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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **4608**

03/24/2022 Authored by Mariani and Becker-Finn

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

04/19/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to public safety; providing policy for general crimes and public safety,

1.3 law enforcement, controlled substances, and corrections and sentencing; modifying

1.4 wine shipment policy; providing for public safety communicators; modifying

1.5 interstate compact for juveniles; establishing Office for Missing and Murdered

1.6 Black Women and Girls; establishing reward fund for information on missing and

1.7 murdered Indigenous relatives; providing for community supervision reform;

1.8 modifying certain expungement law; establishing clemency review commission;

1.9 establishing supervision standards committee for probation, supervised release,

1.10 and community supervision; establishing task forces and boards; providing for

1.11 grants; requiring reports; providing for rulemaking; appropriating money; amending

1.12 Minnesota Statutes 2020, sections 13.6905, by adding a subdivision; 13.825,

1.13 subdivision 2; 13.871, subdivision 14; 152.01, subdivisions 9a, 12a, 16, by adding

1.14 subdivisions; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision

1.15 2; 152.025, subdivision 4; 152.027, subdivision 4; 152.0271; 152.096, subdivision

1.16 1; 152.18, subdivisions 1, 3; 152.32, by adding a subdivision; 214.10, subdivision

1.17 10; 241.01, subdivision 3a; 241.021, subdivisions 2a, 2b, by adding subdivisions;

1.18 241.272; 241.90; 242.192; 243.05, subdivision 1; 243.1606; 244.05, subdivisions

1.19 3, 5; 244.09, subdivisions 5, 10; 244.19, subdivisions 1, 5; 244.195, subdivision

1.20 1, by adding subdivisions; 244.20; 244.21; 256I.04, subdivision 2g; 260.515;

1.21 260B.163, subdivision 1; 260B.176, subdivision 2, by adding a subdivision;

1.22 260B.198, subdivision 1; 260C.007, subdivision 6; 299A.01, subdivision 2, by

1.23 adding a subdivision; 299A.49, subdivision 2; 299A.50, subdivision 1; 299A.51;

1.24 299A.706; 299A.78, subdivision 1; 299A.79, subdivision 3; 299C.10, subdivision

1.25 1; 299C.111; 299C.17; 299C.46, subdivision 1; 299C.65, subdivisions 1a, 3a;

1.26 299F.362; 326.3361, subdivision 2; 340A.304; 340A.417; 401.01; 401.02; 401.04;

1.27 401.09; 401.10; 401.11; 401.12; 401.14, subdivisions 1, 3; 401.15, subdivision 2;

1.28 401.16; 403.02, by adding a subdivision; 541.073, subdivision 2; 573.02,

1.29 subdivision 1; 609.05, by adding a subdivision; 609.165, subdivisions 1a, 1b;

1.30 609.281, subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a subdivision;

1.31 609.87, by adding a subdivision; 609.89, subdivision 1; 609A.01; 609A.02, by

1.32 adding a subdivision; 609A.03, subdivisions 5, 9; 611A.03, subdivision 1; 626.76,

1.33 by adding a subdivision; 626.843, subdivision 1, by adding subdivisions; 626.8473,

1.34 subdivision 3; 626.89, subdivision 17; 626.93, by adding a subdivision; 626A.35,

1.35 by adding a subdivision; 629.341, subdivisions 3, 4; 629.72, subdivision 6; 638.01;

1.36 641.15, subdivision 2; Minnesota Statutes 2021 Supplement, sections 152.01,

1.37 subdivision 18; 253B.18, subdivision 5a; 253D.14, subdivision 2; 401.06; 403.11,

1.38 subdivision 1; 609.02, subdivision 16; 609A.03, subdivision 7a; 628.26; Laws

2.1 2021, First Special Session chapter 11, article 1, section 15, subdivision 3; article  
 2.2 2, section 12; proposing coding for new law in Minnesota Statutes, chapters 152;  
 2.3 244; 299A; 299C; 340A; 403; 609A; 638; repealing Minnesota Statutes 2020,  
 2.4 sections 244.18; 244.19, subdivisions 6, 7, 8; 244.22; 244.24; 244.30; 299A.49,  
 2.5 subdivision 7; 401.025; 403.02, subdivision 17c; 609.102, subdivisions 1, 2, 2a;  
 2.6 609.281, subdivision 2; 609.293, subdivisions 1, 5; 609.34; 609.36; 638.02; 638.03;  
 2.7 638.04; 638.05; 638.06; 638.07; 638.075; 638.08.

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 added to or, if shown in  
 2.13 parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter  
 2.14 11, article 1, to the agencies and for the purposes specified in this article. The appropriations  
 2.15 are from the general fund, or another named fund, and are available for the fiscal years  
 2.16 indicated for each purpose. The figures "2022" and "2023" used in this article mean that  
 2.17 the addition to or subtraction from the appropriation listed under them is available for the  
 2.18 fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal  
 2.19 year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions  
 2.20 to appropriations for the fiscal year ending June 30, 2022, are effective the day following  
 2.21 final enactment.

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

2.26 Sec. 2. **PUBLIC SAFETY**

2.27 **Subdivision 1. Total**  
 2.28 **Appropriation**

<b><u>\$</u></b>	<b><u>15,000,000</u></b>	<b><u>\$</u></b>	<b><u>146,655,000</u></b>
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2.29 **Appropriations by Fund**

	<b><u>2022</u></b>	<b><u>2023</u></b>
2.30		
2.31 <b><u>Trunk Highway</u></b>	<b><u>-0-</u></b>	<b><u>252,000</u></b>
2.32 <b><u>Special Revenue</u></b>	<b><u>-0-</u></b>	<b><u>2,600,000</u></b>
2.33 <b><u>General</u></b>	<b><u>15,000,000</u></b>	<b><u>143,803,000</u></b>

2.34 The amounts that may be spent for each  
 2.35 purpose are specified in the following  
 2.36 subdivisions.

2.37 <b><u>Subd. 2. Emergency Management</u></b>	<b><u>-0-</u></b>	<b><u>4,225,000</u></b>
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3.1 **(a) Local Government Emergency**

3.2 **Management**

3.3 \$1,500,000 in fiscal year 2023 is for grants in  
3.4 equal amounts to the emergency management  
3.5 organizations of the 87 counties, 11 federally  
3.6 recognized Tribes, and four cities of the first  
3.7 class for planning and preparedness activities,  
3.8 including capital purchases. Local emergency  
3.9 management organizations must make a  
3.10 request to the Homeland Security and  
3.11 Emergency Management Division for these  
3.12 grants. Current local funding for emergency  
3.13 management and preparedness activities may  
3.14 not be supplanted by these additional state  
3.15 funds. The commissioner may use up to one  
3.16 percent of the appropriation received under  
3.17 this paragraph to pay costs incurred by the  
3.18 department in administering the local  
3.19 government emergency management grant  
3.20 program.

3.21 By March 15, 2023, the commissioner of  
3.22 public safety must submit a report on the grant  
3.23 awards to the chairs and ranking minority  
3.24 members of the legislative committees with  
3.25 jurisdiction over emergency management and  
3.26 preparedness activities. At a minimum, the  
3.27 report must identify grant recipients and  
3.28 summarize grantee activities.

3.29 **(b) First Responder Wellness Office**

3.30 \$2,000,000 in fiscal year 2023 is to establish  
3.31 an office that will provide leadership and  
3.32 resources for improving the mental health of  
3.33 first responders statewide. The base is  
3.34 \$1,000,000 in fiscal year 2024 and thereafter.

4.1	<b><u>(c) Mutual Aid</u></b>		
4.2	<b><u>Response Training</u></b>	<u>-0-</u>	<u>500,000</u>

4.3 \$500,000 in fiscal year 2023 is for mutual aid  
 4.4 response training. This appropriation is  
 4.5 onetime.

4.6 **(d) Supplemental Nonprofit Security Grants**

4.7 \$225,000 in fiscal year 2023 is for  
 4.8 supplemental nonprofit security grants under  
 4.9 this paragraph.

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

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

5.1 The commissioner may use up to one percent  
 5.2 of the appropriation received under this  
 5.3 paragraph to pay costs incurred by the  
 5.4 department in administering the supplemental  
 5.5 nonprofit security grant program. This is a  
 5.6 onetime appropriation.

5.7 **Subd. 3. Criminal**  
 5.8 **Apprehension**

-0-

5,664,000

5.9 **(a) Violent Crime Reduction Support**

5.10 \$1,779,000 in fiscal year 2023 is to support  
 5.11 violent crime reduction strategies. This  
 5.12 includes funding for staff and supplies to  
 5.13 enhance forensic and analytical capacity.

5.14 **(b) BCA Accreditation**

5.15 \$186,000 in fiscal year 2023 is to support the  
 5.16 Bureau of Criminal Apprehension to achieve  
 5.17 and maintain law enforcement accreditation  
 5.18 from an accreditation body. This includes  
 5.19 funding for staff, accreditation costs, and  
 5.20 supplies. The base is \$170,000 in fiscal year  
 5.21 2024 and thereafter.

5.22 **(c) Cybersecurity Upgrades**

5.23 \$2,391,000 in fiscal year 2023 is for identity  
 5.24 and access management, critical infrastructure  
 5.25 upgrades, and Federal Bureau of Investigation  
 5.26 audit compliance. This appropriation is  
 5.27 available through June 30, 2024. The base is  
 5.28 \$900,000 in fiscal year 2024 and thereafter.

5.29 **(d) Marijuana Penalties**  
 5.30 **Modified**

5.31 \$208,000 in fiscal year 2023 is for computer  
 5.32 programming, forensic testing, and supplies  
 5.33 related to changes in criminal penalties for

6.1 marijuana. The base is \$191,000 in fiscal year  
 6.2 2024 and thereafter.

6.3 **(e) Expungements**

6.4 \$1,100,000 in fiscal year 2023 is for costs  
 6.5 related to expungements of criminal records.  
 6.6 The base is \$520,000 in fiscal year 2024 and  
 6.7 \$0 for fiscal year 2025.

6.8	<b><u>Subd. 4. Office of Justice Programs; Total</u></b>		
6.9	<b><u>Appropriation</u></b>	<u>15,000,000</u>	<u>119,498,000</u>

6.10	<u>Appropriations by Fund</u>		
6.11	<u>Special Revenue</u>	<u>-0-</u>	<u>2,600,000</u>
6.12	<u>General</u>	<u>15,000,000</u>	<u>116,898,000</u>

6.13 **(a) Minnesota Heals**

6.14 \$1,000,000 in fiscal year 2023 is for a  
 6.15 statewide community healing program; for  
 6.16 statewide critical incident stress management  
 6.17 services for first responders; and grants for  
 6.18 trauma services and burial costs following  
 6.19 officer-involved deaths. This appropriation  
 6.20 may be used for new staff to support these  
 6.21 programs. From this amount, the director may  
 6.22 award a grant to a nonprofit that provides  
 6.23 equine experiential mental health therapy to  
 6.24 first responders suffering from job-related  
 6.25 trauma and post-traumatic stress disorder. For  
 6.26 purposes of this paragraph, "first responder"  
 6.27 means a peace officer as defined in Minnesota  
 6.28 Statutes, section 626.84, subdivision 1,  
 6.29 paragraph (c); a full-time firefighter as defined  
 6.30 in Minnesota Statutes, section 299N.03,  
 6.31 subdivision 5; or a volunteer firefighter as  
 6.32 defined in Minnesota Statutes, section  
 6.33 299N.03, subdivision 7. If the commissioner  
 6.34 issues a grant for equine experiential mental  
 6.35 health therapy, the grant recipient must report

7.1 to the commissioner of public safety and the  
7.2 chairs and ranking minority members of the  
7.3 legislative committees with jurisdiction over  
7.4 public safety policy and finance on the therapy  
7.5 provided to first responders. The report must  
7.6 include an overview of the program's budget,  
7.7 a detailed explanation of program  
7.8 expenditures, the number of first responders  
7.9 served by the program, and a list and  
7.10 explanation of the services provided to, and  
7.11 benefits received by, program participants. An  
7.12 initial report is due by January 15, 2023, and  
7.13 a final report is due by January 15, 2024.

7.14 **(b) General Crime and Trauma Recovery**  
7.15 **Grants Funding**

7.16 \$1,000,000 in fiscal year 2023 is for programs  
7.17 supporting victims of general crime. These  
7.18 funds may also be used to establish trauma  
7.19 recovery centers in the state to support victims  
7.20 of violent crime who experience trauma and  
7.21 are in need of services and provide new staff  
7.22 to support these programs.

7.23 **(c) Youth Development Grants**

7.24 \$500,000 in fiscal year 2023 is to provide  
7.25 grants to programs serving youth and for youth  
7.26 violence intervention and prevention  
7.27 programs. Priority for these funds must be  
7.28 given to programs that employ or utilize  
7.29 trauma-informed therapists to support the  
7.30 youth the programs serve. These funds may  
7.31 be used to administer these grants.

7.32 **(d) Crossover and Dual-Status Youth Model**  
7.33 **Grants**

8.1 \$1,000,000 in fiscal year 2023 from the  
8.2 prevention services account in the special  
8.3 revenue fund is to provide grants to local units  
8.4 of government and federally recognized Indian  
8.5 Tribes to initiate or expand crossover youth  
8.6 practice model and dual-status youth programs  
8.7 that provide services for youth who are in both  
8.8 the child welfare and juvenile justice systems,  
8.9 in accordance with the Robert F. Kennedy  
8.10 National Resource Center for Juvenile Justice  
8.11 model.

8.12 **(e) Staffing and Board Expenses**

8.13 \$3,639,000 in fiscal year 2023 is to increase  
8.14 staffing in the Office of Justice Programs for  
8.15 grant management and compliance; build  
8.16 capacity and provide technical assistance to  
8.17 applicants; provide training to individuals and  
8.18 entities seeking to become applicants; perform  
8.19 community outreach and engagement to  
8.20 improve the experiences and outcomes of  
8.21 applicants, grant recipients, and crime victims  
8.22 throughout Minnesota; establish and support  
8.23 a final review panel; and maintain a Minnesota  
8.24 Statistical Analysis Center to create ongoing  
8.25 grant evaluation programs and other research  
8.26 and data analysis. These funds may also be  
8.27 used for the per diem and other costs necessary  
8.28 to establish and support the Public Safety  
8.29 Innovation Board.

8.30 **(f) Community-Based Public Safety Grants**

8.31 \$1,530,000 in fiscal year 2023 is for  
8.32 community-based public safety grants. The  
8.33 base is \$315,000 in fiscal year 2024 and  
8.34 thereafter.

9.1 **(g) Prosecutor Training**

9.2 \$25,000 in fiscal year 2023 is for prosecutor  
9.3 training.

9.4 **(h) Alternatives to Juvenile Detention -**  
9.5 **Youth Conflict Resolution Centers Grants**

9.6 \$1,400,000 in fiscal year 2023 is to establish  
9.7 and maintain youth conflict resolution centers  
9.8 as alternatives to juvenile detention.

9.9 **(i) Direct Assistance to Crime Victim**  
9.10 **Survivors**

9.11 \$4,000,000 in fiscal year 2023 is for an  
9.12 increase in base funding for crime victim  
9.13 services for the Office of Justice Programs to  
9.14 provide grants for direct services and advocacy  
9.15 for victims of sexual assault, general crime,  
9.16 domestic violence, and child abuse. Funding  
9.17 must support the direct needs of organizations  
9.18 serving victims of crime by providing: direct  
9.19 client assistance to crime victims; competitive  
9.20 wages for direct service staff; hotel stays and  
9.21 other housing-related supports and services;  
9.22 culturally responsive programming; prevention  
9.23 programming, including domestic abuse  
9.24 transformation and restorative justice  
9.25 programming; and other needs of  
9.26 organizations and crime victim survivors.  
9.27 Services funded must include services for  
9.28 victims of crime in underserved communities  
9.29 most impacted by violence and reflect the  
9.30 ethnic, racial, economic, cultural, and  
9.31 geographic diversity of the state. The Office  
9.32 of Justice Programs shall prioritize culturally  
9.33 specific programs, or organizations led and  
9.34 staffed by persons of color that primarily serve

10.1 communities of color, in funding allocation.

10.2 The base is \$2,000,000 in fiscal year 2024 and  
10.3 thereafter.

10.4 **(j) Combatting Sex Trafficking**

10.5 \$1,500,000 in fiscal year 2023 is for grants to  
10.6 state and local units of government for the  
10.7 following purposes:

10.8 (1) to support new or existing  
10.9 multijurisdictional entities to investigate sex  
10.10 trafficking crimes; and

10.11 (2) to provide technical assistance for sex  
10.12 trafficking crimes, including case consultation,  
10.13 to law enforcement agencies statewide.

10.14 **(k) Epinephrine Auto-Injector**

10.15 **Reimbursement Grants**

10.16 \$1,000,000 in fiscal year 2023 is for grants to  
10.17 local law enforcement agencies to reimburse  
10.18 the costs of obtaining epinephrine  
10.19 auto-injectors and replacing epinephrine  
10.20 auto-injectors that have expired.

10.21 **(l) Office of Missing and Murdered Black**

10.22 **Women and Girls**

10.23 \$500,000 in fiscal year 2023 is to establish  
10.24 and operate the Office of Missing and  
10.25 Murdered Black Women and Girls.

10.26 **(m) Reward Fund for Missing and**

10.27 **Murdered Indigenous Relatives**

10.28 \$110,000 in fiscal year 2023 is to pay rewards  
10.29 for information related to investigations of  
10.30 missing and murdered Indigenous relatives  
10.31 under Minnesota Statutes, section 299A.86.

10.32 **(n) Youth Intervention Program**

11.1 \$1,000,000 in fiscal year 2023 is for the youth  
11.2 intervention grants program under Minnesota  
11.3 statutes, section 299A.73. Money appropriated  
11.4 under this section is available to programs that  
11.5 are currently supported by youth intervention  
11.6 program grants. This is a onetime  
11.7 appropriation.

11.8 **(o) Task Force on the Statewide Response**  
11.9 **to Substance Abuse**

11.10 \$144,000 in fiscal year 2023 is to implement  
11.11 the Task Force on the Statewide Response to  
11.12 Substance Abuse. The base is \$154,000 in  
11.13 fiscal year 2024 and \$66,000 in fiscal year  
11.14 2025. The base is \$0 in fiscal year 2026 and  
11.15 thereafter.

11.16 **(p) Task Force on a Coordinated Approach**  
11.17 **to Juvenile Wellness and Justice**

11.18 \$150,000 in fiscal year 2023 is to implement  
11.19 the Task Force on a Coordinated Approach to  
11.20 Juvenile Wellness and Justice. This is a  
11.21 onetime appropriation.

11.22 **(q) Juvenile Prevention Services**

11.23 In fiscal year 2023, \$150,000 from the general  
11.24 fund and \$1,600,000 from the prevention  
11.25 services account in the special revenue fund  
11.26 are appropriated for grants to provide  
11.27 prevention services. Grant recipients may be  
11.28 local units of government, federally  
11.29 recognized Indian Tribes, or nonprofit  
11.30 organizations. Recipients must use funds to  
11.31 establish or support programs designed to  
11.32 prevent juveniles from entering the criminal  
11.33 or juvenile justice systems through approaches  
11.34 that encourage a youth's involvement in the

12.1 community, provide wrap-around services for  
12.2 at-risk youth, or include culturally appropriate  
12.3 behavioral health interventions for youth.

12.4 Specific programs may include but are not  
12.5 limited to after-school programs, mentorship  
12.6 programs, tutoring programs, programs that  
12.7 employ restorative justice techniques such as  
12.8 peacemaking circles, or programs based on  
12.9 the Developmental Assets Framework of the  
12.10 Search Institute.

12.11 **(r) Juvenile Intervention Services**

12.12 \$2,500,000 in fiscal year 2023 is to provide  
12.13 intervention and healing services. Grant  
12.14 recipients may be local units of government,  
12.15 federally recognized Indian Tribes, or  
12.16 nonprofit organizations. Recipients must use  
12.17 funds to provide intervention services to youth  
12.18 involved in the juvenile or criminal justice  
12.19 systems. Intervention services must engage  
12.20 youth who have been involved in the justice  
12.21 system with the aim to create community  
12.22 connections between the youth and their  
12.23 community, promote community healing, and  
12.24 employ restorative justice techniques such as  
12.25 circles, panels, or victim-offender mediation.

12.26 **(s) Mental Health Services and Wellness**

12.27 **Support for Juveniles and Families**

12.28 \$1,750,000 in fiscal year 2023 is for grants to  
12.29 organizations to provide mental health and  
12.30 wellness support services for youth involved  
12.31 in the juvenile justice system and their  
12.32 families. Funding for mental health services  
12.33 is for individuals or organizations that provide  
12.34 mental health services for youth involved in  
12.35 the juvenile justice system, including

13.1 residential settings or community-based  
13.2 treatment. Funds must be used to support  
13.3 programs designed with input from youth with  
13.4 lived experience, as well as individuals with  
13.5 professional expertise. Wellness support  
13.6 services for families of young people placed  
13.7 out of home following a juvenile delinquency  
13.8 adjudication must create family support  
13.9 groups, provide resources to support families  
13.10 during out-of-home placements, or support  
13.11 the family through the period of  
13.12 post-placement reentry.

13.13 **(t) Local Community Innovation Grants**

13.14 \$55,000,000 in fiscal year 2023 is for local  
13.15 community innovation grants. The base is  
13.16 \$30,000,000 in fiscal year 2024 and beyond.  
13.17 Any unencumbered grant balances at the end  
13.18 of the fiscal year do not cancel but are  
13.19 available for grants in the following year.

13.20 **(u) Emergency Community Safety Grants**

13.21 \$15,000,000 in fiscal year 2022 is for grants  
13.22 to crime prevention programs for the purpose  
13.23 of providing public safety. Any unencumbered  
13.24 balance at the end of fiscal year 2023 does not  
13.25 cancel but is available for the purposes of this  
13.26 section until spent. This is a onetime  
13.27 appropriation.

13.28 **(v) Local Co-Responder Grants**

13.29 \$10,000,000 in fiscal year 2023 is for grants  
13.30 to establish, maintain, or expand the use of  
13.31 co-responder programs that work with law  
13.32 enforcement agencies. Any unencumbered  
13.33 balance at the end of the fiscal year does not

14.1 cancel but is available for the purposes of this  
 14.2 section until spent.

14.3 **(w) Local Community Policing Grants**

14.4 \$15,000,000 in fiscal year 2023 is for local  
 14.5 community policing grants. The base is  
 14.6 \$10,000,000 in each of fiscal years 2024 and  
 14.7 2025. The base is \$0 in fiscal year 2026 and  
 14.8 thereafter. Any unencumbered grant balances  
 14.9 at the end of the fiscal year do not cancel but  
 14.10 are available for grants in the following year.

14.11 **(x) Local Investigation Grants**

14.12 \$15,000,000 in fiscal year 2023 is for local  
 14.13 investigation grants. The base is \$10,000,000  
 14.14 in each of fiscal years 2024 and 2025. The  
 14.15 base is \$0 in fiscal year 2026 and thereafter.  
 14.16 Any unencumbered grant balances at the end  
 14.17 of the fiscal year do not cancel but are  
 14.18 available for grants in the following year.

14.19 **Subd. 5. State Patrol** -0- 252,000

14.20 **(a) Criminal Record Expungement**

14.21 \$84,000 in fiscal year 2023 from the trunk  
 14.22 highway fund is for costs related to criminal  
 14.23 record expungement. The base is \$168,000 in  
 14.24 fiscal year 2024 and thereafter.

14.25 **(b) Marijuana Penalties Modified**

14.26 \$168,000 in fiscal year 2023 from the trunk  
 14.27 highway fund is for costs related to changes  
 14.28 in marijuana criminal penalties.

14.29 **Subd. 6. Administrative Services** -0- 16,016,000

14.30 **(a) Public Safety Officer Soft Body Armor**

14.31 \$1,000,000 in fiscal year 2023 is for public  
 14.32 safety officer soft body armor reimbursements

15.1 under Minnesota Statutes, section 299A.381.  
 15.2 Of this amount, the commissioner may use up  
 15.3 to \$60,000 to staff and administer the program.

15.4 **(b) Body Camera Grants**

15.5 \$9,000,000 in fiscal year 2023 is for grants to  
 15.6 local law enforcement agencies for portable  
 15.7 recording systems. The commissioner shall  
 15.8 award grants to local law enforcement  
 15.9 agencies for the purchase and maintenance of  
 15.10 portable recording systems and portable  
 15.11 recording system data. The base is \$4,500,000  
 15.12 in fiscal year 2024 and thereafter.

15.13 **(c) Body Camera Data Storage**

15.14 \$6,016,000 in fiscal year 2023 is to develop  
 15.15 and administer a statewide cloud-based body  
 15.16 camera data storage program. Of this amount,  
 15.17 the commissioner may use up to \$1,000,000  
 15.18 for staff and operating costs to administer this  
 15.19 program and the body camera grants program  
 15.20 in the preceding section. The base is  
 15.21 \$6,036,000 in fiscal year 2024 and \$6,057,000  
 15.22 in fiscal year 2025.

15.23 **Subd. 7. Emergency Communication Networks** -0- 1,000,000

15.24 **(a) Local Grants**

15.25 \$1,000,000 in fiscal year 2023 is for grants to  
 15.26 local government units participating in the  
 15.27 statewide public safety radio communication  
 15.28 system established under Minnesota Statutes,  
 15.29 section 403.36. The grants must be used to  
 15.30 purchase portable radios and related equipment  
 15.31 that is interoperable with the Allied Radio  
 15.32 Matrix for Emergency Response (ARMER)  
 15.33 system. Each local government unit may  
 15.34 receive only one grant. The grant is contingent

16.1 upon a match of at least five percent from  
 16.2 nonstate funds. The director of the Emergency  
 16.3 Communication Networks division, in  
 16.4 consultation with the Statewide Emergency  
 16.5 Communications Board, must administer the  
 16.6 grant program. This is a onetime  
 16.7 appropriation.

16.8 **(b) Public Safety Telecommunicator**  
 16.9 **Certification and Training Reimbursement**  
 16.10 **Grants**

16.11 \$1,450,000 in fiscal year 2023 is appropriated  
 16.12 from the nondedicated 911 emergency special  
 16.13 revenue account for administrative and  
 16.14 software costs and rulemaking to establish and  
 16.15 review 911 public safety telecommunicator  
 16.16 certification and continuing education  
 16.17 standards as described in Minnesota Statutes,  
 16.18 section 403.051. The base is \$1,000,000 in  
 16.19 each of fiscal years 2024 and 2025.

16.20	<b><u>Sec. 3. PEACE OFFICER STANDARDS AND</u></b>			
16.21	<b><u>TRAINING (POST) BOARD</u></b>	<b><u>\$</u></b>	<b><u>165,000</u></b>	<b><u>\$</u></b>
				<b><u>1,550,000</u></b>

16.22 **(a) Database for Public Records**  
 16.23 \$165,000 in fiscal year 2023 is for a database  
 16.24 for public records. This is a onetime  
 16.25 appropriation.

