation officers from conducting drug or alcohol testing of persons on
52.21 pretrial release, probation, furlough, supervised release, or parole.

52.22 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to actions
52.23 arising from incidents occurring on or after that date.

52.24 Sec. 28. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

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

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

53.4 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
53.5 the following laws of this state or any similar laws of the United States or any other state:
53.6 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
53.7 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;
53.8 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;
53.9 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,
53.10 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision
53.11 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony
53.12 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15
53.13 years or more; or Minnesota Statutes 2012, section 609.21.

53.14 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
53.15 crimes committed on or after that date.

53.16 Sec. 29. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

53.17 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor
53.18 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision
53.19 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3~~; 609.52; or 617.23, or an ordinance
53.20 that conforms in substantial part to any of those sections. A violation described in this
53.21 subdivision must be treated as a misdemeanor unless the defendant consents to the
53.22 certification of the violation as a petty misdemeanor.

53.23 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
53.24 crimes committed on or after that date.

53.25 Sec. 30. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

54.14 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
54.15 crimes committed on or after that date.

54.16 Sec. 31. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

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

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

54.22 (2) promotes the prostitution of an individual;

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

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

54.26 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
54.27 crimes committed on or after that date.

55.1 Sec. 32. Minnesota Statutes 2020, section 609.221, is amended to read:

55.2 **609.221 ASSAULT IN THE FIRST DEGREE.**

55.3 Subdivision 1. **Great bodily harm.** Whoever assaults another and inflicts great bodily
55.4 harm may be sentenced to imprisonment for not more than 20 years or to payment of a fine
55.5 of not more than \$30,000, or both.

55.6 Subd. 2. **Use of deadly force against peace officer, prosecuting attorney, judge, or**
55.7 **correctional employee.** ~~(a)~~ Whoever assaults a peace officer, prosecuting attorney, judge,
55.8 or correctional employee by using or attempting to use deadly force against the officer,
55.9 attorney, judge, or employee while the person is engaged in the performance of a duty
55.10 imposed by law, policy, or rule may be sentenced to imprisonment for not more than 20
55.11 years or to payment of a fine of not more than \$30,000, or both.

55.12 ~~(b) A person convicted of assaulting a peace officer, prosecuting attorney, judge, or~~
55.13 ~~correctional employee as described in paragraph (a) shall be committed to the commissioner~~
55.14 ~~of corrections for not less than ten years, nor more than 20 years. A defendant convicted~~
55.15 ~~and sentenced as required by this paragraph is not eligible for probation, parole, discharge,~~
55.16 ~~work release, or supervised release, until that person has served the full term of imprisonment~~
55.17 ~~as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05,~~
55.18 ~~244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the~~
55.19 ~~imposition or execution of this sentence.~~

55.20 Subd. 3. **Great bodily harm; peace officer, prosecuting attorney, judge, or**
55.21 **correctional employee.** Whoever assaults a peace officer, prosecuting attorney, judge, or
55.22 correctional employee and inflicts great bodily harm on the officer, attorney, judge, or
55.23 employee while the person is engaged in the performance of a duty imposed by law, policy,
55.24 or rule may be sentenced to imprisonment for not more than 25 years or to payment of a
55.25 fine of not more than \$35,000, or both.

55.26 Subd. 4. **Use of dangerous weapon or deadly force resulting in great bodily harm**
55.27 **against peace officer, prosecuting attorney, judge, or correctional employee.** Whoever
55.28 assaults and inflicts great bodily harm upon a peace officer, prosecuting attorney, judge, or
55.29 correctional employee with a dangerous weapon or by using or attempting to use deadly
55.30 force against the officer, attorney, judge, or employee while the person is engaged in the
55.31 performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment
55.32 for not more than 30 years or to payment of a fine of not more than \$40,000, or both.

55.33 Subd. 5. **Mandatory sentences for assaults against a peace officer, prosecuting**
55.34 **attorney, judge, or correctional employee.** (a) A person convicted of assaulting a peace

56.1 officer, prosecuting attorney, judge, or correctional employee shall be committed to the
 56.2 custody of the commissioner of corrections for not less than:

56.3 (1) ten years, nor more than 20 years, for a violation of subdivision 2;

56.4 (2) 15 years, nor more than 25 years, for a violation of subdivision 3; or

56.5 (3) 25 years, nor more than 30 years, for a violation of subdivision 4.

56.6 (b) A defendant convicted and sentenced as required by this subdivision is not eligible
 56.7 for probation, parole, discharge, work release, or supervised release, until that person has
 56.8 served the full term of imprisonment as provided by law, notwithstanding the provisions of
 56.9 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section
 56.10 609.135, the court may not stay the imposition or execution of this sentence.

56.11 Subd. 6. **Definitions.** (e) As used in this ~~subdivision~~ section:

56.12 (1) "correctional employee" means an employee of a public or private prison, jail, or
 56.13 workhouse;

56.14 (2) "deadly force" has the meaning given in section 609.066, subdivision 1;

56.15 (3) "peace officer" has the meaning given in section 626.84, subdivision 1;

56.16 (4) "prosecuting attorney" means an attorney, with criminal prosecution or civil
 56.17 responsibilities, who is the attorney general, a political subdivision's elected or appointed
 56.18 county or city attorney, or a deputy, assistant, or special assistant of any of these; and

56.19 (5) "judge" means a judge or justice of any court of this state that is established by the
 56.20 Minnesota Constitution.

56.21 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
 56.22 crimes committed on or after that date.

56.23 Sec. 33. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

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

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

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

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

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

57.7 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
57.8 crimes committed on or after that date.

57.9 Sec. 34. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

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

57.17 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
57.18 crimes committed on or after that date.

57.19 Sec. 35. Minnesota Statutes 2020, section 609.3241, is amended to read:

57.20 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

57.21 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
57.22 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
57.23 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
57.24 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
57.25 609.324, subdivision 2, ~~a misdemeanor violation of section 609.324, subdivision 3~~, a violation
57.26 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an
57.27 assessment of not less than \$750 and not more than \$1,000. The assessment shall be
57.28 distributed as provided in paragraph (c) and is in addition to the surcharge required by
57.29 section 357.021, subdivision 6.

57.30 (b) The court may not waive payment of the minimum assessment required by this
57.31 section. If the defendant qualifies for the services of a public defender or the court finds on
57.32 the record that the convicted person is indigent or that immediate payment of the assessment

58.1 would create undue hardship for the convicted person or that person's immediate family,
58.2 the court may reduce the amount of the minimum assessment to not less than \$100. The
58.3 court also may authorize payment of the assessment in installments.

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

58.5 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
58.6 employs the arresting officer for use in enforcement, training, and education activities related
58.7 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
58.8 state, this portion shall be forwarded to the commissioner of public safety for those purposes
58.9 identified in clause (3);

58.10 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
58.11 the case for use in training and education activities relating to combating sexual exploitation
58.12 activities of youth; and

58.13 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
58.14 deposited in the safe harbor for youth account in the special revenue fund and are
58.15 appropriated to the commissioner for distribution to crime victims services organizations
58.16 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
58.17 31.

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

58.19 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
58.20 crimes committed on or after that date.

58.21 Sec. 36. Minnesota Statutes 2020, section 609.3459, is amended to read:

58.22 **609.3459 LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

58.23 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
58.24 enforcement investigation by contacting any law enforcement agency, regardless of where
58.25 the crime may have occurred. The agency must prepare a summary of the allegation and
58.26 provide the person with a copy of it. The agency must begin an investigation of the facts,
58.27 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
58.28 with the summary to the law enforcement agency where the suspected crime was committed
58.29 for an investigation of the facts. If the agency learns that both the victim and the accused
58.30 are members of the Minnesota National Guard, the agency receiving the report must refer
58.31 the matter along with the summary to the Bureau of Criminal Apprehension for investigation
58.32 pursuant to section 299C.80.

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

59.6 **EFFECTIVE DATE.** This section is effective August 1, 2021, for investigations
59.7 beginning on or after that date.

59.8 Sec. 37. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

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

59.12 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
59.13 crimes committed on or after that date.

59.14 Sec. 38. **[609.3775] CHILD TORTURE.**

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

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

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

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

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

59.27 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
59.28 crimes committed on or after that date.

60.1 Sec. 39. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

60.2 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility
60.3 providing emergency shelter services for battered women, as defined under section 611A.31,
60.4 subdivision 3, or providing comparable services for sex trafficking victims, as defined under
60.5 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered
60.6 women and their children or sex trafficking victims and their children, without claim of
60.7 right or consent of one who has right to give consent, and refuses to depart from the grounds
60.8 of the facility on demand of one who has right to give consent, is guilty of a gross
60.9 misdemeanor.

60.10 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
60.11 crimes committed on or after that date.

60.12 Sec. 40. Minnesota Statutes 2020, section 609.66, subdivision 1e, is amended to read:

60.13 Subd. 1e. **Felony; drive-by shooting.** (a) ~~Whoever,~~ A person is guilty of a felony who,
60.14 while in or having just exited from a motor vehicle, recklessly discharges a firearm at or
60.15 toward ~~another:~~

60.16 (1) an unoccupied motor vehicle or a building is guilty of a felony and may be sentenced
60.17 to imprisonment for not more than three years or to payment of a fine of not more than
60.18 \$6,000, or both;

60.19 (2) an occupied motor vehicle or building; or

60.20 (3) a person.

60.21 (b) ~~Any person who violates this subdivision by firing at or toward a person, or an~~
60.22 ~~occupied building or motor vehicle, may be sentenced~~ A person convicted under paragraph
60.23 (a), clause (1), may be sentenced to imprisonment for not more than three years or to payment
60.24 of a fine of not more than \$6,000, or both. A person convicted under paragraph (a), clause
60.25 (2) or (3), may be sentenced to imprisonment for not more than ten years or to payment of
60.26 a fine of not more than \$20,000, or both.

60.27 (c) For purposes of this subdivision, "motor vehicle" has the meaning given in section
60.28 609.52, subdivision 1, and "building" has the meaning given in section 609.581, subdivision
60.29 2.

60.30 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
60.31 crimes committed on or after that date.

61.1 Sec. 41. Laws 2016, chapter 189, article 4, section 7, is amended to read:

61.2 **Sec. 7. PUBLIC SAFETY** **\$ -0- \$ 6,100,000**

61.3 Appropriations by Fund

61.4 General -0- 1,600,000

61.5 Trunk Highway -0- 4,500,000

61.6 The amounts that may be spent for each
61.7 purpose are specified in the following
61.8 paragraphs.

61.9 **(a) DNA Laboratory**

61.10 \$630,000 is for the Bureau of Criminal
61.11 Apprehension DNA laboratory, including the
61.12 addition of six forensic scientists. The base
61.13 for this activity is \$1,000,000 in each of the
61.14 fiscal years 2018 and 2019 for eight forensic
61.15 scientists.

61.16 **(b) Children In Need of Services or in**
61.17 **Out-Of-Home Placement**

61.18 \$150,000 is for a grant to an organization that
61.19 provides legal representation to children in
61.20 need of protection or services and children in
61.21 out-of-home placement. The grant is
61.22 contingent upon a match in an equal amount
61.23 from nonstate funds. The match may be in
61.24 kind, including the value of volunteer attorney
61.25 time, or in cash, or in a combination of the
61.26 two.

61.27 **(c) Sex Trafficking**

61.28 \$820,000 is for grants to state and local units
61.29 of government for the following purposes:

- 61.30 (1) to support new or existing
- 61.31 multijurisdictional entities to investigate sex
- 61.32 trafficking crimes; and

62.1 (2) to provide technical assistance for sex
 62.2 trafficking crimes, including ~~training and~~ case
 62.3 consultation, to law enforcement agencies
 62.4 statewide.

62.5 **(d) State Patrol**

62.6 \$4,500,000 is from the trunk highway fund to
 62.7 recruit, hire, train, and equip a State Patrol
 62.8 Academy. This amount is added to the
 62.9 appropriation in Laws 2015, chapter 75, article
 62.10 1, section 5, subdivision 3. The base
 62.11 appropriation from the trunk highway fund
 62.12 for patrolling highways in each of fiscal years
 62.13 2018 and 2019 is \$87,492,000, which includes
 62.14 \$4,500,000 each year for a State Patrol
 62.15 Academy.

62.16 Sec. 42. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

62.17	Subd. 7. Office of Justice Programs	39,580,000	40,036,000
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62.18	Appropriations by Fund		
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62.19	General	39,484,000	39,940,000
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62.20	State Government		
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62.21	Special Revenue	96,000	96,000
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62.22 **(a) OJP Administration Costs**

62.23 Up to 2.5 percent of the grant funds
 62.24 appropriated in this subdivision may be used
 62.25 by the commissioner to administer the grant
 62.26 program.

62.27 **(b) Combating Terrorism Recruitment**

62.28 \$250,000 each year is for grants to local law
 62.29 enforcement agencies to develop strategies
 62.30 and make efforts to combat the recruitment of
 62.31 Minnesota residents by terrorist organizations
 62.32 such as ISIS and al-Shabaab. This is a onetime
 62.33 appropriation.

63.1 **(c) Sex Trafficking Prevention Grants**

63.2 \$180,000 each year is for grants to state and
63.3 local units of government for the following
63.4 purposes:

63.5 (1) to support new or existing
63.6 multijurisdictional entities to investigate sex
63.7 trafficking crimes; and

63.8 (2) to provide technical assistance, including
63.9 ~~training and~~ case consultation, to law
63.10 enforcement agencies statewide.

63.11 **(d) Pathway to Policing Reimbursement Grants**

63.12 \$400,000 the second year is for reimbursement
63.13 grants to local units of government that operate
63.14 pathway to policing programs intended to
63.15 bring persons with nontraditional backgrounds
63.16 into law enforcement. Applicants for
63.17 reimbursement grants may receive up to 50
63.18 percent of the cost of compensating and
63.19 training pathway to policing participants.

63.20 Reimbursement grants shall be proportionally
63.21 allocated based on the number of grant
63.22 applications approved by the commissioner.

63.23 Sec. 43. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended
63.24 to read:

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

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

64.1 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
64.2 ~~commissioner of management and budget the amount of permit fees waived under section~~
64.3 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
64.4 ~~commissioner of management and budget must transfer the certified amount from the general~~
64.5 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
64.6 ~~Minnesota Statutes, section 299A.706.~~

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

64.8 Sec. 44. **NEUROPSYCHOLOGICAL EXAMINATION FEASIBILITY STUDY.**

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

64.14 (b) In conducting the study, the administrator shall consult with interested parties,
64.15 including but not limited to prosecutors, public defenders, private criminal defense attorneys,
64.16 law enforcement officials, probation officers, judges and employees of the judiciary,
64.17 corrections officials, mental health practitioners and treatment providers, individuals with
64.18 experience in conducting neuropsychological examinations, and individuals who have
64.19 experience in the criminal justice system with people who have suffered strokes, traumatic
64.20 brain injuries, and fetal alcohol spectrum disorder.

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

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

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

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

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

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

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

65.4 Sec. 45. **911 TELECOMMUNICATOR WORKING GROUP.**

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

65.8 (1) the Minnesota Chiefs of Police Association;

65.9 (2) the Minnesota Sheriffs' Association;

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

65.11 (4) the Emergency Communications Network;

65.12 (5) the Minnesota State Fire Chiefs Association;

65.13 (6) the Association of Minnesota Counties;

65.14 (7) the League of Minnesota Cities;

65.15 (8) Tribal dispatchers;

65.16 (9) the Metropolitan Emergency Services Board;

65.17 (10) the Emergency Medical Services Regulatory Board;

65.18 (11) the Statewide Emergency Communications Board;

65.19 (12) each of the Statewide Emergency Communications Board's seven regional boards;

65.20 (13) mental health crisis team providers;

65.21 (14) the Minnesota Association of Public Safety Communications Officials (MN APCO)

65.22 and the National Emergency Number Association of Minnesota (NENA of MN); and

65.23 (15) the Minnesota Ambulance Association.

65.24 (b) The working group must also include a nonsupervisory telecommunicator working
65.25 in a regional center outside of the seven-county metropolitan area, a nonsupervisory
65.26 telecommunicator working in rural Minnesota, and a nonsupervisory telecommunicator
65.27 working in the seven-county metropolitan area.

65.28 (c) The organizations specified in paragraph (a) shall provide the commissioner with a
65.29 designated member to serve on the working group by August 1, 2021. The commissioner

66.1 shall appoint these members to the working group. Appointments to the working group
66.2 must be made by August 15, 2021.

66.3 Subd. 2. **Duties; report.** The working group must submit a report to the chairs and
66.4 ranking minority members of the legislative committees with jurisdiction over public safety
66.5 policy and finance by January 15, 2022. The report must:

66.6 (1) recommend a statutory definition of 911 telecommunicators;

66.7 (2) recommend minimum training and continuing education standards for certification
66.8 of 911 telecommunicators;

66.9 (3) recommend standards for certification of 911 telecommunicators;

66.10 (4) recommend funding options for mandated 911 telecommunicators training;

66.11 (5) recommend best practices in incident response command structure for the state's first
66.12 responders to implement that do not violate either the United States or Minnesota
66.13 Constitutions, after reviewing the various incident response command structures used in
66.14 the field across the nation and world; and

66.15 (6) provide other recommendations the working group deems appropriate.

66.16 Subd. 3. **First meeting; chair.** The commissioner of public safety must convene the
66.17 first meeting of the working group by September 15, 2021. At the first meeting, the members
66.18 must elect a chair. The working group may conduct meetings remotely. The chair shall be
66.19 responsible for document management of materials for the working group.

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

66.21 Subd. 5. **Administrative support.** The commissioner of public safety must provide
66.22 administrative support to the working group.

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

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

66.25 Sec. 46. **SURVIVOR SUPPORT AND PREVENTION GRANTS.**

66.26 Subdivision 1. **Meeting victim needs; grants.** The Office of Justice Programs shall
66.27 award grants to organizations serving victims of crime to (1) provide direct financial
66.28 assistance to victims in order to support their immediate financial needs and mitigate the
66.29 impacts of crime, and (2) stop the cycles of violence by meeting emerging or unmet needs
66.30 impacting victims of crime.

67.1 Subd. 2. Eligibility and awards. (a) For grants to organizations to provide direct financial
67.2 assistance, the director shall establish the eligibility requirements and mechanisms for
67.3 distribution of funds in consultation with Violence Free Minnesota, the Minnesota Coalition
67.4 Against Sexual Assault, Minnesota Alliance on Crime, the Minnesota Indian Women Sexual
67.5 Assault Coalition, and Sacred Hoop Coalition. Eligibility requirements shall prioritize victim
67.6 survivors based on economic need; whether the victim survivor is a member of an
67.7 underserved population; whether the person was a victim of sexual assault, domestic violence,
67.8 child abuse, or other violent crime; and whether the victim was a juvenile.

67.9 (b) For grants to stop the cycles of violence by meeting emerging or unmet needs
67.10 impacting victims of crime, the director shall award grants to individuals or organizations
67.11 who provide direct support to victims, including but not limited to providing support for
67.12 immediate and emerging needs for victims of crime or for domestic abuse transformative
67.13 justice programs. The director shall prioritize applicants seeking to establish, maintain, or
67.14 expand services to underserved populations.

67.15 (c) Of the amount appropriated for survivor support and prevention grants, at least 30
67.16 percent must be awarded to organizations to provide direct financial assistance pursuant to
67.17 paragraph (a) and at least 30 percent must be awarded to individuals or organizations
67.18 providing support to victims pursuant to paragraph (b).

67.19 Subd. 3. Report. (a) By January 15 of each odd-numbered year the director shall submit
67.20 a report to the legislative committees with jurisdiction over public safety on the survivor
67.21 support and prevention grants. At a minimum, the report shall include the following:

67.22 (1) the number of grants awarded to organizations to provide direct financial assistance
67.23 to victims and the total amount awarded to each organization;

67.24 (2) the average amount of direct financial assistance provided to individual victims by
67.25 each organization;

67.26 (3) summary demographic information of recipients of direct financial assistance,
67.27 including the age, sex, and race of the recipients;

67.28 (4) summary information identifying the crimes committed against the recipients of
67.29 direct financial assistance;

67.30 (5) summary information identifying the counties in which recipients of direct financial
67.31 assistance resided at the time they received the assistance;

67.32 (6) the total number of grants issued to individuals or organizations providing support
67.33 for crime victims;

68.1 (7) the amount of grants issued to individuals or organizations providing support for
68.2 crime victims; and

68.3 (8) the services provided by the grant recipients that provided support for crime victims.

68.4 (b) If the director enters into an agreement with any other organization for the distribution
68.5 of funds, the director shall require that organization to provide the information identified
68.6 in paragraph (a).

68.7 Sec. 47. **INNOVATION IN COMMUNITY SAFETY.**

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

68.10 (b) "Civilian review board" means a board, commission, or other oversight body created
68.11 to provide civilian oversight of the conduct of peace officers and law enforcement agencies.

68.12 (c) "Commissioner" means the commissioner of public safety.

68.13 (d) "Local commission" has the meaning given in Minnesota Statutes, section 363A.03,
68.14 subdivision 23.

68.15 (e) "Metropolitan area" has the meaning given in Minnesota Statutes, section 473.121,
68.16 subdivision 2.

68.17 (f) "Targeted area" means one or more contiguous census tracts as reported in the most
68.18 recently completed decennial census published by the United States Bureau of the Census
68.19 that has a poverty rate of at least 20 percent and that experiences a disproportionately high
68.20 rate of violent crime.

68.21 Subd. 2. **Community engagement.** The commissioner shall work with community
68.22 members to develop a strategy to address violence within targeted areas and promote
68.23 community healing and recovery. Additionally, the commissioner shall:

68.24 (1) provide technical assistance or navigation services to individuals seeking to apply
68.25 for grants issued by the office;

68.26 (2) identify targeted areas;

68.27 (3) organize and provide technical assistance to local grant advisory boards;

68.28 (4) assist local grant advisory boards in soliciting applications for grants;

68.29 (5) develop simplified grant application materials;

68.30 (6) identify effective forms of community-led intervention to promote public safety;

69.1 (7) encourage the use of restorative justice programs, including but not limited to
69.2 sentencing circles; and

69.3 (8) administer grants.

69.4 **Subd. 3. Innovation in community safety grants.** (a) Pursuant to the advice of
69.5 community grant advisory boards, the commissioner shall award grants to organizations in
69.6 targeted areas for the purposes identified in this subdivision. The commissioner may prioritize
69.7 targeted areas, determine which targeted areas are eligible for grants, and establish the total
69.8 amount of money available for grants in each targeted area. In prioritizing targeted areas,
69.9 the commissioner shall prioritize areas that have the highest rates of violent crime.

69.10 (b) Recipients of youth, young adult, and family antiviolenace outreach program grants
69.11 may work with other organizations, including but not limited to law enforcement, state and
69.12 local public agencies, interfaith organizations, nonprofit organizations, and African immigrant
69.13 and African American community organizations and stakeholders; may focus on African
69.14 immigrant and African American youth and young adults; and must:

69.15 (1) identify behaviors indicating that an individual is vulnerable to committing or being
69.16 the victim of bullying or interfamily, community, or domestic abuse;

69.17 (2) identify and assess factors and influences, including but not limited to family
69.18 dysfunction and cultural disengagement that make youth and young adults vulnerable to
69.19 recruitment by violent organizations;

69.20 (3) develop strategies to reduce and eliminate abusive and bullying behaviors among
69.21 youth and adults;

69.22 (4) develop and implement strategies to reduce and eliminate the factors and influences
69.23 that make youth and young adults vulnerable to recruitment by violent organizations;

69.24 (5) develop strategies, programs, and services to educate parents and other family
69.25 members to recognize and address behaviors indicating that youth are being recruited by
69.26 violent organizations; and

69.27 (6) in collaboration with public entities and other community and private organizations
69.28 that provide services to at-risk youth and families, develop strategies, programs, and services
69.29 to reduce and eliminate bullying, abusive behavior, and the vulnerability of youth to
69.30 recruitment by violent organizations, including but not limited to:

69.31 (i) expressive and receptive communications programs, including music, art, theater,
69.32 dance, and play designed to teach and develop appropriate skills for interfaith family
69.33 communication;

70.1 (ii) development of protective skills and positive coping skills to deal with bullying,
70.2 domestic abuse and interfaith family violence, and violent confrontations in the community;

70.3 (iii) culturally appropriate individual and family counseling focusing on communication
70.4 and interpersonal relations with the family and, when appropriate, the African immigrant
70.5 and African American community;

70.6 (iv) after-school and summer programs for youth and young adults that are structured
70.7 and include components offering physical recreation, sports, mentorship, education
70.8 enrichment, art, music, and social activities that are culturally appropriate;

70.9 (v) individual and family-oriented financial planning and management skill building;

70.10 (vi) culturally appropriate individual and family counseling focusing on education and
70.11 employment counseling; and

70.12 (vii) information regarding and direct links to entities that provide employment skills
70.13 training, job search and placement, and employment support activities and services.

70.14 (c) Recipients of grants to implement the Minnesota SafeStreets program must work
70.15 with other organizations and persons in the community to develop community-based
70.16 responses to violence that:

70.17 (1) use and adapt critical incident response methods that have been identified as best
70.18 practices in the field, including violence prevention, situational de-escalation, mitigation
70.19 of trauma, and restorative justice;

70.20 (2) provide targeted interventions to prevent the escalation of violence after the occurrence
70.21 of serious incidents, such as a shooting, murder, or other violent crime;

70.22 (3) de-escalate violence with the use of community-based interventions designed to
70.23 prevent conflict from becoming violent;

70.24 (4) provide an alternative to adjudication through a restorative justice model for persons
70.25 who commit lower level offenses;

70.26 (5) develop working relationships with community providers to enable young people to
70.27 care for themselves and their families in healthy and empowered ways; and

70.28 (6) culminate in a collective action plan that, at a minimum, includes the following:

70.29 (i) increased educational opportunities;

70.30 (ii) meaningful workforce opportunities;

70.31 (iii) leadership-based entrepreneurial and social enterprise opportunities;

- 71.1 (iv) expanded mental health and chemical health services; and
- 71.2 (v) access to critically needed human and social services.
- 71.3 (d) Recipients of grants to promote community healing must provide programs and direct
- 71.4 intervention to promote wellness and healing justice and may use funds for:
- 71.5 (1) programmatic and community care support for wellness and healing justice
- 71.6 practitioners;
- 71.7 (2) the establishment and expansion of community organizations that provide wellness
- 71.8 and healing justice services;
- 71.9 (3) placing wellness and healing justice practitioners in organizations that provide direct
- 71.10 service to Black, Indigenous, and people of color communities in Minnesota;
- 71.11 (4) providing healing circles;
- 71.12 (5) establishing and expanding community coach certification programs to train
- 71.13 community healers and establish a long-term strategy to build the infrastructure for
- 71.14 community healers to be available during times of tragedy; or
- 71.15 (6) restorative justice programs, including but not limited to sentencing circles.
- 71.16 (e) Recipients of grants to establish or maintain co-responder teams must partner with
- 71.17 local units of government or Tribal governments to build on existing mobile mental health
- 71.18 crisis teams and identify gaps in order to do any of the following:
- 71.19 (1) develop and establish independent crisis response teams to de-escalate volatile
- 71.20 situations;
- 71.21 (2) respond to situations involving a mental health crisis;
- 71.22 (3) promote community-based efforts designed to enhance community safety and
- 71.23 wellness; or
- 71.24 (4) support community-based strategies to interrupt, intervene in, or respond to violence.
- 71.25 (f) Recipients of grants to establish or maintain community-based mental health and
- 71.26 social service centers must provide direct services to community members in targeted areas.
- 71.27 Subd. 4. **Appropriation; distribution.** (a) Of the amount appropriated for grants issued
- 71.28 pursuant to subdivision 3, two-thirds shall be distributed in the metropolitan area and
- 71.29 one-third shall be distributed outside the metropolitan area.
- 71.30 (b) No grant recipient shall receive more than \$1,000,000 each year.