16.26 **(b) Task Force on Alternative Courses to**  
 16.27 **Peace Officer Licensure**  
 16.28 \$50,000 in fiscal year 2023 is for a task force  
 16.29 on alternative courses to peace officer  
 16.30 licensure. This is a onetime appropriation.

16.31 **(c) Investigators**  
 16.32 \$1,250,000 in fiscal year 2023 is to hire  
 16.33 investigators and additional staff to perform

17.1 compliance reviews and investigate alleged  
 17.2 code of conduct violations and to obtain or  
 17.3 improve equipment for that purpose.

17.4 **(d) Strength and Agility Testing**

17.5 \$250,000 in fiscal year 2023 is to reimburse  
 17.6 law enforcement agencies for funding  
 17.7 scientifically content-validated and job-related  
 17.8 physical strength and agility examinations to  
 17.9 screen applicants as required under Minnesota  
 17.10 Statutes, section 626.843, subdivision 1c. The  
 17.11 board must establish guidelines for the  
 17.12 administration of reimbursement payments  
 17.13 under this section.

17.14	Sec. 4. <b><u>PRIVATE DETECTIVE BOARD</u></b>	<b><u>\$</u></b>	<b><u>80,000</u></b>	<b><u>\$</u></b>	<b><u>518,000</u></b>
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17.15 **(a) Record Management System and**  
 17.16 **Background Checks**

17.17 \$80,000 in fiscal year 2022 and \$18,000 in  
 17.18 fiscal year 2023 are to purchase and implement  
 17.19 a record management system.

17.20 **(b) Investigations and Field Audits**

17.21 \$430,000 is for additional staffing to conduct  
 17.22 investigations and field audits.

17.23 **(c) Review Training Curriculum**

17.24 \$70,000 in fiscal year 2023 is for an annual  
 17.25 review of training curriculum.

17.26 Sec. 5. **CORRECTIONS**

17.27 **Subdivision 1. Total**  
 17.28 **Appropriation**

17.28		<b><u>\$</u></b>	<b><u>1,000,000</u></b>	<b><u>\$</u></b>	<b><u>29,110,000</u></b>
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17.29 **Subd. 2. Incarceration and**  
 17.30 **Prerelease Services**

17.30			<b><u>-0-</u></b>		<b><u>5,140,000</u></b>
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17.31 **(a) Base Adjustment**

18.1 The general fund base, as a result of new  
18.2 appropriations and bed impact changes, shall  
18.3 result in a net increase of \$5,960,000 in fiscal  
18.4 year 2024 and \$5,950,000 in fiscal year 2025  
18.5 for all provisions in this subdivision.

18.6 **(b) Body-Worn Camera Program**

18.7 \$1,500,000 in fiscal year 2023 is to implement  
18.8 a body-worn camera program for uniformed  
18.9 correctional security personnel and  
18.10 community-based supervision agents. The  
18.11 base is \$1,000,000 in fiscal year 2024 and  
18.12 thereafter.

18.13 **(c) Family Support Unit**

18.14 \$280,000 in fiscal year 2023 is to create a  
18.15 family support unit that focuses on family  
18.16 support and engagement for incarcerated  
18.17 individuals and their families.

18.18 **(d) Higher Education**

18.19 \$2,000,000 in fiscal year 2023 is to contract  
18.20 with Minnesota's institutions of higher  
18.21 education to provide instruction to incarcerated  
18.22 individuals in state correctional facilities and  
18.23 to support partnerships with public and private  
18.24 employers, trades programs, and community  
18.25 colleges in providing employment  
18.26 opportunities for individuals after their term  
18.27 of incarceration. Funding must be used for  
18.28 contracts with institutions of higher education  
18.29 and other training providers, and associated  
18.30 reentry and operational support services  
18.31 provided by the agency. The base is  
18.32 \$3,500,000 in fiscal year 2024 and thereafter.

18.33 **(e) Family Communication and Support**  
18.34 **Services**

19.1 \$1,500,000 in fiscal year 2023 is to provide  
 19.2 communications and related supportive  
 19.3 services for incarcerated individuals to connect  
 19.4 with family members and other approved  
 19.5 support persons or service providers through  
 19.6 video visits and phone calls during an  
 19.7 individual's incarceration.

19.8 **Subd. 3. Community**  
 19.9 **Supervision and Postrelease**  
 19.10 **Services**

-0-                      12,050,000

19.11 **(a) Grants Management System**

19.12 \$450,000 in fiscal year 2023 is for a grants  
 19.13 management system and to increase capacity  
 19.14 for grants management, including compliance  
 19.15 and internal controls. The base is \$489,000 in  
 19.16 fiscal year 2024 and thereafter.

19.17 **(b) Supervision Services**

19.18 \$10,450,000 in fiscal year 2023 is for services  
 19.19 provided by the Department of Corrections  
 19.20 Field Services, County Probation Officers,  
 19.21 and Community Corrections Act counties. The  
 19.22 base is \$25,750,000 in fiscal year 2024 and  
 19.23 \$38,300,000 in fiscal year 2025.

19.24 **(c) Work Release Program**

19.25 \$1,000,000 in fiscal year 2023 is to expand  
 19.26 the use of the existing Department of  
 19.27 Corrections work release program to increase  
 19.28 the availability of educational programming  
 19.29 for incarcerated individuals who are eligible  
 19.30 and approved for work release.

19.31 **(d) Healing House**

19.32 \$150,000 in fiscal year 2023 is to provide  
 19.33 project management services in support of the  
 19.34 Healing House model. The Healing House

20.1 provides support and assistance to Native  
 20.2 American women who have been victims of  
 20.3 trauma. The base is \$0 in fiscal year 2026 and  
 20.4 thereafter.

20.5 **Subd. 4. Organizational, Regulatory, and**  
 20.6 **Administrative Services**

1,000,000

11,920,000

20.7 **(a) Technology**

20.8 \$1,000,000 in fiscal year 2022 and  
 20.9 \$11,000,000 in fiscal year 2023 are to replace  
 20.10 or improve existing corrections data  
 20.11 management systems that have significant  
 20.12 deficiencies, create a statewide public safety  
 20.13 information sharing infrastructure, and  
 20.14 improve data collection and reportability. The  
 20.15 base is \$17,500,000 in fiscal year 2024 and  
 20.16 thereafter.

20.17 In the development, design, and  
 20.18 implementation of the statewide public safety  
 20.19 data information sharing infrastructure, the  
 20.20 department shall, at a minimum, consult with  
 20.21 county correctional supervision providers, the  
 20.22 judicial branch, the Minnesota Sheriffs'  
 20.23 Association, the Minnesota Chiefs of Police  
 20.24 Association, and the Bureau of Criminal  
 20.25 Apprehension.

20.26 **(b) Property Insurance Premiums**

20.27 \$650,000 in fiscal year 2023 is to fund cost  
 20.28 increases for property insurance premiums at  
 20.29 state correctional facilities.

20.30 **(c) Project Management Office**

20.31 \$230,000 in fiscal year 2023 is to expand the  
 20.32 Department of Corrections project  
 20.33 management office, including the addition of

21.1 two project manager full-time-equivalent  
 21.2 positions.

21.3 **(d) Indeterminate Sentence Release Board**

21.4 \$40,000 in fiscal year 2023 is to fund the  
 21.5 establishment of an Indeterminate Sentence  
 21.6 Release Board (ISRB) to review eligible cases  
 21.7 and make release decisions for persons serving  
 21.8 indeterminate sentences under the authority  
 21.9 of the commissioner of corrections. The ISRB  
 21.10 must consist of five members, including four  
 21.11 persons appointed by the governor from two  
 21.12 recommendations of each of the majority and  
 21.13 minority leaders of the house of  
 21.14 representatives and the senate and the  
 21.15 commissioner of corrections who shall serve  
 21.16 as chair.

21.17 **Sec. 6. OMBUDSPERSON FOR**  
 21.18 **CORRECTIONS**

<b><u>\$</u></b>	<b><u>21,000</u></b>	<b><u>\$</u></b>	<b><u>12,000</u></b>
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21.19 **Sec. 7. OFFICE OF HIGHER EDUCATION**

<b><u>\$</u></b>	<b><u>-0-</u></b>	<b><u>\$</u></b>	<b><u>2,500,000</u></b>
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21.20 \$2,500,000 in fiscal year 2023 is to provide  
 21.21 reimbursement grants to postsecondary  
 21.22 schools certified to provide programs of  
 21.23 professional peace officer education for  
 21.24 providing in-service training programs for  
 21.25 peace officers on the proper use of force,  
 21.26 including deadly force, the duty to intercede,  
 21.27 and conflict de-escalation. Of this amount, up  
 21.28 to 2.5 percent is for administration and  
 21.29 monitoring of the program.

21.30 To be eligible for reimbursement, training  
 21.31 offered by a postsecondary school must consist  
 21.32 of no less than eight hours of instruction and:

21.33 (1) satisfy the requirements of Minnesota  
 21.34 Statutes, section 626.8452, and be approved

22.1 by the Peace Officer Standards and Training  
 22.2 Board, for use of force training;  
 22.3 (2) utilize scenario-based training that  
 22.4 simulates real-world situations and involves  
 22.5 the use of real firearms that fire nonlethal  
 22.6 ammunition when appropriate;  
 22.7 (3) include a block of instruction on the  
 22.8 physical and psychological effects of stress  
 22.9 before, during, and after a high risk or  
 22.10 traumatic incident and the cumulative impact  
 22.11 of stress on the health of officers;  
 22.12 (4) include blocks of instruction on  
 22.13 de-escalation methods and tactics, bias  
 22.14 motivation, unknown risk training, defensive  
 22.15 tactics, and force-on-force training; and  
 22.16 (5) be offered to peace officers at no charge  
 22.17 to the peace officer or an officer's law  
 22.18 enforcement agency.  
 22.19 A postsecondary school that offers training  
 22.20 consistent with the above requirements may  
 22.21 apply for reimbursement for the costs of  
 22.22 offering the training. Reimbursement shall be  
 22.23 made at a rate of \$450 for each officer who  
 22.24 participates in the training. The postsecondary  
 22.25 school must submit the name and peace officer  
 22.26 license number of the peace officer who  
 22.27 received the training.  
 22.28 As used in this section, "law enforcement  
 22.29 agency" has the meaning given in Minnesota  
 22.30 Statutes, section 626.84, subdivision 1,  
 22.31 paragraph (f), and "peace officer" has the  
 22.32 meaning given in Minnesota Statutes, section  
 22.33 626.84, subdivision 1, paragraph (c).  
 22.34 **Sec. 8. CLEMENCY REVIEW COMMISSION \$**

**-0- \$**

**705,000**

23.1	<b>Sec. 9. <u>PUBLIC DEFENSE BOARD</u></b>	<b><u>\$</u></b>	<b><u>-0-</u> <b><u>\$</u></b></b>	<b><u>600,000</u></b>
23.2	<u>\$600,000 in fiscal year 2023 is for costs</u>			
23.3	<u>related to petitions for relief for aiding and</u>			
23.4	<u>abetting felony murder. This is a onetime</u>			
23.5	<u>appropriation.</u>			
23.6	<b>Sec. 10. <u>OFFICE OF THE ATTORNEY</u></b>			
23.7	<b><u>GENERAL</u></b>	<b><u>\$</u></b>	<b><u>-0-</u> <b><u>\$</u></b></b>	<b><u>1,821,000</u></b>
23.8	<u>\$1,821,000 in fiscal year 2023 is for enhanced</u>			
23.9	<u>criminal enforcement.</u>			
23.10	<b>Sec. 11. <u>SENTENCING GUIDELINES</u></b>			
23.11	<b><u>COMMISSION</u></b>	<b><u>\$</u></b>	<b><u>-0-</u> <b><u>\$</u></b></b>	<b><u>117,000</u></b>
23.12	<u>\$117,000 in fiscal year 2023 is for providing</u>			
23.13	<u>meeting space and administrative assistance</u>			
23.14	<u>for the Task Force on Collection of Charging</u>			
23.15	<u>and Related Data. The base is \$121,000 in</u>			
23.16	<u>fiscal year 2024 and \$0 for fiscal year 2025.</u>			
23.17	<b>Sec. 12. <u>TRANSFERS; MINNCOR.</u></b>			
23.18	<u>\$7,000,000 in fiscal year 2023 is transferred from the MINNCOR fund to the general</u>			
23.19	<u>fund.</u>			
23.20	<b>Sec. 13. <u>TRANSFER; OPIATE EPIDEMIC RESPONSE.</u></b>			
23.21	<u>\$10,000,000 in fiscal year 2023 is transferred from the general fund to the opiate epidemic</u>			
23.22	<u>response fund established pursuant to Minnesota Statutes, section 256.043. Grants issued</u>			
23.23	<u>from this amount are for prevention and education as described in Minnesota Statutes,</u>			
23.24	<u>section 256.042, subdivision 1, paragraph (a), clause (1). Grant recipients must be located</u>			
23.25	<u>outside the seven-county metropolitan area.</u>			
23.26	<b>Sec. 14. <u>FUND TRANSFER; HOMETOWN HEROES ASSISTANCE PROGRAM.</u></b>			
23.27	<u>The commissioner of public safety shall transfer any amounts remaining in the</u>			
23.28	<u>appropriation under Laws 2021, First Special Session chapter 11, article 1, section 14,</u>			
23.29	<u>subdivision 7, paragraph (k), from the Office of Justice Programs to the state fire marshal</u>			
23.30	<u>for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance</u>			
23.31	<u>program under Minnesota Statutes, section 299A.477.</u>			

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

24.2 **ARTICLE 2**

24.3 **GENERAL CRIMES AND PUBLIC SAFETY POLICY**

24.4 Section 1. Minnesota Statutes 2020, section 13.6905, is amended by adding a subdivision  
24.5 to read:

24.6 Subd. 36. **Direct wine shipments.** Data obtained and shared by the commissioner of  
24.7 public safety relating to direct shipments of wine are governed by sections 340A.550 and  
24.8 340A.555.

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

24.10 Sec. 2. Minnesota Statutes 2020, section 13.825, subdivision 2, is amended to read:

24.11 Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a  
24.12 portable recording system are private data on individuals or nonpublic data, subject to the  
24.13 following:

24.14 (1) data that document the discharge of a firearm by a peace officer in the course of duty,  
24.15 if a notice is required under section 626.553, subdivision 2, or the use of force by a peace  
24.16 officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a,  
24.17 are public;

24.18 (2) data are public if a subject of the data requests it be made accessible to the public,  
24.19 except that, if practicable, (i) data on a subject who is not a peace officer and who does not  
24.20 consent to the release must be redacted, and (ii) data on a peace officer whose identity is  
24.21 protected under section 13.82, subdivision 17, clause (a), must be redacted;

24.22 (3) portable recording system data that are active criminal investigative data are governed  
24.23 by section 13.82, subdivision 7, and portable recording system data that are inactive criminal  
24.24 investigative data are governed by this section;

24.25 (4) portable recording system data that are public personnel data under section 13.43,  
24.26 subdivision 2, clause (5), are public; and

24.27 (5) data that are not public data under other provisions of this chapter retain that  
24.28 classification.

24.29 (b) Notwithstanding section 13.82, subdivision 7, a deceased individual's next of kin,  
24.30 legal representative of the next of kin, or other parent of the deceased individual's children  
24.31 is entitled to view any and all recordings from a peace officer's portable recording system,

25.1 redacted no more than what is required by law, of an officer's use of deadly force no later  
25.2 than five business days following an incident where deadly force used by a peace officer  
25.3 results in the death of an individual, except that a chief law enforcement officer may deny  
25.4 a request if the investigating agency requests and can articulate a compelling reason as to  
25.5 why allowing the deceased individual's next of kin, legal representative of next of kin, or  
25.6 other parent of the deceased individual's children to review the recordings would interfere  
25.7 with a thorough investigation. If the chief law enforcement officer denies a request under  
25.8 this paragraph, the involved officer's agency must issue a prompt, written denial and provide  
25.9 notice to the deceased individual's next of kin, legal representative of the next of kin, or  
25.10 other parent of the deceased individual's children that relief may be sought from the district  
25.11 court.

25.12 (c) Notwithstanding section 13.82, subdivision 7, an involved officer's agency shall  
25.13 release to the public no later than 14 business days after an incident all body-worn camera  
25.14 recordings of the incident where a peace officer used deadly force and an individual died,  
25.15 except that a chief law enforcement officer shall not release the video if the investigating  
25.16 agency asserts in writing that allowing the public to view the recordings would interfere  
25.17 with the ongoing investigation.

25.18 ~~(b)~~ (d) A law enforcement agency may redact or withhold access to portions of data that  
25.19 are public under this subdivision if those portions of data are clearly offensive to common  
25.20 sensibilities.

25.21 ~~(e)~~ (e) Section 13.04, subdivision 2, does not apply to collection of data classified by  
25.22 this subdivision.

25.23 ~~(d)~~ (f) Any person may bring an action in the district court located in the county where  
25.24 portable recording system data are being maintained to authorize disclosure of data that are  
25.25 private or nonpublic under this section or to challenge a determination under paragraph (b)  
25.26 to redact or withhold access to portions of data because the data are clearly offensive to  
25.27 common sensibilities. The person bringing the action must give notice of the action to the  
25.28 law enforcement agency and subjects of the data, if known. The law enforcement agency  
25.29 must give notice to other subjects of the data, if known, who did not receive the notice from  
25.30 the person bringing the action. The court may order that all or part of the data be released  
25.31 to the public or to the person bringing the action. In making this determination, the court  
25.32 shall consider whether the benefit to the person bringing the action or to the public outweighs  
25.33 any harm to the public, to the law enforcement agency, or to a subject of the data and, if  
25.34 the action is challenging a determination under paragraph (b), whether the data are clearly  
25.35 offensive to common sensibilities. The data in dispute must be examined by the court in

26.1 camera. This paragraph does not affect the right of a defendant in a criminal proceeding to  
26.2 obtain access to portable recording system data under the Rules of Criminal Procedure.

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

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

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

26.8 (b) To determine the place of confinement of committed persons in a correctional facility  
26.9 or other facility of the Department of Corrections and to prescribe reasonable conditions  
26.10 and rules for their employment, conduct, instruction, and discipline within or outside the  
26.11 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

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

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

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

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

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

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

26.30 (i) To annually develop a comprehensive set of goals and objectives designed to clearly  
26.31 establish the priorities of the Department of Corrections. This report shall be submitted to

27.1 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory  
27.2 committees.

27.3 (j) To perform these duties with the goal of promoting public safety. Promoting public  
27.4 safety includes the promotion of human rights. "Public safety" means reducing or preventing  
27.5 crime while maintaining the basic rights, freedoms, and privileges that belong to every  
27.6 person, including the right to dignity, fairness, equality, respect, and freedom from  
27.7 discrimination, and is achieved by diverting people away from the criminal justice system  
27.8 whenever possible, imposing sanctions that are the least restrictive necessary to achieve  
27.9 accountability for the offense, preferring the use of community services to imprisonment  
27.10 or other confinement unless confinement is necessary to protect the public, and promoting  
27.11 the rehabilitation of those convicted through the provision of evidence-based programming  
27.12 and services.

27.13 Sec. 4. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

27.14 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate  
27.15 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable  
27.16 offense and offender characteristics. The guidelines promulgated by the commission shall  
27.17 be advisory to the district court and shall establish:

27.18 (1) the circumstances under which imprisonment of an offender is proper; and

27.19 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based  
27.20 on each appropriate combination of reasonable offense and offender characteristics. The  
27.21 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the  
27.22 presumptive, fixed sentence.

27.23 The Sentencing Guidelines promulgated by the commission may also establish appropriate  
27.24 sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated  
27.25 by the commission establishing sanctions for offenders for whom imprisonment is not proper  
27.26 shall make specific reference to noninstitutional sanctions, including but not limited to the  
27.27 following: payment of fines, day fines, restitution, community work orders, work release  
27.28 programs in local facilities, community based residential and nonresidential programs,  
27.29 incarceration in a local correctional facility, and probation and the conditions thereof.

27.30 Although the Sentencing Guidelines are advisory to the district court, the court shall  
27.31 follow the procedures of the guidelines when it pronounces sentence in a proceeding to  
27.32 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing  
27.33 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure

28.1 based on state public policy to maintain uniformity, proportionality, rationality, and  
28.2 predictability in sentencing.

28.3 In establishing and modifying the Sentencing Guidelines, the primary consideration of  
28.4 the commission shall be public safety. "Public safety" means reducing or preventing crime  
28.5 while maintaining the basic rights, freedoms, and privileges that belong to every person,  
28.6 including the right to dignity, fairness, equality, respect, and freedom from discrimination,  
28.7 and is achieved by diverting people away from the criminal justice system whenever possible,  
28.8 imposing sanctions that are the least restrictive necessary to achieve accountability for the  
28.9 offense, preferring the use of community services to imprisonment or other confinement  
28.10 unless confinement is necessary to protect the public, and promoting the rehabilitation of  
28.11 those convicted through the provision of evidence-based programming and services.  
28.12 Promoting public safety includes the promotion of human rights. The commission shall also  
28.13 consider current sentencing and release practices; correctional resources, including but not  
28.14 limited to the capacities of local and state correctional facilities; and the long-term negative  
28.15 impact of the crime on the community.

28.16 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the  
28.17 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal  
28.18 history scores, are not subject to review by the legislative commission to review  
28.19 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001  
28.20 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,  
28.21 including procedures for the promulgation of severity levels and criminal history scores,  
28.22 and these rules shall be subject to review by the Legislative Coordinating Commission.

28.23 Sec. 5. Minnesota Statutes 2021 Supplement, section 253B.18, subdivision 5a, is amended  
28.24 to read:

28.25 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)  
28.26 As used in this subdivision:

28.27 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes  
28.28 criminal sexual conduct in the fifth degree and offenses within the definition of "crime  
28.29 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in  
28.30 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually  
28.31 motivated;

28.32 (2) "victim" means a person who has incurred loss or harm as a result of a crime the  
28.33 behavior for which forms the basis for a commitment under this section or chapter 253D;  
28.34 and

29.1 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision  
29.2 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal  
29.3 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in  
29.4 commitment cases under this section or chapter 253D that an act or acts constituting a crime  
29.5 occurred or were part of their course of harmful sexual conduct.

29.6 (b) A county attorney who files a petition to commit a person under this section or chapter  
29.7 253D shall make a reasonable effort to provide prompt notice of filing the petition to any  
29.8 victim of a crime for which the person was convicted. In addition, the county attorney shall  
29.9 make a reasonable effort to promptly notify the victim of the resolution of the petition and  
29.10 the process for requesting notification of an individual's change in status as provided in  
29.11 paragraph (c). A notice shall only be provided to a victim who has submitted a written  
29.12 request for notification to the prosecutor.

29.13 (c) A victim may request notification of an individual's discharge or release as provided  
29.14 in paragraph (d) by submitting a written request for notification to the executive director of  
29.15 the facility in which the individual is confined. The Department of Corrections or a county  
29.16 attorney who receives a request for notification from a victim under this section shall  
29.17 promptly forward the request to the executive director of the treatment facility in which the  
29.18 individual is confined.

29.19 (d) Before provisionally discharging, discharging, granting pass-eligible status, approving  
29.20 a pass plan, or otherwise permanently or temporarily releasing a person committed under  
29.21 this section from a state-operated treatment program or treatment facility, the head of the  
29.22 state-operated treatment program or head of the treatment facility shall make a reasonable  
29.23 effort to notify any victim of a crime for which the person was convicted that the person  
29.24 may be discharged or released and that the victim has a right to submit a written statement  
29.25 regarding decisions of the medical director, special review board, or commissioner with  
29.26 respect to the person. To the extent possible, the notice must be provided at least 14 days  
29.27 before any special review board hearing or before a determination on a pass plan.  
29.28 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial  
29.29 appeal panel with victim information in order to comply with the provisions of this section.  
29.30 The judicial appeal panel shall ensure that the data on victims remains private as provided  
29.31 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who  
29.32 have submitted a written request for notification as provided in paragraph (c).

29.33 (e) The rights under this subdivision are in addition to rights available to a victim under  
29.34 chapter 611A. This provision does not give a victim all the rights of a "notified person" or  
29.35 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

30.1 Sec. 6. Minnesota Statutes 2021 Supplement, section 253D.14, subdivision 2, is amended  
30.2 to read:

30.3 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a  
30.4 person under this chapter shall make a reasonable effort to provide prompt notice of filing  
30.5 the petition to any victim of a crime for which the person was convicted or was listed as a  
30.6 victim in the petition of commitment. In addition, the county attorney shall make a reasonable  
30.7 and good faith effort to promptly notify the victim of the resolution of the process for  
30.8 requesting the notification of an individual's change in status as provided in section 253D.14,  
30.9 subdivision 3. A notice shall only be provided to a victim who has submitted a written  
30.10 request for notification to the prosecutor.

30.11 Sec. 7. Minnesota Statutes 2020, section 256I.04, subdivision 2g, is amended to read:

30.12 Subd. 2g. ~~Crisis shelters~~ **Domestic abuse programs.** ~~Secure crisis shelters for battered~~  
30.13 ~~women and their children designated by the Minnesota Department of Corrections~~ Programs  
30.14 that provide services to victims of domestic abuse designated by the Office of Justice  
30.15 Programs in the Department of Public Safety are not eligible for housing support under this  
30.16 chapter.

30.17 Sec. 8. Minnesota Statutes 2020, section 299A.01, is amended by adding a subdivision to  
30.18 read:

30.19 Subd. 1d. **Mandated reports; annual audit.** (a) Beginning February 15, 2023, and each  
30.20 year thereafter, the commissioner, as part of the department's mission and within the  
30.21 department's resources, shall report to the chairs and ranking minority members of the  
30.22 legislative committees having jurisdiction over public safety policy and finance a list of  
30.23 reports that the commissioner is obligated to submit to the legislature. For each reporting  
30.24 requirement listed, the commissioner must include a description of the applicable program,  
30.25 information required to be included in the report, the frequency that the report must be  
30.26 completed, and the statutory authority for the report.

30.27 (b) If the legislature does not repeal or otherwise modify by law a reporting requirement,  
30.28 the commissioner must continue to provide each mandated report as required by law.

30.29 Sec. 9. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

30.30 Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the  
30.31 following:

31.1 (1) the coordination, development and maintenance of services contracts with existing  
 31.2 state departments and agencies assuring the efficient and economic use of advanced business  
 31.3 machinery including computers;

31.4 (2) the execution of contracts and agreements with existing state departments for the  
 31.5 maintenance and servicing of vehicles and communications equipment, and the use of related  
 31.6 buildings and grounds;

31.7 (3) the development of integrated fiscal services for all divisions, and the preparation  
 31.8 of an integrated budget for the department;

31.9 (4) the publication and award of grant contracts with state agencies, local units of  
 31.10 government, and other entities for programs that will benefit the safety of the public; and

31.11 (5) the establishment of a planning bureau within the department.

31.12 (b) The commissioner shall exercise the duties under paragraph (a) with the goal of  
 31.13 promoting public safety. Promoting public safety includes the promotion of human rights.  
 31.14 "Public safety" means reducing or preventing crime by diverting people away from the  
 31.15 criminal justice system whenever possible, effecting arrest or detention practices that are  
 31.16 the least restrictive necessary to protect the public, and promoting the rehabilitation of those  
 31.17 who engage in criminal activity by providing evidence-based programming and services,  
 31.18 while still maintaining the basic rights, freedoms, and privileges that belong to every person,  
 31.19 including the right to dignity, fairness, equality, respect, and freedom from discrimination.

31.20 **Sec. 10. [299A.381] PUBLIC SAFETY OFFICER SOFT BODY ARMOR**  
 31.21 **REIMBURSEMENT.**

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

31.23 (1) "commissioner" means the commissioner of public safety;

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

31.26 (3) "public safety officer" means a firefighter or qualified emergency medical service  
 31.27 provider;

31.28 (4) "qualified emergency medical service provider" means a person certified under  
 31.29 section 144E.101 who is actively employed by a Minnesota licensed ambulance service;  
 31.30 and

31.31 (5) "vest" has the meaning given in section 299A.38, subdivision 1, paragraph (c).

32.1 Subd. 2. **State and local reimbursement.** Public safety officers and heads of agencies  
32.2 and entities that buy vests for the use of public safety officer employees may apply to the  
32.3 commissioner for reimbursement of funds spent to buy vests. On approving an application  
32.4 for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser  
32.5 of one-half of the vest's purchase price or the reimbursement amount set by the commissioner  
32.6 in section 299A.38, subdivision 2a. The political subdivision or entity that employs a public  
32.7 safety officer shall pay at least the lesser of one-half of the vest's purchase price or the  
32.8 reimbursement amount set by the commissioner in section 299A.38, subdivision 2a. The  
32.9 employer may not deduct or pay its share of the vest's cost from any clothing, maintenance,  
32.10 or similar allowance otherwise provided to the public safety officer by the employer.

32.11 Subd. 3. **Eligibility requirements.** The eligibility requirements in section 299A.38,  
32.12 subdivision 3, apply to applications for reimbursement under this section.

32.13 Subd. 4. **Rules.** The commissioner shall amend the rules adopted pursuant to section  
32.14 299A.38, subdivision 4, to administer this section, as needed.

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

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

32.25 Sec. 11. Minnesota Statutes 2020, section 299A.49, subdivision 2, is amended to read:

32.26 Subd. 2. ~~Chemical assessment~~ **Hazardous materials response team.** "~~Chemical~~  
32.27 ~~assessment~~ **Hazardous materials response team**" means a team (1) trained, equipped, and  
32.28 authorized to evaluate and, when ~~possible~~ feasible, provide ~~simple~~ mitigation to a hazardous  
32.29 materials incident or release and (2) required to recommend to the local incident manager  
32.30 the best means of controlling the hazard after consideration of life safety concerns,  
32.31 environmental effects, exposure hazards, quantity and type of hazardous material, availability  
32.32 of resources, or other relevant factors.

33.1 Sec. 12. Minnesota Statutes 2020, section 299A.50, subdivision 1, is amended to read:

33.2 Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of  
33.3 natural resources, agriculture, transportation, and the Pollution Control Agency, the ~~state~~  
33.4 ~~fire marshal~~ Department of Public Safety, the Emergency Response Commission, appropriate  
33.5 technical emergency response representatives, and representatives of affected parties, the  
33.6 commissioner shall adopt rules to implement a statewide hazardous materials incident  
33.7 response plan. The plan must include:

33.8 (1) the locations of ~~up to five regional~~ hazardous materials response teams, based on the  
33.9 location of hazardous materials, response time, proximity to large population centers, and  
33.10 other factors;

33.11 (2) the number and qualifications of members on each team;

33.12 (3) the responsibilities of ~~regional~~ hazardous materials response teams;

33.13 (4) equipment needed for ~~regional~~ hazardous materials response teams;

33.14 (5) procedures for selecting and contracting with local governments or nonpublic persons  
33.15 to establish ~~regional~~ hazardous materials response teams;

33.16 (6) procedures for dispatching teams at the request of local governments;

33.17 (7) a fee schedule for reimbursing local governments or nonpublic persons responding  
33.18 to an incident; and

33.19 (8) coordination with other state departments and agencies, local units of government,  
33.20 other states, Indian tribes, the federal government, and other nonpublic persons.

33.21 Sec. 13. Minnesota Statutes 2020, section 299A.51, is amended to read:

33.22 **299A.51 LIABILITY AND WORKERS' COMPENSATION.**

33.23 Subdivision 1. **Liability.** During operations authorized under section 299A.50, members  
33.24 of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are  
33.25 "employees of the state" as defined in section 3.736.

33.26 Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50,  
33.27 members of a ~~regional~~ hazardous materials team operating outside their geographic  
33.28 jurisdiction are considered employees of the Department of Public Safety for purposes of  
33.29 chapter 176.

33.30 Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the  
33.31 scene of a hazardous materials response incident outside the person's geographic jurisdiction

34.1 or property, at the request of the state or a local unit of government, is not liable for any  
34.2 civil damages resulting from acts or omissions in providing the assistance, unless the person  
34.3 acts in a willful and wanton or reckless manner in providing the assistance.

34.4 **Sec. 14. [299A.625] PUBLIC SAFETY INNOVATION BOARD.**

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

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

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

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

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

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

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

34.17 (3) four members representing the community-specific boards established under sections  
34.18 3.922 and 15.0145, with one appointment made by each board; and

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

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

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

34.25 (b) Initial appointment of members must take place by August 1, 2022. The initial term  
34.26 of members appointed under paragraph (a) shall be determined by lot by the secretary of  
34.27 state and shall be as follows:

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

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

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

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

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

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

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

35.9 (1) monitoring trends in crime within Minnesota;

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

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

35.13 (4) communicating with recipients of grant funds to learn from successful and innovative  
35.14 programs, develop procedures to simplify application and reporting requirements, and  
35.15 identify gaps in programs or services that could be filled to improve public safety;

35.16 (5) working with the commissioner to modify requests for proposals to better meet the  
35.17 needs of applicants and the community;

35.18 (6) working with the commissioner, community review panels, the final review panel,  
35.19 and Office of Justice Programs staff to establish policies, procedures, and priorities to best  
35.20 address public safety and community needs;

35.21 (7) working with grant recipients, applicants whose proposals were not approved, and  
35.22 individuals or entities interested in applying for grants to increase the understanding of the  
35.23 grant process and help improve applications that are submitted;

35.24 (8) analyzing the pool of applicants and public application materials to identify:

35.25 (i) barriers to successful applications;

35.26 (ii) eligible geographic, ethnic, or other communities that do not apply for grants;

35.27 (iii) the demographics of populations served by grant applicants, including identification  
35.28 of populations that are not receiving services and any disparities in services provided; and

35.29 (iv) the types of programs that receive awards;

35.30 (9) developing policies and procedures to support communities that are underserved by  
35.31 grant recipients, address imbalances in the pool of grant applicants or recipients, and expand

36.1 the types of services provided by grant recipients to include effective programs that are  
 36.2 underutilized;

36.3 (10) working with the Minnesota Statistical Analysis Center to identify appropriate  
 36.4 outcomes to track on an annual basis for both programs receiving grants and local  
 36.5 communities for the purpose of monitoring trends in public safety and the impact of specific  
 36.6 programmatic models; and

36.7 (11) making recommendations to the legislature for changes in policy and funding to  
 36.8 address existing and emerging needs related to public safety.

36.9 Subd. 5. **Meetings.** The board shall meet quarterly or at the call of the chair. At least  
 36.10 two meetings in each fiscal year must take place outside of the metropolitan area as defined  
 36.11 in section 473.121, subdivision 2. Meetings of the board are subject to chapter 13D.

36.12 Subd. 6. **Report.** By January 15 each year, the board shall report to the legislative  
 36.13 committees and divisions with jurisdiction over public safety on the work of the board; the  
 36.14 use and impact of grant programs to address public safety, including emergency community  
 36.15 safety grants and local co-responder grants; grants issued by the Department of Public Safety  
 36.16 to local law enforcement agencies for portable recording systems; the outcomes tracked on  
 36.17 an annual basis by the Minnesota Statistical Analysis Center; and recommendations for  
 36.18 changes in policy and funding to improve public safety.

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

36.20 Sec. 15. Minnesota Statutes 2020, section 299A.706, is amended to read:

36.21 **299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.**

36.22 An alcohol enforcement account is created in the special revenue fund, consisting of  
 36.23 money credited to the account by law. Money in the account may be appropriated by law  
 36.24 for: (1) costs of the Alcohol and Gambling Division related to administration and enforcement  
 36.25 of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; ~~and~~ 340A.504, subdivision  
 36.26 7; and 340A.550, subdivisions 2, 4, 5, and 6; and (2) costs of the State Patrol.

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

36.28 Sec. 16. Minnesota Statutes 2020, section 299A.78, subdivision 1, is amended to read:

36.29 Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following  
 36.30 definitions apply:

36.31 (a) "Commissioner" means the commissioner of the Department of Public Safety.

37.1 (b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations  
37.2 that provide legal, social, or other community services.

37.3 ~~(c) "Blackmail" has the meaning given in section 609.281, subdivision 2.~~

37.4 ~~(d)~~ (c) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

37.5 ~~(e)~~ (d) "Forced labor or services" has the meaning given in section 609.281, subdivision  
37.6 4.

37.7 ~~(f)~~ (e) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

37.8 ~~(g)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision  
37.9 6.

37.10 ~~(h)~~ (g) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

37.11 ~~(i)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision  
37.12 7b.

37.13 ~~(j)~~ (i) "Trafficking" includes "labor trafficking" and "sex trafficking."

37.14 ~~(k)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking  
37.15 victim."

37.16 **EFFECTIVE DATE.** This section is effective August 1, 2022.

37.17 Sec. 17. Minnesota Statutes 2020, section 299A.79, subdivision 3, is amended to read:

37.18 Subd. 3. **Public awareness initiative.** The public awareness initiative required in  
37.19 subdivision 1 must address, at a minimum, the following subjects:

37.20 (1) the risks of becoming a trafficking victim;

37.21 (2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced labor and  
37.22 services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct,  
37.23 exposure to sexually transmitted diseases, and psychological harm;

37.24 (3) crime victims' rights; and

37.25 (4) reporting recruitment activities involved in trafficking.

37.26 **EFFECTIVE DATE.** This section is effective August 1, 2022.

38.1 Sec. 18. [299A.86] REWARD FUND FOR INFORMATION ON MISSING AND  
38.2 MURDERED INDIGENOUS RELATIVES.

38.3 Subdivision 1. **Fund created.** A reward fund for information on missing and murdered  
38.4 Indigenous relatives is created as an account in the state treasury. Money appropriated or  
38.5 otherwise deposited into the account is available to pay rewards and for other purposes as  
38.6 authorized under this section.

38.7 Subd. 2. **Reward.** The director of the Office for Missing and Murdered Indigenous  
38.8 Relatives, in consultation with the reward advisory group, is authorized to pay a reward to  
38.9 any person who provides relevant information relating to a missing and murdered Indigenous  
38.10 relative investigation.

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

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

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

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

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

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

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

38.26 (b) The advisory group shall meet as necessary but at a minimum twice per year to carry  
38.27 out its duties and shall elect a chair from among its members at its first meeting. The director  
38.28 shall convene the group's first meeting. The director shall provide necessary office space  
38.29 and administrative support to the group. Members of the group serve without compensation  
38.30 but shall receive expense reimbursement as provided in section 15.059.

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

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

39.8 Subd. 5. **Grants; donations.** The director of the Office for Missing and Murdered  
39.9 Indigenous Relatives, in consultation with the reward advisory group, may apply for and  
39.10 accept grants and donations from the public and from public and private entities to implement  
39.11 this section.

39.12 Subd. 6. **Reward cap.** A reward paid under this section may not exceed \$1,000,000.

39.13 Subd. 7. **Reward procedures and criteria.** The director of the Office for Missing and  
39.14 Murdered Indigenous Relatives, in consultation with the reward advisory group, shall  
39.15 determine the eligibility criteria and procedures for granting rewards under this section.

39.16 Subd. 8. **Definition.** As used in this section, "missing and murdered Indigenous relatives"  
39.17 means missing and murdered Indigenous people from or descended from one of the United  
39.18 States' federally recognized American Indian Tribes.

39.19 Sec. 19. **[299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN**  
39.20 **AND GIRLS.**

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

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

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

39.30 (c) The director and full-time staff shall be members of the Minnesota State Retirement  
39.31 System.

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

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

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

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

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

40.13 (5) facilitate research and collect data on missing person and homicide cases involving  
40.14 Black women and girls, including the total number of cases, the rate at which the cases are  
40.15 solved, the length of time the cases remain open, and a comparison to similar cases involving  
40.16 different demographic groups;

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

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

40.23 (8) facilitate research to assess the intersection between cases involving missing and  
40.24 murdered Black women and girls and labor trafficking and sex trafficking;

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

40.28 (10) facilitate research to assess the intersection between cases involving murdered Black  
40.29 women and girls and domestic violence, including prior instances of domestic violence  
40.30 within the family or relationship, whether an offender had prior convictions for domestic  
40.31 assault or related offenses, and whether the offender used a firearm in the murder or any  
40.32 prior instances of domestic assault;

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

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

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

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

41.10 (15) conduct case reviews and report on the results of case reviews for the following  
41.11 types of cases involving missing and murdered Black women and girls: (i) cold cases for  
41.12 missing Black women and girls; and (ii) death investigation review for cases of Black women  
41.13 and girls ruled as suicide or overdose under suspicious circumstances;

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

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

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

41.23 (19) develop and maintain communication with relevant divisions in the Department of  
41.24 Public Safety regarding any cases involving missing and murdered Black women and girls  
41.25 and on procedures for investigating cases involving missing and murdered Black women  
41.26 and girls; and

41.27 (20) coordinate, as relevant, with federal efforts, and efforts in neighboring states and  
41.28 Canada.

41.29 (b) As used in this subdivision:

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

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

42.1 Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may  
42.2 coordinate with stakeholder groups that were represented on the Task Force on Missing and  
42.3 Murdered African American Women and state agencies that are responsible for the systems  
42.4 that play a role in investigating, prosecuting, and adjudicating cases involving violence  
42.5 committed against Black women and girls; those who have a role in supporting or advocating  
42.6 for missing or murdered Black women and girls and the people who seek justice for them;  
42.7 and those who represent the interests of Black people. This includes the following entities:  
42.8 Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau of Criminal  
42.9 Apprehension; Minnesota Police and Peace Officers Association; Tribal law enforcement;  
42.10 Minnesota County Attorneys Association; United States Attorney's Office; juvenile courts;  
42.11 Minnesota Coroners' and Medical Examiners' Association; United States Coast Guard; state  
42.12 agencies, including the Departments of Health, Human Services, Education, Corrections,  
42.13 and Public Safety; service providers who offer legal services, advocacy, and other services  
42.14 to Black women and girls; Black women and girls who are survivors; and organizations  
42.15 and leadership from urban and statewide Black communities.

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

42.23 Subd. 6. **Grants.** The office may apply for and receive grants from public and private  
42.24 entities for the purposes of carrying out the office's duties under this section.

42.25 Subd. 7. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access  
42.26 to corrections and detention data and medical data maintained by an agency and classified  
42.27 as private data on individuals or confidential data on individuals to the extent the data is  
42.28 necessary for the office to perform its duties under this section.

42.29 Sec. 20. **[299C.092] QUESTIONED IDENTITY PROCESS.**

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

42.32 (b) "Questioned identity" means an individual's identity that is associated with another  
42.33 person's records when the individual's identity is used by an offender in interactions with

43.1 law enforcement or that the offender has the same name. Questioned identity can lead to  
43.2 difficulties differentiating the individual from the offender.

43.3 (c) "Bureau" means the Bureau of Criminal Apprehension.

43.4 Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the  
43.5 individual may request a review by the bureau through its questioned identity process.  
43.6 Individuals must contact the bureau and provide the following:

43.7 (1) documentation of the individual's identity through government-issued photo  
43.8 identification;

43.9 (2) documents or information that lead the individual to believe that the individual is  
43.10 the subject of questioned identity; and

43.11 (3) fingerprints for identification verification purposes.

43.12 (b) If the bureau is able to confirm that the individual is the subject of questioned identity,  
43.13 the bureau shall provide documentation to the individual indicating that the individual has  
43.14 been through the bureau's questioned identity process.

43.15 (c) The bureau shall denote any aliases determined to be questioned identities in the  
43.16 Criminal History System under section 299C.09 and shall work with other state and local  
43.17 agencies to denote aliases in arrest warrants.

43.18 (d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's  
43.19 warrant file if a photo is available.

43.20 (e) The bureau, in consultation with reporting criminal justice agencies, may remove an  
43.21 alias from a criminal history record when it determines doing so will not negatively impact  
43.22 a criminal justice agency's ability to identify the offender in the future. Some considerations  
43.23 in making the determination include but are not limited to time elapsed since the alias name  
43.24 was last used, frequency with which the alias was used, current incarceration status of the  
43.25 offender, whether it is or was the offender's name, and whether the offender is living or  
43.26 deceased.

43.27 (f) Law enforcement must take into account the presence of documentation from the  
43.28 bureau or another law enforcement agency confirming a questioned identity when considering  
43.29 whether an individual has a warrant under section 299C.115 and may contact the bureau or  
43.30 the issuing law enforcement agency to confirm authenticity of the documentation provided  
43.31 by an individual.

44.1 Sec. 21. Minnesota Statutes 2020, section 299C.46, subdivision 1, is amended to read:

44.2 Subdivision 1. **Establishment.** The commissioner of public safety shall establish a  
44.3 criminal justice data communications network that will provide secure access to systems  
44.4 and services available from or through the Bureau of Criminal Apprehension. The Bureau  
44.5 of Criminal Apprehension may approve additional criminal justice uses by authorized  
44.6 agencies to access necessary systems or services not from or through the bureau. The  
44.7 commissioner of public safety is authorized to lease or purchase facilities and equipment  
44.8 as may be necessary to establish and maintain the data communications network.

44.9 Sec. 22. Minnesota Statutes 2020, section 299C.65, subdivision 1a, is amended to read:

44.10 Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and  
44.11 Bureau of Criminal Apprehension Advisory Group consists of the following members:

44.12 (1) the commissioner of corrections or designee;

44.13 (2) the commissioner of public safety or designee;

44.14 (3) the state chief information officer or designee;

44.15 (4) three members of the judicial branch appointed by the chief justice of the supreme  
44.16 court;

44.17 (5) the commissioner of administration or designee;

44.18 (6) the state court administrator or designee;

44.19 (7) two members appointed by the Minnesota Sheriffs Association, at least one of whom  
44.20 must be a sheriff;

44.21 (8) two members appointed by the Minnesota Chiefs of Police Association, at least one  
44.22 of whom must be a chief of police;

44.23 (9) two members appointed by the Minnesota County Attorneys Association, at least  
44.24 one of whom must be a county attorney;

44.25 (10) two members appointed by the League of Minnesota Cities representing the interests  
44.26 of city attorneys, at least one of whom must be a city attorney;

44.27 (11) two members appointed by the Board of Public Defense, at least one of whom must  
44.28 be a public defender;

44.29 (12) two corrections administrators appointed by the Association of Minnesota Counties  
44.30 representing the interests of local corrections, at least one of whom represents a Community  
44.31 Corrections Act county;

45.1 (13) two probation officers appointed by the commissioner of corrections in consultation  
45.2 with the president of the Minnesota Association of Community Corrections Act Counties  
45.3 and the president of the Minnesota Association of County Probation Officers;

45.4 (14) four public members appointed by the governor representing both metropolitan and  
45.5 greater Minnesota for a term of four years using the process described in section 15.059,  
45.6 one of whom represents the interests of victims, and one of whom represents the private  
45.7 business community who has expertise in integrated information systems and who, for the  
45.8 purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;

45.9 (15) two members appointed by the Minnesota Association for Court Management, at  
45.10 least one of whom must be a court administrator;

45.11 (16) one member of the house of representatives appointed by the speaker of the house,  
45.12 or an alternate who is also a member of the house of representatives, appointed by the  
45.13 speaker of the house;

45.14 (17) one member of the senate appointed by the majority leader, or an alternate who is  
45.15 also a member of the senate, appointed by the majority leader of the senate;

45.16 (18) one member appointed by the attorney general;

45.17 (19) two members appointed by the League of Minnesota Cities, one of whom works  
45.18 or resides in greater Minnesota and one of whom works or resides in the seven-county  
45.19 metropolitan area, and at least one of whom is an elected official;

45.20 (20) two members appointed by the Association of Minnesota Counties, one of whom  
45.21 works or resides in greater Minnesota and one of whom works or resides in the seven-county  
45.22 metropolitan area, and at least one of whom is an elected official; and

45.23 (21) the director of the Sentencing Guidelines Commission or a designee.

45.24 (b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory  
45.25 group.

45.26 (c) The advisory group shall serve as the state advisory group on statewide criminal  
45.27 justice information policy and funding issues. The advisory group shall study and make  
45.28 recommendations to the governor, the supreme court, and the legislature on criminal justice  
45.29 information funding and policy issues such as related data practices, individual privacy  
45.30 rights, and data on race and ethnicity; information-sharing at the local, state, and federal  
45.31 levels; technology education and innovation; the impact of proposed legislation on the  
45.32 criminal justice system related to information systems and business processes; and data and  
45.33 identification standards.

46.1 (d) The advisory group shall have the additional duties of reviewing and advising the  
46.2 bureau superintendent on:

46.3 (1) audits, accreditation reports, and internal reviews of bureau operations;

46.4 (2) emerging technologies in the law enforcement and forensic science fields;

46.5 (3) policies and practices that impact individual privacy interests; and

46.6 (4) other programmatic and operational initiatives of the bureau at the request of the  
46.7 superintendent.

46.8 Sec. 23. Minnesota Statutes 2020, section 299C.65, subdivision 3a, is amended to read:

46.9 Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor,  
46.10 supreme court, and chairs and ranking minority members of the senate and house of  
46.11 representatives committees and divisions with jurisdiction over criminal justice funding  
46.12 and policy by January 15 in each odd-numbered year. The report must provide the following:

46.13 (1) status and review of current statewide criminal justice information systems;

46.14 (2) recommendations concerning any legislative changes or appropriations that are  
46.15 needed to ensure that the criminal justice information systems operate accurately and  
46.16 efficiently; ~~and~~

46.17 (3) a summary of the activities of the advisory group, including any funding and grant  
46.18 requests; and

46.19 (4) a summary of any reviews conducted by the advisory group of bureau audits, reports,  
46.20 policies, programs, and procedures and any recommendations provided to the bureau related  
46.21 to the reviews.

46.22 Sec. 24. Minnesota Statutes 2020, section 299F.362, is amended to read:

46.23 **299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.**

46.24 Subdivision 1. **Definitions.** For the purposes of this section, the following definitions  
46.25 shall apply:

46.26 (a) "Apartment house" is any building, or portion thereof, which is designed, built,  
46.27 rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence  
46.28 of three or more families living independently of each other and doing their own cooking  
46.29 in the building, and shall include buildings containing three or more flats or apartments.

47.1 (b) "Dwelling" is any building, or any portion thereof, which is not an apartment house,  
47.2 lodging house, or a hotel and which contains one or two "dwelling units" which are, or are  
47.3 intended or designed to be, occupied for living purposes.

47.4 (c) "Dwelling unit" is a single unit providing complete, independent living facilities for  
47.5 one or more persons including permanent provisions for living, sleeping, eating, cooking,  
47.6 and sanitation, or a single unit used by one or more persons for sleeping and sanitation  
47.7 pursuant to a work practice or labor agreement.

47.8 (d) "Hotel" is any building, or portion thereof, containing six or more guest rooms  
47.9 intended or designed to be used, or which are used, rented, or hired out to be occupied, or  
47.10 which are occupied for sleeping purposes by guests.

47.11 (e) "Lodging house" is any building, or portion thereof, containing not more than five  
47.12 guest rooms which are used or are intended to be used for sleeping purposes by guests and  
47.13 where rent is paid in money, goods, labor, or otherwise.

47.14 Subd. 2. **Rules, smoke ~~detector~~ alarm location.** The commissioner of public safety  
47.15 shall promulgate rules concerning the placement of smoke ~~detectors~~ alarms in dwellings,  
47.16 apartment houses, hotels, and lodging houses. The rules shall take into account designs of  
47.17 the guest rooms or dwelling units.

47.18 Subd. 3. **Smoke ~~detector~~ alarm for any dwelling.** Every dwelling unit within a dwelling  
47.19 must be provided with a smoke ~~detector~~ alarm meeting the requirements of the State Fire  
47.20 Code. The ~~detector~~ alarm must be mounted in accordance with the rules regarding smoke  
47.21 ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ alarm  
47.22 must provide an alarm in the dwelling unit.

47.23 Subd. 3a. **Smoke ~~detector~~ alarm for new dwelling.** In construction of a new dwelling,  
47.24 each smoke ~~detector~~ alarm must be attached to a centralized power source.

47.25 Subd. 4. **Smoke ~~detector~~ alarm for apartment, lodging house, or hotel.** Every dwelling  
47.26 unit within an apartment house and every guest room in a lodging house or hotel used for  
47.27 sleeping purposes must be provided with a smoke ~~detector~~ alarm conforming to the  
47.28 requirements of the State Fire Code. In dwelling units, ~~detectors~~ alarms must be mounted  
47.29 in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under  
47.30 subdivision 2. When actuated, the ~~detector~~ alarm must provide an alarm in the dwelling  
47.31 unit or guest room.

47.32 Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section  
47.33 where the occupant is not the owner of the dwelling unit or the guest room, the owner is

48.1 responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection  
48.2 and maintenance reports with the local fire marshal for establishing evidence of inspection  
48.3 and maintenance of smoke ~~detectors~~ alarms.

48.4 Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must  
48.5 inform the owner of the dwelling unit of a nonfunctioning smoke ~~detector~~ alarm within 24  
48.6 hours of discovering that the smoke ~~detector~~ alarm in the dwelling unit is not functioning.  
48.7 If the occupant fails to inform the owner under this subdivision, the occupant's liability for  
48.8 damages is not greater than it otherwise would be.

48.9 Subd. 6. **Penalties.** (a) Any person who violates any provision of this section ~~shall be~~  
48.10 is subject to the same penalty and the enforcement mechanism that is provided for violation  
48.11 of the State Fire Code, as specified in section 299F.011, subdivision 6.

48.12 (b) An occupant who willfully disables a smoke ~~detector~~ alarm or causes it to be  
48.13 nonfunctioning, resulting in damage or injury to persons or property, is guilty of a  
48.14 misdemeanor.

48.15 Subd. 7. **Local government preempted.** This section prohibits a local unit of government  
48.16 from adopting standards different from those provided in this section.

48.17 Subd. 9. **Local government ordinance; installation in single-family**  
48.18 **residence.** Notwithstanding subdivision 7, or other law, a local governing body may adopt,  
48.19 by ordinance, rules for the installation of a smoke ~~detector~~ alarm in single-family homes in  
48.20 the city that are more restrictive than the standards provided by this section. Rules adopted  
48.21 pursuant to this subdivision may be enforced through a truth-in-housing inspection.

48.22 Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety  
48.23 educator is established in the Department of Public Safety.