72.1 Subd. 5. **Community grant advisory boards; members.** (a) The commissioner shall
72.2 work with the chair or director of a local commission, civilian review board, or similar
72.3 organization to establish a community grant advisory board within a targeted area.

72.4 (b) Community grant advisory boards shall review grant applications and direct the
72.5 commissioner to award grants to approved applicants pursuant to subdivision 6.

72.6 (c) The chair or director of a local commission, civilian review board, or similar
72.7 organization shall serve as the chair of a community grant advisory board.

72.8 (d) A community grant advisory board shall include the chair and at least four but not
72.9 more than six other members.

72.10 (e) The membership of community grant advisory boards shall reflect the demographic
72.11 makeup of the targeted area and the members, other than the chair, must reside in the targeted
72.12 area over which a board has jurisdiction. A majority of the members of a board must provide
72.13 direct services to victims or others in the targeted area as a part of the person's employment
72.14 or regular volunteer work.

72.15 (f) Community grant advisory board members may not accept gifts, donations, or any
72.16 other thing of value from applicants.

72.17 Subd. 6. **Community grant advisory boards; procedure.** (a) Community grant advisory
72.18 boards shall provide notice of available grants and application materials for organizations
72.19 or individuals to apply for grants.

72.20 (b) Community grant advisory boards shall establish reasonable application deadlines
72.21 and review grant applications. Boards may interview applicants and invite presentations.

72.22 (c) Community grant advisory boards shall make recommendations to the commissioner
72.23 regarding which applicants should receive funds and the amount of those funds. The
72.24 commissioner shall award the recommended grants unless the commissioner determines
72.25 that the award would violate any grant requirements or other law. The commissioner shall
72.26 not award grants without the recommendation of a community grant advisory board.

72.27 Sec. 48. **TASK FORCE ON MISSING AND MURDERED AFRICAN AMERICAN**
72.28 **WOMEN.**

72.29 Subdivision 1. **Creation and duties.** (a) The Task Force on Missing and Murdered
72.30 African American Women is established to advise the commissioner of public safety and
72.31 report to the legislature on recommendations to reduce and end violence against African
72.32 American women and girls in Minnesota. The task force may also serve as a liaison between

73.1 the commissioner and agencies and nonprofit, nongovernmental organizations that provide
73.2 legal, social, or other community services to victims, victims' families, and victims'
73.3 communities.

73.4 (b) The Task Force on Missing and Murdered African American Women must examine
73.5 and report on the following:

73.6 (1) the systemic causes behind violence that African American women and girls
73.7 experience, including patterns and underlying factors that explain why disproportionately
73.8 high levels of violence occur against African American women and girls, including
73.9 underlying historical, social, economic, institutional, and cultural factors which may
73.10 contribute to the violence;

73.11 (2) appropriate methods for tracking and collecting data on violence against African
73.12 American women and girls, including data on missing and murdered African American
73.13 women and girls;

73.14 (3) policies and institutions such as policing, child welfare, coroner practices, and other
73.15 governmental practices that impact violence against African American women and girls
73.16 and the investigation and prosecution of crimes of gender violence against African American
73.17 people;

73.18 (4) measures necessary to address and reduce violence against African American women
73.19 and girls; and

73.20 (5) measures to help victims, victims' families, and victims' communities prevent and
73.21 heal from violence that occurs against African American women and girls.

73.22 (c) At its discretion, the task force may examine other related issues consistent with this
73.23 section as necessary.

73.24 Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and
73.25 Murdered African American Women shall consist of the following individuals, or their
73.26 designees, who are knowledgeable in crime victims' rights or violence protection and, unless
73.27 otherwise specified, members shall be appointed by the commissioner of public safety:

73.28 (1) two members of the senate, one appointed by the majority leader and one appointed
73.29 by the minority leader;

73.30 (2) two members of the house of representatives, one appointed by the speaker of the
73.31 house and one appointed by the minority leader;

73.32 (3) two representatives from among the following:

- 74.1 (i) the Minnesota Chiefs of Police Association;
- 74.2 (ii) the Minnesota Sheriffs' Association;
- 74.3 (iii) the Bureau of Criminal Apprehension; or
- 74.4 (iv) the Minnesota Police and Peace Officers Association;
- 74.5 (4) one or more representatives from among the following:
- 74.6 (i) the Minnesota County Attorneys Association;
- 74.7 (ii) the United States Attorney's Office; or
- 74.8 (iii) a judge or attorney working in juvenile court;
- 74.9 (5) a county coroner or a representative from a statewide coroner's association or a
- 74.10 representative of the Department of Health; and
- 74.11 (6) three or more representatives from among the following:
- 74.12 (i) a statewide or local organization that provides legal services to African American
- 74.13 women and girls;
- 74.14 (ii) a statewide or local organization that provides advocacy or counseling for African
- 74.15 American women and girls who have been victims of violence;
- 74.16 (iii) a statewide or local organization that provides services to African American women
- 74.17 and girls; or
- 74.18 (iv) an African American woman who is a survivor of gender violence.
- 74.19 (b) In making appointments under paragraph (a), the commissioner of public safety shall
- 74.20 consult with the Council for Minnesotans of African Heritage.
- 74.21 (c) Appointments to the task force must be made by September 1, 2021.
- 74.22 (d) Members are eligible for compensation and expense reimbursement consistent with
- 74.23 Minnesota Statutes, section 15.059, subdivision 3.
- 74.24 (e) Members of the task force serve at the pleasure of the appointing authority or until
- 74.25 the task force expires. Vacancies in commissioner-appointed positions shall be filled by the
- 74.26 commissioner consistent with the qualifications of the vacating member required by this
- 74.27 subdivision.
- 74.28 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
- 74.29 may elect other officers as necessary.

75.1 (b) The commissioner of public safety shall convene the first meeting of the task force
75.2 no later than October 1, 2021, and shall provide meeting space and administrative assistance
75.3 as necessary for the task force to conduct its work.

75.4 (c) The task force shall meet at least quarterly, or upon the call of its chair, and may
75.5 hold meetings throughout the state. The task force shall meet sufficiently enough to
75.6 accomplish the tasks identified in this section. Meetings of the task force are subject to
75.7 Minnesota Statutes, chapter 13D.

75.8 (d) To accomplish its duties, the task force shall seek out and enlist the cooperation and
75.9 assistance of nonprofit, nongovernmental organizations that provide legal, social, or other
75.10 community services to victims, victims' families, and victims' communities; community
75.11 and advocacy organizations working with the African American community; and academic
75.12 researchers and experts, specifically those specializing in violence against African American
75.13 women and girls, those representing diverse communities disproportionately affected by
75.14 violence against women and girls, or those focusing on issues related to gender violence
75.15 and violence against African American women and girls. Meetings of the task force may
75.16 include reports from, or information provided by, those individuals or groups.

75.17 Subd. 4. **Report.** On or before December 15, 2022, the task force shall report to the
75.18 chairs and ranking minority members of the legislative committees with jurisdiction over
75.19 public safety, human services, and state government on the work of the task force. The
75.20 report must contain the task force's findings and recommendations and shall include
75.21 institutional policies and practices, or proposed institutional policies and practices, that are
75.22 effective in reducing gender violence and increasing the safety of African American women
75.23 and girls; recommendations for appropriate tracking and collecting of data on violence
75.24 against African American women and girls; and recommendations for legislative action to
75.25 reduce and end violence against African American women and girls and help victims and
75.26 communities heal from gender violence and violence against African American women and
75.27 girls.

75.28 Subd. 5. **Expiration.** The task force expires upon submission of the report required
75.29 under subdivision 4.

75.30 **Sec. 49. PUBLIC SAFETY ESCROW ACCOUNT.**

75.31 State agencies may accept funds from the public safety escrow account. Funds accepted
75.32 by a state agency must be deposited in an account in the special revenue fund and are
75.33 appropriated to that agency for the purposes for which they are received.

76.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
76.2 applies to funds received by a state agency on or after June 28, 2018.

76.3 Sec. 50. **SENTENCING GUIDELINES COMMISSION DIRECTED TO INCREASE**
76.4 **THE RANKINGS FOR CERTAIN CHILD PORNOGRAPHY CRIMES.**

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

76.11 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
76.12 crimes committed on or after that date.

76.13 Sec. 51. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

76.14 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
76.15 given:

76.16 (1) "aiding and abetting" means a person who is criminally liable for a crime committed
76.17 by another because that person intentionally aided, advised, hired, counseled, or conspired
76.18 with or otherwise procured the other to commit the crime; and

76.19 (2) "felony murder" means a violation of Minnesota Statutes, section 609.185, paragraph
76.20 (a), clause (2), (3), (5), (6), or (7); or 609.19, subdivision 2, clause (1).

76.21 Subd. 2. **Establishment.** The task force on aiding and abetting felony murder is
76.22 established to collect and analyze data on the charging, convicting, and sentencing of people
76.23 for aiding and abetting felony murder; assess whether current laws and practices promote
76.24 public safety and equity in sentencing; and make recommendations to the legislature.

76.25 Subd. 3. **Membership.** (a) The task force consists of the following members:

76.26 (1) the commissioner of corrections or a designee;

76.27 (2) the executive director of the Minnesota Sentencing Guidelines Commission or a
76.28 designee;

76.29 (3) the state public defender or a designee;

76.30 (4) the statewide coordinator of the Violent Crime Coordinating Council or a designee;

77.1 (5) one defense attorney, appointed by the Minnesota Association of Criminal Defense
77.2 Lawyers;

77.3 (6) two county attorneys, one from a county within the seven-county metropolitan area
77.4 and the other from outside the seven-county metropolitan area, appointed by the Minnesota
77.5 County Attorneys Association;

77.6 (7) a peace officer familiar with homicide investigations, preferably felony murder,
77.7 appointed jointly by the Minnesota Sheriffs' Association, and the Minnesota Chiefs of Police
77.8 Association;

77.9 (8) one member representing a victims' rights organization, appointed by the senate
77.10 majority leader;

77.11 (9) one member of a statewide civil rights organization, appointed by the speaker of the
77.12 house of representatives;

77.13 (10) one impacted person who is directly related to a person who has been convicted of
77.14 felony murder, appointed by the governor; and

77.15 (11) one person with expertise regarding the laws and practices of other states relating
77.16 to aiding and abetting felony murder, appointed by the governor.

77.17 (b) Appointments must be made no later than July 30, 2021.

77.18 (c) Members shall serve without compensation.

77.19 (d) Members of the task force serve at the pleasure of the appointing authority or until
77.20 the task force expires. Vacancies shall be filled by the appointing authority consistent with
77.21 the qualifications of the vacating member required by this subdivision.

77.22 (e) To ensure a balanced task force, when making appointments, the appointing authority
77.23 shall attempt to appoint members who do not have unduly strong preconceived beliefs on
77.24 the subject of felony murder.

77.25 Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
77.26 may elect other officers as necessary.

77.27 (b) The commissioner of corrections shall convene the first meeting of the task force no
77.28 later than August 1, 2021, and shall provide meeting space and administrative assistance
77.29 as necessary for the task force to conduct its work.

77.30 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
77.31 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
77.32 of the task force are subject to Minnesota Statutes, chapter 13D.

78.1 (d) To compile and analyze data, the task force shall request the cooperation and
78.2 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
78.3 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
78.4 and Tribal governments and may request the cooperation of academics and others with
78.5 experience and expertise in researching the impact of laws criminalizing aiding and abetting
78.6 felony murder.

78.7 Subd. 5. Duties. (a) The task force shall, at a minimum:

78.8 (1) collect and analyze data on charges, convictions, and sentences for aiding and abetting
78.9 felony murder;

78.10 (2) collect and analyze data on sentences for aiding and abetting felony murder in which
78.11 a person received a mitigated durational departure because the person played a minor or
78.12 passive role in the crime or participated under circumstances of coercion or duress;

78.13 (3) collect and analyze data on charges, convictions, and sentences for codefendants of
78.14 people sentenced for aiding and abetting felony murder;

78.15 (4) review relevant state statutes and state and federal court decisions;

78.16 (5) receive input from individuals who were convicted of aiding and abetting felony
78.17 murder;

78.18 (6) receive input from family members of individuals who were victims of felony murder;

78.19 (7) analyze the benefits and unintended consequences of Minnesota Statutes and practices
78.20 related to the charging, convicting, and sentencing of people for aiding and abetting felony
78.21 murder including but not limited to an analysis of whether current statutes and practice:

78.22 (i) promote public safety; and

78.23 (ii) properly punish people for their role in an offense; and

78.24 (8) make recommendations for legislative action, if any, on laws affecting:

78.25 (i) the collection and reporting of data; and

78.26 (ii) the charging, convicting, and sentencing of people for aiding and abetting felony
78.27 murder.

78.28 (b) At its discretion, the task force may examine, as necessary, other related issues
78.29 consistent with this section.

78.30 Subd. 6. Report. On or before January 15, 2022, the task force shall submit a report to
78.31 the chairs and ranking minority members of the house of representatives and senate

79.1 committees and divisions with jurisdiction over criminal sentencing on the findings and
79.2 recommendations of the task force.

79.3 Subd. 7. **Expiration.** The task force expires the day after submitting its report under
79.4 subdivision 6.

79.5 Sec. 52. **SENTENCING GUIDELINES MODIFICATION.**

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

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

79.10 Sec. 53. **TITLE.**

79.11 Section 21 shall be known as "Travis's Law."

79.12 Sec. 54. **REPEALER.**

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

79.14 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
79.15 crimes committed on or after that date.

79.16 **ARTICLE 3**

79.17 **JUDICIARY, HUMAN RIGHTS, AND DATA PRACTICES**

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

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

79.24 Subd. 2. **Membership.** The commission consists of two senators appointed by the senate
79.25 majority leader, two senators appointed by the minority leader in the senate, two members
79.26 of the house of representatives appointed by the speaker, and two members of the house of
79.27 representatives appointed by the minority leader in the house. Two members from each
79.28 chamber must be from the majority party in that chamber and two members from each
79.29 chamber must be from the minority party in that chamber. Each appointing authority must
79.30 make appointments as soon as possible after the beginning of the regular legislative session

80.1 in the odd-numbered year. The ranking senator from the majority party appointed to the
80.2 commission must convene the first meeting of a biennium by February 15 in the
80.3 odd-numbered year. The commission may elect up to four former legislators who have
80.4 demonstrated an interest in, or have a history of working in, the areas of government data
80.5 practices and personal data privacy to serve as nonvoting members of the commission. The
80.6 former legislators must not be registered lobbyists and shall be compensated as provided
80.7 under section 15.0575, subdivision 3.

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

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

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

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

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

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

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

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

80.29 Sec. 2. Minnesota Statutes 2020, section 13.552, is amended by adding a subdivision to
80.30 read:

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

81.1 Sec. 3. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision to
81.2 read:

81.3 Subd. 1b. **Data on individuals who are minors.** Except for electronic licensing system
81.4 data classified under section 84.0874, data on individuals who are minors that are collected,
81.5 created, received, maintained, or disseminated by the Department of Natural Resources are
81.6 classified under section 84.0873.

81.7 Sec. 4. Minnesota Statutes 2020, section 13.824, subdivision 6, is amended to read:

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

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

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

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

82.1 Sec. 5. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

82.2 Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing
82.3 the date and time portable recording system data were collected and the applicable
82.4 classification of the data. The law enforcement agency shall arrange for an independent,
82.5 biennial audit of the data to determine whether data are appropriately classified according
82.6 to this section, how the data are used, and whether the data are destroyed as required under
82.7 this section, and to verify compliance with subdivisions 7 and 8. If the governing body with
82.8 jurisdiction over the budget of the agency determines that the agency is not complying with
82.9 this section or other applicable law, the governing body may order additional independent
82.10 audits. Data in the records required under this paragraph are classified as provided in
82.11 subdivision 2.

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

82.21 (c) A report summarizing the results of each audit must be provided to the governing
82.22 body with jurisdiction over the budget of the law enforcement agency ~~and~~² to the Legislative
82.23 Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking
82.24 minority members of the committees of the house of representatives and the senate with
82.25 jurisdiction over data practices and public safety issues no later than 60 days following
82.26 completion of the audit.

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

82.28 Sec. 6. Minnesota Statutes 2020, section 13.851, is amended by adding a subdivision to
82.29 read:

82.30 **Subd. 13. Jailhouse witnesses.** Data collected and maintained by the commissioner of
82.31 corrections regarding jailhouse witnesses are governed by section 634.045.

83.1 **Sec. 7. [84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.**

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

83.6 (1) name;

83.7 (2) date of birth;

83.8 (3) Social Security number;

83.9 (4) telephone number;

83.10 (5) e-mail address;

83.11 (6) physical or mailing address;

83.12 (7) location data;

83.13 (8) online account access information;

83.14 (9) data associated with the location of electronic devices; and

83.15 (10) other data that would identify participants who have registered for events, programs,
83.16 or classes sponsored by the Department of Natural Resources.

83.17 (b) Access to data described in paragraph (a) is subject to Minnesota Rules, part
83.18 1205.0500. Data about minors classified under this section maintain their classification as
83.19 private data on individuals after the individual is no longer a minor.

83.20 (c) When data about minors is created, collected, stored, or maintained as part of the
83.21 electronic licensing system described in section 84.0874, the data is governed by section
83.22 84.0874 and may be disclosed pursuant to the provisions therein.

83.23 **Sec. 8. Minnesota Statutes 2020, section 169.99, subdivision 1c, is amended to read:**

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

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

84.1 Sec. 9. Minnesota Statutes 2020, section 169.99, is amended by adding a subdivision to
84.2 read:

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

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

84.13 Sec. 10. Minnesota Statutes 2020, section 357.021, subdivision 1a, is amended to read:

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

84.24 (b) In a county which has a screener-collector position, fees paid by a county pursuant
84.25 to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
84.26 fees first to reimburse the county for the amount of the salary paid for the screener-collector
84.27 position. The balance of the fees collected shall then be forwarded to the commissioner of
84.28 management and budget for deposit in the state treasury and credited to the general fund.
84.29 In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
84.30 has a screener-collector position, the fees paid by a county shall be transmitted monthly to
84.31 the commissioner of management and budget for deposit in the state treasury and credited
84.32 to the general fund. A screener-collector position for purposes of this paragraph is an
84.33 employee whose function is to increase the collection of fines and to review the incomes
84.34 of potential clients of the public defender, in order to verify eligibility for that service.

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

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

85.5 (2) civil commitment under chapter 253B;

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

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

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

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

85.12 (7) recovery of amounts issued by political subdivisions or public institutions under
85.13 sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37,
85.14 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

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

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

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

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

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

85.26 (2) civil commitment under chapter 253B;

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

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

86.1 Sec. 11. Minnesota Statutes 2020, section 357.021, subdivision 6, is amended to read:

86.2 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this
86.3 ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75
86.4 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
86.5 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
86.6 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
86.7 than one offense in a case, the surcharge shall be imposed only once in that case. In the
86.8 Second Judicial District, the court shall impose, and the court administrator shall collect,
86.9 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
86.10 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
86.11 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
86.12 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
86.13 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
86.14 is convicted of a petty misdemeanor for which no fine is imposed.

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

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

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

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

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

87.1 ~~(g)~~ (f) The surcharge does not apply to administrative citations issued pursuant to section
87.2 169.999.

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

87.4 Sec. 12. Minnesota Statutes 2020, section 363A.02, subdivision 1, is amended to read:

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

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

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

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

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

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

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

87.24 Sec. 13. Minnesota Statutes 2020, section 363A.08, subdivision 6, is amended to read:

87.25 Subd. 6. **Reasonable accommodation.** (a) Except when based on a bona fide occupational
87.26 qualification, it is an unfair employment practice for an employer with a number of part-time
87.27 or full-time employees for each working day in each of 20 or more calendar weeks in the
87.28 current or preceding calendar year equal to or greater than 25 effective July 1, 1992, and
87.29 equal to or greater than 15 effective July 1, 1994, an employment agency, or a labor
87.30 organization, not to ~~make~~ provide a reasonable accommodation to the known disability of
87.31 ~~a qualified disabled person or job applicant~~ for a job applicant or qualified employee with

88.1 a disability unless the employer, agency, or organization can demonstrate that the
 88.2 accommodation would impose an undue hardship on the business, agency, or organization.
 88.3 "Reasonable accommodation" means steps which must be taken to accommodate the known
 88.4 physical or mental limitations of a qualified ~~disabled person~~ individual with a disability.
 88.5 To determine the appropriate reasonable accommodation the employer, agency, or
 88.6 organization shall initiate an informal, interactive process with the individual with a disability
 88.7 in need of the accommodation. This process should identify the limitations resulting from
 88.8 the disability and any potential reasonable accommodations that could overcome those
 88.9 limitations. "Reasonable accommodation" may include but is not limited to, nor does it
 88.10 necessarily require: (1) making facilities readily accessible to and usable by ~~disabled persons~~
 88.11 individuals with disabilities; and (2) job restructuring, modified work schedules, reassignment
 88.12 to a vacant position, acquisition or modification of equipment or devices, and the provision
 88.13 of aides on a temporary or periodic basis.

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

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

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

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

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

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

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

88.27 Sec. 14. Minnesota Statutes 2020, section 363A.28, subdivision 1, is amended to read:

88.28 Subdivision 1. **Actions.** Any person aggrieved by a violation of this chapter may bring
 88.29 a civil action as provided in section 363A.33, subdivision 1, or may file a verified charge
 88.30 with the commissioner or the commissioner's designated agent. A charge filed with the
 88.31 commissioner must be in writing by hand, or electronically with an unsworn declaration
 88.32 under penalty of perjury, on a form provided by the commissioner and signed by the charging
 88.33 party. The charge must state the name of the person alleged to have committed an unfair

89.1 discriminatory practice and set out a summary of the details of the practice complained of.
89.2 The commissioner may require a charging party to provide the address of the person alleged
89.3 to have committed the unfair discriminatory practice, names of witnesses, documents, and
89.4 any other information necessary to process the charge. The commissioner may dismiss a
89.5 charge when the charging party fails to provide required information. The commissioner
89.6 within ten days of the filing shall serve a copy of the charge and a form for use in responding
89.7 to the charge upon the respondent personally, electronically with the receiving party's
89.8 consent, or by mail. The respondent shall file with the department a written response setting
89.9 out a summary of the details of the respondent's position relative to the charge within ~~20~~
89.10 30 days of receipt of the charge. If the respondent fails to respond with a written summary
89.11 of the details of the respondent's position within 30 days after service of the charge, and
89.12 service was consistent with rule 4 of the Rules of Civil Procedure, the commissioner, on
89.13 behalf of the complaining party, may bring an action for default in district court pursuant
89.14 to rule 55.01 of the Rules of Civil Procedure.

89.15 Sec. 15. Minnesota Statutes 2020, section 363A.28, subdivision 6, is amended to read:

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

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

- 89.23 (1) there is evidence of irreparable harm if immediate action is not taken;
89.24 (2) there is evidence that the respondent has intentionally engaged in a reprisal;
89.25 (3) a significant number of recent charges have been filed against the respondent;
89.26 (4) the respondent is a government entity;
89.27 (5) there is potential for broadly promoting the policies of this chapter; or
89.28 (6) the charge is supported by substantial and credible documentation, witnesses, or
89.29 other evidence.

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

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

90.4 (c) If the commissioner determines after investigation that no probable cause exists to
90.5 credit the allegations of the unfair discriminatory practice, the commissioner shall, within
90.6 ten days of the determination, serve upon the charging party and respondent written notice
90.7 of the determination. Within ~~ten~~ 30 days after receipt of notice, the charging party may
90.8 request in writing, on forms prepared by the department, that the commissioner reconsider
90.9 the determination. The request shall contain a brief statement of the reasons for and new
90.10 evidence in support of the request for reconsideration. At the time of submission of the
90.11 request to the commissioner, the charging party shall deliver or mail to the respondent a
90.12 copy of the request for reconsideration. The commissioner shall reaffirm, reverse, or vacate
90.13 and remand for further consideration the determination of no probable cause within 20 days
90.14 after receipt of the request for reconsideration, and shall within ten days notify in writing
90.15 the charging party and respondent of the decision to reaffirm, reverse, or vacate and remand
90.16 for further consideration.

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

90.20 (d) If the commissioner determines after investigation that probable cause exists to credit
90.21 the allegations of unfair discriminatory practices, the commissioner shall serve on the
90.22 respondent and the respondent's attorney if the respondent is represented by counsel, by
90.23 first class mail, or electronically with the receiving party's consent, a notice setting forth a
90.24 short plain written statement of the alleged facts which support the finding of probable cause
90.25 and an enumeration of the provisions of law allegedly violated. Within 30 days after receipt
90.26 of notice, the respondent may request in writing, on forms prepared by the department, that
90.27 the commissioner reconsider the determination. If the commissioner determines that attempts
90.28 to eliminate the alleged unfair practices through conciliation pursuant to subdivision 8 have
90.29 been or would be unsuccessful or unproductive, the commissioner ~~shall~~ may issue a complaint
90.30 and serve on the respondent, by registered or certified mail, or electronically with the
90.31 receiving party's consent, a written notice of hearing together with a copy of the complaint,
90.32 requiring the respondent to answer the allegations of the complaint at a hearing before an
90.33 administrative law judge at a time and place specified in the notice, not less than ten days
90.34 after service of said complaint. A copy of the notice shall be furnished to the charging party
90.35 and the attorney general.

91.1 (e) If, at any time after the filing of a charge, the commissioner has reason to believe
91.2 that a respondent has engaged in any unfair discriminatory practice, the commissioner may
91.3 file a petition in the district court in a county in which the subject of the complaint occurs,
91.4 or in a county in which a respondent resides or transacts business, seeking appropriate
91.5 temporary relief against the respondent, pending final determination of proceedings under
91.6 this chapter, including an order or decree restraining the respondent from doing or procuring
91.7 an act tending to render ineffectual an order the commissioner may enter with respect to
91.8 the complaint. The court shall have power to grant temporary relief or a restraining order
91.9 as it deems just and proper, but no relief or order extending beyond ten days shall be granted
91.10 except by consent of the respondent or after hearing upon notice to the respondent and a
91.11 finding by the court that there is reasonable cause to believe that the respondent has engaged
91.12 in a discriminatory practice. Except as modified by subdivisions 1 to 9 and section 363A.06,
91.13 subdivision 4, the Minnesota Rules of Civil Procedure shall apply to an application, and
91.14 the district court shall have authority to grant or deny the relief sought on conditions as it
91.15 deems just and equitable. All hearings under subdivisions 1 to 9 and section 363A.06,
91.16 subdivision 4, shall be given precedence as nearly as practicable over all other pending civil
91.17 actions.

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

91.24 (g) In any complaint issued under subdivisions 1 to 9 and section 363A.06, subdivision
91.25 4, the commissioner may seek relief for a class of individuals affected by an unfair
91.26 discriminatory practice occurring on or after a date one year prior to the filing of the charge
91.27 from which the complaint originates.

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

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

92.1 Sec. 16. Minnesota Statutes 2020, section 363A.31, subdivision 2, is amended to read:

92.2 Subd. 2. **Rescission of waiver.** A waiver or release of rights or remedies secured by this
 92.3 chapter which purports to apply to claims arising out of acts or practices prior to, or
 92.4 concurrent with, the execution of the waiver or release may be rescinded within 15 calendar
 92.5 days of its execution, except that a waiver or release given in settlement of a claim filed
 92.6 with the department or with another administrative agency or judicial body is valid and final
 92.7 upon execution. A waiving or releasing party shall be informed in writing of the right to
 92.8 rescind the waiver or release. To be effective, the rescission must be in writing and delivered
 92.9 to the waived or released party ~~either by hand,~~ electronically with the receiving party's
 92.10 consent, or by mail within the 15-day period. If delivered by mail, the rescission must be:

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

92.14 Sec. 17. Minnesota Statutes 2020, section 363A.33, subdivision 3, is amended to read:

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

92.22 Sec. 18. Minnesota Statutes 2020, section 363A.36, subdivision 1, is amended to read:

92.23 Subdivision 1. **Scope of application.** ~~(a) For all contracts for goods and services in~~
 92.24 ~~excess of \$100,000, no department or agency of the state shall accept any bid or proposal~~
 92.25 ~~for a contract or agreement from any business having more than 40 full-time employees~~
 92.26 ~~within this state on a single working day during the previous 12 months, unless the~~
 92.27 ~~commissioner is in receipt of the business' affirmative action plan for the employment of~~
 92.28 ~~minority persons, women, and qualified disabled individuals. No department or agency of~~
 92.29 ~~the state shall execute any such contract or agreement until the affirmative action plan has~~
 92.30 ~~been approved by the commissioner. Receipt of a certificate of compliance issued by the~~
 92.31 ~~commissioner shall signify that a firm or business has an affirmative action plan that has~~
 92.32 ~~been approved by the commissioner. A certificate shall be valid for a period of four years.~~

93.1 No department, agency of the state, the Metropolitan Council, or agency subject to section
 93.2 473.143, subdivision 1, shall execute a contract for goods or services in excess of \$100,000
 93.3 with a business that has 40 or more full-time employees in this state or a state where the
 93.4 business has its primary place of business on a single day during the prior 12 months, unless
 93.5 the business has a workforce certificate from the commissioner of human rights or has
 93.6 certified in writing that it is exempt. Determinations of exempt status shall be made by the
 93.7 commissioner of human rights. A certificate is valid for four years. A municipality as defined
 93.8 in section 466.01, subdivision 1, that receives state money for any reason is encouraged to
 93.9 prepare and implement an affirmative action plan for the employment of minority persons,
 93.10 people with disabilities, people of color, and women, and the qualified disabled and to
 93.11 submit the plan to the commissioner.

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

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

93.22 ~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within
 93.23 15 days of the application submitted by the business or firm.

93.24 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to contracts
 93.25 entered into on or after that date.

93.26 Sec. 19. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

93.27 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a \$150
 93.28 \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's
 93.29 designated agent. The proceeds of the fee must be deposited in a human rights fee special
 93.30 revenue account. Money in the account is appropriated to the commissioner to fund the cost
 93.31 of issuing certificates and investigating grievances.

93.32 **EFFECTIVE DATE.** This section is effective for applications received on or after July
 93.33 1, 2021.

94.1 Sec. 20. Minnesota Statutes 2020, section 363A.36, subdivision 3, is amended to read:

94.2 Subd. 3. **Revocation of certificate** Violations; remedies. Certificates of compliance
94.3 may be suspended or revoked by the commissioner if a holder of a certificate has not made
94.4 a good faith effort to implement an affirmative action plan that has been approved by the
94.5 commissioner. If a contractor does not effectively implement an affirmative action plan
94.6 approved by the commissioner pursuant to subdivision 1, or fails to make a good faith effort
94.7 to do so, the commissioner may refuse to approve subsequent plans submitted by that firm
94.8 or business. If a certificate holder is in violation of this section, the commissioner may
94.9 impose one or both of the following actions:

94.10 (1) issue fines up to \$5,000 per calendar year for each contract; or

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

94.13 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to all certificates
94.14 of compliance in effect on or after that date.

94.15 Sec. 21. Minnesota Statutes 2020, section 363A.36, subdivision 4, is amended to read:

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

94.24 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to contracts
94.25 entered into on or after that date.

94.26 Sec. 22. Minnesota Statutes 2020, section 363A.36, is amended by adding a subdivision
94.27 to read:

94.28 Subd. 6. **Access to data.** Data submitted to the commissioner related to a certificate of
94.29 compliance are private data on individuals or nonpublic data with respect to persons other
94.30 than department employees. The commissioner's decision to issue, not issue, revoke, or
94.31 suspend or otherwise penalize a certificate holder of a certificate of compliance is public
94.32 data. Applications, forms, or similar documents submitted by a business seeking a certificate

95.1 of compliance are public data. The commissioner may disclose data classified as private or
95.2 nonpublic under this subdivision to other state agencies, statewide systems, and political
95.3 subdivisions for the purposes of achieving compliance with this section.

95.4 Sec. 23. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

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

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

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

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

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

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

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

95.29 (1) a market pricing approach;

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

95.31 (3) a performance pay system;

95.32 (4) an internal analysis; or

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

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

96.6 **EFFECTIVE DATE.** This section is effective for applications received on or after July
96.7 1, 2021.

96.8 Sec. 24. Minnesota Statutes 2020, section 363A.44, subdivision 4, is amended to read:

96.9 Subd. 4. ~~**Revocation of certificate**~~ **Violations; remedies.** An equal pay certificate for
96.10 a business may be suspended or revoked by the commissioner when the business fails to
96.11 make a good-faith effort to comply with the laws identified in subdivision 2, paragraph (a),
96.12 clause (1), fails to make a good-faith effort to comply with this section, or has multiple
96.13 violations of this section or the laws identified in subdivision 2, paragraph (a), clause (1).
96.14 The commissioner may also issue a fine due to lack of compliance with this section of up
96.15 to \$5,000 per calendar year for each contract. The commissioner may suspend or revoke an
96.16 equal pay certificate until the business has paid all outstanding fines and otherwise complies
96.17 with this section. Prior to issuing a fine or suspending or revoking a certificate, the
96.18 commissioner must first have sought to conciliate with the business regarding wages and
96.19 benefits due to employees.

96.20 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to all equal pay
96.21 certificates in effect on or after that date.

96.22 Sec. 25. Minnesota Statutes 2020, section 363A.44, subdivision 9, is amended to read:

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

97.1 Sec. 26. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

97.2 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
97.3 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
97.4 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
97.5 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
97.6 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
97.7 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
97.8 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
97.9 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
97.10 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
97.11 ~~year;~~ On or before the first installment date provided in section 477A.015, paragraph (a),
97.12 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner
97.13 of revenue to ~~make reimbursements to the commissioner of management and budget the~~
97.14 Board of Public Defense for ~~payments made~~ the payment of service under section 611.27.
97.15 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~
97.16 ~~counsel under section 611.27.~~ Any ~~retained~~ transferred amounts not ~~used for reimbursement~~
97.17 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense
97.18 to the commissioner of revenue on or before October 1 and shall be included in the next
97.19 distribution certification of county need aid that is certified to the county auditors for the
97.20 purpose of property tax reduction for the next taxes payable year.

97.21 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
97.22 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
97.23 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
97.24 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
97.25 transfer to the commissioner of management and budget \$207,000 annually for the cost of
97.26 preparation of local impact notes as required by section 3.987, and other local government
97.27 activities. The commissioner of revenue shall transfer to the commissioner of education
97.28 \$7,000 annually for the cost of preparation of local impact notes for school districts as
97.29 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
97.30 under this paragraph from the appropriation under this paragraph. The amounts transferred
97.31 are appropriated to the commissioner of management and budget and the commissioner of
97.32 education respectively.

98.1 Sec. 27. Minnesota Statutes 2020, section 524.2-503, is amended to read:

98.2 **524.2-503 HARMLESS ERROR.**

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

98.8 (1) the decedent's will;

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

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

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

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

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

98.17 Sec. 28. Minnesota Statutes 2020, section 609.101, subdivision 5, is amended to read:

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

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

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

98.26 (d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor,
98.27 or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a
98.28 finding on the record as to indigency or the convicted person's ability to comply with an
98.29 order to pay without undue hardship for the convicted person or that person's immediate
98.30 family. In determining indigency or whether the defendant is able to comply with an order

99.1 to pay a fine, fee, or surcharge without undue hardship to the convicted person or that
 99.2 person's immediate family, the court shall consider:

99.3 (1) income;

99.4 (2) dependents;

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

99.6 (4) basic living expenses;

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

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

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

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

99.13 Sec. 29. Minnesota Statutes 2020, section 611.21, is amended to read:

99.14 **611.21 SERVICES OTHER THAN COUNSEL.**

99.15 (a) Counsel appointed by the court for an indigent defendant, or representing a defendant
 99.16 who, at the outset of the prosecution, has an annual income not greater than 125 percent of
 99.17 the poverty line established under United States Code, title 42, section 9902(2), may file
 99.18 an ex parte application requesting investigative, expert, interpreter, or other services necessary
 99.19 to an adequate defense in the case. Upon finding, after appropriate inquiry in an ex parte
 99.20 proceeding, that the services are necessary and that the defendant is financially unable to
 99.21 obtain them, the court shall authorize counsel to obtain the services on behalf of the
 99.22 defendant. The court may establish a limit on the amount which may be expended or promised
 99.23 for such services. The court may, in the interests of justice, and upon a finding that timely
 99.24 procurement of necessary services could not await prior authorization, ratify such services
 99.25 after they have been obtained, but such ratification shall be given only in unusual situations.
 99.26 The court shall determine reasonable compensation for the services and direct payment by
 99.27 the county in which the prosecution originated, to the organization or person who rendered
 99.28 them, upon the filing of a claim for compensation supported by an affidavit specifying the
 99.29 time expended, services rendered, and expenses incurred on behalf of the defendant, and
 99.30 the compensation received in the same case or for the same services from any other source.

99.31 (b) The compensation to be paid to a person for such service rendered to a defendant
 99.32 under this section, or to be paid to an organization for such services rendered by an employee,

100.1 may not exceed \$1,000, exclusive of reimbursement for expenses reasonably incurred,
100.2 unless payment in excess of that limit is certified by the court as necessary to provide fair
100.3 compensation for services of an unusual character or duration and the amount of the excess
100.4 payment is approved by the chief judge of the district. The chief judge of the judicial district
100.5 may delegate approval authority to an active district judge.

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

100.11 Sec. 30. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

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

100.16 Sec. 31. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

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

100.20 Sec. 32. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

100.21 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
100.22 provision of adequate legal representation, including associated services, is beyond the
100.23 ability of the district public defender to provide, the ~~court shall order~~ state public defender
100.24 may approve counsel to be appointed, with compensation and expenses to be paid under
100.25 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
100.26 by the chief district public defender. ~~If the court issues an order denying the request, the~~
100.27 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~
100.28 ~~district public defender may immediately appeal the order denying the request to the court~~
100.29 ~~of appeals and may request an expedited hearing.~~

101.1 Sec. 33. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

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

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

101.16 Sec. 34. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

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

101.25 Sec. 35. [611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.

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

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

101.29 (2) "criminal activity" means qualifying criminal activity pursuant to section
101.30 101(a)(15)(U)(iii) of the Immigration and Nationality Act, as amended through June 1,
101.31 2021, and includes the attempt, conspiracy, or solicitation to commit such crimes; and

102.1 (3) "certification" means any certification or statement required by federal immigration
102.2 law, as amended through June 1, 2021, including, but not limited to, the information required
102.3 by United States Code, title 8, section 1184(p), and United States Code, title 8, section
102.4 1184(o), including current United States Citizenship and Immigration Services Form I-918,
102.5 Supplement B, and United States Citizenship and Immigration Services Form I-914,
102.6 Supplement B, and any substantively similar successor forms.

102.7 Subd. 2. **Certification process.** (a) A certifying entity shall process a certification
102.8 requested by a victim of criminal activity or a representative of the victim, including the
102.9 victim's attorney, family member, or domestic violence or sexual assault violence advocate,
102.10 within the time period prescribed in paragraph (b).

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

102.15 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
102.16 required for the victim of criminal activity to request and obtain the certification, provided
102.17 that the certifying entity initiated an investigation and the victim cooperated in it.

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

102.20 (1) timely process requests for certification;

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

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

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

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

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

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

103.3 Sec. 36. **[634.045] JAILHOUSE WITNESSES.**

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

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

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

103.16 (d) "Commissioner" means the commissioner of corrections.

103.17 Subd. 2. **Use of and benefits provided to jailhouse witnesses; data collection.** (a)
103.18 Each county attorney shall report to the commissioner, in a form determined by the
103.19 commissioner:

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

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

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

103.27 (b) The commissioner shall maintain a statewide database containing the information
103.28 received pursuant to paragraph (a) for 20 years from the date that the jailhouse witness
103.29 information was entered into that statewide record.

103.30 (c) Data collected and maintained pursuant to this subdivision are classified as confidential
103.31 data on individuals, as defined in section 13.02, subdivision 3. Only the commissioner may

104.1 access the statewide record but shall provide all information held on specific jailhouse
104.2 witnesses to a county attorney upon request.

104.3 Subd. 3. **Report on jailhouse witnesses.** By September 15 of each year, beginning in
104.4 2022, the commissioner shall publish on its website an annual report of the statewide record
104.5 of jailhouse witnesses required under subdivision 2. Information in the report must be limited
104.6 to summary data, as defined in section 13.02, subdivision 19, and must include:

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

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

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

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

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

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

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

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

104.30 (b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the
104.31 omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor
104.32 discovers additional material, information, or witnesses subject to disclosure under this
104.33 subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the

105.1 defendant is not represented, the defendant, of what was discovered. If the court finds that
105.2 the jailhouse witness was not known or that materials in paragraph (a) could not be discovered
105.3 or obtained by the state within that period with the exercise of due diligence, the court may
105.4 order that disclosure take place within a reasonable period. Upon good cause shown, the
105.5 court may continue the proceedings.

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

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

105.16 (1) reduction or dismissal of charges;

105.17 (2) a plea bargain;

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

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

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

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

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

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

106.1 Sec. 37. **INITIAL APPOINTMENTS AND MEETINGS.**

106.2 Appointing authorities for the Legislative Commission on Data Practices under Minnesota
106.3 Statutes, section 3.8844, must make initial appointments by July 15, 2021. The speaker of
106.4 the house of representatives must designate one member of the commission to convene the
106.5 first meeting of the commission by August 1, 2021.

106.6 **ARTICLE 4**

106.7 **CRIMINAL SEXUAL CONDUCT**

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

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

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

106.15 2. Ramsey; 26 judges;

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

106.19 4. Hennepin; 60 judges;

106.20 5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood,
106.21 Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~46~~ 17 judges; and
106.22 permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and
106.23 Mankato;

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

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

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

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

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

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

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

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

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

107.15 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

108.4 subdivision 3a; or

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

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

108.7 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent

108.8 for that offense or another offense arising out of the same set of circumstances.

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

108.10 (1) the person was charged with or petitioned for an offense in another state that would

108.11 be a violation of a law described in paragraph (a) if committed in this state and convicted

108.12 of or adjudicated delinquent for that offense or another offense arising out of the same set

108.13 of circumstances;

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

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

108.16 any calendar year; and

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

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

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

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

108.21 or is subject to lifetime registration.

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

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

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

108.25 delinquent.

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

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

108.28 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the

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

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

108.31 (1) the person was charged with or petitioned for a felony violation or attempt to violate

108.32 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or

109.1 the United States, or the person was charged with or petitioned for a violation of any of the
109.2 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
109.3 States;

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

109.7 (3) the person was committed pursuant to a court commitment order under section
109.8 253B.18 or a similar law of another state or the United States.

109.9 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
109.10 crimes committed on or after that date.

109.11 Sec. 3. Minnesota Statutes 2020, section 609.135, subdivision 2, is amended to read:

109.12 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other
109.13 than section 609.2113, subdivision 1 or 2, ~~or~~ 609.2114, subdivision 2, or section 609.3451,
109.14 subdivision 1, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph (b)
109.15 or (c), the stay shall be for not more than four years or the maximum period for which the
109.16 sentence of imprisonment might have been imposed, whichever is longer.

109.17 (b) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113,
109.18 subdivision 3, or 609.3451, or for a felony described in section 609.2113, subdivision 1 or
109.19 2, ~~or~~ 609.2114, subdivision 2, or 609.3451, subdivision 1, the stay shall be for not more
109.20 than six years. The court shall provide for unsupervised probation for the last year of the
109.21 stay unless the court finds that the defendant needs supervised probation for all or part of
109.22 the last year.

109.23 (c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay
109.24 shall be for not more than two years.

109.25 (d) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision
109.26 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision
109.27 1, in which the victim of the crime was a family or household member as defined in section
109.28 518B.01, the stay shall be for not more than two years. The court shall provide for
109.29 unsupervised probation for the second year of the stay unless the court finds that the
109.30 defendant needs supervised probation for all or part of the second year.

109.31 (e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall
109.32 be for not more than one year.

110.1 (f) The defendant shall be discharged six months after the term of the stay expires, unless
110.2 the stay has been revoked or extended under paragraph (g), or the defendant has already
110.3 been discharged.

110.4 (g) Notwithstanding the maximum periods specified for stays of sentences under
110.5 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year
110.6 if it finds, at a hearing conducted under subdivision 1a, that:

110.7 (1) the defendant has not paid court-ordered restitution in accordance with the payment
110.8 schedule or structure; and

110.9 (2) the defendant is likely to not pay the restitution the defendant owes before the term
110.10 of probation expires.

110.11 This one-year extension of probation for failure to pay restitution may be extended by the
110.12 court for up to one additional year if the court finds, at another hearing conducted under
110.13 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the
110.14 defendant owes.

110.15 Nothing in this subdivision limits the court's ability to refer the case to collections under
110.16 section 609.104.

110.17 (h) Notwithstanding the maximum periods specified for stays of sentences under
110.18 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three
110.19 years if it finds, at a hearing conducted under subdivision 1c, that:

110.20 (1) the defendant has failed to complete court-ordered treatment successfully; and

110.21 (2) the defendant is likely not to complete court-ordered treatment before the term of
110.22 probation expires.

110.23 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
110.24 crimes committed on or after that date.

110.25 Sec. 4. Minnesota Statutes 2020, section 609.2325, is amended to read:

110.26 **609.2325 CRIMINAL ABUSE.**

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

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

111.1 ~~(b) A caregiver, facility staff person, or person providing services in a facility who~~
111.2 ~~engages in sexual contact or penetration, as defined in section 609.341, under circumstances~~
111.3 ~~other than those described in sections 609.342 to 609.345, with a resident, patient, or client~~
111.4 ~~of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision~~
111.5 ~~3.~~

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

111.8 (1) the vulnerable adult or a person with authority to make health care decisions for the
111.9 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
111.10 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
111.11 that authority and within the boundary of reasonable medical practice, to any therapeutic
111.12 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
111.13 or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition
111.14 and hydration parenterally or through intubation; this paragraph does not enlarge or diminish
111.15 rights otherwise held under law by:

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

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

111.19 (2) the vulnerable adult, a person with authority to make health care decisions for the
111.20 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or
111.21 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
111.22 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
111.23 adult or with the expressed intentions of the vulnerable adult; ~~or.~~

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

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

111.32 (1) if the act results in the death of a vulnerable adult, imprisonment for not more than
111.33 15 years or payment of a fine of not more than \$30,000, or both;

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

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

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

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

112.9 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
112.10 crimes committed on or after that date.

112.11 Sec. 5. Minnesota Statutes 2020, section 609.324, subdivision 1, is amended to read:

112.12 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**
112.13 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be
112.14 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more
112.15 than \$40,000, or both:

112.16 (1) engages in prostitution with an individual under the age of ~~13~~ 14 years;

112.17 (2) hires or offers or agrees to hire an individual under the age of ~~13~~ 14 years to engage
112.18 in sexual penetration or sexual contact; or

112.19 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
112.20 be under the age of ~~13~~ 14 years to engage in sexual penetration or sexual contact.

112.21 (b) Whoever intentionally does any of the following may be sentenced to imprisonment
112.22 for not more than ten years or to payment of a fine of not more than \$20,000, or both:

112.23 (1) engages in prostitution with an individual under the age of 16 years but at least ~~13~~
112.24 14 years;

112.25 (2) hires or offers or agrees to hire an individual under the age of 16 years but at least
112.26 ~~13~~ 14 years to engage in sexual penetration or sexual contact; or

112.27 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
112.28 be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual
112.29 contact.

112.30 (c) Whoever intentionally does any of the following may be sentenced to imprisonment
112.31 for not more than five years or to payment of a fine of not more than \$10,000, or both:

113.1 (1) engages in prostitution with an individual under the age of 18 years but at least 16
113.2 years;

113.3 (2) hires or offers or agrees to hire an individual under the age of 18 years but at least
113.4 16 years to engage in sexual penetration or sexual contact; or

113.5 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
113.6 be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual
113.7 contact.

113.8 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
113.9 crimes committed on or after that date.

113.10 Sec. 6. Minnesota Statutes 2020, section 609.341, subdivision 3, is amended to read:

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

113.17 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
113.18 crimes committed on or after that date.

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

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

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

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

113.27 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
113.28 crimes committed on or after that date.

114.1 Sec. 8. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

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

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

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

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

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

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

114.18 (b) "Sexual contact," for the purposes of sections 609.343, subdivision ~~1~~ 1a, clauses (g)
 114.19 and (h), and 609.345, subdivision ~~1~~ 1a, clauses (f) and (g), and 609.3458, includes any of
 114.20 the following acts committed with sexual or aggressive intent:

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

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

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

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

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

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

115.1 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
115.2 crimes committed on or after that date.

115.3 Sec. 9. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:

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

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

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

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

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

115.16 (iii) of the body of the actor or another person by any part of the body of the complainant
115.17 or by any object used by the complainant for this purpose, when effected by a person in a
115.18 current or recent position of authority, or by coercion, or by inducement if the child is under
115.19 ~~13~~ 14 years of age or mentally impaired.

115.20 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
115.21 crimes committed on or after that date.

115.22 Sec. 10. Minnesota Statutes 2020, section 609.341, subdivision 14, is amended to read:

115.23 Subd. 14. **Coercion.** "Coercion" means the use by the actor of words or circumstances
115.24 that cause the complainant reasonably to fear ~~that the actor will inflict~~ the infliction of bodily
115.25 harm upon the complainant or another, or the use by the actor of confinement, or superior
115.26 size or strength, against the complainant ~~that causes the complainant to submit to sexual~~
115.27 ~~penetration or contact against the complainant's will~~ to accomplish the act. Proof of coercion
115.28 does not require proof of a specific act or threat.

115.29 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
115.30 crimes committed on or after that date.

116.1 Sec. 11. Minnesota Statutes 2020, section 609.341, subdivision 15, is amended to read:

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

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

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

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

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

116.12 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
116.13 crimes committed on or after that date.

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

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

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

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

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

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

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

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

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

117.13 (vi) the actor provided special transportation service to the complainant and the sexual
117.14 penetration or sexual contact occurred during or immediately before or after the actor
117.15 transported the complainant;

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

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

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

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

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

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

118.4 (x) the actor was a caregiver, facility staff person, or person providing services in a
118.5 facility, and the complainant was a vulnerable adult who was a resident, patient, or client
118.6 of the facility who was impaired in judgment or capacity by mental or emotional dysfunction
118.7 or undue influence; or

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

118.12 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
118.13 crimes committed on or after that date.

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

118.16 Subd. 25. **Caregiver.** "Caregiver" has the meaning given in section 609.232, subdivision
118.17 2.

118.18 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
118.19 crimes committed on or after that date.

118.20 Sec. 14. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
118.21 to read:

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

118.23 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
118.24 crimes committed on or after that date.

118.25 Sec. 15. Minnesota Statutes 2020, section 609.341, is amended by adding a subdivision
118.26 to read:

118.27 Subd. 27. **Vulnerable adult.** "Vulnerable adult" has the meaning given in section
118.28 609.232, subdivision 11.

118.29 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
118.30 crimes committed on or after that date.

119.1 Sec. 16. Minnesota Statutes 2020, section 609.342, is amended to read:

119.2 **609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.**

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

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

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

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

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

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

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

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

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

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

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

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

119.30 (ii) the actor or an accomplice is armed with a dangerous weapon or any article used or
 119.31 fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous

120.1 weapon and uses or threatens to use the weapon or article to cause the complainant to
120.2 submit;

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

120.6 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
120.7 ~~16 years of age at the time of the act, and:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121.18 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

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

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

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

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

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

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

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

122.16 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
122.17 crimes committed on or after that date.