48.24 Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for  
48.25 failure of a person to comply with this section.

48.26 Sec. 25. Minnesota Statutes 2020, section 326.3361, subdivision 2, is amended to read:

48.27 Subd. 2. **Required contents.** The rules adopted by the board must require:

48.28 (1) 12 hours of preassignment or on-the-job certified training within the first 21 days of  
48.29 employment, or evidence that the employee has successfully completed equivalent training  
48.30 before the start of employment. Notwithstanding any statute or rule to the contrary, this  
48.31 clause is satisfied if the employee provides a prospective employer with a certificate or a  
48.32 copy of a certificate demonstrating that the employee successfully completed this training

49.1 prior to employment with a different Minnesota licensee and completed this training within  
49.2 three previous calendar years, or successfully completed this training with a Minnesota  
49.3 licensee while previously employed with a Minnesota licensee. The certificate or a copy of  
49.4 the certificate is the property of the employee who completed the training, regardless of  
49.5 who paid for the training or how training was provided. A current or former licensed  
49.6 employer must provide a copy of a certificate demonstrating the employee's successful  
49.7 completion of training to a current or former employee upon the current or former employee's  
49.8 request. For purposes of sections 181.960 to 181.966, the person who completed the training  
49.9 is entitled to access a copy of the certificate and a current or former employer is obligated  
49.10 to comply with the provisions thereunder;

49.11 (2) certification by the board of completion of certified training for a license holder,  
49.12 qualified representative, Minnesota manager, partner, and employee to carry or use a firearm,  
49.13 a weapon other than a firearm, or an immobilizing or restraint technique; and

49.14 (3) six hours a year of certified continuing training for all license holders, qualified  
49.15 representatives, Minnesota managers, partners, and employees, and an additional six hours  
49.16 a year for individuals who are armed with firearms or armed with weapons, which must  
49.17 include annual certification of the individual.

49.18 An individual may not carry or use a weapon while undergoing on-the-job training under  
49.19 this subdivision.

49.20 Sec. 26. Minnesota Statutes 2020, section 340A.304, is amended to read:

49.21 **340A.304 LICENSE SUSPENSION AND REVOCATION.**

49.22 The commissioner shall revoke, or suspend for up to 60 days, a license issued under  
49.23 section 340A.301 ~~or~~, 340A.302, or 340A.550, or impose a fine of up to \$2,000 for each  
49.24 violation, on a finding that the licensee has violated a state law or rule of the commissioner  
49.25 relating to the possession, sale, transportation, or importation of alcoholic beverages. A  
49.26 license revocation or suspension under this section is a contested case under sections 14.57  
49.27 to 14.69 of the Administrative Procedure Act.

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

49.29 Sec. 27. Minnesota Statutes 2020, section 340A.417, is amended to read:

49.30 **340A.417 WINE SHIPMENTS INTO MINNESOTA.**

49.31 (a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter  
49.32 except for section 340A.550, a winery licensed in a state other than Minnesota, or a winery

50.1 located in Minnesota, may ship, for personal use and not for resale, not more than ~~two~~ 12  
50.2 cases of wine, containing a maximum of nine liters per case, in any calendar year to any  
50.3 resident of Minnesota age 21 or over. ~~Delivery of a shipment under this section may not be~~  
50.4 ~~deemed a sale in this state.~~

50.5 (b) The shipping container of any wine sent under this section must be clearly marked  
50.6 "Alcoholic Beverages: adult signature (over 21 years of age) required."

50.7 (c) It is not the intent of this section to impair the distribution of wine through distributors  
50.8 or importing distributors, but only to permit shipments of wine for personal use.

50.9 (d) Except for a violation of section 295.75 or chapters 297A and 297G, no criminal  
50.10 penalty may be imposed on a person for a violation of this section or section 340A.550  
50.11 other than a violation described in paragraph (e) or (f). Whenever it appears to the  
50.12 commissioner that any person has engaged in any act or practice constituting a violation of  
50.13 this section, or section 340A.550 and the violation is not within two years of any previous  
50.14 violation of this section, the commissioner shall issue and cause to be served upon the person  
50.15 an order requiring the person to cease and desist from violating this section. The order must  
50.16 give reasonable notice of the rights of the person to request a hearing and must state the  
50.17 reason for the entry of the order. Unless otherwise agreed between the parties, a hearing  
50.18 shall be held not later than seven 20 days after the request for the hearing is received by the  
50.19 commissioner after which and within 20 days after the receipt of the administrative law  
50.20 judge's report and subsequent exceptions and argument, the commissioner shall issue an  
50.21 order vacating the cease and desist order, modifying it, or making it permanent as the facts  
50.22 require. If no hearing is requested within 30 days of the service of the order, the order  
50.23 becomes final and remains in effect until modified or vacated by the commissioner. All  
50.24 hearings shall be conducted in accordance with the provisions of chapter 14. If the person  
50.25 to whom a cease and desist order is issued fails to appear at the hearing after being duly  
50.26 notified, the person shall be deemed in default, and the proceeding may be determined  
50.27 against the person upon consideration of the cease and desist order, the allegations of which  
50.28 may be deemed to be true.

50.29 (e) Any person who violates this section or section 340A.550 within two years of a  
50.30 violation for which a cease and desist order was issued under paragraph (d), is guilty of a  
50.31 misdemeanor.

50.32 (f) Any person who commits a third or subsequent violation of this section or section  
50.33 340A.550 within any subsequent two-year period is guilty of a gross misdemeanor.

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

51.1 Sec. 28. [340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION,  
51.2 AND RESTRICTIONS.

51.3 Subdivision 1. Definitions. (a) "Direct ship purchaser" means a person who purchases  
51.4 wine for personal use and not for resale from a winery located in a state other than Minnesota  
51.5 for delivery to a Minnesota address.

51.6 (b) "Direct ship winery" means a winery licensed in a state other than Minnesota that  
51.7 manufactures and makes a retail sale of wine and ships the wine to a direct ship purchaser  
51.8 as authorized under section 340A.417.

51.9 Subd. 2. License requirements. (a) A direct ship winery must apply to the commissioner  
51.10 for a direct ship license. The commissioner must not issue a license under this section unless  
51.11 the applicant:

51.12 (1) is a licensed winery in a state other than Minnesota and provides a copy of its current  
51.13 license in any state in which it is licensed to manufacture wine;

51.14 (2) provides a shipping address list, including all addresses from which it intends to ship  
51.15 wine;

51.16 (3) agrees to comply with the requirements of subdivision 4; and

51.17 (4) consents to the jurisdiction of the Departments of Public Safety and Revenue, the  
51.18 courts of this state, and any statute, law, or rule in this state related to the administration or  
51.19 enforcement of this section, including any provision authorizing the commissioners of public  
51.20 safety and revenue to audit a direct ship winery for compliance with this and any related  
51.21 section.

51.22 (b) A direct ship winery obtaining a license under this section must annually renew its  
51.23 license by January 1 of each year and must inform the commissioner at the time of renewal  
51.24 of any changes to the information previously provided in paragraph (a).

51.25 (c) The application fee for a license is \$50. The fee for a license renewal is \$50. The  
51.26 commissioner must deposit all fees received under this subdivision in the alcohol enforcement  
51.27 account in the special revenue fund established under section 299A.706.

51.28 Subd. 3. Direct ship wineries; restrictions. (a) A direct ship winery may only ship  
51.29 wine from an address provided to the commissioner as required in subdivision 2, paragraph  
51.30 (a), clause (2), or through a third-party provider whose name and address the licensee  
51.31 provided to the commissioner in the licensee's application for a license.

52.1 (b) A direct ship winery or its third-party provider may only ship wine from the direct  
52.2 ship winery's own production.

52.3 Subd. 4. **Taxation.** A direct ship winery must:

52.4 (1) collect and remit the liquor gross receipts tax as required in section 295.75;

52.5 (2) apply for a permit as required in section 297A.83 and collect and remit the sales and  
52.6 use tax imposed as required in chapter 297A;

52.7 (3) remit the tax as required in chapter 297G; and

52.8 (4) provide a statement to the commissioner, on a form prescribed by the commissioner,  
52.9 detailing each shipment of wine made to a resident of this state and any other information  
52.10 required by the commissioner.

52.11 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,  
52.12 created, or maintained by the commissioner as required under this section are classified as  
52.13 private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9  
52.14 and 12.

52.15 (b) The commissioner must share data classified as private or nonpublic under this  
52.16 section with the commissioner of revenue for purposes of administering section 295.75 and  
52.17 chapters 289A, 297A, and 297G.

52.18 Subd. 6. **Enforcement; penalties.** Section 340A.417, paragraphs (d) to (f), apply to this  
52.19 section.

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

52.21 Sec. 29. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT**  
52.22 **SHIPMENTS OF WINE.**

52.23 Subdivision 1. **Monthly report required.** Each common carrier that contracts with a  
52.24 winery under section 340A.417 for delivery of wine into this state must file with the  
52.25 commissioner a monthly report of known wine shipments made by the carrier. The report  
52.26 must be made in a form and manner as prescribed by the commissioner and must contain:

52.27 (1) the name of the common carrier making the report;

52.28 (2) the period of time covered by the report;

52.29 (3) the name and business address of the consignor;

52.30 (4) the name and address of the consignee;

53.1 (5) the weight of the package delivered to the consignee;

53.2 (6) a unique tracking number; and

53.3 (7) the date of delivery.

53.4 Subd. 2. **Record availability and retention.** Upon written request by the commissioner,  
53.5 any records supporting the report in subdivision 1 must be made available to the  
53.6 commissioner within 30 days of the request. Any records containing information relating  
53.7 to a required report must be retained and preserved for a period of two years, unless  
53.8 destruction of the records prior to the end of the two-year period is authorized in writing  
53.9 by the commissioner. All retained records must be open and available for inspection by the  
53.10 commissioner upon written request. The commissioner must make the required reports  
53.11 available to any law enforcement agency or regulatory body of any local government in the  
53.12 state in which the common carrier making the report resides or does business.

53.13 Subd. 3. **Penalty.** If a common carrier willfully violates the requirement to report a  
53.14 delivery under this section or violates any rule related to the administration and enforcement  
53.15 of this section, the commissioner must notify the common carrier in writing of the violation.  
53.16 The commissioner may impose a fine in an amount not to exceed \$500 for each subsequent  
53.17 violation.

53.18 Subd. 4. **Exemptions.** This section does not apply to common carriers regulated as  
53.19 provided by United States Code, title 49, section 10101, et. seq.; or to rail  
53.20 trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal  
53.21 Regulations, title 49, section 1090.1; or highway TOFC/COFC service provided by a rail  
53.22 carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight  
53.23 transportation, including but not limited to any other TOFC/COFC transportation as defined  
53.24 under federal law.

53.25 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,  
53.26 created, or maintained by the commissioner as required under subdivision 1, clauses (4) to  
53.27 (6), are classified as private data on individuals or nonpublic data, as defined in section  
53.28 13.02, subdivisions 9 and 12.

53.29 (b) The commissioner must share data classified as private or nonpublic under this  
53.30 section with the commissioner of revenue for purposes of administering section 295.75 and  
53.31 chapters 289A, 297A, and 297G.

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

54.1 Sec. 30. Minnesota Statutes 2020, section 403.02, is amended by adding a subdivision to  
54.2 read:

54.3 Subd. 17d. **Public safety telecommunicator.** "Public safety telecommunicator" means  
54.4 a person who is employed by a primary, secondary, or Tribal public safety answering point,  
54.5 an emergency medical dispatch service provider, or both, and serves as an initial first  
54.6 responder to answer incoming emergency telephone calls or provide for the appropriate  
54.7 emergency response either directly or through communication with the appropriate public  
54.8 safety answering point. Public safety telecommunicator includes persons who supervise  
54.9 public safety telecommunicators. Pursuant to section 403.051, after August 1, 2024, public  
54.10 safety telecommunicators and those who directly manage or supervise public safety  
54.11 telecommunicators must be certified by the commissioner.

54.12 Sec. 31. [403.051] PUBLIC SAFETY TELECOMMUNICATORS; CERTIFICATION;  
54.13 TRAINING; CONTINUING EDUCATION.

54.14 Subdivision 1. **Certification required.** After August 1, 2024, a public safety  
54.15 telecommunicator must be certified by the commissioner to serve in that role.

54.16 Subd. 2. **Certification requirements; rulemaking.** (a) The commissioner of public  
54.17 safety, in coordination with the Statewide Emergency Communications Board, must adopt  
54.18 rules for certification requirements for public safety telecommunicators and establish in  
54.19 rule criteria for training, certification, and continuing education that incorporate the  
54.20 requirements set forth in paragraph (b).

54.21 (b) The commissioner must require that candidates for public safety telecommunicator  
54.22 certification and recertification demonstrate, at a minimum, proficiency in the following  
54.23 areas:

54.24 (1) public safety telecommunicator roles and responsibilities;

54.25 (2) applicable legal concepts;

54.26 (3) interpersonal skills;

54.27 (4) emergency communications technology and information systems;

54.28 (5) 911 call processing;

54.29 (6) emergency management;

54.30 (7) radio communications for the public safety telecommunicator;

54.31 (8) stress management; and

55.1 (9) quality performance standards management.

55.2 Subd. 3. **Continuing education.** To maintain certification under this section, a public  
55.3 safety telecommunicator must complete 48 hours of approved continuing education  
55.4 coursework every two years.

55.5 Sec. 32. Minnesota Statutes 2021 Supplement, section 403.11, subdivision 1, is amended  
55.6 to read:

55.7 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer  
55.8 of a wireless or wire-line switched or packet-based telecommunications service provider  
55.9 connected to the public switched telephone network that furnishes service capable of  
55.10 originating a 911 emergency telephone call is assessed a fee based upon the number of  
55.11 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing  
55.12 maintenance and related improvements for trunking and central office switching equipment  
55.13 for 911 emergency telecommunications service, to offset administrative and staffing costs  
55.14 of the commissioner related to managing the 911 emergency telecommunications service  
55.15 program, to make distributions provided for in section 403.113, and to offset the costs,  
55.16 including administrative and staffing costs, incurred by the State Patrol Division of the  
55.17 Department of Public Safety in handling 911 emergency calls made from wireless phones.

55.18 (b) Money remaining in the 911 emergency telecommunications service account after  
55.19 all other obligations are paid must not cancel and is carried forward to subsequent years  
55.20 and may must be appropriated ~~from time to time~~ to the commissioner to provide financial  
55.21 assistance to counties for the improvement of local emergency telecommunications services,  
55.22 including public safety telecommunicator training, certification, and continuing education.

55.23 (c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each  
55.24 customer access line or other basic access service, including trunk equivalents as designated  
55.25 by the Public Utilities Commission for access charge purposes and including wireless  
55.26 telecommunications services. With the approval of the commissioner of management and  
55.27 budget, the commissioner of public safety shall establish the amount of the fee within the  
55.28 limits specified and inform the companies and carriers of the amount to be collected. When  
55.29 the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or  
55.30 defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is  
55.31 no longer needed. The commissioner shall provide companies and carriers a minimum of  
55.32 45 days' notice of each fee change. The fee must be the same for all customers, except that  
55.33 the fee imposed under this subdivision does not apply to prepaid wireless telecommunications

56.1 service, which is instead subject to the fee imposed under section 403.161, subdivision 1,  
56.2 paragraph (a).

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

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

56.12 Sec. 33. Minnesota Statutes 2021 Supplement, section 609.02, subdivision 16, is amended  
56.13 to read:

56.14 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic  
56.15 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,  
56.16 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree  
56.17 murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree  
56.18 manslaughter); 609.205 (second-degree manslaughter); 609.221 (first-degree assault);  
56.19 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree  
56.20 assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female  
56.21 genital mutilation); 609.2247 (domestic assault by strangulation); 609.25 (kidnapping);  
56.22 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343  
56.23 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct);  
56.24 609.345 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377  
56.25 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6  
56.26 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78,  
56.27 subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination  
56.28 of private sexual images); and 629.75 (violation of domestic abuse no contact order); and  
56.29 similar laws of other states, the United States, the District of Columbia, Tribal lands, and  
56.30 United States territories.

56.31 **EFFECTIVE DATE.** This section is effective August 1, 2022.

57.1 Sec. 34. Minnesota Statutes 2020, section 609.281, subdivision 3, is amended to read:

57.2 Subd. 3. **Debt bondage.** "~~Debt bondage~~" ~~means the status or condition of a debtor arising~~  
 57.3 ~~from a pledge by the debtor of the debtor's personal~~ occurs when a person provides labor  
 57.4 or services or those of any kind to pay a real or alleged debt of a the person under the debtor's  
 57.5 control as a security for debt or another, if the value of those the labor or services as  
 57.6 reasonably assessed is not applied toward the liquidation of the debt or the length and nature  
 57.7 of those the labor or services are not respectively limited and defined.

57.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
 57.9 committed on or after that date.

57.10 Sec. 35. Minnesota Statutes 2020, section 609.281, subdivision 4, is amended to read:

57.11 Subd. 4. **Forced or coerced labor or services.** "Forced or coerced labor or services"  
 57.12 means labor or services of any kind that are performed or provided by another person and  
 57.13 are obtained or maintained through an actor's:

57.14 (1) threat, either implicit or explicit, scheme, plan, or pattern, or other action or statement  
 57.15 intended to cause a person to believe that, if the person did not perform or provide the labor  
 57.16 or services, that person or another person would suffer bodily harm or physical restraint;  
 57.17 sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily,  
 57.18 psychological, economic, or reputational harm;

57.19 (2) ~~physically restraining or threatening to physically restrain~~ sexual contact, as defined  
 57.20 in section 609.341, subdivision 11, paragraph (b), with a person;

57.21 (3) physical restraint of a person;

57.22 (4) infliction of bodily, psychological, economic, or reputational harm;

57.23 ~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened  
 57.24 use of a law or legal process, whether administrative, civil, or criminal; or

57.25 ~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6)  
 57.26 destruction, concealment, removal, confiscation, withholding, or possession of any actual  
 57.27 or purported passport or other immigration document, or any other actual or purported  
 57.28 government identification document, of another person; or

57.29 ~~(5) use of blackmail.~~

57.30 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
 57.31 committed on or after that date.

58.1 Sec. 36. Minnesota Statutes 2020, section 609.281, subdivision 5, is amended to read:

58.2 Subd. 5. **Labor trafficking.** "Labor trafficking" means:

58.3 (1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining,  
58.4 or receipt of a person by any means, ~~for the purpose~~ in furtherance of:

58.5 (i) debt bondage ~~or~~;

58.6 (ii) forced labor or services;

58.7 ~~(ii)~~ (iii) slavery or practices similar to slavery; or

58.8 ~~(iii)~~ (iv) the removal of organs through the use of coercion or intimidation; or

58.9 (2) receiving profit or anything of value, knowing or having reason to know it is derived  
58.10 from an act described in clause (1).

58.11 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
58.12 committed on or after that date.

58.13 Sec. 37. Minnesota Statutes 2020, section 609.282, subdivision 1, is amended to read:

58.14 Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever  
58.15 knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is  
58.16 guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or  
58.17 to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies  
58.18 and the death arose out of and in the course of the labor trafficking or the labor and services  
58.19 related to the labor trafficking.

58.20 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
58.21 committed on or after that date.

58.22 Sec. 38. Minnesota Statutes 2020, section 609.282, is amended by adding a subdivision  
58.23 to read:

58.24 Subd. 1a. **Individuals under age 18; extended period of time; great bodily**  
58.25 **harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a  
58.26 crime and may be sentenced to imprisonment for not more than 20 years or to a payment  
58.27 of a fine of not more than \$40,000, or both if any of the following circumstances exist:

58.28 (1) the labor trafficking victim is under the age of 18;

58.29 (2) the labor trafficking occurs over an extended period of time; or

59.1 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose  
59.2 out of and in the course of the labor trafficking or the labor and services related to the labor  
59.3 trafficking.

59.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
59.5 committed on or after that date.

59.6 Sec. 39. Minnesota Statutes 2020, section 609.87, is amended by adding a subdivision to  
59.7 read:

59.8 Subd. 17. **Data.** "Data" means records or information in digital form on a computer or  
59.9 in software that can be stored, transmitted, or processed.

59.10 Sec. 40. Minnesota Statutes 2020, section 609.89, subdivision 1, is amended to read:

59.11 Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer theft and  
59.12 may be sentenced as provided in subdivision 2:

59.13 (a) intentionally and without authorization or claim of right accesses or causes to be  
59.14 accessed any computer, computer system, computer network or any part thereof for the  
59.15 purpose of obtaining services or property; ~~or~~

59.16 (b) intentionally and without claim of right, and with intent to deprive the owner of use  
59.17 or possession, takes, transfers, conceals or retains possession of any computer, computer  
59.18 system, or any computer software or data contained in a computer, computer system, or  
59.19 computer network;

59.20 (c) intentionally and without authorization or claim of right accesses or copies any  
59.21 computer software or data and uses, alters, transfers, retains, or publishes the software or  
59.22 data; or

59.23 (d) intentionally retains copies of any computer software or data beyond the individual's  
59.24 authority.

59.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
59.26 committed on or after that date.

59.27 Sec. 41. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

59.28 Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

59.29 (1) the certification of postsecondary schools to provide programs of professional peace  
59.30 officer education;

60.1 (2) minimum courses of study and equipment and facilities to be required at each certified  
60.2 school within the state;

60.3 (3) minimum qualifications for coordinators and instructors at certified schools offering  
60.4 a program of professional peace officer education located within this state;

60.5 (4) minimum standards of physical, mental, and educational fitness which shall govern  
60.6 the admission to professional peace officer education programs and the licensing of peace  
60.7 officers within the state, by any state, county, municipality, or joint or contractual  
60.8 combination thereof, including members of the Minnesota State Patrol;

60.9 (5) board-approved continuing education courses that ensure professional competence  
60.10 of peace officers and part-time peace officers;

60.11 (6) minimum standards of conduct which would affect the individual's performance of  
60.12 duties as a peace officer. These standards shall be established and published. The board  
60.13 shall review the minimum standards of conduct described in this clause for possible  
60.14 modification in 1998 and every three years after that time;

60.15 (7) a set of educational learning objectives that must be met within a certified school's  
60.16 professional peace officer education program. These learning objectives must concentrate  
60.17 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in  
60.18 these learning objectives shall be deemed satisfactory for the completion of the minimum  
60.19 basic training requirement;

60.20 (8) the establishment and use by any political subdivision or state law enforcement  
60.21 agency that employs persons licensed by the board of procedures for investigation and  
60.22 resolution of allegations of misconduct by persons licensed by the board. The procedures  
60.23 shall be in writing and shall be established on or before October 1, 1984;

60.24 (9) the issues that must be considered by each political subdivision and state law  
60.25 enforcement agency that employs persons licensed by the board in establishing procedures  
60.26 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a  
60.27 vehicle being operated in violation of section 609.487, and requirements for the training of  
60.28 peace officers in conducting pursuits. The adoption of specific procedures and requirements  
60.29 is within the authority of the political subdivision or agency;

60.30 (10) supervision of part-time peace officers and requirements for documentation of hours  
60.31 worked by a part-time peace officer who is on active duty. These rules shall be adopted by  
60.32 December 31, 1993;

60.33 (11) citizenship requirements for peace officers and part-time peace officers;

61.1 (12) driver's license requirements for peace officers and part-time peace officers; and

61.2 (13) such other matters as may be necessary consistent with sections 626.84 to 626.863.

61.3 Rules promulgated by the attorney general with respect to these matters may be continued  
61.4 in force by resolution of the board if the board finds the rules to be consistent with sections  
61.5 626.84 to 626.863.

61.6 (b) In adopting and enforcing the rules described under paragraph (a), the board shall  
61.7 prioritize the goal of promoting public safety. Promoting public safety includes the promotion  
61.8 of human rights. "Public safety" means reducing or preventing crime by diverting people  
61.9 away from the criminal justice system whenever possible, effecting arrest or detention  
61.10 practices that are the least restrictive necessary to protect the public, and promoting the  
61.11 rehabilitation of those who engage in criminal activity through the provision of  
61.12 evidence-based programming and services, while still maintaining the basic rights, freedoms,  
61.13 and privileges that belong to every person, including the right to dignity, fairness, equality,  
61.14 respect, and freedom from discrimination.

61.15 Sec. 42. Minnesota Statutes 2020, section 626A.35, is amended by adding a subdivision  
61.16 to read:

61.17 Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1  
61.18 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

61.19 (1) the consent of the owner of the vehicle has been obtained; or

61.20 (2) the owner of the motor vehicle has reported to law enforcement that the vehicle is  
61.21 stolen.

61.22 (b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the  
61.23 authority granted in paragraph (a), clause (2), an officer employed by the agency that attached  
61.24 the tracking device to the vehicle must remove the device, disable the device, or obtain a  
61.25 search warrant granting approval to continue to use the device in the investigation.

61.26 (c) A peace officer employed by the agency that attached a tracking device to a stolen  
61.27 motor vehicle must remove the tracking device if the vehicle is recovered and returned to  
61.28 the owner.

61.29 (d) Any tracking device evidence collected after the motor vehicle is returned to the  
61.30 owner is inadmissible.

62.1 Sec. 43. Minnesota Statutes 2021 Supplement, section 628.26, is amended to read:

62.2 **628.26 LIMITATIONS.**

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

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

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

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

62.14 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and  
62.15 609.3458 may be found or made at any time after the commission of the offense.

62.16 (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision  
62.17 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court  
62.18 within six years after the commission of the offense.

62.19 (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,  
62.20 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where  
62.21 the value of the property or services stolen is more than \$35,000, or for violation of section  
62.22 609.527 where the offense involves eight or more direct victims or the total combined loss  
62.23 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in  
62.24 the proper court within five years after the commission of the offense.

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

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

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

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

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

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

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

63.13 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
63.14 committed on or after that date.

63.15 Sec. 44. Minnesota Statutes 2020, section 629.341, subdivision 3, is amended to read:

63.16 Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or  
63.17 other services are available in the community and give the victim immediate notice of the  
63.18 legal rights and remedies available. The notice must include furnishing the victim a copy  
63.19 of the following statement:

63.20 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or  
63.21 county attorney to file a criminal complaint. You also have the right to go to court and file  
63.22 a petition requesting an order for protection from domestic abuse. The order could include  
63.23 the following:

63.24 (1) an order restraining the abuser from further acts of abuse;

63.25 (2) an order directing the abuser to leave your household;

63.26 (3) an order preventing the abuser from entering your residence, school, business, or  
63.27 place of employment;

63.28 (4) an order awarding you or the other parent custody of or parenting time with your  
63.29 minor child or children; or

63.30 (5) an order directing the abuser to pay support to you and the minor children if the  
63.31 abuser has a legal obligation to do so."

64.1 The notice must include the resource listing, including telephone number, for the area  
64.2 battered women's shelter, to be designated by the Office of Justice Programs in the  
64.3 Department of ~~Corrections~~ Public Safety.