122.18 Sec. 17. Minnesota Statutes 2020, section 609.343, is amended to read:

122.19 **609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.**

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

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

122.27 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
122.28 ~~48 months older than the complainant and in a current or recent position of authority over~~
122.29 ~~the complainant. Neither mistake as to the complainant's age nor consent to the act by the~~
122.30 ~~complainant is a defense;~~

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

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

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

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

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

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

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

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

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

123.16 or

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

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

123.24 ~~(h) the actor has a significant relationship to the complainant, the complainant was under~~
 123.25 ~~16 years of age at the time of the sexual contact, and:~~

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

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

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

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

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

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

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

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

124.11 (i) the actor uses coercion to accomplish the sexual contact;

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

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

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

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

124.18 or

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

124.22 (e) the complainant is under 14 years of age and the actor is more than 36 months older
124.23 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
124.24 the complainant is a defense. In a prosecution under this clause, the state is not required to
124.25 prove that the sexual contact was coerced;

124.26 (f) the complainant is at least 14 but less than 16 years of age and the actor is more than
124.27 36 months older than the complainant and in a current or recent position of authority over
124.28 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
124.29 complainant is a defense;

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

125.1 (h) the actor has a significant relationship to the complainant, the complainant was under
125.2 16 years of age at the time of the sexual contact, and:

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

125.4 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

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

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

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

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

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

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

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

126.4 EFFECTIVE DATE. This section is effective September 15, 2021, and applies to
126.5 crimes committed on or after that date.

126.6 Sec. 18. Minnesota Statutes 2020, section 609.344, is amended to read:

126.7 **609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.**

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

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

126.14 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
126.15 ~~24 months older than the complainant. In any such case if the actor is no more than 120~~
126.16 ~~months older than the complainant, it shall be an affirmative defense, which must be proved~~
126.17 ~~by a preponderance of the evidence, that the actor reasonably believes the complainant to~~
126.18 ~~be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not~~
126.19 ~~be a defense. Consent by the complainant is not a defense;~~

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

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

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

126.24 (d) at the time of the act, the actor is in a prohibited occupational relationship with the
126.25 complainant.

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

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

127.1 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than
127.2 24 months older than the complainant. In any such case if the actor is no more than 60
127.3 months older than the complainant, it shall be an affirmative defense, which must be proved
127.4 by a preponderance of the evidence, that the actor reasonably believes the complainant to
127.5 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
127.6 be a defense. Consent by the complainant is not a defense;

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

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

127.10 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
127.11 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
127.12 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
127.13 the complainant is a defense;

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

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

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

127.20 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

- 128.1 ~~Consent by the complainant is not a defense;~~
- 128.2 ~~(i) the actor is a psychotherapist and the complainant is a former patient of the~~
128.3 ~~psychotherapist and the former patient is emotionally dependent upon the psychotherapist;~~
- 128.4 ~~(j) the actor is a psychotherapist and the complainant is a patient or former patient and~~
128.5 ~~the sexual penetration occurred by means of therapeutic deception. Consent by the~~
128.6 ~~complainant is not a defense;~~
- 128.7 ~~(k) the actor accomplishes the sexual penetration by means of deception or false~~
128.8 ~~representation that the penetration is for a bona fide medical purpose. Consent by the~~
128.9 ~~complainant is not a defense;~~
- 128.10 ~~(l) the actor is or purports to be a member of the clergy, the complainant is not married~~
128.11 ~~to the actor, and:~~
- 128.12 ~~(i) the sexual penetration occurred during the course of a meeting in which the~~
128.13 ~~complainant sought or received religious or spiritual advice, aid, or comfort from the actor~~
128.14 ~~in private; or~~
- 128.15 ~~(ii) the sexual penetration occurred during a period of time in which the complainant~~
128.16 ~~was meeting on an ongoing basis with the actor to seek or receive religious or spiritual~~
128.17 ~~advice, aid, or comfort in private. Consent by the complainant is not a defense;~~
- 128.18 ~~(m) the actor is an employee, independent contractor, or volunteer of a state, county,~~
128.19 ~~city, or privately operated adult or juvenile correctional system, or secure treatment facility,~~
128.20 ~~or treatment facility providing services to clients civilly committed as mentally ill and~~
128.21 ~~dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but~~
128.22 ~~not limited to, jails, prisons, detention centers, or work release facilities, and the complainant~~
128.23 ~~is a resident of a facility or under supervision of the correctional system. Consent by the~~
128.24 ~~complainant is not a defense;~~
- 128.25 ~~(n) the actor provides or is an agent of an entity that provides special transportation~~
128.26 ~~service, the complainant used the special transportation service, and the sexual penetration~~
128.27 ~~occurred during or immediately before or after the actor transported the complainant. Consent~~
128.28 ~~by the complainant is not a defense;~~
- 128.29 ~~(o) the actor performs massage or other bodywork for hire, the complainant was a user~~
128.30 ~~of one of those services, and nonconsensual sexual penetration occurred during or~~
128.31 ~~immediately before or after the actor performed or was hired to perform one of those services~~
128.32 ~~for the complainant; or~~

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

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

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

129.9 (2) if the person was convicted under subdivision ~~1~~ 1a, paragraph (b), and if the actor
129.10 was no more than ~~48~~ 36 months but more than 24 months older than the complainant, to
129.11 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

129.12 A person convicted under this section is also subject to conditional release under section
129.13 609.3455.

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

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

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

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

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

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

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

129.27 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
129.28 crimes committed on or after that date.

130.1 Sec. 19. Minnesota Statutes 2020, section 609.345, is amended to read:

130.2 **609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.**

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

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

130.10 ~~(b) the complainant is at least 13 but less than 16 years of age and the actor is more than~~
130.11 ~~48 months older than the complainant or in a current or recent position of authority over~~
130.12 ~~the complainant. Consent by the complainant to the act is not a defense. In any such case,~~
130.13 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~
130.14 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~
130.15 ~~believes the complainant to be 16 years of age or older. In all other cases, mistake as to the~~
130.16 ~~complainant's age shall not be a defense;~~

130.17 ~~(e) (a) the actor uses force or coercion to accomplish the sexual contact;~~

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

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

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

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

130.26 ~~(a) the complainant is under 14 years of age and the actor is no more than 36 months~~
130.27 ~~older than the complainant. Neither mistake as to the complainant's age or consent to the~~
130.28 ~~act by the complainant is a defense. In a prosecution under this clause, the state is not~~
130.29 ~~required to prove that the sexual contact was coerced;~~

130.30 ~~(b) the complainant is at least 14 but less than 16 years of age and the actor is more than~~
130.31 ~~36 months older than the complainant or in a current or recent position of authority over~~
130.32 ~~the complainant. Consent by the complainant to the act is not a defense.~~

131.1 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,
131.2 if the actor is no more than 60 months older than the complainant, it shall be an affirmative
131.3 defense which must be proved by a preponderance of the evidence that the actor reasonably
131.4 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
131.5 complainant's age shall not be a defense;

131.6 (c) the actor uses coercion to accomplish the sexual contact;

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

131.9 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
131.10 ~~48~~ 36 months older than the complainant and in a current or recent position of authority
131.11 over the complainant. Neither mistake as to the complainant's age nor consent to the act by
131.12 the complainant is a defense;

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

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

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

131.19 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

133.18 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
133.19 crimes committed on or after that date.

133.20 Sec. 20. Minnesota Statutes 2020, section 609.3451, is amended to read:

133.21 **609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

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

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

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

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

133.29 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
133.30 subdivision 11, paragraph (a), clauses (i), (iv), and (v). Sexual contact also includes the
133.31 intentional removal or attempted removal of clothing covering the complainant's intimate

134.1 parts or undergarments, and the nonconsensual touching by the complainant of the actor's
134.2 intimate parts, effected by the actor, if the action is performed with sexual or aggressive
134.3 intent.

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

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

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

134.13 (1) a conviction under subdivision 1;

134.14 (2) a previous conviction for violating subdivision ~~1~~ 1a, clause (2), a crime described
134.15 in paragraph ~~(b)~~ (c), or a statute from another state in conformity with any of these offenses;
134.16 or

134.17 ~~(2)~~ (3) the first of two or more previous convictions for violating subdivision ~~1~~ 1a, clause
134.18 (1), or a statute from another state in conformity with this offense.

134.19 ~~(b)~~ (c) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
134.20 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
134.21 enhance a criminal penalty as provided in paragraph ~~(a)~~ (b).

134.22 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
134.23 crimes committed on or after that date.

134.24 Sec. 21. Minnesota Statutes 2020, section 609.3455, is amended to read:

134.25 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL**
134.26 **RELEASE.**

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

134.29 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
134.30 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, ~~or~~
134.31 609.3453, or 609.3458, if the adult sentence has been executed.

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

135.5 (d) A "heinous element" includes:

135.6 (1) the offender tortured the complainant;

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

135.8 (3) the offender intentionally mutilated the complainant;

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

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

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

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

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

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

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

135.24 (g) A conviction is considered a "prior sex offense conviction" if the offender was
135.25 convicted of committing a sex offense before the offender has been convicted of the present
135.26 offense, regardless of whether the offender was convicted for the first offense before the
135.27 commission of the present offense, and the convictions involved separate behavioral
135.28 incidents.

135.29 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
135.30 609.344, 609.345, 609.3451, 609.3453, 609.3458, or any similar statute of the United States,
135.31 this state, or any other state.

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

136.3 (j) An offender has "two previous sex offense convictions" only if the offender was
136.4 convicted and sentenced for a sex offense committed after the offender was earlier convicted
136.5 and sentenced for a sex offense and both convictions preceded the commission of the present
136.6 offense of conviction.

136.7 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
136.8 **offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the
136.9 offense, the court shall sentence a person convicted under section 609.342, subdivision 1,
136.10 paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~; or 609.342, subdivision 1a, clause (a), (b), (c),
136.11 (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f)~~; or ~~(h)~~ 609.343,
136.12 subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release
136.13 if:

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

136.15 (2) the person has a previous sex offense conviction for a violation of section 609.342,
136.16 609.343, ~~or 609.344~~, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines
136.17 that a heinous element exists for the present offense.

136.18 (b) A fact finder may not consider a heinous element if it is an element of the underlying
136.19 specified violation of section 609.342 or 609.343. In addition, when determining whether
136.20 two or more heinous elements exist, the fact finder may not use the same underlying facts
136.21 to support a determination that more than one element exists.

136.22 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)
136.23 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
136.24 court shall sentence a person to imprisonment for life if the person is convicted under section
136.25 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), ~~(f), or (h)~~; or 609.342, subdivision
136.26 1a, clause (a), (b), (c), (d), (h), or (i); 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
136.27 (e), ~~(f), or (h)~~; or 609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i); and the fact
136.28 finder determines that a heinous element exists.

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

136.31 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
136.32 commit a person to the commissioner of corrections for a period of time that is not less than
136.33 double the presumptive sentence under the sentencing guidelines and not more than the

137.1 statutory maximum, or if the statutory maximum is less than double the presumptive sentence,
137.2 for a period of time that is equal to the statutory maximum, if:

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

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

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

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

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

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

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

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

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

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

137.24 **Subd. 4. Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory
137.25 maximum penalty otherwise applicable to the offense, the court shall sentence a person to
137.26 imprisonment for life if the person is convicted of violating section 609.342, 609.343,
137.27 609.344, 609.345, ~~or~~ 609.3453, or 609.3458 and:

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

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

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

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

138.6 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
138.7 609.108, for the previous sex offense conviction; or

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

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

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

138.15 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
138.16 609.108, for one of the prior sex offense convictions.

138.17 (b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment
138.18 for life for a violation of section 609.345, unless the person's previous or prior sex offense
138.19 convictions that are being used as the basis for the sentence are for violations of section
138.20 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458, or any similar statute of the United
138.21 States, this state, or any other state.

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

138.26 **Subd. 6. Mandatory ten-year conditional release term.** Notwithstanding the statutory
138.27 maximum sentence otherwise applicable to the offense and unless a longer conditional
138.28 release term is required in subdivision 7, when a court commits an offender to the custody
138.29 of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344,
138.30 609.345, ~~or~~ 609.3453, or 609.3458, the court shall provide that, after the offender has been
138.31 released from prison, the commissioner shall place the offender on conditional release for
138.32 ten years.

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

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

139.11 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional
139.12 release for a violation of section 609.345, unless the offender's previous or prior sex offense
139.13 conviction is for a violation of section 609.342, 609.343, 609.344, ~~or~~ 609.3453, or 609.3458,
139.14 subdivision 1, paragraph (b), or any similar statute of the United States, this state, or any
139.15 other state.

139.16 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
139.17 provisions of this subdivision relating to conditional release apply to all sex offenders
139.18 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, ~~or~~
139.19 609.3453, or 609.3458. Except as provided in this subdivision, conditional release of sex
139.20 offenders is governed by provisions relating to supervised release. The commissioner of
139.21 corrections may not dismiss an offender on conditional release from supervision until the
139.22 offender's conditional release term expires.

139.23 (b) The conditions of release may include successful completion of treatment and aftercare
139.24 in a program approved by the commissioner, satisfaction of the release conditions specified
139.25 in section 244.05, subdivision 6, and any other conditions the commissioner considers
139.26 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
139.27 released under this subdivision. The plan may include co-payments from offenders,
139.28 third-party payers, local agencies, or other funding sources as they are identified. This
139.29 section does not require the commissioner to accept or retain an offender in a treatment
139.30 program. Before the offender is placed on conditional release, the commissioner shall notify
139.31 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
139.32 of the terms of the offender's conditional release. The commissioner also shall make
139.33 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
139.34 conditional release.

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

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

140.9 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided
140.10 in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or
140.11 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the
140.12 defendant to the commissioner of corrections for not less than three years, nor more than
140.13 the maximum sentence provided by law for the offense for which convicted, notwithstanding
140.14 sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of
140.15 the sentence imposed under this subdivision only if it finds that a professional assessment
140.16 indicates the offender is accepted by and can respond to treatment at a long-term inpatient
140.17 program exclusively treating sex offenders and approved by the commissioner of corrections.
140.18 If the court stays the execution of a sentence, it shall include the following as conditions of
140.19 probation:

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

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

140.23 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
140.24 crimes committed on or after that date.

140.25 Sec. 22. **[609.3458] SEXUAL EXTORTION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

142.3 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
142.4 crimes committed on or after that date.

142.5 Sec. 23. **[609.3469] VOLUNTARY INTOXICATION DEFENSE.**

142.6 (a) The "knows or has reason to know" mental state requirement for violations of sections
142.7 609.342 to 609.345 involving a complainant who is mentally incapacitated, as defined in
142.8 section 609.341, subdivision 7, clause (2), involves specific intent for purposes of determining
142.9 the applicability of the voluntary intoxication defense described in section 609.075. This
142.10 defense may be raised by a defendant if the defense is otherwise applicable under section
142.11 609.075 and related case law.

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

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

142.17 **EFFECTIVE DATE.** The section is effective September 15, 2021, and applies to crimes
142.18 committed on or after that date.

142.19 Sec. 24. Minnesota Statutes 2020, section 617.246, subdivision 2, is amended to read:

142.20 **Subd. 2. Use of minor.** (a) It is unlawful for a person to promote, employ, use or permit
142.21 a minor to engage in or assist others to engage minors in posing or modeling alone or with
142.22 others in any sexual performance or pornographic work if the person knows or has reason
142.23 to know that the conduct intended is a sexual performance or a pornographic work.

142.24 Any person who violates this paragraph is guilty of a felony and may be sentenced to
142.25 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
142.26 or both.

142.27 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
142.28 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
142.29 or both, if:

142.30 (1) the person has a prior conviction or delinquency adjudication for violating this section
142.31 or section 617.247;

143.1 (2) the violation occurs when the person is a registered predatory offender under section
143.2 243.166; or

143.3 (3) the violation involved a minor under the age of ~~13~~ 14 years.

143.4 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
143.5 crimes committed on or after that date.

143.6 Sec. 25. Minnesota Statutes 2020, section 617.246, subdivision 3, is amended to read:

143.7 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
143.8 business in which a pornographic work, as defined in this section, is disseminated to an
143.9 adult or a minor or is reproduced, and who knows the content and character of the
143.10 pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced
143.11 to imprisonment for not more than ten years, or to payment of a fine of not more than
143.12 \$20,000, or both.

143.13 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
143.14 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
143.15 or both, if:

143.16 (1) the person has a prior conviction or delinquency adjudication for violating this section
143.17 or section 617.247;

143.18 (2) the violation occurs when the person is a registered predatory offender under section
143.19 243.166; or

143.20 (3) the violation involved a minor under the age of ~~13~~ 14 years.

143.21 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
143.22 crimes committed on or after that date.

143.23 Sec. 26. Minnesota Statutes 2020, section 617.246, subdivision 4, is amended to read:

143.24 Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content
143.25 and character, disseminates for profit to an adult or a minor a pornographic work, as defined
143.26 in this section, is guilty of a felony and may be sentenced to imprisonment for not more
143.27 than ten years, or to payment of a fine of not more than \$20,000, or both.

143.28 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
143.29 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
143.30 or both, if:

144.1 (1) the person has a prior conviction or delinquency adjudication for violating this section
144.2 or section 617.247;

144.3 (2) the violation occurs when the person is a registered predatory offender under section
144.4 243.166; or

144.5 (3) the violation involved a minor under the age of ~~13~~ 14 years.

144.6 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
144.7 crimes committed on or after that date.

144.8 Sec. 27. Minnesota Statutes 2020, section 617.247, subdivision 3, is amended to read:

144.9 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
144.10 to an adult or a minor, knowing or with reason to know its content and character, is guilty
144.11 of a felony and may be sentenced to imprisonment for not more than seven years or to
144.12 payment of a fine of not more than \$10,000, or both.

144.13 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
144.14 imprisonment for not more than 15 years or to payment of a fine of not more than \$20,000,
144.15 or both, if:

144.16 (1) the person has a prior conviction or delinquency adjudication for violating this section
144.17 or section 617.246;

144.18 (2) the violation occurs when the person is a registered predatory offender under section
144.19 243.166; or

144.20 (3) the violation involved a minor under the age of ~~13~~ 14 years.

144.21 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
144.22 crimes committed on or after that date.

144.23 Sec. 28. Minnesota Statutes 2020, section 617.247, subdivision 4, is amended to read:

144.24 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
144.25 computer disk or computer or other electronic, magnetic, or optical storage system or a
144.26 storage system of any other type, containing a pornographic work, knowing or with reason
144.27 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
144.28 for not more than five years or to payment of a fine of not more than \$5,000, or both.

144.29 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
144.30 imprisonment for not more than ten years or to payment of a fine of not more than \$10,000,
144.31 or both, if:

145.1 (1) the person has a prior conviction or delinquency adjudication for violating this section
145.2 or section 617.246;

145.3 (2) the violation occurs when the person is a registered predatory offender under section
145.4 243.166; or

145.5 (3) the violation involved a minor under the age of ~~13~~ 14 years.

145.6 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
145.7 crimes committed on or after that date.

145.8 Sec. 29. Minnesota Statutes 2020, section 628.26, is amended to read:

145.9 **628.26 LIMITATIONS.**

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

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

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

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

145.21 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
145.22 ~~if the victim was under the age of 18 years at the time the offense was committed, shall~~ may
145.23 ~~be found or made and filed in the proper court within the later of nine years after the~~
145.24 ~~commission of the offense or three years after the offense was reported to law enforcement~~
145.25 ~~authorities~~ at any time after the commission of the offense.

145.26 ~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for~~
145.27 ~~violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in~~
145.28 ~~the proper court at any time after commission of the offense, if physical evidence is collected~~
145.29 ~~and preserved that is capable of being tested for its DNA characteristics. If this evidence is~~
145.30 ~~not collected and preserved and the victim was 18 years old or older at the time of the~~
145.31 ~~offense, the prosecution must be commenced within nine years after the commission of the~~
145.32 ~~offense.~~

146.1 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
146.2 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
146.3 within six years after the commission of the offense.

146.4 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
146.5 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
146.6 the value of the property or services stolen is more than \$35,000, or for violation of section
146.7 609.527 where the offense involves eight or more direct victims or the total combined loss
146.8 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
146.9 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

146.28 **EFFECTIVE DATE.** This section is effective September 15, 2021, and applies to
146.29 violations committed on or after that date.

147.1 Sec. 30. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
147.2 **GROUP; REPORT.**

147.3 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of corrections shall
147.4 convene a working group to comprehensively assess the predatory offender statutory
147.5 framework. The commissioner shall fully coordinate with the commissioner of public safety
147.6 to invite and convene a working group that includes members that have specific expertise
147.7 on juvenile justice and representatives from city and county prosecuting agencies, statewide
147.8 crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of Public
147.9 Defense, private criminal defense attorneys, the Department of Public Safety, the Department
147.10 of Human Services, the Sentencing Guidelines Commission, and state and local law
147.11 enforcement agencies. The commissioner may also invite other interested parties to participate
147.12 in the working group. The commissioner shall ensure that the membership of the working
147.13 group is balanced among the various representatives and reflects a broad spectrum of
147.14 viewpoints, and is inclusive of marginalized communities as well as victim and survivor
147.15 voices. The commissioners of corrections and public safety shall each designate one
147.16 representative to coordinate and provide technical expertise to the working group.

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

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

147.28 Sec. 31. **REVISOR INSTRUCTION.**

147.29 (a) In Minnesota Statutes, the revisor of statutes, in consultation with the House Research
147.30 Department and the Office of Senate Counsel, Research, and Fiscal Analysis, shall:

147.31 (1) make necessary cross-reference changes and remove cross-references consistent with
147.32 the changes to Minnesota Statutes, sections 609.342, 609.343, 609.344, 609.345, and
147.33 609.3451, in sections 16 to 20; and

- 148.1 (2) add cross-reference to Minnesota Statutes, section 609.3458, in the following sections:
- 148.2 (i) 13.82, subdivision 17;
- 148.3 (ii) 145.4711, subdivision 5;
- 148.4 (iii) 245C.15, subdivision 1;
- 148.5 (iv) 253B.02, subdivision 4e;
- 148.6 (v) 253D.02, subdivision 8;
- 148.7 (vi) 260C.007, subdivisions 5, 13, 14, and 31;
- 148.8 (vii) 260E.03, subdivisions 20 and 22;
- 148.9 (viii) 299C.67, subdivision 2;
- 148.10 (ix) 504B.206, subdivisions 1 and 6;
- 148.11 (x) 518B.01, subdivision 2;
- 148.12 (xi) 541.073, subdivision 1;
- 148.13 (xii) 609.02, subdivision 16;
- 148.14 (xiii) 609.135, subdivision 5a;
- 148.15 (xiv) 609.3457, subdivision 4;
- 148.16 (xv) 609.347, subdivisions 1, 2, 3, 5, and 6;
- 148.17 (xvi) 609.3471;
- 148.18 (xvii) 609.353;
- 148.19 (xviii) 609.749, subdivision 5;
- 148.20 (xix) 611A.036, subdivision 7;
- 148.21 (xx) 611A.039, subdivision 1;
- 148.22 (xxi) 611A.08, subdivision 6;
- 148.23 (xxii) 611A.19, subdivision 1;
- 148.24 (xxiii) 611A.26, subdivision 6;
- 148.25 (xxiv) 628.26;
- 148.26 (xxv) 629.725;
- 148.27 (xxvi) 629.74;

149.1 (xxvii) 631.045; and

149.2 (xxviii) 631.046, subdivision 2.

149.3 (b) Consistent with paragraph (a), the revisor may make technical and other necessary
 149.4 changes to language, grammar, and sentence structure in Minnesota Statutes to preserve
 149.5 the meaning of the text.

149.6 ARTICLE 5

149.7 FORFEITURE

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

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

149.11 (b) "Appropriate agency" means a law enforcement agency that has the authority to
 149.12 make an arrest for a violation of a designated offense or to require a test under section
 149.13 169A.51 (chemical tests for intoxication).

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

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

149.19 ~~(d)~~ (e) "Designated license revocation" includes a license revocation under section
 149.20 169A.52 (license revocation for test failure or refusal) or 171.177 (revocation; search warrant)
 149.21 or a license disqualification under section 171.165 (commercial driver's license
 149.22 disqualification) resulting from a violation of section 169A.52 or 171.177; within ten years
 149.23 of the first of two or more qualified prior impaired driving incidents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

151.6 ~~(3)~~ (2) the driver's conduct results in a designated license revocation and the driver fails
151.7 to seek judicial review of the revocation in a timely manner as required by section 169A.53,
151.8 subdivision 2, (petition for judicial review), or the license revocation is judicially reviewed
151.9 and sustained under section 169A.53, subdivision 2.

151.10 (b) A vehicle encumbered by a security interest perfected according to section 168A.17,
151.11 subdivision 2, or subject to a lease that has a term of 180 days or more, is subject to the
151.12 interest of the secured party or lessor unless the party or lessor had knowledge of or consented
151.13 to the act upon which the forfeiture is based. However, when the proceeds of the sale of a
151.14 seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency
151.15 shall remit all proceeds of the sale to the secured party after deducting the agency's costs
151.16 for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the sale of the vehicle is
151.17 conducted in a commercially reasonable manner consistent with the provisions of section
151.18 336.9-610, the agency is not liable to the secured party for any amount owed on the loan in
151.19 excess of the sale proceeds. The validity and amount of a nonperfected security interest
151.20 must be established by its holder by clear and convincing evidence.

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

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

- 152.1 ~~(1) section 171.24 (violations; driving without valid license);~~
152.2 ~~(2) section 169.791 (criminal penalty for failure to produce proof of insurance);~~
152.3 ~~(3) section 171.09 (driving restrictions; authority, violations);~~
152.4 ~~(4) section 169A.20 (driving while impaired);~~
152.5 ~~(5) section 169A.33 (underage drinking and driving); and~~
152.6 ~~(6) section 169A.35 (open bottle law).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154.1 (b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within
154.2 a reasonable time after seizure, the appropriate agency shall serve the driver or operator of
154.3 the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when
154.4 a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all
154.5 persons known to have an ownership, possessory, or security interest in the vehicle must
154.6 be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to
154.7 be registered under chapter 168, the notification to a person known to have a security interest
154.8 in the vehicle is required only if the vehicle is registered under chapter 168 and the interest
154.9 is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting
154.10 authority, a court may extend the time period for sending notice for a period not to exceed
154.11 90 days for good cause shown. Notice mailed by certified mail to the address shown in
154.12 Department of Public Safety records is sufficient notice to the registered owner of the
154.13 vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed
154.14 by certified mail to the address shown in the applicable filing or registration for the vehicle
154.15 is sufficient notice to a person known to have an ownership, possessory, or security interest
154.16 in the vehicle. Otherwise, notice may be given in the manner provided by law for service
154.17 of a summons in a civil action.