64.4 Sec. 45. Minnesota Statutes 2020, section 629.341, subdivision 4, is amended to read:

64.5 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an  
64.6 incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer  
64.7 shall make a written police report of the alleged incident. The report must contain at least  
64.8 the following information: the name, address and telephone number of the victim, if provided  
64.9 by the victim, a statement as to whether an arrest occurred, the name of the arrested person,  
64.10 and a brief summary of the incident. Data that identify a victim who has made a request  
64.11 under section 13.82, subdivision 17, paragraph (d), and that are private data under that  
64.12 subdivision, shall be private in the report required by this section. A copy of this report must  
64.13 be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney,  
64.14 or organizations designated by the Office of Justice Programs in the Department of Public  
64.15 Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic  
64.16 abuse. The officer shall submit the report to the officer's supervisor or other person to whom  
64.17 the employer's rules or policies require reports of similar allegations of criminal activity to  
64.18 be made.

64.19 Sec. 46. Minnesota Statutes 2020, section 629.72, subdivision 6, is amended to read:

64.20 Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation  
64.21 in lieu of continued detention under subdivision 1, or the entry of an order for release under  
64.22 subdivision 2, but before the arrested person is released, the agency having custody of the  
64.23 arrested person or its designee must make a reasonable and good faith effort to inform orally  
64.24 the alleged victim, local law enforcement agencies known to be involved in the case, if  
64.25 different from the agency having custody, and, at the victim's request any local battered  
64.26 women's and domestic abuse programs established under section 611A.32 or sexual assault  
64.27 programs of:

64.28 (1) the conditions of release, if any;

64.29 (2) the time of release;

64.30 (3) the time, date, and place of the next scheduled court appearance of the arrested person  
64.31 and the victim's right to be present at the court appearance; and

65.1 (4) if the arrested person is charged with domestic abuse, the location and telephone  
65.2 number of ~~the area battered women's shelter as~~ programs that provide services to victims  
65.3 of domestic abuse designated by the Office of Justice Programs in the Department of Public  
65.4 Safety.

65.5 (b) As soon as practicable after an order for conditional release is entered, the agency  
65.6 having custody of the arrested person or its designee must personally deliver or mail to the  
65.7 alleged victim a copy of the written order and written notice of the information in paragraph  
65.8 (a), clauses (2) and (3).

65.9 (c) Data on the victim and the notice provided by the custodial authority are private data  
65.10 on individuals as defined in section 13.02, subdivision 12, and are accessible only to the  
65.11 victim.

65.12 Sec. 47. Laws 2021, First Special Session chapter 11, article 2, section 12, is amended to  
65.13 read:

65.14 Sec. 12. **299A.477 HOMETOWN HEROES ASSISTANCE PROGRAM.**

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

65.16 (b) "Critical illness" means cardiac disease and cancer as well as other illnesses covered  
65.17 by a policy of insurance issued by an insurer in compliance with chapter 60A.

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

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

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

65.26 (1) to ~~provide a onetime~~ establish and fund critical illness coverage that provides monetary  
65.27 support ~~payment~~ payments to each firefighter who is diagnosed with ~~cancer or heart disease~~  
65.28 a critical illness on or after August 1, 2021, and who applies for the payment. Monetary  
65.29 support shall be provided according to the requirements in subdivision 3;

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

66.4 (3) to ~~offer~~ coordinate additional psychotherapy sessions to firefighters who need them;

66.5 (4) to develop, annually update, and annually provide to all firefighters in the state at  
66.6 least two hours of training on critical illnesses, such as cancer, and heart disease, and  
66.7 emotional trauma as causes of illness and death for firefighters; steps and best practices for  
66.8 firefighters to limit the occupational risks of cancer, heart disease, and emotional trauma;  
66.9 provide evidence-based suicide prevention strategies; and ways for firefighters to address  
66.10 occupation-related emotional trauma and promote emotional wellness. The training shall  
66.11 be presented by firefighters who attend an additional course to prepare them to serve as  
66.12 trainers; and

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

66.15 Subd. 3. **Critical illness monetary support program.** (a) The Minnesota Firefighter  
66.16 Initiative shall establish and administer a critical illness monetary support program which  
66.17 shall provide ~~a onetime support payment~~ payments of up to \$20,000 to each eligible  
66.18 ~~firefighter diagnosed with cancer or heart disease. A firefighter may apply for monetary~~  
66.19 ~~support from the program, in a form specified by the Minnesota Firefighter Initiative, if the~~  
66.20 ~~firefighter has a current diagnosis of cancer or heart disease or was diagnosed with cancer~~  
66.21 ~~or heart disease in the year preceding the firefighter's application. A firefighter who is~~  
66.22 diagnosed with a critical illness on or after August 1, 2021, is eligible to apply for benefits  
66.23 under the monetary support program and has 12 months from the diagnosis to submit an  
66.24 application. A firefighter's application for monetary support must include a certification  
66.25 from the firefighter's health care provider of the firefighter's diagnosis ~~with cancer or heart~~  
66.26 ~~disease of an eligible critical illness.~~ The Minnesota Firefighter Initiative shall establish  
66.27 criteria to guide disbursement of monetary support payments under this program, and shall  
66.28 scale the amount of monetary support provided to each firefighter according to the severity  
66.29 of the firefighter's diagnosis.

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

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

67.5 Sec. 48. **TASK FORCE ON A COORDINATED APPROACH TO JUVENILE**  
67.6 **WELLNESS AND JUSTICE.**

67.7 **Subdivision 1. Establishment.** The Task Force on a Coordinated Approach to Juvenile  
67.8 Wellness and Justice is established to review the juvenile justice system in Minnesota,  
67.9 examine approaches taken in other jurisdictions, and make policy and funding  
67.10 recommendations to the legislature.

67.11 **Subd. 2. Membership.** (a) The task force consists of the following members:

67.12 (1) a district court judge serving as the presiding judge in a district juvenile court  
67.13 appointed by the governor;

67.14 (2) the state public defender or a designee;

67.15 (3) a county attorney appointed by the Minnesota County Attorneys Association;

67.16 (4) the warden of the Minnesota correctional facility for juveniles in Red Wing or a  
67.17 designee;

67.18 (5) a representative from a Tribal social services agency or a Tribal Council appointed  
67.19 by the Indian Affairs Council;

67.20 (6) a representative from an Ojibwe Indian Tribe and a representative from a Dakota  
67.21 Indian Tribe appointed by the Indian Affairs Council;

67.22 (7) a probation agent who supervises juveniles appointed by the Minnesota Association  
67.23 of Community Corrections Act Counties;

67.24 (8) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,  
67.25 paragraph (c), appointed by the governor from a list of three candidates submitted jointly  
67.26 by the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, and  
67.27 the Minnesota Police and Peace Officers Association;

67.28 (9) a high school principal appointed by the governor from a list of two candidates  
67.29 submitted jointly by the commissioner of education and the executive director of Education  
67.30 Minnesota;

68.1 (10) a representative from a county social services agency that has responsibility for  
68.2 public child welfare and child protection services, appointed by the governor;

68.3 (11) an individual who was the victim of an offense committed by a juvenile, appointed  
68.4 by the governor;

68.5 (12) a representative from a community-driven nonprofit law firm that represents juveniles  
68.6 in delinquency matters, appointed by the governor;

68.7 (13) an individual who is a children's mental health professional appointed by AspireMN;

68.8 (14) an individual who is the family member of youth impacted by the juvenile justice  
68.9 system; and

68.10 (15) ten youths under age 25 with interest or experience in the juvenile justice, juvenile  
68.11 protection, and foster care systems.

68.12 (b) To the extent possible, the demographics of the public members identified in  
68.13 paragraph (a), clause (15), must be inclusive and represent the ethnic and racial diversity  
68.14 of the state, including gender and sexual orientation, immigrant status, and religious and  
68.15 linguistic background. At least two of those public members must be from outside the  
68.16 metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

68.17 (c) Appointments must be made no later than September 15, 2022.

68.18 (d) Public members identified in paragraph (a), clause (15), are eligible for compensation  
68.19 and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision  
68.20 3. All other members shall serve without compensation.

68.21 (e) Members of the task force serve at the pleasure of the appointing authority or until  
68.22 the task force expires. Vacancies shall be filled by the appointing authority consistent with  
68.23 the qualifications of the vacating member required by this subdivision.

68.24 Subd. 3. **Officers; meetings.** (a) At its first meeting, the members of the task force shall  
68.25 elect cochairs of the task force, at least one of whom must be a public member identified  
68.26 in subdivision 2, paragraph (a), clause (15). The task force may elect other officers as  
68.27 necessary.

68.28 (b) The executive director of the Office of Justice Programs shall convene the first  
68.29 meeting of the task force no later than October 15, 2022, and shall provide meeting space  
68.30 and administrative assistance through the Office of Justice Programs as necessary for the  
68.31 task force to conduct its work.

69.1 (c) The task force shall meet at least monthly or upon the call of a cochair. The task  
69.2 force shall meet sufficiently enough to accomplish the tasks identified in this section.  
69.3 Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

69.4 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

69.5 (1) review Minnesota's juvenile justice system;

69.6 (2) identify areas of overlap and conflict between Minnesota's juvenile justice and child  
69.7 protection systems, including areas of collaboration and coordination, provision of duplicated  
69.8 services, and any inconsistent expectations placed on juveniles;

69.9 (3) review alternative approaches to juvenile justice in Minnesota counties, Tribal  
69.10 communities, and other states or jurisdictions;

69.11 (4) identify social, emotional, and developmental factors that contribute to delinquent  
69.12 acts by juveniles;

69.13 (5) identify approaches to juvenile justice that involve the affected juvenile and address  
69.14 any underlying factors that contribute to delinquent acts by juveniles;

69.15 (6) identify approaches to juvenile justice that hold juvenile offenders accountable to  
69.16 victims and the community in ways that seek to strengthen the juvenile's connection to the  
69.17 community; and

69.18 (7) make recommendations for community and legislative action to address juvenile  
69.19 justice in Minnesota.

69.20 (b) At its discretion, the task force may examine other related issues consistent with this  
69.21 section.

69.22 Subd. 5. **Report.** By January 15, 2024, the task force shall submit a report to the chairs  
69.23 and ranking minority members of the legislative committees and divisions with jurisdiction  
69.24 over public safety finance and policy, judiciary finance and policy, human services finance  
69.25 and policy, and education finance and policy.

69.26 Subd. 6. **Expiration.** The task force expires the day after submitting its final report under  
69.27 subdivision 5.

69.28 **Sec. 49. EMERGENCY COMMUNITY SAFETY GRANTS.**

69.29 Subdivision 1. **Definition.** "Re-entry program" means county remote monitoring, county  
69.30 dosage probation programs, county probation check-in stations, and any program primarily

70.1 aimed at supporting individuals with a criminal record, including but not limited to  
70.2 employment programs, housing programs, and education programs.

70.3 Subd. 2. **Expedited disbursement; distribution.** (a) Application materials for grants  
70.4 issued under this section must be prepared and made available to the public by July 15,  
70.5 2022.

70.6 (b) Applications must be reviewed and considered by the commissioner as they are  
70.7 received, and the commissioner shall approve applications when they are determined to  
70.8 meet eligibility requirements and all applicable grant standards.

70.9 (c) Half of the total amount awarded must be provided to programs that do not involve  
70.10 law enforcement agencies and are for the purposes identified in subdivision 3, paragraph  
70.11 (c), clauses (1) to (8).

70.12 Subd. 3. **Eligible recipients.** (a) A county; city; town; local law enforcement agency,  
70.13 including a law enforcement agency of a federally recognized Tribe, as defined in United  
70.14 States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for  
70.15 emergency community safety grants to support crime prevention programs.

70.16 (b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a  
70.17 multijurisdictional collaboration with other counties, cities, towns, or federally recognized  
70.18 Indian Tribes.

70.19 (c) As used in this section, "crime prevention programs" includes but is not limited to:

70.20 (1) re-entry programs;

70.21 (2) victim services programs;

70.22 (3) homelessness assistance programs;

70.23 (4) mobile crisis teams and embedded social worker programs;

70.24 (5) restorative justice programs;

70.25 (6) co-responder programs;

70.26 (7) juvenile diversion programs;

70.27 (8) community violence interruption programs;

70.28 (9) increasing the recruitment of officers by utilizing advertisements, or bonuses or  
70.29 scholarships for peace officers who remain continuously employed as peace officers for at  
70.30 least 12 months and have not been subject to disciplinary action in the previous 12 months;

71.1 (10) increasing patrols outside of squad cars, on foot or in transportation options that  
71.2 provide more interaction between police and community members;

71.3 (11) increasing, establishing, maintaining, or expanding crisis response teams in which  
71.4 social workers or mental health providers are sent as first responders when calls for service  
71.5 indicate that an individual is having a mental health crisis;

71.6 (12) establishing, maintaining, or expanding co-responder teams;

71.7 (13) purchasing equipment to perform patrols outside of squad cars on foot or in  
71.8 transportation options that provide more interaction between police and community members;

71.9 (14) hiring additional non-law-enforcement personnel to conduct functions typically  
71.10 performed by law enforcement with the intent of freeing up additional law enforcement to  
71.11 perform patrols or respond to service calls;

71.12 (15) increasing recruitment of additional detectives, investigators, or other individuals  
71.13 with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor  
71.14 vehicle theft, including hiring, on a temporary or permanent basis, retired officers utilizing  
71.15 advertisements, or bonuses or scholarships for peace officers who remain continuously  
71.16 employed as peace officers for at least 12 months and have not been subject to disciplinary  
71.17 action in the previous 12 months;

71.18 (16) increasing recruitment of additional peace officers to replace officers transferred  
71.19 or promoted to detective, investigator, or a comparable rank and assigned to investigate  
71.20 homicides, nonfatal shootings, or motor vehicle theft;

71.21 (17) ensuring retention of peace officers identified as a detective, investigator, or a  
71.22 comparable rank and assigned to investigate homicides and nonfatal shootings;

71.23 (18) acquiring, upgrading, or replacing investigative or evidence-processing technology  
71.24 or equipment;

71.25 (19) hiring additional evidence-processing personnel;

71.26 (20) ensuring that personnel responsible for evidence processing have sufficient resources  
71.27 and training;

71.28 (21) hiring and training personnel to analyze violent crime, specifically with regards to  
71.29 the use of intelligence information of criminal networks and the potential for retaliation  
71.30 among gangs or groups, and the geographic trends among homicides, nonfatal shootings,  
71.31 and carjackings;

72.1 (22) ensuring that victim services and personnel are sufficiently funded, staffed, and  
72.2 trained;

72.3 (23) ensuring that victims and family members of homicides and nonfatal shootings  
72.4 have access to resources, including:

72.5 (i) convenient mental health treatment and grief counseling;

72.6 (ii) funeral and burial expenses;

72.7 (iii) relocation expenses;

72.8 (iv) emergency shelter;

72.9 (v) emergency transportation; and

72.10 (vi) lost wage assistance;

72.11 (24) developing competitive and evidence-based programs to improve homicide and  
72.12 nonfatal shooting clearance rates; or

72.13 (25) developing best practices for improving access to, and acceptance of, victim services,  
72.14 including those that promote medical and psychological wellness, ongoing counseling, legal  
72.15 advice, and financial compensation.

72.16 Subd. 4. **Application for grants.** (a) A crime prevention program may apply to the  
72.17 commissioner of public safety for a grant for any of the purposes described in subdivision  
72.18 3. The application must be on forms and pursuant to procedures developed by the  
72.19 commissioner. The application must describe the type or types of intended emergency  
72.20 assistance, estimate the amount of money required, and include any other information  
72.21 deemed necessary by the commissioner.

72.22 (b) An applicant may not spend in any fiscal year more than ten percent of the grant  
72.23 awarded for administrative costs.

72.24 (c) Grant recipients may use funds to partner with or support other programs.

72.25 Subd. 5. **Reporting by crime prevention programs required.** The recipient of a grant  
72.26 under this section shall file a report with the commissioner of public safety by December  
72.27 15 of each calendar year in which funds were received or used. Reports must itemize the  
72.28 expenditures made, indicate the purpose of those expenditures, and describe the ultimate  
72.29 disposition, if any, of each case. The report must be on forms and pursuant to procedures  
72.30 developed by the commissioner.

73.1 **Sec. 50. LOCAL CO-RESPONDER GRANTS.**

73.2 **Subdivision 1. Expedited disbursement; distribution.** (a) Application materials for  
73.3 grants issued under this section must be prepared and made available to the public by August  
73.4 15.

73.5 (b) The commissioner must prioritize awarding grants to applicants who are not eligible  
73.6 to apply for local community innovation grants, local community policing grants, or local  
73.7 investigation grants.

73.8 (c) Half of the total amount awarded must be provided to programs that do not involve  
73.9 law enforcement agencies and are for the purposes identified in subdivision 3, paragraph  
73.10 (c), clauses (1) to (8).

73.11 **Subd. 2. Eligible recipients.** (a) A county; city; town; local law enforcement agency,  
73.12 including a law enforcement agency of a federally recognized Tribe, as defined in United  
73.13 States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for  
73.14 local co-responder grants for the purposes identified in this subdivision.

73.15 (b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a  
73.16 multijurisdictional collaboration with other counties, cities, towns, or federally recognized  
73.17 Indian Tribes.

73.18 (c) Qualifying programs must partner with local law enforcement organizations and  
73.19 must include:

73.20 (1) embedded social workers;

73.21 (2) mobile crisis teams; or

73.22 (3) violence interrupters who work with law enforcement agencies.

73.23 **Subd. 3. Application for grants.** (a) A co-responder program may apply to the  
73.24 commissioner of public safety for a grant for any of the purposes described in subdivision  
73.25 3. The application must be on forms and pursuant to procedures developed by the  
73.26 commissioner.

73.27 (b) An applicant may not spend in any fiscal year more than ten percent of the grant  
73.28 awarded for administrative costs.

73.29 (c) Grant recipients may use funds to partner with or support other programs.

73.30 **Subd. 4. Reporting by co-responder programs required.** The recipient of a grant  
73.31 under this section shall file a report with the commissioner of public safety by December  
73.32 15 of each calendar year in which funds were received or used. Reports must itemize the

74.1 expenditures made, indicate the purpose of those expenditures, and describe the ultimate  
74.2 disposition, if any, of each case. The report must be on forms and pursuant to procedures  
74.3 developed by the commissioner.

74.4 Sec. 51. LOCAL COMMUNITY INNOVATION GRANTS.

74.5 Subdivision 1. Definitions. (a) As used in this section, the following terms have the  
74.6 meanings given.

74.7 (b) "Community violence interruption" means a program that works with other  
74.8 organizations and persons in the community to develop community-based responses to  
74.9 violence that use and adapt critical incident response methods, provide targeted interventions  
74.10 to prevent the escalation of violence after the occurrence of serious incidents, and de-escalate  
74.11 violence with the use of community-based interventions. The programs may work with  
74.12 local prosecutorial offices to provide an alternative to adjudication through a restorative  
74.13 justice model.

74.14 (c) "Co-responder teams" means a partnership between a group or organization that  
74.15 provides mental health or crisis-intervention services and local units of government or Tribal  
74.16 governments that:

74.17 (1) provides crisis-response teams to de-escalate volatile situations;

74.18 (2) responds to situations involving a mental health crisis;

74.19 (3) promotes community-based efforts designed to enhance community safety and  
74.20 wellness; or

74.21 (4) supports community-based strategies to interrupt, intervene in, or respond to violence.

74.22 (d) "Qualified local government entity" means a city or town, or a federally recognized  
74.23 Indian Tribe with a law enforcement agency that reports statistics on crime rates.

74.24 (e) "Re-entry program" means county remote monitoring, county dosage probation  
74.25 programs, county probation check-in stations, and any program primarily aimed at supporting  
74.26 individuals with a criminal record, including but not limited to employment programs,  
74.27 housing programs, and education programs.

74.28 (f) "Restorative justice program" has the meaning given in Minnesota Statutes, section  
74.29 611A.775, and includes Native American sentencing circles.

74.30 Subd. 2. Expedited disbursement. (a) Application materials for grants issued under  
74.31 this section must be prepared and made available to the public by September 1.

75.1 (b) Applications must be received and reviewed, and successful applicants must be  
75.2 notified of approval, within six months of an appropriation being made to fund the grants.

75.3 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final  
75.4 review panel of office staff to make final decisions on grants awarded under this section.

75.5 (b) Staff serving on the final review panel must represent the office's responsibility for  
75.6 community outreach, research and analysis, crime victim reparations, crime victim justice,  
75.7 financial compliance, or grant management. At a minimum, the final review panel shall  
75.8 include:

75.9 (1) three individuals with specialized knowledge of, or an advanced degree in,  
75.10 criminology, sociology, urban studies, or social work;

75.11 (2) an individual with professional duties that include research and analysis; and

75.12 (3) an individual with professional duties that include grant compliance or grant  
75.13 management.

75.14 (c) If the commissioner rejects or otherwise does not follow the final review panel's  
75.15 decisions or recommendations regarding awarding or not awarding a grant, the commissioner  
75.16 shall notify the chair and ranking minority members of the legislative committees with  
75.17 jurisdiction over public safety within three business days and must identify the reasons for  
75.18 the commissioner's decision.

75.19 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public  
75.20 safety shall publish the following lists by August 1 of each year to determine eligibility for  
75.21 the formula grant:

75.22 (1) the qualified local government entities with at least three recorded violent crimes in  
75.23 the previous fiscal year and the 20 highest per capita crime rates in the previous fiscal year  
75.24 based on the Uniform Crime Reports or National Incident Based Reporting System;

75.25 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year  
75.26 based on the Uniform Crime Reports or National Incident Based Reporting System;

75.27 (3) the qualified local government entities that are not included in the list generated  
75.28 pursuant to clause (1) and have experienced at least three recorded violent crimes in the  
75.29 previous fiscal year and the 20 fastest increases in the per capita rate of crime in the previous  
75.30 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting  
75.31 System; and

76.1 (4) the counties that are not included in the list generated pursuant to clause (2) and have  
76.2 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year  
76.3 based on the Uniform Crime Reports or National Incident Based Reporting System.

76.4 (b) A county or qualified local government entity identified in any list produced pursuant  
76.5 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county  
76.6 or qualified local government entity that reports statistics on crime rates may apply as part  
76.7 of a multijurisdictional collaboration with counties or local government entities that are not  
76.8 listed provided the portion of programs or services provided through the grant funding that  
76.9 are performed in the listed county or qualified local government entity is at least equal to  
76.10 its proportion of the membership of the multijurisdictional collaboration.

76.11 (c) The commissioner of public safety shall post the lists described in paragraph (a),  
76.12 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota  
76.13 Cities, Association of Minnesota Counties, the three ethnic councils established under  
76.14 Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under  
76.15 Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under  
76.16 this section.

76.17 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section  
76.18 must be awarded to counties or qualified local government entities identified in subdivision  
76.19 4, paragraph (a), clause (1) or (2).

76.20 (b) Half the total amount appropriated under this section must be awarded to counties  
76.21 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)  
76.22 or (4).

76.23 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form  
76.24 and manner established by the commissioner of public safety.

76.25 (b) Applicants must describe the ways in which grant funds will be used to reduce crime  
76.26 in a specific subsection of the county or qualified local government entity through the  
76.27 creation or expansion of programs, including but not limited to the following:

76.28 (1) re-entry programs;

76.29 (2) victim services programs;

76.30 (3) homelessness assistance programs;

76.31 (4) mobile crisis teams and embedded social worker programs;

76.32 (5) restorative justice programs;

- 77.1 (6) co-responder programs;  
77.2 (7) juvenile diversion programs;  
77.3 (8) community violence interruption programs;  
77.4 (9) blight elimination programs; or  
77.5 (10) programs that provide technical assistance to service providers who are doing work  
77.6 that would promote public safety.

77.7 Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose  
77.8 proposals are based on evidence-based practices, provide resources to geographic areas that  
77.9 have been historically underinvested, and incorporate input from community stakeholders.

77.10 (b) Grant recipients may use funds to partner with or support other programs.

77.11 (c) Grant funds may not be used to fund the activities of law enforcement agencies or  
77.12 offset the costs of counties or qualified local government entities.

77.13 (d) Any funds that are not encumbered or spent six years after being awarded must be  
77.14 returned to the commissioner of public safety and awarded as part of a local community  
77.15 innovation grant.

77.16 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation  
77.17 established by the Minnesota Statistical Analysis Center every two years.

77.18 Sec. 52. **LOCAL COMMUNITY POLICING GRANTS.**

77.19 Subdivision 1. **Definition.** As used in this section, "qualified local government entity"  
77.20 means a federally recognized Indian Tribe with a law enforcement agency that reports  
77.21 statistics on crime rates, or a city or town that has a local law enforcement agency.

77.22 Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under  
77.23 this section must be prepared and made available to the public by September 1.

77.24 (b) Applications must be received and reviewed, and successful applicants must be  
77.25 notified of approval, within six months of an appropriation being made to fund the grants.

77.26 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final  
77.27 review panel of office staff to make final decisions on grants awarded under this section.

77.28 (b) Staff serving on the final review panel must represent the office's responsibility for  
77.29 community outreach, research and analysis, crime victim reparations, crime victim justice,  
77.30 financial compliance, or grant management. At a minimum, the final review panel shall  
77.31 include:

78.1 (1) three individuals with specialized knowledge of, or an advanced degree in,  
78.2 criminology, sociology, urban studies, or social work;

78.3 (2) an individual with professional duties that include research and analysis; and

78.4 (3) an individual with professional duties that include grant compliance or grant  
78.5 management.

78.6 (c) If the commissioner rejects or otherwise does not follow the final review panel's  
78.7 decisions or recommendations regarding awarding or not awarding a grant, the commissioner  
78.8 shall notify the chair and ranking minority members of the legislative committees with  
78.9 jurisdiction over public safety within three business days and must identify the reasons for  
78.10 the commissioner's decision.

78.11 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public  
78.12 safety shall publish the following lists by August 1 of each year:

78.13 (1) the qualified local government entities that have recorded at least three violent crimes  
78.14 in the previous fiscal year and have the 20 highest per capita crime rates in the previous  
78.15 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting  
78.16 System;

78.17 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year  
78.18 based on the Uniform Crime Reports or National Incident Based Reporting System;

78.19 (3) the qualified local government entities that are not included in the list generated  
78.20 pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year,  
78.21 and have experienced the 20 fastest increases in the per capita rate of crime in the previous  
78.22 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting  
78.23 System; and

78.24 (4) the counties that are not included in the list generated pursuant to clause (2) and have  
78.25 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year  
78.26 based on the Uniform Crime Reports or National Incident Based Reporting System.

78.27 (b) A county or qualified local government entity identified in any list produced pursuant  
78.28 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county  
78.29 or qualified local government entity may apply as part of a multijurisdictional collaboration  
78.30 with counties and local government entities that are not listed provided the portion of  
78.31 programs or services provided through the grant funding that are performed in the listed  
78.32 county or qualified local government entity is at least equal to its proportion of the  
78.33 membership of the multijurisdictional collaboration.

79.1 (c) The commissioner of public safety shall post the lists described in paragraph (a),  
79.2 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota  
79.3 Cities, Association of Minnesota Counties, the three ethnic councils established under  
79.4 Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under  
79.5 Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under  
79.6 this section.

79.7 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section  
79.8 must be awarded to counties or qualified local government entities identified in subdivision  
79.9 4, paragraph (a), clause (1) or (2).