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

154.19 (1) a description of the vehicle seized;

154.20 (2) the date of seizure; and

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

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

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

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

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

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

155.9 (e) Within 60 days following service of a notice of seizure and forfeiture under this
155.10 subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The
155.11 demand must be in the form of a civil complaint and must be filed with the court
155.12 administrator in the county in which the seizure occurred, together with proof of service of
155.13 a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture;
155.14 ~~including the standard filing fee for civil actions unless the petitioner has the right to sue~~
155.15 ~~in forma pauperis under section 563.01~~. The claimant may serve the complaint by certified
155.16 mail or any means permitted by court rules. If the value of the seized property is \$15,000
155.17 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle.
155.18 A copy of the conciliation court statement of claim must be served personally or by mail
155.19 on the prosecuting authority having jurisdiction over the forfeiture, ~~as well as on the~~
155.20 ~~appropriate agency that initiated the forfeiture~~, within 60 days following service of the
155.21 notice of seizure and forfeiture under this subdivision. ~~If the value of the seized property is~~
155.22 ~~less than \$500~~, The claimant does not have to pay the ~~conciliation~~ court filing fee.

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

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

156.1 (g) If the claimant makes a timely demand for a judicial determination under this
156.2 subdivision, the forfeiture proceedings must be conducted as provided under subdivision
156.3 9.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

157.30 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit
157.31 as a supplement to the state or local agency's operating fund or similar fund for use in
157.32 DWI-related enforcement, training, and education, crime prevention, equipment, or capital
157.33 expenses; and

158.1 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority
158.2 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
158.3 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
158.4 expenses. For purposes of this subdivision, the prosecuting authority shall not include
158.5 privately contracted prosecutors of a local political subdivision and, in those events, the
158.6 forfeiture proceeds shall be forwarded to the political subdivision where the forfeiture was
158.7 handled for the purposes identified in clause (1).

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

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

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

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

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

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

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

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

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

159.6 (1) subsequently operates a motor vehicle:

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

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

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

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

159.15 (2) either voluntarily or involuntarily ceases to participate in the program for more than
159.16 30 days, or fails to successfully complete it as required by the Department of Public Safety
159.17 due to:

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

159.21 (ii) violating the terms of the contract with the provider as determined by the provider;
159.22 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

161.24 (f) "Designated offense" includes:

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

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

161.27 and

161.28 (3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy
161.29 to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113;
161.30 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25;
161.31 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343,
161.32 subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j);

162.1 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;
162.2 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
162.3 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
162.4 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
162.5 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section
162.6 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a
162.7 felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

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

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

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

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

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

162.18 **Subd. 9. Transfer of forfeitable property to federal government.** The appropriate
162.19 agency shall not directly or indirectly transfer property subject to forfeiture under sections
162.20 609.531 to 609.5318 to a federal agency for adoption if the forfeiture would be prohibited
162.21 under state law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

165.9 (i) ~~controlled substances;~~

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

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

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

165.14 ~~(2)~~ (3) all conveyance devices containing controlled substances with a retail value of
165.15 \$100 or more if ~~possession or sale of the controlled substance would be a felony under~~
165.16 ~~chapter 152~~ there is probable cause to believe that the conveyance device was used in the
165.17 transportation or exchange of a controlled substance intended for distribution or sale; and

165.18 ~~(3)~~ (4) all firearms, ammunition, and firearm accessories found:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

168.2 Subd. 2. **Administrative forfeiture procedure.** (a) Forfeiture of property described in
168.3 subdivision 1 that does not exceed \$50,000 in value is governed by this subdivision. Within
168.4 60 days from when seizure occurs, all persons known to have an ownership, possessory, or
168.5 security interest in seized property must be notified of the seizure and the intent to forfeit
168.6 the property. In the case of a motor vehicle required to be registered under chapter 168,
168.7 notice mailed by certified mail to the address shown in Department of Public Safety records
168.8 is deemed sufficient notice to the registered owner. The notification to a person known to
168.9 have a security interest in seized property required under this paragraph applies only to
168.10 motor vehicles required to be registered under chapter 168 and only if the security interest
168.11 is listed on the vehicle's title. Upon motion by the appropriate agency or the prosecuting
168.12 authority, a court may extend the time period for sending notice for a period not to exceed
168.13 90 days for good cause shown.

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

168.16 (1) a description of the property seized;

168.17 (2) the date of seizure; and

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

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

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

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

169.1 (c) If notice is not sent in accordance with paragraph (a), and no time extension is granted
169.2 or the extension period has expired, the appropriate agency shall return the property to the
169.3 person from whom the property was seized, if known. An agency's return of property due
169.4 to lack of proper notice does not restrict the agency's authority to commence a forfeiture
169.5 proceeding at a later time. The agency shall not be required to return contraband or other
169.6 property that the person from whom the property was seized may not legally possess.

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

169.9 Sec. 17. Minnesota Statutes 2020, section 609.5314, subdivision 3, is amended to read:

169.10 Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of
169.11 seizure and forfeiture under this section, a claimant may file a demand for a judicial
169.12 determination of the forfeiture. The demand must be in the form of a civil complaint and
169.13 must be filed with the court administrator in the county in which the seizure occurred,
169.14 together with proof of service of a copy of the complaint on the prosecuting authority for
169.15 that county, ~~and the standard filing fee for civil actions unless the petitioner has the right~~
169.16 ~~to sue in forma pauperis under section 563.01.~~ The claimant may serve the complaint on
169.17 the prosecuting authority by any means permitted by court rules. If the value of the seized
169.18 property is \$15,000 or less, the claimant may file an action in conciliation court for recovery
169.19 of the seized property. ~~If the value of the seized property is less than \$500,~~ The claimant
169.20 does not have to pay the ~~conciliation~~ court filing fee. No responsive pleading is required of
169.21 the prosecuting authority and no court fees may be charged for the prosecuting authority's
169.22 appearance in the matter. The district court administrator shall schedule the hearing as soon
169.23 as practicable after, and in any event no later than 90 days following, the conclusion of the
169.24 criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

169.25 (b) The complaint must be captioned in the name of the claimant as plaintiff and the
169.26 seized property as defendant, and must state with specificity the grounds on which the
169.27 claimant alleges the property was improperly seized and the plaintiff's interest in the property
169.28 seized. Notwithstanding any law to the contrary, an action for the return of property seized
169.29 under this section may not be maintained by or on behalf of any person who has been served
169.30 with a notice of seizure and forfeiture unless the person has complied with this subdivision.

169.31 (c) If the claimant makes a timely demand for judicial determination under this
169.32 subdivision, the appropriate agency must conduct the forfeiture under section 609.531,
169.33 subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3,
169.34 apply to the judicial determination.

170.1 (d) If a demand for judicial determination of an administrative forfeiture is filed under
170.2 this subdivision and the court orders the return of the seized property, ~~the court shall order~~
170.3 ~~that filing fees be reimbursed to the person who filed the demand.~~ In addition, the court
170.4 may order sanctions under section 549.211. If the court orders payment of these costs, they
170.5 must be paid from forfeited money or proceeds from the sale of forfeited property from the
170.6 appropriate law enforcement and prosecuting agencies in the same proportion as they would
170.7 be distributed under section 609.5315, subdivision 5.

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

170.10 Sec. 18. Minnesota Statutes 2020, section 609.5315, subdivision 5, is amended to read:

170.11 Subd. 5. **Distribution of money.** The money or proceeds from the sale of forfeited
170.12 property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction
170.13 of valid liens against the property, must be distributed as follows:

170.14 (1) 70 percent of the money or proceeds must be forwarded to the appropriate agency
170.15 for deposit as a supplement to the agency's operating fund or similar fund for use in law
170.16 enforcement, training, education, crime prevention, equipment, or capital expenses;

170.17 (2) 20 percent of the money or proceeds must be forwarded to the prosecuting authority
170.18 that handled the forfeiture for deposit as a supplement to its operating fund or similar fund
170.19 for prosecutorial purposes, training, education, crime prevention, equipment, or capital
170.20 expenses; and

170.21 (3) the remaining ten percent of the money or proceeds must be forwarded within 60
170.22 days after resolution of the forfeiture to the state treasury and credited to the general fund.
170.23 Any local police relief association organized under chapter 423 which received or was
170.24 entitled to receive the proceeds of any sale made under this section before the effective date
170.25 of Laws 1988, chapter 665, sections 1 to 17, shall continue to receive and retain the proceeds
170.26 of these sales.

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

170.29 Sec. 19. Minnesota Statutes 2020, section 609.5315, subdivision 5b, is amended to read:

170.30 Subd. 5b. **Disposition of certain forfeited proceeds; trafficking of persons; report**
170.31 **required.** (a) Except as provided in subdivision 5c, for forfeitures resulting from violations
170.32 of section 609.282, 609.283, or 609.322, the money or proceeds from the sale of forfeited

171.1 property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction
 171.2 of valid liens against the property, must be distributed as follows:

171.3 (1) 40 percent of the proceeds must be forwarded to the appropriate agency for deposit
 171.4 as a supplement to the agency's operating fund or similar fund for use in law enforcement;

171.5 (2) 20 percent of the proceeds must be forwarded to the prosecuting authority that handled
 171.6 the forfeiture for deposit as a supplement to its operating fund or similar fund for
 171.7 prosecutorial purposes; and

171.8 (3) the remaining 40 percent of the proceeds must be forwarded to the commissioner of
 171.9 health and are appropriated to the commissioner for distribution to crime victims services
 171.10 organizations that provide services to victims of trafficking offenses.

171.11 ~~(b) By February 15 of each year, the commissioner of public safety shall report to the~~
 171.12 ~~chairs and ranking minority members of the senate and house of representatives committees~~
 171.13 ~~or divisions having jurisdiction over criminal justice funding on the money collected under~~
 171.14 ~~paragraph (a), clause (3). The report must indicate the following relating to the preceding~~
 171.15 ~~calendar year:~~

171.16 ~~(1) the amount of money appropriated to the commissioner;~~

171.17 ~~(2) how the money was distributed by the commissioner; and~~

171.18 ~~(3) what the organizations that received the money did with it.~~

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

171.21 Sec. 20. Minnesota Statutes 2020, section 609.5315, subdivision 6, is amended to read:

171.22 Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state regardless
 171.23 of the authority for it and including forfeitures pursued under federal law, the appropriate
 171.24 agency and the prosecuting authority shall provide a written record of the forfeiture incident
 171.25 to the state auditor. The record shall include:

171.26 (1) the amount forfeited;

171.27 (2) the statutory authority for the forfeiture; ~~its;~~

171.28 (3) the date; of the forfeiture;

171.29 (4) a brief description of the circumstances involved; ~~and;~~

171.30 (5) whether the forfeiture was contested;

- 172.1 (6) whether the defendant was convicted pursuant to a plea agreement or a trial;
- 172.2 (7) whether there was a forfeiture settlement agreement;
- 172.3 (8) whether the property was sold, destroyed, or retained by an appropriate agency;
- 172.4 (9) the gross revenue from the disposition of the forfeited property;
- 172.5 (10) an estimate of the total costs to the agency to store the property in an impound lot,
- 172.6 evidence room, or other location; pay for the time and expenses of an appropriate agency
- 172.7 and prosecuting authority to litigate forfeiture cases; and sell or dispose of the forfeited
- 172.8 property;
- 172.9 (11) the net revenue, determined by subtracting the costs identified under clause (10)
- 172.10 from the gross revenue identified in clause (9), the appropriate agency received from the
- 172.11 disposition of forfeited property;
- 172.12 (12) if any property was retained by an appropriate agency, the purpose for which it is
- 172.13 used;
- 172.14 (13) for controlled substance and driving while impaired forfeitures, the record shall
- 172.15 indicate whether the forfeiture was initiated as an administrative or a judicial forfeiture-
- 172.16 The record shall also list;
- 172.17 (14) the number of firearms forfeited and the make, model, and serial number of each
- 172.18 firearm forfeited. The record shall indicate; and
- 172.19 (15) how the property was or is to be disposed of.
- 172.20 (b) An appropriate agency or the prosecuting authority shall report to the state auditor
- 172.21 all instances in which property seized for forfeiture is returned to its owner either because
- 172.22 forfeiture is not pursued or for any other reason.
- 172.23 (c) Each appropriate agency and prosecuting authority shall provide a written record
- 172.24 regarding the proceeds of forfeited property, including proceeds received through forfeiture
- 172.25 under state and federal law. The record shall include:
- 172.26 (1) the total amount of money or proceeds from the sale of forfeited property obtained
- 172.27 or received by an appropriate agency or prosecuting authority in the previous reporting
- 172.28 period;
- 172.29 (2) the manner in which each appropriate agency and prosecuting authority expended
- 172.30 money or proceeds from the sale of forfeited property in the previous reporting period,
- 172.31 including the total amount expended in the following categories:

- 173.1 (i) drug abuse, crime, and gang prevention programs;
- 173.2 (ii) victim reparations;
- 173.3 (iii) gifts or grants to crime victim service organizations that provide services to sexually
173.4 exploited youth;
- 173.5 (iv) gifts or grants to crime victim service organizations that provide services to victims
173.6 of trafficking offenses;
- 173.7 (v) investigation costs, including but not limited to witness protection, informant fees,
173.8 and controlled buys;
- 173.9 (vi) court costs and attorney fees;
- 173.10 (vii) salaries, overtime, and benefits, as permitted by law;
- 173.11 (viii) professional outside services, including but not limited to auditing, court reporting,
173.12 expert witness fees, outside attorney fees, and membership fees paid to trade associations;
- 173.13 (ix) travel, meals, and conferences;
- 173.14 (x) training and continuing education;
- 173.15 (xi) other operating expenses, including but not limited to office supplies, postage, and
173.16 printing;
- 173.17 (xii) capital expenditures, including but not limited to vehicles, firearms, equipment,
173.18 computers, and furniture;
- 173.19 (xiii) gifts or grants to nonprofit or other programs, indicating the recipient of the gift
173.20 or grant; and
- 173.21 (xiv) any other expenditure, indicating the type of expenditure and, if applicable, the
173.22 recipient of any gift or grant;
- 173.23 (3) the total value of seized and forfeited property held by an appropriate agency and
173.24 not sold or otherwise disposed of; and
- 173.25 (4) a statement from the end of each year showing the balance of any designated forfeiture
173.26 accounts maintained by an appropriate agency or prosecuting authority.
- 173.27 ~~(e)~~ (d) Reports under paragraphs (a) and (b) shall be made on a ~~monthly~~ quarterly basis
173.28 in a manner prescribed by the state auditor and reports under paragraph (c) shall be made
173.29 on an annual basis in a manner prescribed by the state auditor. The state auditor shall report
173.30 annually to the legislature on the nature and extent of forfeitures-, including the information
173.31 provided by each appropriate agency or prosecuting authority under paragraphs (a) to (c).

174.1 Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be
174.2 disaggregated by each appropriate agency and prosecuting authority. The report shall be
174.3 made public on the state auditor's website.

174.4 ~~(d)~~ (e) For forfeitures resulting from the activities of multijurisdictional law enforcement
174.5 entities, the entity on its own behalf shall report the information required in this subdivision.

174.6 (e) (f) The prosecuting authority is not required to report information required by ~~this~~
174.7 ~~subdivision~~ paragraph (a) or (b) unless the prosecuting authority has been notified by the
174.8 state auditor that the appropriate agency has not reported it.

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

174.11 Sec. 21. **RECIDIVISM STUDY.**

174.12 The legislative auditor shall conduct or contract with an independent third-party vendor
174.13 to conduct a comprehensive program audit on the efficacy of forfeiture and the use of ignition
174.14 interlock in cases involving an alleged violation of Minnesota Statutes, section 169A.20.

174.15 The audit shall assess the financial impact of the programs, the efficacy in reducing
174.16 recidivism, and the impacts, if any, on public safety. The audit shall be conducted in
174.17 accordance with generally accepted government auditing standards issued by the United
174.18 States Government Accountability Office. The legislative auditor shall complete the audit
174.19 no later than August 1, 2024, and shall report the results of the audit to the chairs and ranking
174.20 minority members of the legislative committees and divisions with jurisdiction over public
174.21 safety by January 15, 2025.

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

174.23 Sec. 22. **REPEALER.**

174.24 Minnesota Statutes 2020, section 609.5317, is repealed.

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

174.26

ARTICLE 6

174.27

CRIME VICTIM NOTIFICATION

174.28 Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 5a, is amended to read:

174.29 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)

174.30 As used in this subdivision:

175.1 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
175.2 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
175.3 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
175.4 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
175.5 motivated;

175.6 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
175.7 behavior for which forms the basis for a commitment under this section or chapter 253D;
175.8 and

175.9 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
175.10 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
175.11 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
175.12 commitment cases under this section or chapter 253D that an act or acts constituting a crime
175.13 occurred or were part of their course of harmful sexual conduct.

175.14 (b) A county attorney who files a petition to commit a person under this section or chapter
175.15 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
175.16 victim of a crime for which the person was convicted. In addition, the county attorney shall
175.17 make a reasonable effort to promptly notify the victim of the resolution of the petition and
175.18 the process for requesting notification of an individual's change in status as provided in
175.19 paragraph (c).

175.20 (c) A victim may request notification of an individual's discharge or release as provided
175.21 in paragraph (d) by submitting a written request for notification to the executive director of
175.22 the facility in which the individual is confined. The Department of Corrections or a county
175.23 attorney who receives a request for notification from a victim under this section shall
175.24 promptly forward the request to the executive director of the treatment facility in which the
175.25 individual is confined.

175.26 ~~(e)~~ (d) Before provisionally discharging, discharging, granting pass-eligible status,
175.27 approving a pass plan, or otherwise permanently or temporarily releasing a person committed
175.28 under this section from a state-operated treatment program or treatment facility, the head
175.29 of the state-operated treatment program or head of the treatment facility shall make a
175.30 reasonable effort to notify any victim of a crime for which the person was convicted that
175.31 the person may be discharged or released and that the victim has a right to submit a written
175.32 statement regarding decisions of the medical director, special review board, or commissioner
175.33 with respect to the person. To the extent possible, the notice must be provided at least 14
175.34 days before any special review board hearing or before a determination on a pass plan.

176.1 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial
176.2 appeal panel with victim information in order to comply with the provisions of this section.
176.3 The judicial appeal panel shall ensure that the data on victims remains private as provided
176.4 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who
176.5 have submitted a written request for notification as provided in paragraph (c).

176.6 ~~(d) This subdivision applies only to victims who have requested notification through~~
176.7 ~~the Department of Corrections electronic victim notification system, or by contacting, in~~
176.8 ~~writing, the county attorney in the county where the conviction for the crime occurred. A~~
176.9 ~~request for notice under this subdivision received by the commissioner of corrections through~~
176.10 ~~the Department of Corrections electronic victim notification system shall be promptly~~
176.11 ~~forwarded to the prosecutorial authority with jurisdiction over the offense to which the~~
176.12 ~~notice relates or, following commitment, the head of the state-operated treatment program~~
176.13 ~~or head of the treatment facility. A county attorney who receives a request for notification~~
176.14 ~~under this paragraph following commitment shall promptly forward the request to the~~
176.15 ~~commissioner of human services.~~

176.16 (e) The rights under this subdivision are in addition to rights available to a victim under
176.17 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
176.18 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

176.19 Sec. 2. Minnesota Statutes 2020, section 253D.14, subdivision 2, is amended to read:

176.20 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
176.21 person under this chapter shall make a reasonable effort to provide prompt notice of filing
176.22 the petition to any victim of a crime for which the person was convicted or was listed as a
176.23 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
176.24 and good faith effort to promptly notify the victim of the resolution of the petition process
176.25 for requesting the notification of an individual's change in status as provided in section
176.26 253D.14, subdivision 3.

176.27 Sec. 3. Minnesota Statutes 2020, section 253D.14, is amended by adding a subdivision to
176.28 read:

176.29 Subd. 2a. **Requesting notification.** A victim may request notification of an individual's
176.30 discharge or release as outlined in subdivision 3 by submitting a written request for
176.31 notification to the executive director of the facility in which the individual is confined. The
176.32 Department of Corrections or a county attorney who receives a request for notification from
176.33 a victim under this section following an individual's civil commitment shall promptly forward

177.1 the request to the executive director of the treatment facility in which the individual is
177.2 confined.

177.3 Sec. 4. Minnesota Statutes 2020, section 253D.14, subdivision 3, is amended to read:

177.4 Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging,
177.5 granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily
177.6 releasing a person committed under this chapter from a treatment facility, the executive
177.7 director shall make a reasonable effort to notify any victim of a crime for which the person
177.8 was convicted that the person may be discharged or released and that the victim has a right
177.9 to submit a written statement regarding decisions of the executive director, or special review
177.10 board, with respect to the person. To the extent possible, the notice must be provided at
177.11 least 14 days before any special review board hearing or before a determination on a pass
177.12 plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the
177.13 judicial appeal panel with victim information in order to comply with the provisions of this
177.14 chapter. The judicial appeal panel shall ensure that the data on victims remains private as
177.15 provided for in section 611A.06, subdivision 4. This subdivision applies only to victims
177.16 who have submitted a written request for notification as provided in subdivision 2a.

177.17 Sec. 5. Minnesota Statutes 2020, section 611A.039, subdivision 1, is amended to read:

177.18 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
177.19 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
177.20 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
177.21 to provide to each affected crime victim oral or written notice of the final disposition of the
177.22 case and of the victim rights under section 611A.06. When the court is considering modifying
177.23 the sentence for a felony or a crime of violence or an attempted crime of violence, the court
177.24 or its designee shall make a reasonable and good faith effort to notify the victim of the
177.25 crime. If the victim is incapacitated or deceased, notice must be given to the victim's family.
177.26 If the victim is a minor, notice must be given to the victim's parent or guardian. The notice
177.27 must include:

177.28 (1) the date and approximate time of the review;

177.29 (2) the location where the review will occur;

177.30 (3) the name and telephone number of a person to contact for additional information;

177.31 and

178.1 (4) a statement that the victim and victim's family may provide input to the court
178.2 concerning the sentence modification.

178.3 (b) The Office of Justice Programs in the Department of Public Safety shall develop and
178.4 update a model notice of postconviction rights under this subdivision and section 611A.06.

178.5 (c) As used in this section, "crime of violence" has the meaning given in section 624.712,
178.6 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and
178.7 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

178.8 Sec. 6. Minnesota Statutes 2020, section 611A.06, subdivision 1, is amended to read:

178.9 Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other
178.10 custodial authority shall make a good faith effort to notify the victim that the offender is to
178.11 be released from imprisonment or incarceration, including release on extended furlough
178.12 and for work release; ~~released and release~~ from a juvenile correctional facility; ~~released~~
178.13 ~~from a facility in which the offender was confined due to incompetency, mental illness, or~~
178.14 ~~mental deficiency, or commitment under section 253B.18 or chapter 253D;~~₂ or if the
178.15 offender's custody status is reduced; ~~if the victim has mailed to the commissioner of~~
178.16 ~~corrections or.~~ These notices shall only be provided to victims who have submitted a written
178.17 request for notification to the head of the county correctional facility in which the offender
178.18 is confined ~~a written request for this notice, or the victim has made~~ if committed to the
178.19 Department of Corrections, submitted a written request for this notice to the commissioner
178.20 of corrections or electronic request through the Department of Corrections electronic victim
178.21 notification system. The good faith effort to notify the victim must occur prior to the
178.22 offender's release or when the offender's custody status is reduced. For a victim of a felony
178.23 crime against the person for which the offender was sentenced to imprisonment for more
178.24 than 18 months, the good faith effort to notify the victim must occur 60 days before the
178.25 offender's release.

178.26 (b) The commissioner of human services shall make a good faith effort to notify the
178.27 victim in writing that the offender is to be released from confinement in a facility due to
178.28 incompetency, mental illness, or mental deficiency, or commitment under section 253B.18
178.29 or chapter 253D if the victim has submitted a written request for notification to the executive
178.30 director of the facility in which the individual is confined.

178.31 Sec. 7. **REPEALER.**

178.32 Minnesota Statutes 2020, sections 253D.14, subdivision 4; and 611A.0385, are repealed.

ARTICLE 7

CHILD PROTECTION BACKGROUND CHECKS

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Section 1. Minnesota Statutes 2020, section 299C.60, is amended to read:

299C.60 CITATION.

Sections 299C.60 to 299C.64 may be cited as the "Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act."

Sec. 2. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 1a. **Authorized agency.** "Authorized agency" means the licensing agency or, if one does not exist, the Bureau of Criminal Apprehension. Licensing agencies include but are not limited to the:

(1) Department of Human Services;

(2) Department of Health; and

(3) Professional Educator Licensing and Standards Board.

Sec. 3. Minnesota Statutes 2020, section 299C.61, subdivision 2, is amended to read:

Subd. 2. Background check crime. "Background check crime" includes child abuse crimes, murder, manslaughter, felony level assault or any assault crime committed against a minor or vulnerable adult, kidnapping, arson, criminal sexual conduct, and prostitution-related crimes.

Sec. 4. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to read:

Subd. 2a. **Care.** "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

Sec. 5. Minnesota Statutes 2020, section 299C.61, subdivision 4, is amended to read:

Subd. 4. Child abuse crime. "Child abuse crime" means:

(1) an act committed against a minor victim that constitutes a violation of section 609.185, paragraph (a), clause (5); 609.221; 609.222; 609.223; 609.224; 609.2242; 609.322; 609.324; 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; ~~or~~ 609.378; 617.246; or 617.247;
or

180.1 (2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1,
180.2 clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause
180.3 (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

180.4 Sec. 6. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
180.5 read:

180.6 **Subd. 8b. Covered individual.** "Covered individual" means an individual:

180.7 (1) who has, seeks to have, or may have access to children, the elderly, or individuals
180.8 with disabilities, served by a qualified entity; and

180.9 (2) who:

180.10 (i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a
180.11 qualified entity; or

180.12 (ii) owns or operates, or seeks to own or operate, a qualified entity.

180.13 Sec. 7. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
180.14 read:

180.15 **Subd. 8c. Individuals with disabilities.** "Individuals with disabilities" means persons
180.16 with a mental or physical impairment who require assistance to perform one or more daily
180.17 living tasks.

180.18 Sec. 8. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
180.19 read:

180.20 **Subd. 8d. National criminal history background check system.** "National criminal
180.21 history background check system" means the criminal history record system maintained by
180.22 the Federal Bureau of Investigation based on fingerprint identification or any other method
180.23 of positive identification.

180.24 Sec. 9. Minnesota Statutes 2020, section 299C.61, is amended by adding a subdivision to
180.25 read:

180.26 **Subd. 8e. Qualified entity.** "Qualified entity" means a business or organization, whether
180.27 public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement
180.28 services, including a business or organization that licenses or certifies others to provide care
180.29 or care placement services.