79.10 (b) Half the total amount appropriated under this section must be awarded to counties  
79.11 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)  
79.12 or (4).

79.13 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form  
79.14 and manner established by the commissioner.

79.15 (b) Applicants must describe the ways in which grant funds will be used to reduce crime  
79.16 by increasing the capacity, efficiency, and effectiveness of law enforcement community  
79.17 policing efforts through approaches, including but not limited to the following:

79.18 (1) increasing the recruitment of officers by utilizing advertisements, or bonuses or  
79.19 scholarships for peace officers who remain continuously employed as a peace officer for  
79.20 at least 12 months and have not been subject to disciplinary action in the previous 12 months;

79.21 (2) increasing patrols outside of squad cars on foot or in transportation options that  
79.22 provide more interaction between police and community members;

79.23 (3) increasing, establishing, maintaining, or expanding crisis response teams in which  
79.24 social workers or mental health providers are sent as first responders when calls for service  
79.25 indicate that an individual is having a mental health crisis;

79.26 (4) establishing, maintaining, or expanding co-responder teams;

79.27 (5) purchasing equipment to perform patrols outside of squad cars on foot or in  
79.28 transportation options that provide more interaction between police and community members;  
79.29 or

79.30 (6) hiring additional non-law-enforcement personnel to conduct functions typically  
79.31 performed by law enforcement with the intent of freeing up additional law enforcement to  
79.32 perform patrols or respond to service calls.

80.1 Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose  
80.2 proposals:

80.3 (1) involve community policing strategies;

80.4 (2) include collaboration with non-law-enforcement entities such as community-based  
80.5 violence prevention programs, social worker programs, or mental health specialists;

80.6 (3) are based on academic studies or based on evidence-based policing research or  
80.7 findings; or

80.8 (4) involve increased law enforcement accountability or transparency.

80.9 (b) Grant recipients may use funds to partner with or support other programs.

80.10 (c) Grant funds may not be used to offset the costs of law enforcement agencies, counties,  
80.11 or qualified local government entities.

80.12 (d) Any funds that are not encumbered or spent six years after being awarded must be  
80.13 returned to the commissioner of public safety and awarded as part of a local community  
80.14 innovation grant.

80.15 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation  
80.16 established by the Minnesota Statistical Analysis Center every two years.

80.17 **Sec. 53. LOCAL INVESTIGATION GRANTS.**

80.18 Subdivision 1. **Definition.** As used in this section, "qualified local government entity"  
80.19 means a federally recognized Indian Tribe with a law enforcement agency that reports  
80.20 statistics on crime rates, or a city or town that has a local law enforcement agency.

80.21 Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under  
80.22 this section must be prepared and made available to the public by September 1.

80.23 (b) Applications must be received and reviewed, and successful applicants must be  
80.24 notified of approval, within six months of an appropriation being made to fund the grants.

80.25 Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final  
80.26 review panel of office staff to make final decisions on grants awarded under this section.

80.27 (b) Staff serving on the final review panel must represent the office's responsibility for  
80.28 community outreach, research and analysis, crime victim reparations, crime victim justice,  
80.29 financial compliance, or grant management. At a minimum, the final review panel shall  
80.30 include:

81.1 (1) three individuals with specialized knowledge of, or an advanced degree in,  
81.2 criminology, sociology, urban studies, or social work;

81.3 (2) an individual with professional duties that include research and analysis; and

81.4 (3) an individual with professional duties that include grant compliance or grant  
81.5 management.

81.6 (c) If the commissioner rejects or otherwise does not follow the final review panel's  
81.7 decisions or recommendations regarding awarding or not awarding a grant, the commissioner  
81.8 shall notify the chair and ranking minority members of the legislative committees with  
81.9 jurisdiction over public safety within three business days and must identify the reasons for  
81.10 the commissioner's decision.

81.11 Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public  
81.12 safety shall publish the following lists by August 1 of each year:

81.13 (1) the qualified local government entities that have recorded at least three violent crimes  
81.14 in the previous fiscal year and have the 20 highest per capita crime rates in the previous  
81.15 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting  
81.16 System;

81.17 (2) the counties with the 20 highest per capita crime rates in the previous fiscal year  
81.18 based on the Uniform Crime Reports or National Incident Based Reporting System;

81.19 (3) the qualified local government entities that are not included in the list generated  
81.20 pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year,  
81.21 and have experienced the 20 fastest increases in the per capita rate of crime in the previous  
81.22 fiscal year based on the Uniform Crime Reports or National Incident Based Reporting  
81.23 System; and

81.24 (4) the counties that are not included in the list generated pursuant to clause (2) and have  
81.25 experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year  
81.26 based on the Uniform Crime Reports or National Incident Based Reporting System.

81.27 (b) A county or qualified local government entity identified in any list produced pursuant  
81.28 to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county  
81.29 or qualified local government entity may apply as part of a multijurisdictional collaboration  
81.30 with counties and local government entities that are not listed provided the portion of  
81.31 programs or services provided through the grant funding that are performed in the listed  
81.32 county or qualified local government entity is at least equal to its proportion of the  
81.33 membership of the multijurisdictional collaboration.

82.1 (c) The commissioner of public safety shall post the lists described in paragraph (a),  
82.2 clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota  
82.3 Cities, Association of Minnesota Counties, the three ethnic councils established under  
82.4 Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under  
82.5 Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under  
82.6 this section.

82.7 Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section  
82.8 must be awarded to counties or qualified local government entities identified in subdivision  
82.9 4, paragraph (a), clause (1) or (2).

82.10 (b) Half the total amount appropriated under this section must be awarded to counties  
82.11 or qualified local government entities identified in subdivision 4, paragraph (a), clause (3)  
82.12 or (4).

82.13 Subd. 6. **Application materials.** (a) Applicants must submit an application in the form  
82.14 and manner established by the commissioner of public safety.

82.15 (b) Applicants must describe the ways in which grant funds will be used to reduce crime  
82.16 by increasing the capacity, efficiency, and effectiveness of law enforcement investigations  
82.17 through approaches, including but not limited to the following:

82.18 (1) increasing recruitment of additional detectives, investigators, or other individuals  
82.19 with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor  
82.20 vehicle theft, including hiring, on a temporary or permanent basis, retired officers by utilizing  
82.21 advertisements, or bonuses or scholarships for peace officers who remain continuously  
82.22 employed as a peace officer for at least 12 months and have not been subject to disciplinary  
82.23 action in the previous 12 months;

82.24 (2) increasing recruitment of additional peace officers to replace officers transferred or  
82.25 promoted to detective, investigator, or a comparable rank and assigned to investigate  
82.26 homicides, nonfatal shootings, or motor vehicle theft;

82.27 (3) ensuring retention of peace officers identified as a detective, investigator, or a  
82.28 comparable rank and assigned to investigate homicides and nonfatal shootings;

82.29 (4) acquiring, upgrading, or replacing investigative or evidence-processing technology  
82.30 or equipment;

82.31 (5) hiring additional evidence-processing personnel;

82.32 (6) ensuring that personnel responsible for evidence processing have sufficient resources  
82.33 and training;

- 83.1 (7) hiring and training personnel to analyze violent crime, specifically with regards to  
83.2 the use of intelligence information of criminal networks and the potential for retaliation  
83.3 among gangs or groups, and the geographic trends among homicides, nonfatal shootings,  
83.4 and carjackings;
- 83.5 (8) ensuring that victim services and personnel are sufficiently funded, staffed, and  
83.6 trained;
- 83.7 (9) ensuring that victims and family members of homicides and nonfatal shootings have  
83.8 access to resources, including:
- 83.9 (i) convenient mental health treatment and grief counseling;
- 83.10 (ii) assistance for funeral and burial expenses;
- 83.11 (iii) assistance for relocation expenses;
- 83.12 (iv) emergency shelter;
- 83.13 (v) emergency transportation; and
- 83.14 (vi) lost wage assistance;
- 83.15 (10) developing competitive and evidence-based programs to improve homicide and  
83.16 nonfatal shooting clearance rates; or
- 83.17 (11) developing best practices for improving access to, and acceptance of, victim services,  
83.18 including those that promote medical and psychological wellness, ongoing counseling, legal  
83.19 advice, and financial compensation.
- 83.20 Subd. 7. **Awards.** (a) Grant recipients may use funds to partner with or support other  
83.21 programs.
- 83.22 (b) Grant funds may not be used to fund undercover peace officer work or offset the  
83.23 costs of law enforcement agencies, counties, or qualified local government entities.
- 83.24 (c) Any funds that are not encumbered or spent six years after being awarded must be  
83.25 returned to the commissioner of public safety and awarded as part of a local community  
83.26 innovation grant.
- 83.27 Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation  
83.28 established by the Minnesota Statistical Analysis Center every two years.

84.1 Sec. 54. **REPEALER.**

84.2 Minnesota Statutes 2020, sections 299A.49, subdivision 7; 403.02, subdivision 17c;  
84.3 609.281, subdivision 2; 609.293, subdivisions 1 and 5; 609.34; and 609.36, are repealed.

84.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
84.5 committed on or after that date.

### 84.6 ARTICLE 3

### 84.7 LAW ENFORCEMENT POLICY

84.8 Section 1. Minnesota Statutes 2020, section 214.10, subdivision 10, is amended to read:

84.9 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**  
84.10 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the  
84.11 executive director or any member of the Board of Peace Officer Standards and Training  
84.12 produces or receives a written statement or complaint that alleges a violation of a statute or  
84.13 rule that the board is empowered to enforce, the executive director shall designate the  
84.14 appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to  
84.15 conduct an inquiry into the complaint's allegations. The investigating agency must complete  
84.16 the inquiry and submit a written summary of it to the executive director within 30 days of  
84.17 the order for inquiry.

84.18 Sec. 2. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

84.19 Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for  
84.20 damages based on sexual abuse: (1) must be commenced within six years of the alleged  
84.21 sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may  
84.22 be commenced at any time in the case of alleged sexual abuse of an individual under the  
84.23 age of 18, except as provided for in subdivision 4; and (3) must be commenced before the  
84.24 plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused  
84.25 a minor when that natural person was under 14 years of age.

84.26 (b) An action for damages based on sexual abuse may be commenced at any time in the  
84.27 case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision  
84.28 1, paragraph (c).

84.29 ~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse  
84.30 acts by the defendant caused the injury.

84.31 ~~(c)~~ (d) This section does not affect the suspension of the statute of limitations during a  
84.32 period of disability under section 541.15.

85.1 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.  
85.2 Except as provided in paragraph (b), this section applies to actions that were not time-barred  
85.3 before the effective date.

85.4 (b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of  
85.5 an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision  
85.6 1, paragraph (c), if the action would otherwise be time-barred under a previous version of  
85.7 Minnesota Statutes, section 541.073, or other time limit, an action for damages against a  
85.8 peace officer may be commenced no later than five years following the effective date of  
85.9 this section.

85.10 Sec. 3. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

85.11 Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission  
85.12 of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain  
85.13 an action therefor if the decedent might have maintained an action, had the decedent lived,  
85.14 for an injury caused by the wrongful act or omission. An action to recover damages for a  
85.15 death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital  
85.16 or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall  
85.17 be commenced within three years of the date of death, but in no event shall be commenced  
85.18 beyond the time set forth in section 541.076. An action to recover damages for a death  
85.19 caused by an intentional act constituting murder may be commenced at any time after the  
85.20 death of the decedent. An action to recover damages for a death caused by a peace officer,  
85.21 as defined in section 626.84, subdivision 1, paragraph (c), must be commenced within six  
85.22 years after the Bureau of Criminal Apprehension or affected agency receives notice of  
85.23 declination of charges or at the completion of criminal proceedings. Any other action under  
85.24 this section may be commenced within three years after the date of death provided that the  
85.25 action must be commenced within six years after the act or omission. The recovery in the  
85.26 action is the amount the jury deems fair and just in reference to the pecuniary loss resulting  
85.27 from the death, and shall be for the exclusive benefit of the surviving spouse and next of  
85.28 kin, proportionate to the pecuniary loss severally suffered by the death. The court then  
85.29 determines the proportionate pecuniary loss of the persons entitled to the recovery and  
85.30 orders distribution accordingly. Funeral expenses and any demand for the support of the  
85.31 decedent allowed by the court having jurisdiction of the action, are first deducted and paid.  
85.32 Punitive damages may be awarded as provided in section 549.20.

85.33 (b) If an action for the injury was commenced by the decedent and not finally determined  
85.34 while living, it may be continued by the trustee for recovery of damages for the exclusive

86.1 benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally  
86.2 suffered by the death. The court on motion shall make an order allowing the continuance  
86.3 and directing pleadings to be made and issues framed as in actions begun under this section.

86.4 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment.  
86.5 Except as provided in paragraph (b), this section applies to actions that were not time-barred  
86.6 before the effective date.

86.7 (b) Notwithstanding any other provision of law, in the case of a death caused by a peace  
86.8 officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if  
86.9 the action would otherwise be time-barred under a previous version of Minnesota Statutes,  
86.10 section 573.02, or other time limit, an action for damages against a peace officer may be  
86.11 commenced no later than five years following the effective date of this section.

86.12 Sec. 4. Minnesota Statutes 2020, section 626.76, is amended by adding a subdivision to  
86.13 read:

86.14 Subd. 2a. **Compliance review officers.** (a) Except as provided for in paragraph (c),  
86.15 when a major public safety event requires a joint operation involving three or more law  
86.16 enforcement agencies, including at least one state law enforcement agency, at least one  
86.17 representative from each state law enforcement agency's internal affairs unit must be  
86.18 temporarily reassigned as a compliance review officer. Compliance review officers assigned  
86.19 to a major public safety event must be present on the scene and perform the following  
86.20 functions:

86.21 (1) inspect and inform senior officers of any policy, regulatory, or state law violations  
86.22 by state law enforcement;

86.23 (2) proactively speak with media and the public to gather information on law  
86.24 enforcement's response to determine compliance with policy, regulation, and state law when  
86.25 it does not obstruct police operation or place officers in jeopardy; and

86.26 (3) note and report any policy, regulation, or state law violations by state law enforcement  
86.27 to the proper authority.

86.28 (b) A compliance review officer assigned to perform the duties under paragraph (a) shall  
86.29 not participate in subsequent investigations related to that major public safety event except  
86.30 for as a witness.

86.31 (c) The requirement to have compliance review officers on scene under paragraph (a)  
86.32 does not apply if the presence of compliance review officers would obstruct law enforcement  
86.33 operations or place compliance review officers or peace officers in danger.

87.1 (d) For purposes of this section, "major public safety event" means:

87.2 (1) an event where more than 50 peace officers are needed to respond;

87.3 (2) an event that is expected to, or has, a crowd in excess of 200 persons; or

87.4 (3) an event that is expected to, or has, a crowd in excess of 50 persons and a local or  
87.5 statewide state of emergency is declared.

87.6 Sec. 5. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to  
87.7 read:

87.8 Subd. 1c. **Physical strength and agility examinations.** (a) Beginning on December 1,  
87.9 2022, physical strength and agility screening examinations required by law enforcement  
87.10 agencies for applicants must be scientifically content-validated and job-related. This  
87.11 requirement does not apply to tests of an applicant's cardiovascular health or general physical  
87.12 fitness to serve as a peace officer.

87.13 (b) The board must enact rules establishing standards for physical strength and agility  
87.14 examinations required by law enforcement agencies that comply with the requirements set  
87.15 forth in this subdivision.

87.16 Sec. 6. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to  
87.17 read:

87.18 Subd. 1d. **Rules governing certain misconduct.** No later than January 1, 2024, the  
87.19 board must adopt rules under chapter 14 that permit the board to take disciplinary action  
87.20 on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700,  
87.21 whether or not criminal charges have been filed and in accordance with the evidentiary  
87.22 standards and civil processes for boards under chapter 214.

87.23 Sec. 7. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

87.24 Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state  
87.25 and local law enforcement agency that uses or proposes to use a portable recording system  
87.26 must establish and enforce a written policy governing its use. In developing and adopting  
87.27 the policy, the law enforcement agency must provide for public comment and input as  
87.28 provided in subdivision 2. Use of a portable recording system without adoption of a written  
87.29 policy meeting the requirements of this section is prohibited. The written policy must be  
87.30 posted on the agency's website, if the agency has a website.

88.1 (b) At a minimum, the written policy must incorporate and require compliance with the  
88.2 following:

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

88.10 (2) mandate that a portable recording system be:

88.11 (i) worn where it affords an unobstructed view, and above the mid-line of the waist;

88.12 (ii) activated during all contacts with citizens in the performance of official duties other  
88.13 than community engagement, to the extent practical without compromising officer safety;  
88.14 and

88.15 (iii) activated when the officer arrives on scene of an incident and remain active until  
88.16 the conclusion of the officer's duties at the scene of the incident;

88.17 (3) mandate that officers assigned a portable recording system wear and operate the  
88.18 system in compliance with the agency's policy adopted under this section while performing  
88.19 law enforcement activities under the command and control of another chief law enforcement  
88.20 officer or federal law enforcement official;

88.21 (4) mandate that, notwithstanding any law to the contrary, a deceased individual's next  
88.22 of kin, legal representative of the next of kin, or other parent of the deceased individual's  
88.23 children be entitled to view any and all recordings from a peace officer's portable recording  
88.24 system, redacted no more than what is required by law, of an officer's use of deadly force  
88.25 no later than five business days following an incident where deadly force used by a peace  
88.26 officer results in the death of an individual, except that a chief law enforcement officer may  
88.27 deny a request if the investigating agency requests and can articulate a compelling reason  
88.28 as to why allowing the deceased individual's next of kin, legal representative of the next of  
88.29 kin, or other parent of the deceased individual's children to review the recordings would  
88.30 interfere with a thorough investigation. If the chief law enforcement officer denies a request  
88.31 under this paragraph, the involved officer's agency must issue a prompt, written denial and  
88.32 provide notice to the deceased individual's next of kin, legal representative of the next of  
88.33 kin, or other parent of the deceased individual's children that relief may be sought from the  
88.34 district court;

89.1 (5) mandate that, notwithstanding any law to the contrary, an involved officer's agency  
89.2 shall release all body-worn camera recordings of an incident where a peace officer used  
89.3 deadly force and an individual dies to the public no later than 14 business days after the  
89.4 incident, except that a chief law enforcement officer shall not release the video if the  
89.5 investigating agency asserts in writing that allowing the public to view the recordings would  
89.6 interfere with the ongoing investigation;

89.7 (6) procedures for testing the portable recording system to ensure adequate functioning;

89.8 ~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements  
89.9 for documentation by the officer using the system at the time of a malfunction or failure;

89.10 ~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion  
89.11 of the officer using the system;

89.12 ~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

89.13 ~~(6)~~ (10) circumstances under which a recording may be ended while an investigation,  
89.14 response, or incident is ongoing;

89.15 ~~(7)~~ (11) procedures for the secure storage of portable recording system data and the  
89.16 creation of backup copies of the data; and

89.17 ~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which  
89.18 must include, at a minimum, supervisory or internal audits and reviews, and the employee  
89.19 discipline standards for unauthorized access to data contained in section 13.09.

89.20 (c) The board has authority to inspect state and local law enforcement agency policies  
89.21 to ensure compliance with this section. The board may conduct this inspection based upon  
89.22 a complaint it receives about a particular agency or through a random selection process.  
89.23 The board may impose licensing sanctions and seek injunctive relief under section 214.11  
89.24 for an agency's or licensee's failure to comply with this section.

89.25 Sec. 8. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

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

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

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

90.1 (b) A local unit of government may establish a civilian review board, commission, or  
90.2 other oversight body shall not have council and grant the council the authority to make a  
90.3 finding of fact or determination regarding a complaint against an officer or impose discipline  
90.4 on an officer. A civilian review board, commission, or other oversight body may make a  
90.5 recommendation regarding the merits of a complaint, however, the recommendation shall  
90.6 be advisory only and shall not be binding on nor limit the authority of the chief law  
90.7 enforcement officer of any unit of government.

90.8 (c) At the conclusion of any criminal investigation or prosecution, if any, a civilian  
90.9 oversight council may conduct an investigation into allegations of peace officer misconduct  
90.10 and retain an investigator to facilitate an investigation. Subject to other applicable law, a  
90.11 council may subpoena or compel testimony and documents in an investigation. Upon  
90.12 completion of an investigation, a council may make a finding of misconduct and recommend  
90.13 appropriate discipline against peace officers employed by the agency. If the governing body  
90.14 grants a council the authority, the council may impose discipline on peace officers employed  
90.15 by the agency. A council may submit investigation reports that contain findings of peace  
90.16 officer misconduct to the chief law enforcement officer and the Peace Officer Standards  
90.17 and Training Board's complaint committee. A council may also make policy  
90.18 recommendations to the chief law enforcement officer and the Peace Officer Standards and  
90.19 Training Board.

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

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

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

91.1 Sec. 9. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to  
91.2 read:

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

91.9 Sec. 10. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3,  
91.10 is amended to read:

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

91.12 **Philando Castile Memorial Training Fund**

91.13 \$6,000,000 each year is to support and  
91.14 strengthen law enforcement training and  
91.15 implement best practices. This funding shall  
91.16 be named the "Philando Castile Memorial  
91.17 Training Fund." These funds may only be used  
91.18 to reimburse costs related to training courses  
91.19 that qualify for reimbursement under  
91.20 Minnesota Statutes, sections 626.8469  
91.21 (training in crisis response, conflict  
91.22 management, and cultural diversity) and  
91.23 626.8474 (autism training).

91.24 Each sponsor of a training course is required  
91.25 to include the following in the sponsor's  
91.26 application for approval submitted to the  
91.27 board: course goals and objectives; a course  
91.28 outline including at a minimum a timeline and  
91.29 teaching hours for all courses; instructor  
91.30 qualifications, ~~including skills and concepts~~  
91.31 ~~such as crisis intervention, de-escalation, and~~  
91.32 ~~cultural competency that are relevant to the~~  
91.33 ~~course provided~~; and a plan for learning  
91.34 assessments of the course and documenting

- 92.1 the assessments to the board during review.
- 92.2 Upon completion of each course, instructors
- 92.3 must submit student evaluations of the
- 92.4 instructor's teaching to the sponsor.
- 92.5 The board shall keep records of the
- 92.6 applications of all approved and denied
- 92.7 courses. All continuing education courses shall
- 92.8 be reviewed after the first year. The board
- 92.9 must set a timetable for recurring review after
- 92.10 the first year. For each review, the sponsor
- 92.11 must submit its learning assessments to the
- 92.12 board to show that the course is teaching the
- 92.13 learning outcomes that were approved by the
- 92.14 board.
- 92.15 A list of licensees who successfully complete
- 92.16 the course shall be maintained by the sponsor
- 92.17 and transmitted to the board following the
- 92.18 presentation of the course and the completed
- 92.19 student evaluations of the instructors.
- 92.20 Evaluations are available to chief law
- 92.21 enforcement officers. The board shall establish
- 92.22 a data retention schedule for the information
- 92.23 collected in this section.
- 92.24 Each year, if funds are available after
- 92.25 reimbursing all eligible requests for courses
- 92.26 approved by the board under this subdivision,
- 92.27 the board may use the funds to reimburse law
- 92.28 enforcement agencies for other
- 92.29 board-approved law enforcement training
- 92.30 courses. The base for this activity is \$0 in
- 92.31 fiscal year 2026 and thereafter.

93.1      Sec. 11. **TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER**  
93.2 **LICENSURE.**

93.3      Subdivision 1. Establishment. The Task Force on Alternative Courses to Peace Officer  
93.4 Licensure is established to increase recruitment of new peace officers, increase the diversity  
93.5 of the racial makeup and professional background of licensed peace officers, promote  
93.6 education and training in community policing models, maintain the high standards of  
93.7 education and training required for licensure, and make policy and funding recommendations  
93.8 to the legislature.

93.9      Subd. 2. Membership. (a) The task force consists of the following members:

93.10      (1) the chair of the Peace Officer Standards and Training Board, or a designee;

93.11      (2) a member of the Peace Officer Standards and Training Board representing the general  
93.12 public appointed by the chair of the Peace Officer Standards and Training Board;

93.13      (3) the chief of the State Patrol, or a designee;

93.14      (4) the superintendent of the Bureau of Criminal Apprehension, or a designee;

93.15      (5) the attorney general, or a designee;

93.16      (6) the president of the Minnesota Chiefs of Police Association, or a designee;

93.17      (7) the president of the Minnesota Sheriffs' Association, or a designee;

93.18      (8) a peace officer who is employed by a law enforcement agency of a federally  
93.19 recognized Tribe, as defined in United States Code, title 25, section 450b(e), appointed by  
93.20 the Indian Affairs Council;

93.21      (9) the executive director of the Minnesota Police and Peace Officers Association, or a  
93.22 designee;

93.23      (10) a peace officer appointed by the executive director of the Minnesota Police and  
93.24 Peace Officers Association;

93.25      (11) a member of a civilian review board appointed by the governor;

93.26      (12) an attorney who provides legal advice to victims of police brutality or who advocates  
93.27 for civil liberties appointed by the governor;

93.28      (13) a representative from an organization that provides direct services to families or  
93.29 communities impacted by police violence appointed by the governor; and

93.30      (14) two representatives from postsecondary schools certified to provide programs of  
93.31 professional peace officer education appointed by the governor.

94.1 (b) Appointments must be made no later than August 30, 2022.

94.2 (c) Members shall serve without compensation.

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

94.6 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair from  
94.7 among its members. The task force may elect other officers as necessary.

94.8 (b) The chair of the Peace Officer Standards and Training Board shall convene the first  
94.9 meeting of the task force no later than September 15, 2022, and shall provide meeting space  
94.10 and administrative assistance as necessary for the task force to conduct its work.

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

94.14 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

94.15 (1) identify barriers to recruiting peace officers;

94.16 (2) develop strategies for recruiting new peace officers;

94.17 (3) develop policies and procedures to increase the diversity of the racial makeup and  
94.18 professional background of licensed peace officers;

94.19 (4) identify or develop curriculum that utilizes community policing models;

94.20 (5) provide recommendations on how to create and support an expedited pathway for  
94.21 individuals to become peace officers; and

94.22 (6) assure that any alternative courses to licensure maintain the high standards of  
94.23 education and training required for licensure as a peace officer in Minnesota.

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

94.26 Subd. 5. **Report.** By January 15, 2024, the task force must submit a report on its findings  
94.27 and recommendations to the chairs and ranking minority members of the legislative  
94.28 committees and divisions with jurisdiction over public safety finance and policy and the  
94.29 Minnesota Sentencing Guidelines Commission.

94.30 Subd. 6. **Expiration.** The task force expires the day after submitting its report under  
94.31 subdivision 5.

95.1 Sec. 12. TITLE.

95.2 Sections 2 and 3 may be known as "Justin Teigen's Law."

95.3 **ARTICLE 4**

95.4 **CONTROLLED SUBSTANCE POLICY**

95.5 Section 1. Minnesota Statutes 2020, section 152.01, subdivision 9a, is amended to read:

95.6 Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance  
95.7 containing a controlled substance, regardless of purity except as provided in ~~subdivision~~  
95.8 ~~16~~; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b);  
95.9 and 152.023, subdivision 2, paragraph (b).