181.1 Sec. 10. Minnesota Statutes 2020, section 299C.62, subdivision 1, is amended to read:

181.2 Subdivision 1. **Generally.** The superintendent shall develop procedures in accordance
181.3 with United States Code, title 34, section 40102, to enable a ~~children's service provider~~
181.4 qualified entity to request a background check to determine whether a ~~children's service~~
181.5 ~~worker~~ covered worker is the subject of any reported conviction for a background check
181.6 crime. ~~The superintendent shall perform the background check by retrieving and reviewing~~
181.7 ~~data on background check crimes.~~ The superintendent is authorized to exchange fingerprints
181.8 with the Federal Bureau of Investigation for purposes of ~~a criminal history~~ the background
181.9 check. The superintendent shall recover the cost of a background check through a fee charged
181.10 ~~the children's service provider~~ to the qualified entity and make reasonable efforts to respond
181.11 to the inquiry within 15 business days.

181.12 Sec. 11. Minnesota Statutes 2020, section 299C.62, subdivision 2, is amended to read:

181.13 Subd. 2. **Background check; requirements.** ~~(a) The superintendent may not perform~~
181.14 ~~a background check under this section unless the children's service provider submits a~~
181.15 ~~written document, signed by the children's service worker on whom the background check~~
181.16 ~~is to be performed, containing the following:~~

181.17 ~~(1) a question asking whether the children's service worker has ever been convicted of~~
181.18 ~~a background check crime and if so, requiring a description of the crime and the particulars~~
181.19 ~~of the conviction;~~

181.20 ~~(2) a notification to the children's service worker that the children's service provider will~~
181.21 ~~request the superintendent to perform a background check under this section; and~~

181.22 ~~(3) a notification to the children's service worker of the children's service worker's rights~~
181.23 ~~under subdivision 3.~~

181.24 ~~(b) Background checks performed under this section may only be requested by and~~
181.25 ~~provided to authorized representatives of a children's service provider who have a need to~~
181.26 ~~know the information and may be used only for the purposes of sections 299C.60 to 299C.64.~~
181.27 ~~Background checks may be performed pursuant to this section not later than one year after~~
181.28 ~~the document is submitted under this section.~~

181.29 The superintendent may not perform a background check of a covered individual under
181.30 this section unless the covered individual:

181.31 (1) completes and signs a statement that:

182.1 (i) contains the name, address, and date of birth appearing on a valid identification
 182.2 document, as defined in United States Code, title 18, section 1028, of the covered individual;

182.3 (ii) the covered individual has not been convicted of a crime and, if the covered individual
 182.4 has been convicted of a crime, contains a description of the crime and the particulars of the
 182.5 conviction;

182.6 (iii) notifies the covered individual that the entity may request a background check under
 182.7 subdivision 1;

182.8 (iv) notifies the covered individual of the covered individual's rights under subdivision
 182.9 3; and

182.10 (v) notifies the covered individual that prior to the completion of the background check
 182.11 the qualified entity may choose to deny the covered individual access to a person to whom
 182.12 the qualified entity provides care; and

182.13 (2) if requesting a national criminal history background check, provides a set of
 182.14 fingerprints.

182.15 Sec. 12. Minnesota Statutes 2020, section 299C.62, subdivision 3, is amended to read:

182.16 Subd. 3. **Children's service worker Covered individuals rights.** ~~(a) The children's~~
 182.17 ~~service provider shall notify the children's service worker of the children's service worker's~~
 182.18 ~~rights under paragraph (b).~~

182.19 ~~(b) A children's service worker who is the subject of a background check request has~~
 182.20 ~~the following rights:~~

182.21 ~~(1) the right to be informed that a children's service provider will request a background~~
 182.22 ~~check on the children's service worker;~~

182.23 ~~(i) for purposes of the children's service worker's application to be employed by, volunteer~~
 182.24 ~~with, be an independent contractor for, or be an owner of a children's service provider or~~
 182.25 ~~for purposes of continuing as an employee, volunteer, independent contractor, or owner;~~
 182.26 ~~and~~

182.27 ~~(ii) to determine whether the children's service worker has been convicted of any crime~~
 182.28 ~~specified in section 299C.61, subdivision 2 or 4;~~

182.29 ~~(2) the right to be informed by the children's service provider of the superintendent's~~
 182.30 ~~response to the background check and to obtain from the children's service provider a copy~~
 182.31 ~~of the background check report;~~

183.1 ~~(3) the right to obtain from the superintendent any record that forms the basis for the~~
 183.2 ~~report;~~

183.3 ~~(4) the right to challenge the accuracy and completeness of any information contained~~
 183.4 ~~in the report or record pursuant to section 13.04, subdivision 4;~~

183.5 ~~(5) the right to be informed by the children's service provider if the children's service~~
 183.6 ~~worker's application to be employed with, volunteer with, be an independent contractor for,~~
 183.7 ~~or be an owner of a children's service provider, or to continue as an employee, volunteer,~~
 183.8 ~~independent contractor, or owner, has been denied because of the superintendent's response;~~
 183.9 ~~and~~

183.10 ~~(6) the right not to be required directly or indirectly to pay the cost of the background~~
 183.11 ~~check.~~

183.12 The qualified entity shall notify the covered individual who is subjected to a background
 183.13 check under subdivision 1 that the individual has the right to:

183.14 (1) obtain a copy of any background check report;

183.15 (2) challenge the accuracy or completeness of the information contained in the background
 183.16 report or record pursuant to section 13.04, subdivision 4, or applicable federal authority;
 183.17 and

183.18 (3) be given notice of the opportunity to appeal and instructions on how to complete the
 183.19 appeals process.

183.20 Sec. 13. Minnesota Statutes 2020, section 299C.62, subdivision 4, is amended to read:

183.21 Subd. 4. **Response of bureau.** The superintendent shall respond to a background check
 183.22 request within a reasonable time after receiving a request from a qualified entity or the
 183.23 signed, written document described in subdivision 2. The superintendent shall provide the
 183.24 ~~children's service provider~~ qualified entity with a copy of the ~~applicant's~~ covered individual's
 183.25 criminal record or a statement that the ~~applicant~~ covered individual is not the subject of a
 183.26 criminal history record at the bureau. It is the responsibility of the ~~service provider~~ qualified
 183.27 entity to determine if the ~~applicant~~ covered individual qualifies as an employee, volunteer,
 183.28 or independent contractor under this section.

183.29 Sec. 14. Minnesota Statutes 2020, section 299C.62, subdivision 6, is amended to read:

183.30 Subd. 6. **Admissibility of evidence.** Evidence or proof that a background check of a
 183.31 volunteer was not requested under sections 299C.60 to 299C.64 by a ~~children's service~~

184.1 ~~provider~~ qualified entity is not admissible in evidence in any litigation against a nonprofit
184.2 or charitable organization.

184.3 Sec. 15. Minnesota Statutes 2020, section 299C.63, is amended to read:

184.4 **299C.63 EXCEPTION; OTHER LAWS.**

184.5 The superintendent is not required to respond to a background check request concerning
184.6 a ~~children's service worker~~ covered individual who, as a condition of occupational licensure
184.7 or employment, is subject to the background study requirements imposed by any statute or
184.8 rule other than sections 299C.60 to 299C.64. ~~A background check performed on a licensee,
184.9 license applicant, or employment applicant under this section does not satisfy the
184.10 requirements of any statute or rule other than sections 299C.60 to 299C.64, that provides
184.11 for background study of members of an individual's particular occupation.~~

184.12 Sec. 16. Minnesota Statutes 2020, section 299C.72, is amended to read:

184.13 **299C.72 MINNESOTA CRIMINAL HISTORY CHECKS.**

184.14 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
184.15 meanings given.

184.16 (a) "Applicant for employment" means an individual who seeks either county or city
184.17 employment or has applied to serve as a volunteer in the county or city.

184.18 (b) "Applicant for licensure" means the individual seeks a license issued by the county
184.19 or city which is not subject to a federal- or state-mandated background check.

184.20 (c) "Authorized law enforcement agency" means the county sheriff for checks conducted
184.21 for county purposes, the police department for checks conducted for city purposes, or the
184.22 county sheriff for checks conducted for city purposes where there is no police department.

184.23 (d) "Criminal history check" means retrieval of criminal history data via the secure
184.24 network described in section 299C.46.

184.25 (e) "Criminal history data" means adult convictions and adult open arrests less than one
184.26 year old found in the Minnesota computerized criminal history repository.

184.27 (f) "Current employee" means an individual presently employed by either a county or
184.28 city or who presently serves as a volunteer in the county or city.

184.29 (g) "Current licensee" means an individual who has previously sought and received a
184.30 license, which is still presently valid, issued by a county or city.

185.1 ~~(f)~~ (h) "Informed consent" has the meaning given in section 13.05, subdivision 4,
185.2 paragraph (d).

185.3 Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized
185.4 by this section shall not be used in place of a statutorily mandated or authorized background
185.5 check.

185.6 (b) An authorized law enforcement agency may conduct a criminal history check of an
185.7 individual who is an applicant for employment ~~or~~ current employee, applicant for licensure,
185.8 or current licensee. Prior to conducting the criminal history check, the authorized law
185.9 enforcement agency must receive the informed consent of the individual.

185.10 (c) The authorized law enforcement agency shall not disseminate criminal history data
185.11 and must maintain it securely with the agency's office. The authorized law enforcement
185.12 agency can indicate whether the applicant for employment or applicant for licensure has a
185.13 criminal history that would prevent hire, acceptance as a volunteer to a hiring authority, or
185.14 would prevent the issuance of a license to the department that issues the license.

185.15 ARTICLE 8

185.16 LAW ENFORCEMENT SALARIES

185.17 Section 1. Laws 2021, First Special Session chapter 4, article 9, section 1, is amended to
185.18 read:

185.19 Section 1. **LAW ENFORCEMENT SALARY INCREASES.**

185.20 (a) Notwithstanding any law to the contrary, the commissioner of commerce must
185.21 increase the salary paid to commerce insurance fraud specialists positions in positions
185.22 represented by the Minnesota Law Enforcement Association by 13.2 percent, and must
185.23 increase the salary paid to these commerce insurance fraud specialists that are compensated
185.24 at the maximum base wage level by an additional two percent.

185.25 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
185.26 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
185.27 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
185.28 section 3.855, the percent increase for salary provided under paragraph (a) shall be reduced
185.29 by the percent increase of any wage adjustment for the same period provided in the collective
185.30 bargaining agreement.

185.31 (c) Notwithstanding any law to the contrary, in addition to the salary increases required
185.32 under paragraph (a), the commissioner of commerce shall increase by 8.4 percent the salary

186.1 paid to supervisors and managers, and must increase the salary paid to supervisors and
186.2 managers who are compensated at the maximum base wage level by an additional two
186.3 percent. For purposes of this paragraph, "supervisors and managers" means employees who
186.4 are employed in positions that require them to be licensed as peace officers, as defined in
186.5 Minnesota Statutes, section 626.84, subdivision 1, who supervise or manage employees
186.6 described in paragraph (a).

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

186.8 Sec. 2. Laws 2021, First Special Session chapter 4, article 9, section 2, is amended to read:

186.9 Sec. 2. **LAW ENFORCEMENT SALARY SUPPLEMENT FOR FISCAL YEAR**
186.10 **2020.**

186.11 (a) Notwithstanding any law to the contrary, an eligible state employee employed at any
186.12 time during fiscal year 2020 in a position for which the Minnesota Law Enforcement
186.13 Association was the exclusive representative shall receive a salary supplement payment
186.14 that is equal to the salary the employee earned in that position in fiscal year 2020, multiplied
186.15 by 2.25 percent. For purposes of this section, "eligible state employee" means a person who
186.16 is employed by the state on the effective date of this section and who was employed in fiscal
186.17 year 2020 as a commerce insurance fraud specialist by the Department of Commerce.

186.18 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
186.19 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
186.20 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
186.21 section 3.855, the percent used to determine the salary supplement payment provided under
186.22 paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same
186.23 period provided in the collective bargaining agreement.

186.24 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
186.25 Session chapter 4, article 9, section 2.

186.26 Sec. 3. Laws 2021, First Special Session chapter 4, article 9, section 3, is amended to read:

186.27 Sec. 3. **LAW ENFORCEMENT SALARY SUPPLEMENT FOR A PORTION OF**
186.28 **FISCAL YEAR 2021.**

186.29 (a) Notwithstanding any law to the contrary, an eligible state employee employed at any
186.30 time from July 1, 2020, to October 21, 2020, in a position for which the Minnesota Law
186.31 Enforcement Association was the exclusive representative shall receive a salary supplement

187.1 payment that is equal to the salary the employee earned in that position from July 1, 2020,
187.2 to October 21, 2020, multiplied by 4.8 percent. For purposes of this section, "eligible state
187.3 employee" means a person who is employed by the state on the effective date of this section
187.4 and who was employed at any time from July 1, 2020, to October 21, 2020, as a commerce
187.5 insurance fraud specialist by the Department of Commerce.

187.6 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
187.7 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
187.8 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
187.9 section 3.855, the percent used to determine the salary supplement payment provided under
187.10 paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same
187.11 period provided in the collective bargaining agreement.

187.12 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
187.13 Session chapter 4, article 9, section 3.

187.14 Sec. 4. Laws 2021, First Special Session chapter 4, article 9, section 4, is amended to read:

187.15 Sec. 4. **APPROPRIATIONS; SALARY INCREASES.**

187.16 \$214,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
187.17 of commerce for salary increases ~~under section 1~~. This appropriation is available until
187.18 December 30, 2021. In each of fiscal years 2022 and 2023, \$283,000 is appropriated from
187.19 the general fund to the commissioner of commerce for this purpose. This amount is in
187.20 addition to the base appropriation for this purpose.

187.21 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
187.22 Session chapter 4, article 9, section 4.

187.23 Sec. 5. Laws 2021, First Special Session chapter 4, article 9, section 5, is amended to read:

187.24 Sec. 5. **APPROPRIATIONS; SALARY SUPPLEMENTS FROM JULY 1, 2019, TO**
187.25 **OCTOBER 21, 2020.**

187.26 \$58,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
187.27 of commerce for salary supplements ~~under sections 2 and 3~~. This appropriation is available
187.28 until December 30, 2021. This is a onetime appropriation.

187.29 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
187.30 Session chapter 4, article 9, section 5.

188.1 Sec. 6. Laws 2021, First Special Session chapter 5, article 3, section 1, is amended to read:

188.2 Section 1. **LAW ENFORCEMENT SALARY INCREASES.**

188.3 (a) Notwithstanding any law to the contrary, the commissioner of public safety must
188.4 increase the salary paid to state patrol troopers in positions represented by the Minnesota
188.5 Law Enforcement Association by 13.2 percent and must increase the salary paid to these
188.6 state patrol troopers that are compensated at the maximum base wage level by an additional
188.7 two percent.

188.8 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
188.9 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
188.10 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
188.11 section 3.855, the percent increase for salary provided under paragraph (a) shall be reduced
188.12 by the percent increase of any wage adjustment for the same period provided in the collective
188.13 bargaining agreement.

188.14 (c) Notwithstanding any law to the contrary, in addition to the salary increases required
188.15 under paragraph (a), the commissioner of public safety shall increase by 8.4 percent the
188.16 salary paid to supervisors and managers, and must increase the salary paid to supervisors
188.17 and managers who are compensated at the maximum base wage level by an additional two
188.18 percent. For purposes of this paragraph, "supervisors and managers" means employees who
188.19 are employed in positions that require them to be licensed as peace officers, as defined in
188.20 Minnesota Statutes, section 626.84, subdivision 1, who supervise or manage employees
188.21 described in paragraph (a).

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

188.23 Sec. 7. Laws 2021, First Special Session chapter 5, article 3, section 2, is amended to read:

188.24 Sec. 2. **LAW ENFORCEMENT SALARY SUPPLEMENT FOR FISCAL YEAR**
188.25 **2020.**

188.26 (a) Notwithstanding any law to the contrary, an eligible state employee employed at any
188.27 time during fiscal year 2020 in a position for which the Minnesota Law Enforcement
188.28 Association was the exclusive representative shall receive a salary supplement payment
188.29 that is equal to the salary the employee earned in that position in fiscal year 2020, multiplied
188.30 by 2.25 percent. For purposes of this section, "eligible state employee" means a person who
188.31 is employed by the state on the effective date of this section and who was employed in fiscal
188.32 year 2020 as a state patrol trooper by the Department of Public Safety.

189.1 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
189.2 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
189.3 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
189.4 section 3.855, the percent used to determine the salary supplement payment provided under
189.5 paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same
189.6 period provided in the collective bargaining agreement.

189.7 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
189.8 Session chapter 5, article 3, section 2.

189.9 Sec. 8. Laws 2021, First Special Session chapter 5, article 3, section 3, is amended to read:

189.10 **Sec. 3. LAW ENFORCEMENT SALARY SUPPLEMENT FOR A PORTION OF**
189.11 **FISCAL YEAR 2021.**

189.12 (a) Notwithstanding any law to the contrary, an eligible state employee employed at any
189.13 time from July 1, 2020, to October 21, 2020, in a position for which the Minnesota Law
189.14 Enforcement Association was the exclusive representative shall receive a salary supplement
189.15 payment that is equal to the salary the employee earned in that position from July 1, 2020,
189.16 to October 21, 2020, multiplied by 4.8 percent. For purposes of this section, "eligible state
189.17 employee" means a person who is employed by the state on the effective date of this section
189.18 and who was employed at any time from July 1, 2020, to October 21, 2020, as a state patrol
189.19 trooper by the Department of Public Safety.

189.20 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
189.21 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
189.22 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
189.23 section 3.855, the percent used to determine the salary supplement payment provided under
189.24 paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same
189.25 period provided in the collective bargaining agreement.

189.26 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
189.27 Session chapter 5, article 3, section 3.

189.28 Sec. 9. Laws 2021, First Special Session chapter 5, article 3, section 4, is amended to read:

189.29 **Sec. 4. APPROPRIATIONS; SALARY INCREASES.**

189.30 (a) \$125,000 is appropriated in fiscal year 2021 from the general fund to the commissioner
189.31 of public safety for state patrol salary increases ~~under section 4~~. This appropriation is

190.1 available until December 30, 2021. In each of fiscal years 2022 and 2023, \$464,000 is
190.2 appropriated from the general fund to the commissioner of public safety for this purpose.
190.3 This amount is in addition to the base appropriation for this purpose.

190.4 (b) \$3,182,000 is appropriated in fiscal year 2021 from the trunk highway fund to the
190.5 commissioner of public safety for state patrol salary increases ~~under section 1~~. This
190.6 appropriation is available until December 30, 2021. In each of fiscal years 2022 and 2023,
190.7 \$10,363,000 is appropriated from the trunk highway fund to the commissioner of public
190.8 safety for this purpose. This amount is in addition to the base appropriation for this purpose.

190.9 (c) \$27,000 is appropriated in fiscal year 2021 from the highway user tax distribution
190.10 fund to the commissioner of public safety for state patrol salary increases ~~under section 1~~.
190.11 This appropriation is available until December 30, 2021. In each of fiscal years 2022 and
190.12 2023, \$110,000 is appropriated from the highway user tax distribution fund to the
190.13 commissioner of public safety for this purpose. This amount is in addition to the base
190.14 appropriation for this purpose.

190.15 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
190.16 Session chapter 5, article 3, section 4.

190.17 Sec. 10. Laws 2021, First Special Session chapter 5, article 3, section 5, is amended to
190.18 read:

190.19 Sec. 5. **APPROPRIATIONS; SALARY SUPPLEMENTS FROM JULY 1, 2019, TO**
190.20 **OCTOBER 21, 2020.**

190.21 (a) \$105,000 is appropriated in fiscal year 2021 from the general fund to the commissioner
190.22 of public safety for state patrol salary supplements ~~under sections 2 and 3~~. This is a onetime
190.23 appropriation and is available until December 30, 2021.

190.24 (b) \$2,538,000 is appropriated in fiscal year 2021 from the trunk highway fund to the
190.25 commissioner of public safety for state patrol salary supplements ~~under sections 2 and 3~~.
190.26 This is a onetime appropriation and is available until December 30, 2021.

190.27 (c) \$32,000 is appropriated in fiscal year 2021 from the highway user tax distribution
190.28 fund to the commissioner of public safety for state patrol salary supplements ~~under sections~~
190.29 ~~2 and 3~~. This is a onetime appropriation and is available until December 30, 2021.

190.30 **EFFECTIVE DATE.** This section is effective on the effective date of 2021 First Special
190.31 Session chapter 5, article 3, section 5.

191.1 **Sec. 11. LAW ENFORCEMENT SALARY INCREASES.**

191.2 (a) Notwithstanding any law to the contrary, salary increases shall apply to the following
191.3 employees whose exclusive representative is the Minnesota Law Enforcement Association:

191.4 (1) the commissioner of public safety must increase the salary paid to Bureau of Criminal
191.5 Apprehension agents and special agents in the gambling enforcement division by 13.2
191.6 percent, and must increase the salary paid to Bureau of Criminal Apprehension agents and
191.7 special agents in the gambling enforcement division that are compensated at the maximum
191.8 base wage level by an additional two percent; and

191.9 (2) the commissioner of corrections must increase the salary paid to fugitive specialists
191.10 positions by 13.2 percent, and must increase the salary paid to fugitive specialists that are
191.11 compensated at the maximum base wage level by an additional two percent.

191.12 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
191.13 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
191.14 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
191.15 section 3.855, the percent increase for salary provided under paragraph (a) shall be reduced
191.16 by the percent increase of any wage adjustment for the same period provided in the collective
191.17 bargaining agreement.

191.18 (c) Notwithstanding any law to the contrary, in addition to the salary increases required
191.19 under paragraph (a), each agency described in paragraph (a) shall increase by 8.4 percent
191.20 the salary paid to supervisors and managers, and must increase the salary paid to supervisors
191.21 and managers who are compensated at the maximum base wage level by an additional two
191.22 percent. For purposes of this paragraph, "supervisors and managers" means employees who
191.23 are employed in positions that require them to be licensed as peace officers, as defined in
191.24 Minnesota Statutes, section 626.84, subdivision 1, who supervise or manage employees
191.25 described in paragraph (a).

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

191.27 **Sec. 12. LAW ENFORCEMENT SALARY SUPPLEMENT FOR FISCAL YEAR**
191.28 **2020.**

191.29 (a) Notwithstanding any law to the contrary, an eligible state employee employed at any
191.30 time during fiscal year 2020 in a position for which the Minnesota Law Enforcement
191.31 Association was the exclusive representative shall receive a salary supplement payment
191.32 that is equal to the salary the employee earned in that position in fiscal year 2020, multiplied
191.33 by 2.25 percent. For purposes of this section, "eligible state employee" means a person who

192.1 is employed by the state on the effective date of this section and who was employed in fiscal
192.2 year 2020 in one of the following positions:

192.3 (1) Bureau of Criminal Apprehension agent, employed by the Department of Public
192.4 Safety;

192.5 (2) special agent in the gambling enforcement division of the Department of Public
192.6 Safety; or

192.7 (3) fugitive specialist, employed by the Department of Corrections.

192.8 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
192.9 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
192.10 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,
192.11 section 3.855, the percent used to determine the salary supplement payment provided under
192.12 paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same
192.13 period provided in the collective bargaining agreement.

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

192.15 Sec. 13. **LAW ENFORCEMENT SALARY SUPPLEMENT FOR A PORTION OF**
192.16 **FISCAL YEAR 2021.**

192.17 (a) Notwithstanding any law to the contrary, an eligible state employee employed at any
192.18 time from July 1, 2020, to October 21, 2020, in a position for which the Minnesota Law
192.19 Enforcement Association was the exclusive representative shall receive a salary supplement
192.20 payment that is equal to the salary the employee earned in that position from July 1, 2020,
192.21 to October 21, 2020, multiplied by 4.8 percent. For purposes of this section, "eligible state
192.22 employee" means a person who is employed by the state on the effective date of this section
192.23 and who was employed at any time from July 1, 2020, to October 21, 2020, in one of the
192.24 following positions:

192.25 (1) Bureau of Criminal Apprehension agent, employed by the Department of Public
192.26 Safety;

192.27 (2) special agent in the gambling enforcement division of the Department of Public
192.28 Safety; or

192.29 (3) fugitive specialist, employed by the Department of Corrections.

192.30 (b) If a collective bargaining agreement between the Minnesota Law Enforcement
192.31 Association and the state for the period July 1, 2019, to June 30, 2021, is approved by the
192.32 legislature or the Legislative Coordinating Commission as provided in Minnesota Statutes,

193.1 section 3.855, the percent used to determine the salary supplement payment provided under
193.2 paragraph (a) shall be reduced by the percent increase of any wage adjustment for the same
193.3 period provided in the collective bargaining agreement.

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

193.5 Sec. 14. **APPROPRIATIONS; SALARY INCREASES.**

193.6 Subdivision 1. **Department of Corrections.** \$142,000 in fiscal year 2021 is appropriated
193.7 from the general fund to the commissioner of corrections for salary increases. In each of
193.8 fiscal years 2022 and 2023, \$209,000 is appropriated from the general fund to the
193.9 commissioner of corrections for this purpose. This amount is in addition to the base
193.10 appropriation for this purpose.

193.11 Subd. 2. **Department of Public Safety.** (a) \$1,076,000 in fiscal year 2021 is appropriated
193.12 from the general fund to the commissioner of public safety for Bureau of Criminal
193.13 Apprehension salary increases. In each of fiscal years 2022 and 2023, \$1,846,000 is
193.14 appropriated from the general fund to the commissioner of public safety for this purpose.
193.15 This amount is in addition to the base appropriation for this purpose.

193.16 (b) \$99,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
193.17 of public safety for Alcohol and Gambling Enforcement Division salary increases. In each
193.18 of fiscal years 2022 and 2023, \$148,000 is appropriated from the general fund to the
193.19 commissioner of public safety for this purpose. This amount is in addition to the base
193.20 appropriation for this purpose.

193.21 (c) The fiscal year 2021 appropriations in this section are available until December 30,
193.22 2021.

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

193.24 Sec. 15. **APPROPRIATIONS; SALARY SUPPLEMENTS FROM JULY 1, 2019,**
193.25 **TO OCTOBER 21, 2020.**

193.26 Subdivision 1. **Department of Corrections.** \$41,000 in fiscal year 2021 is appropriated
193.27 from the general fund to the commissioner of corrections for salary supplements. This is a
193.28 onetime appropriation.