95.10 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
95.11 committed on or after that date.

95.12 Sec. 2. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to  
95.13 read:

95.14 Subd. 9b. **Marijuana flower.** "Marijuana flower" means the flower, leaves, stems, seeds,  
95.15 or plant form of marijuana.

95.16 **EFFECTIVE DATE.** This section is effective August 1, 2022.

95.17 Sec. 3. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to  
95.18 read:

95.19 Subd. 9c. **Nonflower marijuana.** "Nonflower marijuana" means the resinous form of  
95.20 marijuana.

95.21 **EFFECTIVE DATE.** This section is effective August 1, 2022.

95.22 Sec. 4. Minnesota Statutes 2020, section 152.01, subdivision 12a, is amended to read:

95.23 Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the  
95.24 federal government, the state, a local unit of government, a park district board, or a park  
95.25 and recreation board in a city of the first class or a federally recognized Indian Tribe. "Park  
95.26 zone" includes the area within 300 feet or one city block, whichever distance is greater, of  
95.27 the park boundary.

95.28 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
95.29 committed on or after that date.

96.1 Sec. 5. Minnesota Statutes 2020, section 152.01, subdivision 16, is amended to read:

96.2 Subd. 16. **Small amount.** "Small amount" as applied to marijuana means: (1) 42.5 grams  
96.3 or less. This provision shall not apply to the resinous form of marijuana flowers; or (2) eight  
96.4 grams or less of any nonflower marijuana mixture. Nonflower marijuana mixtures weighing  
96.5 eight grams or less may not be considered in determining the 42.5 gram limit in clause (1).  
96.6 The weight of fluid used in a water pipe may not be considered in determining a small  
96.7 amount ~~except in cases where the marijuana is mixed with four or more fluid ounces of~~  
96.8 ~~fluid.~~

96.9 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
96.10 committed on or after that date.

96.11 Sec. 6. Minnesota Statutes 2021 Supplement, section 152.01, subdivision 18, is amended  
96.12 to read:

96.13 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug  
96.14 paraphernalia" means all equipment, products, and materials of any kind, except those items  
96.15 used in conjunction with permitted uses of controlled substances, including but not limited  
96.16 to the permitted uses of marijuana, under this chapter or the Uniform Controlled Substances  
96.17 Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled  
96.18 substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body  
96.19 a controlled substance, ~~(3) testing the strength, effectiveness, or purity of a controlled~~  
96.20 ~~substance,~~ or ~~(4)~~ (3) enhancing the effect of a controlled substance.

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

96.25 Sec. 7. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

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

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

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

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

97.4 (ii) the offense involves two aggravating factors;

97.5 (3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams  
97.6 or more containing heroin;

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

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

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

97.15 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may  
97.16 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the  
97.17 weight of fluid may not be considered except in cases where the mixture contains four or  
97.18 more fluid ounces of fluid.

97.19 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
97.20 committed on or after that date.

97.21 Sec. 8. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

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

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

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

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

97.31 (ii) the offense involves three aggravating factors;

98.1 (3) the person unlawfully possesses one or more mixtures of a total weight of six grams  
98.2 or more containing heroin;

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

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

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

98.11 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may  
98.12 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the  
98.13 weight of fluid may not be considered except in cases where the mixture contains four or  
98.14 more fluid ounces of fluid.

98.15 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
98.16 committed on or after that date.

98.17 Sec. 9. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

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

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

98.23 (2) on one or more occasions within a 90-day period the person unlawfully possesses  
98.24 one or more mixtures of a total weight of three grams or more containing heroin;

98.25 (3) on one or more occasions within a 90-day period the person unlawfully possesses  
98.26 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals  
98.27 50 or more dosage units;

98.28 (4) on one or more occasions within a 90-day period the person unlawfully possesses  
98.29 any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid  
98.30 diethylamide (LSD), 3,4-methylenedioxy amphetamine, or  
98.31 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone,  
98.32 or a drug treatment facility;

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

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

99.7 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may  
99.8 not be considered in measuring the weight of a marijuana mixture. For other mixtures, the  
99.9 weight of fluid may not be considered except in cases where the mixture contains four or  
99.10 more fluid ounces of fluid.

99.11 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
99.12 committed on or after that date.

99.13 Sec. 10. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

99.14 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause  
99.15 (1), who has not been previously convicted of a violation of this chapter or a similar offense  
99.16 in another jurisdiction, is guilty of a gross misdemeanor if:

99.17 (1) the amount of the controlled substance possessed, other than heroin or a small amount  
99.18 of marijuana, is less than 0.25 grams or one dosage unit or less if the controlled substance  
99.19 was possessed in dosage units; ~~or~~

99.20 (2) the controlled substance possessed is heroin and the amount possessed is less than  
99.21 0.05 grams; or

99.22 (3) the controlled substance possessed is marijuana and the amount possessed is:

99.23 (i) more than 42.5 grams but not more than 85 grams of marijuana flowers; or

99.24 (ii) more than eight grams but not more than 16 grams of any nonflower marijuana  
99.25 mixture.

99.26 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),  
99.27 unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be  
99.28 sentenced to imprisonment for not more than five years or to payment of a fine of not more  
99.29 than \$10,000, or both.

99.30 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
99.31 committed on or after that date.

100.1 Sec. 11. Minnesota Statutes 2020, section 152.027, subdivision 4, is amended to read:

100.2 Subd. 4. **Possession or sale of small amounts of marijuana.** ~~(a) A person who~~  
100.3 ~~unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully~~  
100.4 ~~possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required~~  
100.5 ~~to participate in a drug education program unless the court enters a written finding that a~~  
100.6 ~~drug education program is inappropriate. The program must be approved by an area mental~~  
100.7 ~~health board with a curriculum approved by the state alcohol and drug abuse authority.~~

100.8 ~~(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently~~  
100.9 ~~convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor~~  
100.10 ~~and shall be required to participate in a chemical dependency evaluation and treatment if~~  
100.11 ~~so indicated by the evaluation.~~

100.12 ~~(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully~~  
100.13 ~~and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor.~~  
100.14 ~~Compliance with the terms of the sentence imposed before conviction under this paragraph~~  
100.15 ~~is an absolute defense.~~

100.16 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to acts  
100.17 committed on or after that date.

100.18 Sec. 12. Minnesota Statutes 2020, section 152.0271, is amended to read:

100.19 **152.0271 NOTICE OF DRUG CONVICTIONS; DRIVER'S LICENSE**  
100.20 **REVOCAION.**

100.21 When a person is convicted of violating a provision of sections 152.021 to 152.0262 or  
100.22 section 152.027 and 152.0262, subdivision 1, 2, 3, 5, 6, or 7, the sentencing court shall  
100.23 determine whether the person unlawfully sold or possessed the controlled substance while  
100.24 driving a motor vehicle. If so, the court shall notify the commissioner of public safety of  
100.25 its determination and order the commissioner to revoke the person's driver's license for 30  
100.26 days. If the person does not have a driver's license or if the person's driver's license is  
100.27 suspended or revoked at the time of the conviction, the commissioner shall delay the issuance  
100.28 or reinstatement of the person's driver's license for 30 days after the person applies for the  
100.29 issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner  
100.30 is authorized to take the licensing action without a hearing.

100.31 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to convictions  
100.32 that take place on or after that date.

101.1 Sec. 13. Minnesota Statutes 2020, section 152.096, subdivision 1, is amended to read:

101.2 Subdivision 1. **Prohibited acts; penalties.** Any person who conspires to commit any  
101.3 felony act prohibited by this chapter, except possession or distribution for no remuneration  
101.4 of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a  
101.5 felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount  
101.6 authorized by law for the act the person conspired to commit.

101.7 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
101.8 committed on or after that date.

101.9 Sec. 14. Minnesota Statutes 2020, section 152.18, subdivision 3, is amended to read:

101.10 Subd. 3. **Expungement of certain marijuana offenses.** Any person who has been found  
101.11 guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana  
101.12 which violation occurred prior to April 11, 1976, and whose conviction would have been  
101.13 a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in  
101.14 effect on April 11, 1978, but whose conviction was for an offense more serious than a petty  
101.15 misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section  
101.16 152.025 that occurred before August 1, 2022, where the violation would have been a petty  
101.17 misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2022, may petition  
101.18 the court in which the person was convicted to expunge from all official records, other than  
101.19 the nonpublic record retained by the Department of Public Safety pursuant to section 152.15,  
101.20 subdivision 2, clause (5), all recordation relating to the person's arrest, indictment or  
101.21 information, trial and conviction of an offense more serious than a petty misdemeanor. The  
101.22 court, upon being satisfied that a small amount was involved in the conviction, shall order  
101.23 all the recordation expunged. This shall restore the person's ability to possess, receive, ship,  
101.24 or transport firearms and handle firearms and ammunition. No person as to whom an order  
101.25 has been entered pursuant to this subdivision shall be held thereafter under any provision  
101.26 of any law to be guilty of perjury or otherwise giving a false statement by reason of the  
101.27 person's failure to recite or acknowledge conviction of an offense greater than a petty  
101.28 misdemeanor, unless possession of marijuana is material to a proceeding.

101.29 **EFFECTIVE DATE.** This section is effective August 1, 2022.

101.30 Sec. 15. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision to  
101.31 read:

101.32 Subd. 4. **Probation; supervised release.** (a) A court shall not prohibit a person from  
101.33 participating in the registry program under sections 152.22 to 152.37 as a condition of

102.1 probation, parole, pretrial conditional release, or supervised release or revoke a patient's  
102.2 probation, parole, pretrial conditional release, or supervised release or otherwise sanction  
102.3 a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh  
102.4 participation in the registry program, or positive drug test for cannabis components or  
102.5 metabolites by registry participants, or both, as a factor when considering penalties for  
102.6 violations of probation, parole, pretrial conditional release, or supervised release.

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

102.13 Sec. 16. [152.325] CRIMINAL AFFIRMATIVE DEFENSE.

102.14 It is an affirmative defense to a charge of possession of marijuana that the defendant  
102.15 was enrolled in the registry program under sections 152.22 to 152.37 and possessed the  
102.16 marijuana to use for a qualifying medical condition or was a visiting patient and possessed  
102.17 the marijuana for medical use as authorized under the laws or regulations of the visiting  
102.18 patient's jurisdiction of residence. This affirmative defense applies to a charge of violating:

102.19 (1) section 152.025, subdivision 2, involving possession of the amount of marijuana  
102.20 identified in section 152.025, subdivision 4, paragraph (a), clause (3); or

102.21 (2) section 152.027, subdivision 3 or 4.

102.22 Sec. 17. Minnesota Statutes 2020, section 260B.198, subdivision 1, is amended to read:

102.23 Subdivision 1. **Court order, findings, remedies, treatment.** (a) If the court finds that  
102.24 the child is delinquent, it shall enter an order making any of the following dispositions of  
102.25 the case which are deemed necessary to the rehabilitation of the child:

102.26 (1) counsel the child or the parents, guardian, or custodian;

102.27 (2) place the child under the supervision of a probation officer or other suitable person  
102.28 in the child's own home under conditions prescribed by the court including reasonable rules  
102.29 for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed  
102.30 for the physical, mental, and moral well-being and behavior of the child, or with the consent  
102.31 of the commissioner of corrections, in a group foster care facility which is under the  
102.32 management and supervision of said commissioner;

- 103.1 (3) if the court determines that the child is a danger to self or others, subject to the  
103.2 supervision of the court, transfer legal custody of the child to one of the following:
- 103.3 (i) a child-placing agency;
- 103.4 (ii) the local social services agency;
- 103.5 (iii) a reputable individual of good moral character. No person may receive custody of  
103.6 two or more unrelated children unless licensed as a residential facility pursuant to sections  
103.7 245A.01 to 245A.16;
- 103.8 (iv) a county home school, if the county maintains a home school or enters into an  
103.9 agreement with a county home school; or
- 103.10 (v) a county probation officer for placement in a group foster home established under  
103.11 the direction of the juvenile court and licensed pursuant to section 241.021;
- 103.12 (4) transfer legal custody by commitment to the commissioner of corrections;
- 103.13 (5) if the child is found to have violated a state or local law or ordinance which has  
103.14 resulted in damage to the person or property of another, the court may order the child to  
103.15 make reasonable restitution for such damage;
- 103.16 (6) require the child to pay a fine of up to \$1,000. The court shall order payment of the  
103.17 fine in accordance with a time payment schedule which shall not impose an undue financial  
103.18 hardship on the child;
- 103.19 (7) if the child is in need of special treatment and care for reasons of physical or mental  
103.20 health, the court may order the child's parent, guardian, or custodian to provide it. If the  
103.21 parent, guardian, or custodian fails to provide this treatment or care, the court may order it  
103.22 provided;
- 103.23 (8) if the court believes that it is in the best interests of the child and of public safety  
103.24 that the driver's license of the child be canceled until the child's 18th birthday, the court  
103.25 may recommend to the commissioner of public safety the cancellation of the child's license  
103.26 for any period up to the child's 18th birthday, and the commissioner is hereby authorized  
103.27 to cancel such license without a hearing. At any time before the termination of the period  
103.28 of cancellation, the court may, for good cause, recommend to the commissioner of public  
103.29 safety that the child be authorized to apply for a new license, and the commissioner may so  
103.30 authorize;
- 103.31 (9) if the court believes that it is in the best interest of the child and of public safety that  
103.32 the child is enrolled in school, the court may require the child to remain enrolled in a public

104.1 school until the child reaches the age of 18 or completes all requirements needed to graduate  
104.2 from high school. Any child enrolled in a public school under this clause is subject to the  
104.3 provisions of the Pupil Fair Dismissal Act in chapter 127;

104.4 (10) if the child is petitioned and found by the court to have committed a controlled  
104.5 substance offense under sections 152.021 to 152.0262 or section 152.027, subdivision 1, 2,  
104.6 3, 5, 6, or 7, the court shall determine whether the child unlawfully possessed or sold the  
104.7 controlled substance while driving a motor vehicle. If so, the court shall notify the  
104.8 commissioner of public safety of its determination and order the commissioner to revoke  
104.9 the child's driver's license for the applicable time period specified in section 152.0271. If  
104.10 the child does not have a driver's license or if the child's driver's license is suspended or  
104.11 revoked at the time of the delinquency finding, the commissioner shall, upon the child's  
104.12 application for driver's license issuance or reinstatement, delay the issuance or reinstatement  
104.13 of the child's driver's license for the applicable time period specified in section 152.0271.  
104.14 Upon receipt of the court's order, the commissioner is authorized to take the licensing action  
104.15 without a hearing;

104.16 (11) if the child is petitioned and found by the court to have committed or attempted to  
104.17 commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;  
104.18 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency  
104.19 petition based on one or more of those sections, the court shall order an independent  
104.20 professional assessment of the child's need for sex offender treatment. An assessor providing  
104.21 an assessment for the court must be experienced in the evaluation and treatment of juvenile  
104.22 sex offenders. If the assessment indicates that the child is in need of and amenable to sex  
104.23 offender treatment, the court shall include in its disposition order a requirement that the  
104.24 child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or  
104.25 260B.171, or chapter 260E, the assessor has access to the following private or confidential  
104.26 data on the child if access is relevant and necessary for the assessment:

104.27 (i) medical data under section 13.384;

104.28 (ii) corrections and detention data under section 13.85;

104.29 (iii) health records under sections 144.291 to 144.298;

104.30 (iv) juvenile court records under section 260B.171; and

104.31 (v) local welfare agency records under chapter 260E.

104.32 Data disclosed under this clause may be used only for purposes of the assessment and  
104.33 may not be further disclosed to any other person, except as authorized by law; or

105.1 (12) if the child is found delinquent due to the commission of an offense that would be  
105.2 a felony if committed by an adult, the court shall make a specific finding on the record  
105.3 regarding the juvenile's mental health and chemical dependency treatment needs.

105.4 (b) Any order for a disposition authorized under this section shall contain written findings  
105.5 of fact to support the disposition ordered and shall also set forth in writing the following  
105.6 information:

105.7 (1) why the best interests of the child are served by the disposition ordered; and

105.8 (2) what alternative dispositions were considered by the court and why such dispositions  
105.9 were not appropriate in the instant case. Clause (1) does not apply to a disposition under  
105.10 subdivision 1a.

105.11 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to findings  
105.12 by the court made on or after that date.

105.13 Sec. 18. Minnesota Statutes 2020, section 609.165, subdivision 1a, is amended to read:

105.14 Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.** The  
105.15 order of discharge must provide that a person who has been convicted of a crime of violence,  
105.16 as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or  
105.17 receive a firearm or ammunition for the remainder of the person's lifetime. Any person who  
105.18 has received such a discharge and who thereafter has received a relief of disability under  
105.19 United States Code, title 18, section 925, or whose ability to possess firearms and ammunition  
105.20 has been restored under subdivision 1d or section 152.18, subdivision 3, shall not be subject  
105.21 to the restrictions of this subdivision.

105.22 **EFFECTIVE DATE.** This section is effective August 1, 2022.

105.23 Sec. 19. Minnesota Statutes 2020, section 609.165, subdivision 1b, is amended to read:

105.24 Subd. 1b. **Violation and penalty.** (a) Any person who has been convicted of a crime of  
105.25 violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses,  
105.26 or receives a firearm or ammunition, commits a felony and may be sentenced to imprisonment  
105.27 for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

105.28 (b) A conviction and sentencing under this section shall be construed to bar a conviction  
105.29 and sentencing for a violation of section 624.713, subdivision 2.

105.30 (c) The criminal penalty in paragraph (a) does not apply to any person who has received  
105.31 a relief of disability under United States Code, title 18, section 925, or whose ability to

106.1 possess firearms and ammunition has been restored under subdivision 1d or section 152.18,  
106.2 subdivision 3.

106.3 **EFFECTIVE DATE.** This section is effective August 1, 2022.

106.4 Sec. 20. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision  
106.5 to read:

106.6 **Subd. 1a. Certain petty misdemeanor controlled substance offenses.** Records related  
106.7 to petty misdemeanor violations of section 152.027, subdivision 4, or 152.092 involving  
106.8 marijuana-related drug paraphernalia shall be sealed without the filing of a petition as  
106.9 provided in section 609A.027.

106.10 **EFFECTIVE DATE.** This section is effective August 1, 2022.

106.11 Sec. 21. **[609A.027] NO PETITION REQUIRED FOR CERTAIN PETTY**  
106.12 **MISDEMEANOR CONTROLLED SUBSTANCE VIOLATIONS AFTER ONE-YEAR**  
106.13 **WAITING PERIOD.**

106.14 (a) At the conclusion of one year following conviction for a petty misdemeanor violation  
106.15 of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia  
106.16 and the payment of any fines, fees, and surcharges and, if applicable, the successful  
106.17 completion of any required drug education program, or following the dismissal of a petty  
106.18 misdemeanor charge for violating section 152.027, subdivision 4, or 152.092 involving  
106.19 marijuana-related drug paraphernalia, the court shall order, without the filing of a petition,  
106.20 the sealing of all records relating to the arrest, charge, trial, dismissal, and conviction.

106.21 (b) A record sealed under paragraph (a) may be opened only as provided in section  
106.22 609A.03, subdivision 7a.

106.23 **EFFECTIVE DATE.** This section is effective August 1, 2022.

106.24 Sec. 22. **TASK FORCE ON ABUSE OF CONTROLLED SUBSTANCES.**

106.25 **Subdivision 1. Establishment.** The Task Force on Abuse of Controlled Substances is  
106.26 established to review the ways in which the state's justice, social service, and health systems  
106.27 currently respond to individuals who abuse controlled substances or commit controlled  
106.28 substance offenses, to examine approaches taken in other jurisdictions, and to make policy  
106.29 and funding recommendations to the legislature.

106.30 **Subd. 2. Membership.** (a) The task force consists of the following members:

106.31 (1) the commissioner of public safety;

- 107.1 (2) the commissioner of human services;
- 107.2 (3) the commissioner of corrections, or a designee;
- 107.3 (4) the commissioner of health, or a designee;
- 107.4 (5) the chief justice, or a designee;
- 107.5 (6) the state public defender, or a designee;
- 107.6 (7) a county attorney appointed by the Minnesota County Attorneys Association;
- 107.7 (8) a representative from Indian health services or a Tribal council appointed by the  
107.8 Indian Affairs Council;
- 107.9 (9) a representative of the Community Corrections Act counties appointed by the  
107.10 Minnesota Association of Community Corrections Act Counties;
- 107.11 (10) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,  
107.12 paragraph (c), who is a member of a multijurisdictional drug task force appointed by the  
107.13 Minnesota Chiefs of Police Association;
- 107.14 (11) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1,  
107.15 paragraph (c), appointed by the Minnesota Sheriffs' Association;
- 107.16 (12) a member of the Minnesota State Board of Pharmacy appointed by the board's  
107.17 president;
- 107.18 (13) a member of the Opiate Epidemic Response Advisory Council appointed by the  
107.19 council's chair;
- 107.20 (14) a representative from a community health board appointed by the commissioner of  
107.21 health;
- 107.22 (15) a member representing sober living programs or substance use disorder programs  
107.23 licensed under Minnesota Statutes, chapter 245G, appointed by the commissioner of human  
107.24 services;
- 107.25 (16) a member of the Minnesota Association of County Social Service Administrators  
107.26 appointed by the association's president;
- 107.27 (17) a member of the public with a substance use disorder who has experience in the  
107.28 criminal justice system appointed by the governor; and
- 107.29 (18) a member of the public who has been the victim of a crime relating to substance  
107.30 abuse appointed by the governor.

108.1 (b) Appointments must be made no later than August 30, 2022.

108.2 (c) Public members identified in paragraph (a), clauses (17) and (18), are eligible for  
108.3 compensation and expense reimbursement consistent with Minnesota Statutes, section  
108.4 15.059, subdivision 3. All other members shall serve without compensation.

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

108.8 Subd. 3. **Officers; meetings.** (a) The commissioners of public safety and human services  
108.9 shall cochair the task force. The task force may elect other officers as necessary.

108.10 (b) The commissioner of public safety shall convene the first meeting of the task force  
108.11 no later than September 15, 2022, and shall provide meeting space and administrative  
108.12 assistance through the Office of Justice Programs as necessary for the task force to conduct  
108.13 its work.

108.14 (c) The task force shall meet at least monthly or upon the call of a cochair. The task  
108.15 force shall meet sufficiently enough to accomplish the tasks identified in this section.  
108.16 Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

108.17 Subd. 4. **Duties.** (a) The task force shall, at a minimum:

108.18 (1) collect and analyze data on controlled substance offenses, deaths and hospitalizations  
108.19 from controlled substance overdoses, and other societal impacts related to controlled  
108.20 substance use disorders;

108.21 (2) analyze the law enforcement response to controlled substance abuse in Minnesota  
108.22 and other jurisdictions;

108.23 (3) analyze the judicial system response to controlled substance abuse in Minnesota and  
108.24 other jurisdictions, including a review of treatment courts and diversion programs;

108.25 (4) analyze the prosecutorial response to controlled substance abuse in Minnesota and  
108.26 other jurisdictions, including charging decisions, plea bargains, and the use of pretrial and  
108.27 precharge diversion programs;

108.28 (5) analyze the correctional response to controlled substance abuse in Minnesota and  
108.29 other jurisdictions, including the use of mandatory drug testing, required participation in  
108.30 substance abuse treatment programs as a condition of probation, the effectiveness of  
108.31 substance abuse treatment programs offered to incarcerated individuals, and the effectiveness  
108.32 of the challenge incarceration program;

109.1 (6) analyze the human services and health response to controlled substance abuse in  
109.2 Minnesota and other jurisdictions, including the effectiveness of prevention programs,  
109.3 availability of inpatient and outpatient treatment programs, funding for participation in those  
109.4 programs, and the outcomes for participants in those programs;

109.5 (7) receive input from members of communities that have been affected by criminal  
109.6 activity and other social costs associated with controlled substance abuse;

109.7 (8) receive input from members of communities that have been affected by the  
109.8 criminalization of controlled substance abuse; and

109.9 (9) make recommendations for coordination of services, adoption of prevention models,  
109.10 expansion of effective treatment services, levels of funding, statutory changes, and other  
109.11 community and legislative action to address controlled substance abuse in Minnesota.

109.12 (b) At its discretion, the task force may examine other related issues consistent with this  
109.13 section.

109.14 Subd. 5. **Reports.** (a) The task force shall submit annual reports to the chairs and ranking  
109.15 minority members of the legislative committees and divisions with jurisdiction over public  
109.16 safety finance and policy, human services finance and policy, health finance and policy,  
109.17 and judiciary finance and policy.

109.18 (b) The task force shall submit a preliminary report on or before March 1, 2023.

109.19 (c) The task force shall submit a supplemental report on or before February 1, 2024.

109.20 (d) The task force shall submit a final report on or before January 15, 2025.

109.21 Subd. 6. **Expiration.** The task force expires the day after submitting its final report under  
109.22 subdivision 5.

## 109.23 **ARTICLE 5**

### 109.24 **CORRECTIONS AND SENTENCING**

109.25 Section 1. Minnesota Statutes 2020, section 13.871, subdivision 14, is amended to read:

109.26 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing  
109.27 of data contained in a petition for expungement of a criminal record are included in section  
109.28 609A.03.

109.29 (b) Provisions regarding the classification and sharing of data related to automatic  
109.30 expungements are included in sections 299C.097 and 609A.015.

109.31 **EFFECTIVE DATE.** This section is effective January 1, 2024.

110.1 Sec. 2. Minnesota Statutes 2020, section 152.18, subdivision 1, is amended to read:

110.2 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A  
110.3 court may defer prosecution as provided in paragraph (c) for any person found guilty, after  
110.4 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,  
110.5 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),  
110.6 for possession of a controlled substance, who:

110.7 (1) has not previously participated in or completed a diversion program authorized under  
110.8 section 401.065;

110.9 (2) has not previously been placed on probation without a judgment of guilty and  
110.10 thereafter been discharged from probation under this section; and

110.11 (3) has not been convicted of a felony violation of this chapter, including a felony-level  
110.12 attempt or conspiracy, or been convicted by the United States or another state of a similar  
110.13 offense that would have been a felony under this chapter if committed in Minnesota, unless  
110.14 ten years have elapsed since discharge from sentence.

110.15 (b) The court must defer prosecution as provided in paragraph (c) for any person found  
110.16 guilty of a violation of section 152.025, subdivision 2, who:

110.17 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

110.18 (2) has not previously been convicted of a felony offense under any state or federal law  
110.19 or of a gross misdemeanor under section 152.025.

110.20 (c) In granting relief under this section, the court shall, without entering a judgment of  
110.21 guilty and with the consent of the person, defer further proceedings and place the person  
110.22 on probation upon such reasonable conditions as it may require and for a period, not to  
110.23 exceed the maximum sentence provided for the violation. The court may give the person  
110.24 the opportunity to attend and participate in an appropriate program of education regarding  
110.25 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation  
110.26 of a condition of the probation, the court may enter an adjudication of guilt and proceed as  
110.27 otherwise provided. The court may, in its discretion, dismiss the proceedings against the  
110.28 person and discharge the person from probation before the expiration of the maximum  
110.29 period prescribed for the person's probation. If during the period of probation the person  
110.30 does not violate any of the conditions of the probation, then upon expiration of the period  
110.31 the court shall discharge the person and dismiss the proceedings against that person.