193.29 Subd. 2. **Department of Public Safety.** (a) \$240,000 in fiscal year 2021 is appropriated
193.30 from the general fund to the commissioner of public safety for Bureau of Criminal
193.31 Apprehension salary supplements. This is a onetime appropriation.

194.1 (b) \$24,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
194.2 of public safety for Alcohol and Gambling Enforcement Division salary supplements. This
194.3 is a onetime appropriation.

194.4 (c) The fiscal year 2021 appropriations in this section are available until December 30,
194.5 2021.

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

194.7 Sec. 16. **INTERPRETATION.**

194.8 If an appropriation in this article is enacted more than once in the 2021 first special
194.9 legislative session, the appropriation must be given effect only once.

194.10

ARTICLE 9

194.11

POLICING AND CORRECTIONS

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

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

194.15 ~~(1) personal telephone numbers, and home and e-mail addresses of licensees and~~
194.16 ~~applicants for licenses; and~~

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

194.18 The board may disseminate private data on applicants and licensees as is necessary to
194.19 administer law enforcement licensure or to provide data under section 626.845, subdivision
194.20 1, to law enforcement agencies who are conducting employment background investigations.

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

194.23 **Subd. 11. Peace officer database.** Section 626.8457, subdivision 3, governs data sharing
194.24 between law enforcement agencies and the Peace Officer Standards and Training Board for
194.25 purposes of administering the peace officer database required by section 626.845, subdivision
194.26 3.

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

194.28 Subd. 11. **Board of Peace Officers Standards and Training; reasonable grounds**
194.29 **determination.** (a) After the investigation is complete, the executive director shall convene

195.1 at least a ~~three-member~~ four-member committee of the board to determine if the complaint
195.2 constitutes reasonable grounds to believe that a violation within the board's enforcement
195.3 jurisdiction has occurred. In conformance with section 626.843, subdivision 1b, at least ~~two~~
195.4 three members of the committee must be voting board members who are peace officers and
195.5 one member of the committee must be a voting board member appointed from the general
195.6 public. No later than 30 days before the committee meets, the executive director shall give
195.7 the licensee who is the subject of the complaint and the complainant written notice of the
195.8 meeting. The executive director shall also give the licensee a copy of the complaint. Before
195.9 making its determination, the committee shall give the complaining party and the licensee
195.10 who is the subject of the complaint a reasonable opportunity to be heard.

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

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

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

195.17 (3) continue the matter.

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

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

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

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

195.25 **241.016 ANNUAL PERFORMANCE REPORT REQUIRED.**

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

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

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

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

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

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

196.11 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
196.12 In addition, each year the department shall, on an alternating basis, complete a recidivism
196.13 analysis of adult facilities, juvenile services, and the community services divisions and
196.14 include a three-year recidivism analysis in the report described in paragraph (a). The
196.15 recidivism analysis must: (1) assess education programs, vocational programs, treatment
196.16 programs, including mental health programs, industry, and employment; and (2) assess
196.17 statewide re-entry policies and funding, including postrelease treatment, education, training,
196.18 and supervision. In addition, when reporting recidivism for the department's adult and
196.19 juvenile facilities, the department shall report on the extent to which offenders it has assessed
196.20 as chemically dependent commit new offenses, with separate recidivism rates reported for
196.21 persons completing and not completing the department's treatment programs.

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

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

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

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

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

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

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

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

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

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

197.19 (3) suicide prevention plans and training;

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

197.21 (5) well-being checks;

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

197.24 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional
197.25 institution;

197.26 (8) use of segregation and mental health checks;

197.27 (9) critical incident debriefings;

197.28 (10) clinical management of substance use disorders;

197.29 (11) a policy regarding identification of persons with special needs confined or
197.30 incarcerated in correctional facilities;

197.31 (12) a policy regarding the use of telehealth;

198.1 (13) self-auditing of compliance with minimum standards;

198.2 (14) information sharing with medical personnel and when medical assessment must be
198.3 facilitated;

198.4 (15) a code of conduct policy for facility staff and annual training;

198.5 (16) a policy on death review of all circumstances surrounding the death of an individual
198.6 committed to the custody of the facility; and

198.7 (17) dissemination of a rights statement made available to persons confined or
198.8 incarcerated in licensed correctional facilities.

198.9 No individual, corporation, partnership, voluntary association, or other private
198.10 organization legally responsible for the operation of a correctional facility may operate the
198.11 facility unless ~~licensed by it~~ it possesses a current license from the commissioner of corrections.
198.12 Private adult correctional facilities shall have the authority of section 624.714, subdivision
198.13 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the
198.14 facility meets requirements of section 243.52.

198.15 The commissioner shall review the correctional facilities described in this subdivision
198.16 at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine
198.17 compliance with the minimum standards established ~~pursuant~~ according to this subdivision
198.18 or other Minnesota statute related to minimum standards and conditions of confinement.

198.19 The commissioner shall grant a license to any facility found to conform to minimum
198.20 standards or to any facility which, in the commissioner's judgment, is making satisfactory
198.21 progress toward substantial conformity and the standards not being met do not impact the
198.22 interests and well-being of the persons ~~detained or confined therein~~ or incarcerated in the
198.23 facility are protected. A limited license under subdivision 1a may be issued for purposes of
198.24 effectuating a facility closure. The commissioner may grant licensure up to two years. Unless
198.25 otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on
198.26 the day after the expiration date stated on the license.

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

198.31 All facility administrators of correctional facilities are required to report all deaths of
198.32 individuals who died while committed to the custody of the facility, regardless of whether
198.33 the death occurred at the facility or after removal from the facility for medical care stemming

199.1 from an incident or need for medical care at the correctional facility, as soon as practicable,
199.2 but no later than 24 hours of receiving knowledge of the death, including any demographic
199.3 information as required by the commissioner.

199.4 All facility administrators of correctional facilities are required to report all other
199.5 emergency or unusual occurrences as defined by rule, including uses of force by facility
199.6 staff that result in substantial bodily harm or suicide attempts, to the commissioner of
199.7 corrections within ten days from the occurrence, including any demographic information
199.8 as required by the commissioner. The commissioner of corrections shall consult with the
199.9 Minnesota Sheriffs' Association and a representative from the Minnesota Association of
199.10 Community Corrections Act Counties who is responsible for the operations of an adult
199.11 correctional facility to define "use of force" that results in substantial bodily harm for
199.12 reporting purposes.

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

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

199.23 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional
199.24 facilities shall, insofar as is possible, ensure that the minimum standards it requires are
199.25 substantially the same as those required by other state agencies which regulate, inspect, or
199.26 license the same aspects of similar types of correctional facilities, although at different
199.27 correctional facilities.

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

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

200.1 ~~(e) When the commissioner finds that any facility described in paragraph (a), except~~
200.2 ~~foster care facilities for delinquent children and youth as provided in subdivision 2, does~~
200.3 ~~not substantially conform to the minimum standards established by the commissioner and~~
200.4 ~~is not making satisfactory progress toward substantial conformance, the commissioner shall~~
200.5 ~~promptly notify the chief executive officer and the governing board of the facility of the~~
200.6 ~~deficiencies and order that they be remedied within a reasonable period of time. The~~
200.7 ~~commissioner may by written order restrict the use of any facility which does not substantially~~
200.8 ~~conform to minimum standards to prohibit the detention of any person therein for more than~~
200.9 ~~72 hours at one time. When, after due notice and hearing, the commissioner finds that any~~
200.10 ~~facility described in this subdivision, except county jails and lockups as provided in sections~~
200.11 ~~641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making~~
200.12 ~~satisfactory progress toward substantial compliance therewith, the commissioner may issue~~
200.13 ~~an order revoking the license of that facility. After revocation of its license, that facility~~
200.14 ~~shall not be used until its license is renewed. When the commissioner is satisfied that~~
200.15 ~~satisfactory progress towards substantial compliance with minimum standard is being made,~~
200.16 ~~the commissioner may, at the request of the appropriate officials of the affected facility~~
200.17 ~~supported by a written schedule for compliance, grant an extension of time for a period not~~
200.18 ~~to exceed one year.~~

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

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

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

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

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

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

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

201.9 (3) the corrective action needed;

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

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

201.14 (b) The facility administrator may request review of the findings noted in the conditional
201.15 license order on the grounds that satisfactory progress toward substantial compliance with
201.16 minimum standards has been made, supported by evidence of correction, and, if appropriate,
201.17 may include a written schedule for compliance. The commissioner shall review the evidence
201.18 of correction and the progress made toward substantial compliance with minimum standards
201.19 within a reasonable period of time, not to exceed ten business days. When the commissioner
201.20 has assurance that satisfactory progress toward substantial compliance with minimum
201.21 standards is being made, the commissioner shall lift any conditions limiting operation of
201.22 the facility or parts of the facility or remove the conditional license order.

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

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

201.27 Subd. 1b. **License revocation order.** (a) When, after due notice to the facility
201.28 administrator of the commissioner's intent to issue a revocation order, the commissioner
201.29 finds that any facility described in this subdivision, except county jails and lockups subject
201.30 to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and
201.31 642.11, does not conform to minimum standards, or is not making satisfactory progress
201.32 toward substantial compliance with minimum standards, and the nonconformance does not

202.1 present an imminent risk of life-threatening harm or serious physical injury to the persons
202.2 confined or incarcerated in the facility, the commissioner may issue an order revoking the
202.3 license of that facility.

202.4 The notice of intent to issue a revocation order shall include:

202.5 (1) the citation to minimum standards that have been violated;

202.6 (2) the nature and severity of each violation;

202.7 (3) whether the violation is recurring or nonrecurring;

202.8 (4) the effect of the violation on persons confined or incarcerated in the correctional
202.9 facility;

202.10 (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional
202.11 facility;

202.12 (6) relevant facts, conditions, and circumstances concerning the operation of the licensed
202.13 facility, including at a minimum:

202.14 (i) specific facility deficiencies that endanger the health or safety of persons confined
202.15 or incarcerated in the correctional facility;

202.16 (ii) substantiated complaints relating to the correctional facility; or

202.17 (iii) any other evidence that the correctional facility is not in compliance with minimum
202.18 standards.

202.19 (b) The facility administrator must submit a written response within 30 days of receipt
202.20 of the notice of intent to issue a revocation order with any information related to errors in
202.21 the notice, ability to conform to minimum standards within a set period of time including
202.22 but not limited to a written schedule for compliance, and any other information the facility
202.23 administrator deems relevant for consideration by the commissioner. The written response
202.24 must also include a written plan indicating how the correctional facility will ensure the
202.25 transfer of confined or incarcerated individuals and records if the correctional facility closes.
202.26 Plans must specify arrangements the correctional facility will make to transfer confined or
202.27 incarcerated individuals to another licensed correctional facility for continuation of detention.

202.28 (c) When revoking a license, the commissioner shall consider the nature, chronicity, or
202.29 severity of the violation of law or rule and the effect of the violation on the health, safety,
202.30 or rights of persons confined or incarcerated in the correctional facility.

202.31 (d) If the facility administrator does not respond within 30 days to the notice of intent
202.32 to issue a revocation order or if the commissioner does not have assurance that satisfactory

203.1 progress toward substantial compliance with minimum standards will be made, the
203.2 commissioner shall issue a revocation order. The revocation order must be sent to the facility
203.3 administrator and the governing board of the facility, clearly stating:

203.4 (1) the specific minimum standards violated, noting the implicated rule or law;

203.5 (2) the findings that constitute a violation of minimum standards and the nature,
203.6 chronicity, or severity of those violations;

203.7 (3) the corrective action needed;

203.8 (4) any prior correction or conditional license orders issued to correct violations; and

203.9 (5) the date at which the license revocation shall take place.

203.10 A revocation order may authorize use until a certain date, not to exceed the duration of the
203.11 current license, unless a limited license is issued by the commissioner for purposes of
203.12 effectuating a facility closure and continued operation does not present an imminent risk
203.13 of life-threatening harm or is not likely to result in serious physical injury to the persons
203.14 confined or incarcerated in the facility.

203.15 (e) After revocation of the facility's licensure, that facility shall not be used until the
203.16 license is renewed. When the commissioner is satisfied that satisfactory progress toward
203.17 substantial compliance with minimum standards is being made, the commissioner may, at
203.18 the request of the facility administrator supported by a written schedule for compliance,
203.19 reinstate the license.

203.20 Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
203.21 read:

203.22 Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to
203.23 temporarily suspend a license issued under this chapter if:

203.24 (1) the correctional facility's failure to comply with applicable minimum standards or
203.25 the conditions in the correctional facility pose an imminent risk of life-threatening harm or
203.26 serious physical injury to persons confined or incarcerated in the facility, staff, law
203.27 enforcement, visitors, or the public; and

203.28 (i) if the imminent risk of life-threatening harm or serious physical injury cannot be
203.29 promptly corrected through a different type of order under this section; and

203.30 (ii) the correctional facility cannot or has not corrected the violation giving rise to the
203.31 imminent risk of life-threatening harm or serious physical injury; or

204.1 (2) while the correctional facility continues to operate pending due notice and opportunity
204.2 for written response to the commissioner's notice of intent to issue an order of revocation,
204.3 the commissioner identifies one or more subsequent violations of minimum standards which
204.4 may adversely affect the health or safety of persons confined or incarcerated in the facility,
204.5 staff, law enforcement, visitors, or the public.

204.6 A notice stating the reasons for the immediate suspension informing the facility
204.7 administrator must be delivered by personal service to the correctional facility administrator
204.8 and the governing board of the facility.

204.9 Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
204.10 read:

204.11 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
204.12 facility under this section is revoked or suspended, or use of the facility is restricted for any
204.13 reason under a conditional license order, the commissioner shall post the facility, the status
204.14 of the facility's license, and the reason for the restriction, revocation, or suspension publicly
204.15 and on the department's website.

204.16 Sec. 10. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
204.17 to read:

204.18 Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes
204.19 the correction order, conditional license order, or revocation order is in error, the facility
204.20 administrator may ask the Department of Corrections to reconsider the parts of the order or
204.21 action that are alleged to be in error. The request for reconsideration must:

204.22 (1) be made in writing;

204.23 (2) be postmarked and sent to the commissioner no later than 30 calendar days after
204.24 receipt of the correction order, conditional license order, or revocation order;

204.25 (3) specify the parts of the order that are alleged to be in error;

204.26 (4) explain why the correction order, conditional license order, or revocation order is in
204.27 error; and

204.28 (5) include documentation to support the allegation of error.

204.29 The commissioner shall issue a disposition within 60 days of receipt of the facility
204.30 administrator's response to correction, conditional license, or revocation order violations.

204.31 A request for reconsideration does not stay any provisions or requirements of the order.

205.1 (b) The facility administrator may request reconsideration of an order immediately
205.2 suspending a license. The request for reconsideration of an order immediately suspending
205.3 a license must be made in writing and sent by certified mail, personal service, or other means
205.4 expressly stated in the commissioner's order. If mailed, the request for reconsideration must
205.5 be postmarked and sent to the commissioner no later than five business days after the facility
205.6 administrator receives notice that the license has been immediately suspended. If a request
205.7 is made by personal service, it must be received by the commissioner no later than five
205.8 business days after the facility administrator received the order. The request for
205.9 reconsideration must:

205.10 (1) specify the parts of the order that are alleged to be in error;

205.11 (2) explain why they are in error; and

205.12 (3) include documentation to support the allegation of error.

205.13 A facility administrator and the governing board of the facility shall discontinue operation
205.14 of the correctional facility upon receipt of the commissioner's order to immediately suspend
205.15 the license.

205.16 (c) Within five business days of receipt of the facility administrator's timely request for
205.17 reconsideration of a temporary immediate suspension, the commissioner shall review the
205.18 request for reconsideration. The scope of the review shall be limited solely to the issue of
205.19 whether the temporary immediate suspension order should remain in effect pending the
205.20 written response to commissioner's notice of intent to issue a revocation order.

205.21 The commissioner's disposition of a request for reconsideration of correction, conditional
205.22 license, temporary immediate suspension, or revocation order is final and subject to appeal.
205.23 The facility administrator must request reconsideration as required by this section of any
205.24 correction, conditional license, temporary immediate suspension, or revocation order prior
205.25 to appeal.

205.26 No later than 60 days after the postmark date of the mailed notice of the commissioner's
205.27 decision on a request for reconsideration, the facility administrator may appeal the decision
205.28 by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota
205.29 Rules of Civil Appellate Procedure, Rule 115.

205.30 Sec. 11. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
205.31 to read:

205.32 Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
205.33 commissioner of corrections shall report to the chairs and ranking minority members of the

206.1 house of representatives and senate committees and divisions with jurisdiction over public
206.2 safety and judiciary on the status of the implementation of the provisions in this section
206.3 over the prior year, particularly the health and safety of individuals confined or incarcerated
206.4 in a state correctional facility and a facility licensed by the commissioner. This report shall
206.5 include but not be limited to data regarding:

206.6 (1) the number of confined or incarcerated persons who died while committed to the
206.7 custody of the facility, regardless of whether the death occurred at the facility or after
206.8 removal from the facility for medical care stemming from an incident or need for medical
206.9 care at the correctional facility, including aggregated demographic information and the
206.10 correctional facilities' most recent inspection reports and any corrective orders or conditional
206.11 licenses issued;

206.12 (2) the aggregated results of the death reviews by facility as required by subdivision 8,
206.13 including any implemented policy changes;

206.14 (3) the number of uses of force by facility staff on persons confined or incarcerated in
206.15 the correctional facility, including but not limited to whether those uses of force were
206.16 determined to be justified by the facility, for which the commissioner of corrections shall
206.17 consult with the Minnesota Sheriffs' Association and a representative from the Minnesota
206.18 Association of Community Corrections Act Counties who is responsible for the operations
206.19 of an adult correctional facility to develop criteria for reporting and define reportable uses
206.20 of force;

206.21 (4) the number of suicide attempts, number of people transported to a medical facility,
206.22 and number of people placed in segregation;

206.23 (5) the number of persons committed to the commissioner of corrections' custody that
206.24 the commissioner is housing in facilities licensed under subdivision 1, including but not
206.25 limited to:

206.26 (i) aggregated demographic data of those individuals;

206.27 (ii) length of time spent housed in a licensed correctional facility; and

206.28 (iii) any contracts the Department of Corrections has with correctional facilities to provide
206.29 housing; and

206.30 (6) summary data from state correctional facilities regarding complaints involving alleged
206.31 on-duty staff misconduct, including but not limited to the:

206.32 (i) total number of misconduct complaints and investigations;

207.1 (ii) total number of complaints by each category of misconduct, as defined by the
207.2 commissioner of corrections;

207.3 (iii) number of allegations dismissed as unfounded;

207.4 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
207.5 and

207.6 (v) number of allegations substantiated, any resulting disciplinary action, and the nature
207.7 of the discipline.

207.8 Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
207.9 to read:

207.10 Subd. 1g. **Biennial assessment and audit of security practices; state correctional**
207.11 **facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection
207.12 unit conduct biennial security audits of each state correctional facility using the standards
207.13 promulgated by the state correctional facilities security audit group. The unit must prepare
207.14 a report for each assessment and audit and submit the report to the state correctional facilities
207.15 security audit group within 30 days of completion of the audit.

207.16 (b) Corrections and detention confidential data, as defined in section 13.85, subdivision
207.17 3, and nonpublic security information, as defined in section 13.37, subdivision 1, that is
207.18 contained in reports and records of the group maintain that classification, regardless of the
207.19 data's classification in the hands of the person who provided the data, and are not subject
207.20 to discovery or introduction into evidence in a civil or criminal action against the state
207.21 arising out of the matters the group is reviewing. Information, documents, and records
207.22 otherwise available from other sources are not immune from discovery or use in a civil or
207.23 criminal action solely because they were acquired during the group's audit. This section
207.24 does not limit a person who presented information to the group or who is a member of the
207.25 group from testifying about matters within the person's knowledge. However, in a civil or
207.26 criminal proceeding, a person may not be questioned about the person's good faith
207.27 presentation of information to the group or opinions formed by the person as a result of the
207.28 group's audits.

208.1 Sec. 13. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
208.2 to read:

208.3 Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal
208.4 year 2022, the commissioner shall form a state correctional facilities security audit group.

208.5 The group must consist of the following members:

208.6 (1) a department employee who is not assigned to the correctional institutions division,
208.7 appointed by the commissioner;

208.8 (2) the ombudsperson for corrections;

208.9 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs Association and
208.10 appointed by the commissioner;

208.11 (4) a physical plant safety consultant, appointed by the governor;

208.12 (5) a private security consultant with expertise in correctional facility security, appointed
208.13 by the governor;

208.14 (6) two senators, one appointed by the senate majority leader and one appointed by the
208.15 minority leader; and

208.16 (7) two representatives, one appointed by the speaker of the house and one appointed
208.17 by the minority leader of the house of representatives.

208.18 (b) By January 1, 2022, the group shall establish security audit standards for state
208.19 correctional facilities. In developing the standards, the group, or individual members of the
208.20 group, may gather information from state correctional facilities and state correctional staff
208.21 and inmates. The security audit group must periodically review the standards and modify
208.22 them as needed. The group must report the standards to the chairs and ranking minority
208.23 members of the house of representatives and senate committees with jurisdiction over public
208.24 safety policy and finance by February 15, 2022.

208.25 (c) The group shall review facility audit reports submitted to the group by the agency's
208.26 inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the
208.27 full audit reports including nonpublic security information and corrections and detention
208.28 confidential data. Within 60 days of receiving an audit report from the department's inspection
208.29 unit, the group must make recommendations to the commissioner. Within 45 days of
208.30 receiving the group's recommendations, the commissioner must reply in writing to the
208.31 group's findings and recommendations. The commissioner's response must explain whether
208.32 the agency will implement the group's recommendations, the timeline for implementation

209.1 of the changes, and, if not, why the commissioner will not or cannot implement the group's
209.2 recommendations.

209.3 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
209.4 recommendations based on each security audit and assessment of a state correctional facility
209.5 and the commissioner's responses to the recommendations in the biennial report required
209.6 under section 241.016, subdivision 1. The commissioner shall not include corrections and
209.7 detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security
209.8 information, as defined in section 13.37, subdivision 1, in the commissioner's report to the
209.9 legislature.

209.10 (e) The commissioner shall provide staffing and administrative support to the group.

209.11 Sec. 14. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
209.12 to read:

209.13 Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility,
209.14 including a group home, having a residential component, the primary purpose of which is
209.15 to serve persons placed in facilities by a court, court services department, parole authority,
209.16 or other correctional agency having dispositional power over persons charged with, convicted,
209.17 or adjudicated guilty or delinquent.

209.18 Sec. 15. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
209.19 to read:

209.20 Subd. 7. **Intake release of information.** All correctional facilities that confine or
209.21 incarcerate adults are required at intake to provide each person an authorization form to
209.22 release information related to that person's health or mental health condition and when that
209.23 information should be shared. This release form shall allow the individual to select if the
209.24 individual wants to require the correctional facility to make attempts to contact the designated
209.25 person to facilitate the sharing of health condition information upon incapacitation or if the
209.26 individual becomes unable to communicate or direct the sharing of this information, so long
209.27 as contact information was provided and the incapacitated individual or individual who is
209.28 unable to communicate or direct the sharing of this information is not subject to a court
209.29 order prohibiting contact with the designated person.

210.1 Sec. 16. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
210.2 to read:

210.3 Subd. 8. **Death review teams.** In the event a correctional facility receives information
210.4 of the death of an individual while committed to the custody of the facility, regardless of
210.5 whether the death occurred at the facility or after removal from the facility for medical care
210.6 stemming from an incident or need for medical care at the correctional facility, the
210.7 administrator of the facility, minimally including a medical expert of the facility's choosing
210.8 who did not provide medical services to the individual, and, if appropriate, a mental health
210.9 expert, shall review the circumstances of the death and assess for preventable mortality and
210.10 morbidity, including recommendations for policy or procedure change, within 90 days of
210.11 death. The investigating law enforcement agency may provide documentation, participate
210.12 in, or provide documentation and participate in the review in instances where criminal
210.13 charges were not brought. A preliminary autopsy report must be provided as part of the
210.14 review and any subsequent autopsy findings as available. The facility administrator shall
210.15 provide notice to the commissioner of corrections via the Department of Corrections detention
210.16 information system that the correctional facility has conducted a review and identify any
210.17 recommendations for changes in policy, procedure, or training that will be implemented.
210.18 Any report or other documentation created for purposes of a facility death review is
210.19 confidential as defined in section 13.02, subdivision 3. Nothing in this section relieves the
210.20 facility administrator from complying with the notice of death to the commissioner as
210.21 required by subdivision 1, paragraph (a).

210.22 Sec. 17. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

210.23 Subdivision 1. **General searches.** The commissioner of corrections, the state correctional
210.24 facilities audit group, the governor, lieutenant governor, members of the legislature, state
210.25 officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no
210.26 other persons without permission of the chief executive officer of the facility, under rules
210.27 prescribed by the commissioner. A moderate fee may be required of visitors, other than
210.28 those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the
210.29 commissioner of management and budget under rules as the commissioner may deem proper,
210.30 and when so remitted shall be placed to the credit of the general fund.

211.1 Sec. 18. Minnesota Statutes 2020, section 243.52, is amended to read:

211.2 **243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

211.3 Subdivision 1. Discipline and prevention of escape If any ~~inmate~~ of person confined
 211.4 or incarcerated in any adult correctional facility either under the control of the commissioner
 211.5 of corrections or licensed by the commissioner of corrections under section 241.021 assaults
 211.6 any correctional officer or any other person or inmate, the assaulted person may use force
 211.7 in defense of the assault, except as limited in this section. If any ~~inmate~~ confined or
 211.8 incarcerated person attempts to damage the buildings or appurtenances, resists the lawful
 211.9 authority of any correctional officer, refuses to obey the correctional officer's reasonable
 211.10 demands, or attempts to escape, the correctional officer may enforce obedience and discipline
 211.11 or prevent escape by the use of force. If any ~~inmate~~ confined or incarcerated person resisting
 211.12 lawful authority is wounded or killed by the use of force by the correctional officer or
 211.13 assistants, that conduct is authorized under this section.

211.14 Subd. 2. Use of force. (a) Use of force must not be applied maliciously or sadistically
 211.15 for the purpose of causing harm to a confined or incarcerated person.

211.16 (b) Unless the use of deadly force is justified in this section, a correctional officer working
 211.17 in an adult correctional facility either under the control of the commissioner of corrections
 211.18 or licensed by the commissioner under section 241.021 may not use any of the following
 211.19 restraints:

211.20 (1) a choke hold;

211.21 (2) a prone restraint;

211.22 (3) tying all of a person's limbs together behind the person's back to render the person
 211.23 immobile; or

211.24 (4) securing a person in any way that results in transporting the person face down in a
 211.25 vehicle, except as directed by a medical professional.

211.26 (c) For the purposes of this subdivision, the following terms have the meanings given
 211.27 them:

211.28 (1) "choke hold" means a method by which a person applies sufficient pressure to a
 211.29 person to make breathing difficult or impossible, and includes but is not limited to any
 211.30 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce
 211.31 intake of air. Choke hold also means applying pressure to a person's neck on either side of
 211.32 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the
 211.33 carotid arteries;

212.1 (2) "prone restraint" means the use of manual restraint that places a person in a face-down
212.2 position; and

212.3 ~~As used in this section, "use of force" means conduct which is defined by sections 609.06~~
212.4 ~~to 609.066.~~ (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

212.5 (d) Use of deadly force is justified only if an objectively reasonable correctional officer
212.6 would believe, based on the totality of the circumstances known to the officer at the time
212.7 and without the benefit of hindsight, that deadly force is necessary:

212.8 (1) to protect the correctional officer or another from death or great bodily harm, provided
212.9 that the threat:

212.10 (i) can be articulated with specificity by the correctional officer;

212.11 (ii) is reasonably likely to occur absent action by the correctional officer; and

212.12 (iii) must be addressed through the use of deadly force without unreasonable delay; or

212.13 (2) to effect the capture or prevent the escape of a person when the officer reasonably
212.14 believes that the person will cause death or great bodily harm to another person under the
212.15 threat criteria in clause (1), unless immediately apprehended.

212.16 Subd. 3. **Duty to report.** (a) Regardless of tenure or rank, staff working in an adult
212.17 correctional facility either under the control of the commissioner of corrections or licensed
212.18 by the commissioner under section 241.021 who observe another employee engage in neglect
212.19 or use force that exceeds the degree of force permitted by law must report the incident in
212.20 writing as soon as practicable, but no later than 24 hours to the administrator of the
212.21 correctional facility that employs the reporting staff member.

212.22 (b) A staff member who fails to report neglect or excessive use of force within 24 hours
212.23 is subject to disciplinary action or sanction by the correctional facility that employs them.
212.24 Staff members shall suffer no reprisal for reporting another staff member engaged in
212.25 excessive use of force or neglect.

212.26 (c) For the purposes of this subdivision, "neglect" means:

212.27 (1) the knowing failure or omission to supply a person confined or incarcerated in the
212.28 facility with care or services, including but not limited to food, clothing, health care, or
212.29 supervision that is reasonable and necessary to obtain or maintain the person's physical or
212.30 mental health or safety; or

212.31 (2) the absence or likelihood of absence of care or services, including but not limited to
212.32 food, clothing, health care, or supervision necessary to maintain the physical and mental

213.1 health of the person that a reasonable person would deem essential for health, safety, or
213.2 comfort.

213.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

213.4 Sec. 19. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:

213.5 Subd. 3. **Powers and duties.** All county probation officers serving a district court shall
213.6 act under the orders of the court in reference to any person committed to their care by the
213.7 court, and in the performance of their duties shall have the general powers of a peace officer;
213.8 and it shall be their duty to make such investigations with regard to any person as may be
213.9 required by the court before, during, or after the trial or hearing, and to furnish to the court
213.10 such information and assistance as may be required; to take charge of any person before,
213.11 during or after trial or hearing when so directed by the court, and to keep such records and
213.12 to make such reports to the court as the court may order.

213.13 All county probation officers serving a district court shall, in addition, provide probation
213.14 and parole services to wards of the commissioner of corrections resident in the counties
213.15 they serve, and shall act under the orders of said commissioner of corrections in reference
213.16 to any ward committed to their care by the commissioner of corrections.

213.17 All probation officers serving a district court shall, under the direction of the authority
213.18 having power to appoint them, initiate programs for the welfare of persons coming within
213.19 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
213.20 community persons who come within the jurisdiction of the court and are properly subject
213.21 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
213.22 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
213.23 public or private character, and other groups concerned with the prevention of crime and
213.24 delinquency and the rehabilitation of persons convicted of crime and delinquency.

213.25 All probation officers serving a district court shall make monthly and annual reports to
213.26 the commissioner of corrections, on forms furnished by the commissioner, containing such
213.27 information on number of cases cited to the juvenile division of district court, offenses,
213.28 adjudications, dispositions, and related matters as may be required by the commissioner of
213.29 corrections. The reports shall include the information on individuals convicted as an extended
213.30 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

214.1 **Sec. 20. [260B.008] USE OF RESTRAINTS.**

214.2 (a) As used in this section, "restraints" means a mechanical or other device that constrains
214.3 the movement of a person's body or limbs.

214.4 (b) Restraints may not be used on a child appearing in court in a proceeding under this
214.5 chapter unless the court finds that:

214.6 (1) the use of restraints is necessary:

214.7 (i) to prevent physical harm to the child or another; or

214.8 (ii) to prevent the child from fleeing in situations in which the child presents a substantial
214.9 risk of flight from the courtroom; and

214.10 (2) there are no less restrictive alternatives to restraints that will prevent flight or physical
214.11 harm to the child or another, including but not limited to the presence of court personnel,
214.12 law enforcement officers, or bailiffs.

214.13 The finding in clause (1), item (i), may be based, among other things, on the child having
214.14 a history of disruptive courtroom behavior or behavior while in custody for any current or
214.15 prior offense that has placed others in potentially harmful situations, or presenting a
214.16 substantial risk of inflicting physical harm on the child or others as evidenced by past
214.17 behavior. The court may take into account the physical structure of the courthouse in
214.18 assessing the applicability of the above factors to the individual child.

214.19 (c) The court shall be provided the child's behavior history and shall provide the child
214.20 an opportunity to be heard in person or through counsel before ordering the use of restraints.
214.21 If restraints are ordered, the court shall make findings of fact in support of the order.

214.22 (d) By April 1, 2022, each judicial district shall develop a protocol to address how to
214.23 implement and comply with this section. In developing the protocol, a district shall consult
214.24 with law enforcement agencies, prosecutors, public defenders within the district, and any
214.25 other entity deemed necessary by the district's chief judge.

214.26 **EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph
214.27 (d) is effective the day following final enactment.

214.28 **Sec. 21. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE**
214.29 **OFFENDERS AUTHORIZED.**

214.30 (a) A peace officer who has probable cause to believe that a child is a petty offender or
214.31 delinquent child may refer the child to a program, including restorative programs, that the
214.32 law enforcement agency with jurisdiction over the child deems appropriate.

215.1 (b) If a peace officer or law enforcement agency refers a child to a program under
215.2 paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or
215.3 a notice to the child to appear in juvenile court, transmitting a report to the prosecuting
215.4 authority, or otherwise initiating a proceeding in juvenile court.

215.5 (c) After receiving notice that a child who was referred to a program under paragraph
215.6 (a) successfully completed that program, a peace officer or law enforcement agency shall
215.7 not issue a citation or a notice to the child to appear in juvenile court, transmit a report to
215.8 the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct
215.9 that formed the basis of the referral.

215.10 (d) This section does not apply to peace officers acting pursuant to an order or warrant
215.11 described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a
215.12 child into custody.

215.13 Sec. 22. Minnesota Statutes 2020, section 401.06, is amended to read:

215.14 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
215.15 **COMPLIANCE.**

215.16 No county or group of counties electing to provide correctional services pursuant to
215.17 sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until
215.18 its comprehensive plan shall have been approved by the commissioner. The commissioner
215.19 shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards
215.20 of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible
215.21 for subsidy counties shall maintain substantial compliance with the minimum standards
215.22 established pursuant to sections 401.01 to 401.16 and the policies and procedures governing
215.23 the services described in section 401.025 as prescribed by the commissioner. Counties shall
215.24 also be in substantial compliance with other correctional operating standards permitted by
215.25 law and established by the commissioner and shall report statistics required by the
215.26 commissioner including but not limited to information on individuals convicted as an
215.27 extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).
215.28 The commissioner shall review annually the comprehensive plans submitted by participating
215.29 counties, including the facilities and programs operated under the plans. The commissioner
215.30 is hereby authorized to enter upon any facility operated under the plan, and inspect books
215.31 and records, for purposes of recommending needed changes or improvements.

215.32 When the commissioner shall determine that there are reasonable grounds to believe
215.33 that a county or group of counties is not in substantial compliance with minimum standards,
215.34 at least 30 days' notice shall be given the county or counties and a hearing conducted by

216.1 the commissioner to ascertain whether there is substantial compliance or satisfactory progress
216.2 being made toward compliance. The commissioner may suspend all or a portion of any
216.3 subsidy until the required standard of operation has been met.

216.4 Sec. 23. Minnesota Statutes 2020, section 626.14, is amended to read:

216.5 **626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.**

216.6 Subdivision 1. Time. A search warrant may be served only between the hours of 7:00
216.7 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits
216.8 that a nighttime search outside those hours is necessary to prevent the loss, destruction, or
216.9 removal of the objects of the search or to protect the searchers or the public. The search
216.10 warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m.
216.11 unless a nighttime search outside those hours is authorized.

216.12 Subd. 2. Definition. For the purposes of this section, "no-knock search warrant" means
216.13 a search warrant authorizing peace officers to enter certain premises without first knocking
216.14 and announcing the officer's presence or purpose prior to entering the premises. No-knock
216.15 search warrants may also be referred to as dynamic entry warrants.

216.16 Subd. 3. Requirements for a no-knock search warrant. (a) No peace officer shall
216.17 seek a no-knock search warrant unless the warrant application includes at a minimum:

216.18 (1) all documentation and materials the issuing court requires;

216.19 (2) the information specified in paragraph (b); and

216.20 (3) a sworn affidavit as provided in section 626.08.

216.21 (b) Each warrant application seeking a no-knock entry must include, in detailed terms,
216.22 the following:

216.23 (1) why peace officers are seeking the use of a no-knock entry and are unable to detain
216.24 the suspect or search the residence through the use of a knock and announce warrant;

216.25 (2) what investigative activities have taken place to support issuance of the no-knock
216.26 search warrant, or why no investigative activity is needed or able to be performed; and

216.27 (3) whether the warrant can be effectively executed during daylight hours according to
216.28 subdivision 1.

216.29 (c) The chief law enforcement officer or designee and another superior officer must
216.30 review and approve each warrant application. The agency must document the approval of
216.31 both reviewing parties.

217.1 (d) A no-knock search warrant shall not be issued when the only crime alleged is
217.2 possession of a controlled substance unless there is probable cause to believe that the
217.3 controlled substance is for other than personal use.

217.4 Subd. 5. Reporting requirements regarding no-knock search warrants. (a) Law
217.5 enforcement agencies shall report to the commissioner of public safety regarding the use
217.6 of no-knock search warrants in a format prescribed by the commissioner. An agency must
217.7 report the use of a no-knock search warrant to the commissioner no later than three months
217.8 after the date the warrant was issued. The report shall include the following information:

217.9 (1) the number of no-knock search warrants requested;

217.10 (2) the number of no-knock search warrants the court issued;

217.11 (3) the number of no-knock search warrants executed;

217.12 (4) the number of injuries and fatalities suffered, if any, by peace officers and by civilians
217.13 in the execution of no-knock search warrants; and

217.14 (5) any other information the commissioner requests.

217.15 (b) The commissioner of public safety shall report the information provided under
217.16 paragraph (a) annually to the chairs and ranking minority members of the legislative
217.17 committees with jurisdiction over public safety.

217.18 **EFFECTIVE DATE.** This section is effective September 1, 2021, and applies to warrants
217.19 requested on or after that date.

217.20 Sec. 24. Minnesota Statutes 2020, section 626.842, subdivision 2, is amended to read:

217.21 Subd. 2. **Terms, compensation, removal, filling of vacancies.** The membership terms,
217.22 compensation, removal of members and the filling of vacancies for members appointed
217.23 pursuant to section 626.841, ~~clauses (1), (2), (4), and (5) on the board~~; the provision of staff,
217.24 administrative services and office space; the review and processing of complaints; the setting
217.25 of fees; and other matters relating to board operations shall be as provided in chapter 214.

217.26 Sec. 25. Minnesota Statutes 2020, section 626.8435, subdivision 1, is amended to read:

217.27 Subdivision 1. **Establishment and membership.** The Ensuring Police Excellence and
217.28 Improving Community Relations Advisory Council is established under the Peace Officer
217.29 Standards and Training Board. The council consists of the following 15 members:

217.30 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

218.1 (2) the executive director of the Peace Officer Standards and Training Board, or a
218.2 designee;

218.3 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
218.4 designee;

218.5 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

218.6 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

218.7 (6) six community members, of which:

218.8 (i) four members shall represent the community-specific boards established under ~~section~~
218.9 ~~257.0768~~ sections 15.0145 and 3.922, reflecting one appointment made by each board;

218.10 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
218.11 chapter of the National Alliance on Mental Illness; and

218.12 (iii) one member shall be an advocate for victims and shall be appointed by Violence
218.13 Free Minnesota; and

218.14 (7) four members appointed by the legislature, of which one shall be appointed by the
218.15 speaker of the house, one by the house minority leader, one by the senate majority leader,
218.16 and one by the senate minority leader.

218.17 The appointing authorities shall make their appointments by September 15, 2020, and
218.18 shall ensure geographical balance when making appointments.

218.19 Sec. 26. Minnesota Statutes 2020, section 626.845, subdivision 3, is amended to read:

218.20 Subd. 3. **Peace officer data.** The board, in consultation with the Minnesota Chiefs of
218.21 Police Association, Minnesota Sheriffs' Association, and Minnesota Police and Peace
218.22 Officers Association, shall create a central repository for peace officer data ~~designated as~~
218.23 ~~public data under chapter 13~~. The database shall be designed to receive, in real time, the
218.24 ~~public~~ data required to be submitted to the board by law enforcement agencies in section
218.25 626.8457, subdivision 3, paragraph (b). To ensure the anonymity of individuals, the database
218.26 must use encrypted data to track information transmitted on individual peace officers.

218.27 Sec. 27. Minnesota Statutes 2020, section 626.8457, subdivision 3, is amended to read:

218.28 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
218.29 officer shall report annually to the board summary data regarding the investigation and
218.30 disposition of cases involving alleged misconduct, indicating the total number of

219.1 investigations, the total number by each subject matter, the number dismissed as unfounded,
219.2 and the number dismissed on grounds that the allegation was unsubstantiated.

219.3 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
219.4 individual peace officer data classified as public data on individuals, as defined by section
219.5 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
219.6 12, and submitted using encrypted data that the board determines is necessary to:

219.7 (1) evaluate the effectiveness of statutorily required training;

219.8 (2) assist the Ensuring Police Excellence and Improving Community Relations Advisory
219.9 Council in accomplishing the council's duties; and

219.10 (3) allow for the board, the Ensuring Police Excellence and Improving Community
219.11 Relations Advisory Council, and the board's complaint investigation committee to identify
219.12 patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated
219.13 model policy.

219.14 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
219.15 must update data within 30 days of final disposition of a complaint or investigation.

219.16 (d) Law enforcement agencies and political subdivisions are prohibited from entering
219.17 into a confidentiality agreement that would prevent disclosure of the data identified in
219.18 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
219.19 of this section.

219.20 (e) By February 1 of each year, the board shall prepare a report that contains summary
219.21 data provided under paragraph (b). The board must post the report on its publicly accessible
219.22 website and provide a copy to the chairs and ranking minority members of the senate and
219.23 house of representatives committees and divisions having jurisdiction over criminal justice
219.24 policy.

219.25 Sec. 28. Minnesota Statutes 2020, section 626.8469, is amended by adding a subdivision
219.26 to read:

219.27 **Subd. 1b. Crisis intervention and mental illness crisis training; dementia and**
219.28 **Alzheimer's.** The board, in consultation with stakeholders, including but not limited to the
219.29 Minnesota Crisis Intervention Team and the Alzheimer's Association, shall create a list of
219.30 approved entities and training courses primarily focused on issues associated with persons
219.31 with dementia and Alzheimer's disease. To receive the board's approval, a training course
219.32 must:

220.1 (1) have trainers with at least two years of direct care of a person with Alzheimer's
220.2 disease or dementia, crisis intervention training, and mental health experience;

220.3 (2) cover techniques for responding to and issues associated with persons with dementia
220.4 and Alzheimer's disease, including at a minimum wandering, driving, abuse, and neglect;
220.5 and

220.6 (3) meet the crisis intervention and mental illness crisis training standards established
220.7 in subdivision 1a.

220.8 **Sec. 29. [626.8476] CONFIDENTIAL INFORMANTS; REQUIRED POLICY AND**
220.9 **TRAINING.**

220.10 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
220.11 subdivision have the meanings given them.

220.12 (b) "Confidential informant" means a person who cooperates with a law enforcement
220.13 agency confidentially in order to protect the person or the agency's intelligence gathering
220.14 or investigative efforts and:

220.15 (1) seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in
220.16 which a sentence will be or has been imposed, or receive a monetary or other benefit; and

220.17 (2) is able, by reason of the person's familiarity or close association with suspected
220.18 criminals, to:

220.19 (i) make a controlled buy or controlled sale of contraband, controlled substances, or
220.20 other items that are material to a criminal investigation;

220.21 (ii) supply regular or constant information about suspected or actual criminal activities
220.22 to a law enforcement agency; or

220.23 (iii) otherwise provide information important to ongoing criminal intelligence gathering
220.24 or criminal investigative efforts.

220.25 (c) "Controlled buy" means the purchase of contraband, controlled substances, or other
220.26 items that are material to a criminal investigation from a target offender that is initiated,
220.27 managed, overseen, or participated in by law enforcement personnel with the knowledge
220.28 of a confidential informant.

220.29 (d) "Controlled sale" means the sale of contraband, controlled substances, or other items
220.30 that are material to a criminal investigation to a target offender that is initiated, managed,
220.31 overseen, or participated in by law enforcement personnel with the knowledge of a
220.32 confidential informant.

221.1 (e) "Mental harm" means a psychological injury that is not necessarily permanent but
221.2 results in visibly demonstrable manifestations of a disorder of thought or mood that impairs
221.3 a person's judgment or behavior.

221.4 (f) "Target offender" means the person suspected by law enforcement personnel to be
221.5 implicated in criminal acts by the activities of a confidential informant.

221.6 Subd. 2. **Model policy.** (a) By January 1, 2022, the board shall adopt a model policy
221.7 addressing the use of confidential informants by law enforcement. The model policy must
221.8 establish policies and procedures for the recruitment, control, and use of confidential
221.9 informants. In developing the policy, the board shall consult with representatives of the
221.10 Bureau of Criminal Apprehension, Minnesota Police Chiefs Association, Minnesota Sheriff's
221.11 Association, Minnesota Police and Peace Officers Association, Minnesota County Attorneys
221.12 Association, treatment centers for substance abuse, and mental health organizations. The
221.13 model policy must include, at a minimum, the following:

221.14 (1) information that the law enforcement agency shall maintain about each confidential
221.15 informant that must include, at a minimum, an emergency contact for the informant in the
221.16 event of the informant's physical or mental harm or death;

221.17 (2) a process to advise a confidential informant of conditions, restrictions, and procedures
221.18 associated with participating in the agency's investigative or intelligence gathering activities;

221.19 (3) procedures for compensation to an informant that is commensurate with the value
221.20 of the services and information provided and based on the level of the targeted offender,
221.21 the amount of any seizure, and the significance of contributions made by the informant;

221.22 (4) designated supervisory or command-level review and oversight in the use of a
221.23 confidential informant;

221.24 (5) limits or restrictions on off-duty association or social relationships by law enforcement
221.25 agency personnel with a confidential informant;

221.26 (6) limits or restrictions on the potential exclusion of an informant from engaging in a
221.27 controlled buy or sale of a controlled substance if the informant is known by the law
221.28 enforcement agency to: (i) be receiving in-patient or out-patient treatment administered by
221.29 a licensed service provider for substance abuse; (ii) be participating in a treatment-based
221.30 drug court program; or (iii) have experienced a drug overdose within the past year;

221.31 (7) exclusion of an informant under the age of 18 years from participating in a controlled
221.32 buy or sale of a controlled substance without the written consent of a parent or legal guardian,
221.33 except that the informant may provide confidential information to a law enforcement agency;

222.1 (8) consideration of an informant's diagnosis of mental illness, substance abuse, or
222.2 disability, and history of mental illness, substance abuse, or disability;

222.3 (9) guidelines for the law enforcement agency to consider if the agency decides to
222.4 establish a procedure to request an advocate from the county social services agency for an
222.5 informant if the informant is an addict in recovery or possesses a physical or mental infirmity
222.6 or other physical, mental, or emotional dysfunction that impairs the informant's ability to
222.7 understand instructions and make informed decisions, where the agency determines this
222.8 process does not place the informant in any danger;

222.9 (10) guidelines for the law enforcement agency to use to encourage prospective and
222.10 current confidential informants who are known to be substance abusers or to be at risk for
222.11 substance abuse to seek prevention or treatment services;

222.12 (11) reasonable protective measures for a confidential informant when law enforcement
222.13 knows or should have known of a risk or threat of harm to a person serving as a confidential
222.14 informant and the risk or threat of harm is a result of the informant's service to the law
222.15 enforcement agency;

222.16 (12) guidelines for the training and briefing of a confidential informant;

222.17 (13) reasonable procedures to help protect the identity of a confidential informant during
222.18 the time the person is acting as an informant;

222.19 (14) procedures to deactivate a confidential informant that maintain the safety and
222.20 anonymity of the informant;

222.21 (15) optional procedures that the law enforcement agency may adopt relating to
222.22 deactivated confidential informants to offer and provide assistance to them with physical,
222.23 mental, or emotional health services;

222.24 (16) a process to evaluate and report the criminal history and propensity for violence of
222.25 any target offenders; and

222.26 (17) guidelines for a written agreement between the confidential informant and the law
222.27 enforcement agency that take into consideration, at a minimum, an informant's physical or
222.28 mental infirmity or other physical, mental, or emotional dysfunction that impairs the
222.29 informant's ability to knowingly contract or otherwise protect the informant's self-interest.

222.30 (b) The board shall annually review and, as necessary, revise the model confidential
222.31 informant policy in collaboration with representatives from the organizations listed under
222.32 paragraph (a).

223.1 Subd. 3. **Agency policies required.** (a) The chief law enforcement officer of every state
223.2 and local law enforcement agency must establish and enforce a written policy governing
223.3 the use of confidential informants. The policy must be identical or, at a minimum,
223.4 substantially similar to the new or revised model policy adopted by the board under
223.5 subdivision 2.

223.6 (b) Every state and local law enforcement agency must certify annually to the board that
223.7 it has adopted a written policy in compliance with the board's model confidential informant
223.8 policy.

223.9 (c) The board shall assist the chief law enforcement officer of each state and local law
223.10 enforcement agency in developing and implementing confidential informant policies under
223.11 this subdivision.

223.12 Subd. 4. **Required in-service training.** The chief law enforcement officer of every state
223.13 and local law enforcement agency shall provide in-service training in the recruitment,
223.14 control, and use of confidential informants to every peace officer and part-time peace officer
223.15 employed by the agency who the chief law enforcement officer determines is involved in
223.16 working with confidential informants given the officer's responsibilities. The training shall
223.17 comply with learning objectives based on the policies and procedures of the model policy
223.18 developed and approved by the board.

223.19 Subd. 5. **Compliance reviews.** The board has the authority to inspect state and local
223.20 agency policies to ensure compliance with this section. The board may conduct the inspection
223.21 based upon a complaint it receives about a particular agency or through a random selection
223.22 process.

223.23 Subd. 6. **Licensing sanctions; injunctive relief.** The board may impose licensing
223.24 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
223.25 requirements of this section.

223.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

223.27 Sec. 30. **TITLE.**

223.28 Section 29 shall be known as "Matthew's Law."

223.29 Sec. 31. **RULEMAKING AUTHORITY.**

223.30 The executive director of the Peace Officer Standards and Training Board may adopt
223.31 rules to carry out the purposes of section 3.

224.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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.

609.324 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.

609.5317 REAL PROPERTY; SEIZURES.

Subdivision 1. **Rental property.** (a) When contraband or a controlled substance manufactured, distributed, or acquired in violation of chapter 152 is seized on residential rental property incident to a lawful search or arrest, the prosecuting authority shall give the notice required by this subdivision to (1) the landlord of the property or the fee owner identified in the records of the county assessor, and (2) the agent authorized by the owner to accept service pursuant to section 504B.181. The notice is not required during an ongoing investigation. The notice shall state what has been seized and specify the applicable duties and penalties under this subdivision. The notice shall state that the landlord who chooses to assign the right to bring an eviction action retains all rights and duties, including removal of a tenant's personal property following issuance of the writ of recovery and delivery of the writ to the sheriff for execution. The notice shall also state that the landlord may contact the prosecuting authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in the manner provided by law for service of summons in a civil action.

(b) Within 15 days after notice of the first occurrence, the landlord shall bring, or assign to the prosecuting authority of the county in which the real property is located, the right to bring an eviction action against the tenant. The assignment must be in writing on a form prepared by the prosecuting authority. Should the landlord choose to assign the right to bring an eviction action, the assignment shall be limited to those rights and duties up to and including delivery of the writ of recovery to the sheriff for execution.

(c) Upon notice of a second occurrence on any residential rental property owned by the same landlord in the same county and involving the same tenant, and within one year after notice of the first occurrence, the property is subject to forfeiture under sections 609.531, 609.5311, 609.5313, and 609.5315, unless an eviction action has been commenced as provided in paragraph (b) or the right to bring an eviction action was assigned to the prosecuting authority as provided in paragraph (b). If the right has been assigned and not previously exercised, or if the prosecuting authority

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requests an assignment and the landlord makes an assignment, the prosecuting authority may bring an eviction action rather than an action for forfeiture.

(d) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture as described in paragraphs (a) to (c).

Subd. 2. **Additional remedies.** Nothing in subdivision 1 prevents the prosecuting authority from proceeding under section 609.5311 whenever that section applies.

Subd. 3. **Defenses.** It is a defense against a proceeding under subdivision 1, paragraph (b), that the tenant had no knowledge or reason to know of the presence of the contraband or controlled substance or could not prevent its being brought onto the property.

It is a defense against a proceeding under subdivision 1, paragraph (c), that the landlord made every reasonable attempt to evict a tenant or to assign the prosecuting authority the right to bring an eviction action against the tenant, or that the landlord did not receive notice of the seizure.

Subd. 4. **Limitations.** This section shall not apply if the retail value of the controlled substance is less than \$100, but this section does not subject real property to forfeiture under section 609.5311 unless the retail value of the controlled substance is: (1) \$1,000 or more; or (2) there have been two previous controlled substance seizures involving the same tenant.

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.