110.32 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,  
110.33 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for

111.1 the purpose of use by the courts in determining the merits of subsequent proceedings against  
111.2 the person. The not public record may also be opened only upon court order for purposes  
111.3 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the  
111.4 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting  
111.5 or citing law enforcement agency and direct that agency to seal its records related to the  
111.6 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau  
111.7 shall notify the requesting party of the existence of the not public record and the right to  
111.8 seek a court order to open it pursuant to this section. The court shall forward a record of  
111.9 any discharge and dismissal under this subdivision to the bureau which shall make and  
111.10 maintain the not public record of it as provided under this subdivision. The discharge or  
111.11 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
111.12 imposed by law upon conviction of a crime or for any other purpose.

111.13 For purposes of this subdivision, "not public" has the meaning given in section 13.02,  
111.14 subdivision 8a.

111.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

111.16 Sec. 3. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

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

111.26 Sec. 4. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

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

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

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

112.5 Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to  
112.6 read:

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

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

112.15 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any  
112.16 county, municipality, or agency to operate a facility for the detention, care, and training of  
112.17 delinquent children and youth unless the county, municipality, or agency institutes a policy  
112.18 strictly prohibiting the use of disciplinary room time for children and youth received by the  
112.19 facility.

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

112.22 Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps  
112.23 to provide meaningful access to limited English proficient (LEP) individuals incarcerated,  
112.24 detained, or supervised by the Department of Corrections. The commissioner shall develop  
112.25 written policy and annual training to implement language access for LEP individuals.

112.26 Sec. 8. Minnesota Statutes 2020, section 241.90, is amended to read:

112.27 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**  
112.28 **FUNCTION.**

112.29 The Office of Ombudsperson for the Department of Corrections is hereby created. The  
112.30 ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified  
112.31 service, and may be removed only for just cause. The ombudsperson shall be selected without

113.1 regard to political affiliation, and shall be a person highly competent and qualified to analyze  
113.2 questions of law, administration, and public policy. No person may serve as ombudsperson  
113.3 while holding any other public office. The ombudsperson for corrections shall be accountable  
113.4 to the governor and shall have the authority to investigate decisions, acts, and other matters  
113.5 of the Department of Corrections so as to promote the highest attainable standards of  
113.6 competence, efficiency, and justice in the administration of corrections.

113.7 Sec. 9. Minnesota Statutes 2020, section 242.192, is amended to read:

113.8 **242.192 CHARGES TO COUNTIES.**

113.9 (a) The commissioner shall charge counties or other appropriate jurisdictions 65 percent  
113.10 of the per diem cost of confinement, excluding educational costs and nonbillable service,  
113.11 of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females  
113.12 committed to the commissioner of corrections. This charge applies to juveniles committed  
113.13 to the commissioner of corrections and juveniles admitted to the Minnesota Correctional  
113.14 Facility-Red Wing under established admissions criteria. This charge applies to both counties  
113.15 that participate in the Community Corrections Act and those that do not. The commissioner  
113.16 shall determine the per diem cost of confinement based on projected population, pricing  
113.17 incentives, and market conditions. All money received under this section must be deposited  
113.18 in the state treasury and credited to the general fund.

113.19 (b) The first 65 percent of all money received under paragraph (a) must be deposited in  
113.20 the state treasury and credited to the general fund. The next 35 percent of all money received  
113.21 under paragraph (a) must be credited to the prevention services account, which is hereby  
113.22 established in the special revenue fund. Interest earned in the account accrues to the account.  
113.23 Funds in the prevention services account are annually appropriated to the commissioner of  
113.24 public safety to provide grants for prevention services and dual status youth programs.  
113.25 Recipients must use funds to prevent juveniles from entering the criminal or juvenile justice  
113.26 system or provide services for youth who are in both the child welfare and juvenile justice  
113.27 systems.

113.28 Sec. 10. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

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

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

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

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

114.4 (c) The members appointed from the legislative recommendations must meet the  
114.5 following qualifications at a minimum:

114.6 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law  
114.7 degree;

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

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

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

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

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

114.15 (b) A member is eligible for reappointment.

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

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

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

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

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

114.28 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the  
114.29 legislative committees with jurisdiction over criminal justice policy a written report detailing  
114.30 the number of inmates reviewed and identifying persons granted release in the preceding

115.1 year. The report shall also include the board's recommendations for policy modifications  
115.2 that influence the board's duties.

115.3 Sec. 11. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

115.4 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board  
115.5 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the  
115.6 board members, give supervised release to an inmate serving a mandatory life sentence  
115.7 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;  
115.8 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has  
115.9 served the minimum term of imprisonment specified in subdivision 4.

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

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

115.25 (d) When considering whether to give supervised release to an inmate serving a life  
115.26 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,  
115.27 at a minimum, the following: the risk the inmate poses to the community if released, the  
115.28 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or  
115.29 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other  
115.30 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~  
115.31 board may not give supervised release to the inmate unless:

115.32 (1) while in prison:

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

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

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

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

116.9 (e) As used in this subdivision:

116.10 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;  
116.11 and

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

116.14 Sec. 12. Minnesota Statutes 2020, section 244.09, subdivision 10, is amended to read:

116.15 Subd. 10. **Research director.** The commission may select and employ a research director  
116.16 who shall perform the duties the commission directs, including the hiring of any clerical  
116.17 help and other employees as the commission shall approve. The research director ~~and other~~  
116.18 ~~staff~~ shall be in the unclassified service of the state ~~and their~~. The compensation of the  
116.19 research director and other staff shall be established pursuant to chapter 43A. They shall  
116.20 be reimbursed for the expenses necessarily incurred in the performance of their official  
116.21 duties in the same manner as other state employees.

116.22 Sec. 13. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

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

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

117.4 (c) Except as otherwise provided in this paragraph, the court shall exclude the general  
117.5 public from hearings under this chapter and shall admit only those persons who, in the  
117.6 discretion of the court, have a direct interest in the case or in the work of the court. The  
117.7 court shall permit the victim of a child's delinquent act to attend any related delinquency  
117.8 proceeding, except that the court may exclude the victim:

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

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

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

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

117.22 Sec. 14. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision  
117.23 to read:

117.24 Subd. 1a. Risk assessment instrument. If a peace officer or probation or parole officer  
117.25 who took a child into custody does not release the child as provided in subdivision 1, the  
117.26 peace officer or probation or parole officer shall communicate with or deliver the child to  
117.27 a juvenile secure detention facility to determine whether the child should be released or  
117.28 detained. Before detaining a child, the supervisor of the facility shall use an objective and  
117.29 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument  
117.30 developed by the commissioner of corrections, county, group of counties, or judicial district,  
117.31 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention  
117.32 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a  
117.33 child released from preadjudication detention under this section or section 260B.178 would

118.1 endanger others or not return for a court hearing. The instrument must identify the appropriate  
118.2 setting for a child who might endanger others or not return for a court hearing pending  
118.3 adjudication, with either continued detention or placement in a noncustodial  
118.4 community-based supervision setting. The instrument must also identify the type of  
118.5 noncustodial community-based supervision setting necessary to minimize the risk that a  
118.6 child who is released from custody will endanger others or not return for a court hearing.  
118.7 If, after using the instrument, a determination is made that the child should be released, the  
118.8 person taking the child into custody or the supervisor of the facility shall release the child  
118.9 as provided in subdivision 1.

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

118.11 Sec. 15. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

118.12 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision  
118.13 1, the person taking the child into custody shall notify the court as soon as possible of the  
118.14 detention of the child and the reasons for detention.

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

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

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

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

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

118.30 After August 1, 1991, no child described in this paragraph may be detained in an adult  
118.31 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,  
118.32 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan  
118.33 statistical area, unless the requirements of this paragraph have been met and, in addition, a

119.1 motion to refer the child for adult prosecution has been made under section 260B.125.  
119.2 Notwithstanding this paragraph, continued detention of a child in an adult detention facility  
119.3 outside of a standard metropolitan statistical area county is permissible if:

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

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

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

119.13 ~~(d)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours,  
119.14 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules  
119.15 and procedures established by the commissioner of corrections, shall notify the commissioner  
119.16 of the place of the detention and the reasons therefor. The commissioner shall thereupon  
119.17 assist the court in the relocation of the child in an appropriate juvenile secure detention  
119.18 facility or approved jail within the county or elsewhere in the state, or in determining suitable  
119.19 alternatives. The commissioner shall direct that a child detained in a jail be detained after  
119.20 eight days from and including the date of the original detention order in an approved juvenile  
119.21 secure detention facility with the approval of the administrative authority of the facility. If  
119.22 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice  
119.23 to the commissioner shall not be required.

119.24 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile  
119.25 facility or program, or when a child is detained in an adult jail or municipal lockup as  
119.26 provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal  
119.27 guardian consents, have a children's mental health screening conducted with a screening  
119.28 instrument approved by the commissioner of human services, unless a screening has been  
119.29 performed within the previous 180 days or the child is currently under the care of a mental  
119.30 health professional. The screening shall be conducted by a mental health practitioner as  
119.31 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use  
119.32 of the screening instrument. The screening shall be conducted after the initial detention  
119.33 hearing has been held and the court has ordered the child continued in detention. The results  
119.34 of the screening may only be presented to the court at the dispositional phase of the court

120.1 proceedings on the matter unless the parent or legal guardian consents to presentation at a  
120.2 different time. If the screening indicates a need for assessment, the local social services  
120.3 agency or probation officer, with the approval of the child's parent or legal guardian, shall  
120.4 have a diagnostic assessment conducted, including a functional assessment, as defined in  
120.5 section 245.4871.

120.6 Sec. 16. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

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

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

120.10 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,  
120.11 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined  
120.12 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
120.13 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child  
120.14 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as  
120.15 defined in subdivision 15;

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

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

120.22 (5) is medically neglected, which includes, but is not limited to, the withholding of  
120.23 medically indicated treatment from an infant with a disability with a life-threatening  
120.24 condition. The term "withholding of medically indicated treatment" means the failure to  
120.25 respond to the infant's life-threatening conditions by providing treatment, including  
120.26 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced  
120.27 practice registered nurse's reasonable medical judgment, will be most likely to be effective  
120.28 in ameliorating or correcting all conditions, except that the term does not include the failure  
120.29 to provide treatment other than appropriate nutrition, hydration, or medication to an infant  
120.30 when, in the treating physician's or advanced practice registered nurse's reasonable medical  
120.31 judgment:

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

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

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

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

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

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

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

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

121.18 (11) is a sexually exploited youth;

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

121.21 (13) is a runaway;

121.22 (14) is a habitual truant;

121.23 (15) has been found incompetent to proceed or has been found not guilty by reason of  
121.24 mental illness or mental deficiency in connection with a delinquency proceeding, a  
121.25 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
121.26 proceeding involving a juvenile petty offense; or

121.27 (16) has a parent whose parental rights to one or more other children were involuntarily  
121.28 terminated or whose custodial rights to another child have been involuntarily transferred to  
121.29 a relative and there is a case plan prepared by the responsible social services agency  
121.30 documenting a compelling reason why filing the termination of parental rights petition under  
121.31 section 260C.503, subdivision 2, is not in the best interests of the child.

122.1 Sec. 17. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**  
122.2 **FOR EXPUNGEMENT.**

122.3 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a  
122.4 computerized data system relating to petty misdemeanor and misdemeanor offenses that  
122.5 may become eligible for expungement pursuant to section 609A.015, do not require  
122.6 fingerprinting pursuant to section 299C.10, and are not linked to an arrest record in the  
122.7 criminal history system.

122.8 (b) This data is private data on individuals under section 13.02, subdivision 12.

122.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

122.10 Sec. 18. Minnesota Statutes 2020, section 299C.10, subdivision 1, is amended to read:

122.11 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community  
122.12 corrections agencies operating secure juvenile detention facilities shall take or cause to be  
122.13 taken immediately finger and thumb prints, photographs, distinctive physical mark  
122.14 identification data, information on any known aliases or street names, and other identification  
122.15 data requested or required by the superintendent of the bureau, of the following:

122.16 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross  
122.17 misdemeanor, or targeted misdemeanor;

122.18 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,  
122.19 or alleged to have committed felonies or gross misdemeanors as distinguished from those  
122.20 committed by adult offenders;

122.21 (3) adults and juveniles admitted to jails or detention facilities;

122.22 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

122.23 (5) persons in whose possession, when arrested, are found concealed firearms or other  
122.24 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,  
122.25 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer  
122.26 to be intended for such purposes;

122.27 (6) juveniles referred by a law enforcement agency to a diversion program for a felony  
122.28 or gross misdemeanor offense; and

122.29 (7) persons currently involved in the criminal justice process, on probation, on parole,  
122.30 or in custody for any offense whom the superintendent of the bureau identifies as being the  
122.31 subject of a court disposition record which cannot be linked to an arrest record, and whose  
122.32 fingerprints are necessary to reduce the number of suspense files, or to comply with the

123.1 mandates of section 299C.111, relating to the reduction of the number of suspense files.  
123.2 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau  
123.3 shall include the requirement that fingerprints be taken in post-arrest interviews, while  
123.4 making court appearances, while in custody, or while on any form of probation, diversion,  
123.5 or supervised release.

123.6 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours  
123.7 of taking the fingerprints and data, the fingerprint records and other identification data  
123.8 specified under paragraph (a) must be electronically entered into a bureau-managed  
123.9 searchable database in a manner as may be prescribed by the superintendent.

123.10 (c) Prosecutors, courts, and probation officers and their agents, employees, and  
123.11 subordinates shall attempt to ensure that the required identification data is taken on a person  
123.12 described in paragraph (a). Law enforcement may take fingerprints of an individual who is  
123.13 presently on probation.

123.14 (d) Finger and thumb prints must be obtained no later than:

123.15 (1) release from booking; or

123.16 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

123.17 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb  
123.18 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger  
123.19 and thumb prints have not been successfully received by the bureau, an individual may,  
123.20 upon order of the court, be taken into custody for no more than eight hours so that the taking  
123.21 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time  
123.22 period may be extended upon a showing that additional time in custody is essential for the  
123.23 successful taking of prints.

123.24 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of  
123.25 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224  
123.26 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),  
123.27 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone  
123.28 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

123.29 **EFFECTIVE DATE.** This section is effective August 15, 2022, and applies to  
123.30 individuals arrested, appearing in court, or convicted on or after that date.

124.1 Sec. 19. Minnesota Statutes 2020, section 299C.111, is amended to read:

124.2 **299C.111 SUSPENSE FILE REPORTING.**

124.3 The superintendent shall immediately notify the appropriate entity or individual when  
124.4 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received  
124.5 that cannot be linked to an arrest record.

124.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

124.7 Sec. 20. Minnesota Statutes 2020, section 299C.17, is amended to read:

124.8 **299C.17 REPORT BY COURT ADMINISTRATOR.**

124.9 The superintendent shall require the court administrator of every court which sentences  
124.10 a defendant for a felony, gross misdemeanor, ~~or targeted~~ misdemeanor, or petty misdemeanor  
124.11 to electronically transmit within 24 hours of the disposition of the case a report, in a form  
124.12 prescribed by the superintendent providing information required by the superintendent with  
124.13 regard to the prosecution and disposition of criminal cases. A copy of the report shall be  
124.14 kept on file in the office of the court administrator.

124.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

124.16 Sec. 21. Minnesota Statutes 2020, section 609.05, is amended by adding a subdivision to  
124.17 read:

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

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

124.25 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes  
124.26 committed on or after that date.

124.27 Sec. 22. Minnesota Statutes 2020, section 609A.01, is amended to read:

124.28 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

124.29 This chapter provides the grounds and procedures for expungement of criminal records  
124.30 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under

125.1 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other  
125.2 applicable law. The remedy available is limited to a court order sealing the records and  
125.3 prohibiting the disclosure of their existence or their opening except under court order or  
125.4 statutory authority. Nothing in this chapter authorizes the destruction of records or their  
125.5 return to the subject of the records.

125.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

125.7 Sec. 23. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

125.8 Subdivision 1. **Eligibility; dismissal; exoneration.** A person who is the subject of a  
125.9 criminal record or delinquency record is eligible for a grant of expungement relief without  
125.10 the filing of a petition:

125.11 (1) if the person was arrested and all charges were dismissed after a case was filed unless  
125.12 dismissal was based on a finding that the defendant was incompetent to proceed; or

125.13 (2) if all pending actions or proceedings were resolved in favor of the person.

125.14 For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a  
125.15 resolution in favor of the person. For purposes of this chapter, an action or proceeding is  
125.16 resolved in favor of the person if the petitioner received an order under section 590.11  
125.17 determining that the person is eligible for compensation based on exoneration.

125.18 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant  
125.19 of expungement relief if the person has successfully completed the terms of a diversion  
125.20 program or stay of adjudication for an offense that is not a felony or a gross misdemeanor  
125.21 violation of section 609.3451, subdivision 1a, and has not been petitioned or charged with  
125.22 a new offense, other than an offense that would be a petty misdemeanor, for one year  
125.23 immediately following completion of the diversion program or stay of adjudication.

125.24 Subd. 3. **Eligibility; certain criminal and delinquency proceedings.** (a) A person is  
125.25 eligible for a grant of expungement relief if the person:

125.26 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a  
125.27 qualifying offense;

125.28 (2) has not been convicted of a new offense, other than an offense that would be a petty  
125.29 misdemeanor, in Minnesota during the applicable waiting period immediately following  
125.30 discharge of the disposition or sentence for the crime; and

125.31 (3) is not charged with an offense in Minnesota at the time the person reaches the end  
125.32 of the applicable waiting period.

- 126.1 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,  
126.2 or stayed sentence for:
- 126.3 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating  
126.4 to the operation or parking of motor vehicles;
- 126.5 (2) any misdemeanor offense other than:
- 126.6 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving  
126.7 while impaired);
- 126.8 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 126.9 (iii) section 609.224 (assault in the fifth degree);
- 126.10 (iv) section 609.2242 (domestic assault);
- 126.11 (v) section 609.748 (violation of a harassment restraining order);
- 126.12 (vi) section 609.78 (interference with emergency call);
- 126.13 (vii) section 609.79 (obscene or harassing phone calls);
- 126.14 (viii) section 617.23 (indecent exposure);
- 126.15 (ix) section 609.746 (interference with privacy); or
- 126.16 (x) section 629.75 (violation of domestic abuse no contact order); or
- 126.17 (3) any gross misdemeanor offense other than:
- 126.18 (i) section 169A.25 (second-degree driving while impaired);
- 126.19 (ii) section 169A.26 (third-degree driving while impaired);
- 126.20 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 126.21 (iv) section 609.2231 (assault in the fourth degree);
- 126.22 (v) section 609.224 (assault in the fifth degree);
- 126.23 (vi) section 609.2242 (domestic assault);
- 126.24 (vii) section 609.233 (criminal neglect);
- 126.25 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 126.26 (ix) section 609.377 (malicious punishment of child);
- 126.27 (x) section 609.485 (escape from custody);
- 126.28 (xi) section 609.498 (tampering with witness);

- 127.1 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 127.2 (xiii) section 609.746 (interference with privacy);
- 127.3 (xiv) section 609.748 (violation of a harassment restraining order);
- 127.4 (xv) section 609.749 (harassment; stalking);
- 127.5 (xvi) section 609.78 (interference with emergency call);
- 127.6 (xvii) section 617.23 (indecent exposure);
- 127.7 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 127.8 (xix) section 629.75 (violation of domestic abuse no contact order).
- 127.9 (c) As used in this subdivision, "applicable waiting period" means:
- 127.10 (1) if the offense was a petty misdemeanor or a misdemeanor, two years; and
- 127.11 (2) if the offense was a gross misdemeanor, four years.
- 127.12 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 127.13 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 127.14 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 127.15 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 127.16 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
- 127.17 automatic expungement under this section of that eligibility at any hearing where the court
- 127.18 dismisses and discharges proceedings against a person under section 152.18, subdivision
- 127.19 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
- 127.20 substance; concludes that all pending actions or proceedings were resolved in favor of the
- 127.21 person; grants a person's placement into a diversion program; or sentences a person or
- 127.22 otherwise imposes a consequence for a qualifying offense.
- 127.23 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
- 127.24 coordinators or supervisors of a diversion program shall notify a person who may become
- 127.25 eligible for an automatic expungement under this section of that eligibility.
- 127.26 (c) If any party gives notification under this subdivision, the notification shall inform
- 127.27 the person that:
- 127.28 (1) an expunged record of a conviction may be opened for purposes of a background
- 127.29 study by the Department of Human Services under section 245C.08 and for purposes of a
- 127.30 background check by the Professional Educator Licensing and Standards Board as required
- 127.31 under section 122A.18, subdivision 8;

128.1 (2) an expunged record of conviction does not restore the right to ship, transport, possess,  
128.2 or receive a firearm, but the person may seek a relief of disability under United States Code,  
128.3 title 18, section 925, or restoration of the ability to possess firearms under section 609.165,  
128.4 subdivision 1d; and

128.5 (3) the person can file a petition pursuant to section 609A.03 to expunge the record and  
128.6 request that it be directed to the commissioner of human services and the Professional  
128.7 Educator Licensing and Standards Board.

128.8 **Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant**  
128.9 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications  
128.10 and convictions that qualify for a grant of expungement relief pursuant to this subdivision  
128.11 or subdivision 1, 2, or 3.

128.12 (b) In making the determination under paragraph (a), the Bureau of Criminal  
128.13 Apprehension shall identify individuals who are the subject of relevant records through the  
128.14 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where  
128.15 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall  
128.16 identify individuals through the use of the person's name and date of birth. Records containing  
128.17 the same name and date of birth shall be presumed to refer to the same individual unless  
128.18 other evidence establishes, by a preponderance of the evidence, that they do not refer to the  
128.19 same individual. The Bureau of Criminal Apprehension is not required to review any other  
128.20 evidence in making its determination.

128.21 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying  
128.22 persons and seal the bureau's records without requiring an application, petition, or motion.  
128.23 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to  
128.24 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional  
128.25 information establishes that the records are not eligible for expungement.

128.26 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension  
128.27 and subject to a grant of expungement relief shall display a notation stating "expungement  
128.28 relief granted pursuant to section 609A.015."

128.29 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases  
128.30 for which expungement relief was granted pursuant to this section. Notification may be  
128.31 through electronic means and may be made in real time or in the form of a monthly report.  
128.32 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,  
128.33 indictment or information, trial, verdict, or dismissal and discharge for any case in which

129.1 expungement relief was granted and shall issue any order deemed necessary to achieve this  
129.2 purpose.

129.3 (f) Unless an order issued under paragraph (e) notifies the law enforcement agency that  
129.4 made the arrest or issued the citation, the Bureau of Criminal Apprehension shall inform  
129.5 each arresting or citing law enforcement agency whose records are affected by the grant of  
129.6 expungement relief that expungement has been granted. Notification shall be made at the  
129.7 time and under the conditions described in paragraph (c), except that notice may be sent in  
129.8 real time or in the form of a monthly report sent no more than 30 days after the expiration  
129.9 of the deadline established in paragraph (c). Notification may be through electronic means.  
129.10 Each notified law enforcement agency shall seal all records relating to an arrest, indictment  
129.11 or information, trial, verdict, or dismissal and discharge for any case in which expungement  
129.12 relief was granted.

129.13 (g) Data on the person whose offense has been expunged under this subdivision, including  
129.14 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section  
129.15 13.02, subdivision 12.

129.16 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic  
129.17 expungement under this section in the manner provided in section 611A.03, subdivisions  
129.18 1 and 2.

129.19 (i) In any subsequent prosecution of a person granted expungement relief, the expunged  
129.20 criminal record may be pleaded and has the same effect as if the relief had not been granted.

129.21 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a  
129.22 system to provide criminal justice agencies with uniform statewide access to criminal records  
129.23 sealed by expungement.

129.24 (k) A grant of expungement under this section does not entitle a person to ship, transport,  
129.25 possess, or receive a firearm. A person whose conviction is expunged under this section  
129.26 may seek a relief of disability under United States Code, title 18, section 925, or restoration  
129.27 of the ability to possess firearms under section 609.165, subdivision 1d.

129.28 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal  
129.29 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or  
129.30 the decision to exercise or the decision to decline to exercise, the powers granted by this  
129.31 section or for any act or omission occurring within the scope of the performance of their  
129.32 duties under this section.

130.1 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to offenses  
130.2 that meet the eligibility criteria on or after that date and retroactively to offenses that met  
130.3 those qualifications before January 1, 2024, and are stored in the Bureau of Criminal  
130.4 Apprehension's criminal history system as of January 1, 2024.

130.5 Sec. 24. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

130.6 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph  
130.7 (b), expungement of a criminal record under this section is an extraordinary remedy to be  
130.8 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner  
130.9 commensurate with the disadvantages to the public and public safety of:

130.10 (1) sealing the record; and

130.11 (2) burdening the court and public authorities to issue, enforce, and monitor an  
130.12 expungement order.

130.13 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for  
130.14 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause  
130.15 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction  
130.16 whose records would be affected establishes by clear and convincing evidence that the  
130.17 interests of the public and public safety outweigh the disadvantages to the petitioner of not  
130.18 sealing the record.

130.19 (c) In making a determination under this subdivision, the court shall consider:

130.20 (1) the nature and severity of the underlying crime, the record of which would be sealed;

130.21 (2) the risk, if any, the petitioner poses to individuals or society;

130.22 (3) the length of time since the crime occurred;

130.23 (4) the steps taken by the petitioner toward rehabilitation following the crime;

130.24 (5) aggravating or mitigating factors relating to the underlying crime, including the  
130.25 petitioner's level of participation and context and circumstances of the underlying crime;

130.26 (6) the reasons for the expungement, including the petitioner's attempts to obtain  
130.27 employment, housing, or other necessities;

130.28 (7) the petitioner's criminal record;

130.29 (8) the petitioner's record of employment and community involvement;

130.30 (9) the recommendations of interested law enforcement, prosecutorial, and corrections  
130.31 officials;

131.1 (10) the recommendations of victims or whether victims of the underlying crime were  
131.2 minors;

131.3 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner  
131.4 toward payment, and the measures in place to help ensure completion of restitution payment  
131.5 after expungement of the record if granted; and

131.6 (12) other factors deemed relevant by the court.

131.7 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court  
131.8 issues an expungement order it may require that the criminal record be sealed, the existence  
131.9 of the record not be revealed, and the record not be opened except as required under  
131.10 subdivision 7. Records must not be destroyed or returned to the subject of the record.

131.11 (e) Information relating to a criminal history record of an employee, former employee,  
131.12 or tenant that has been expunged before the occurrence of the act giving rise to the civil  
131.13 action may not be introduced as evidence in a civil action against a private employer or  
131.14 landlord or its employees or agents that is based on the conduct of the employee, former  
131.15 employee, or tenant.

131.16 **EFFECTIVE DATE.** This section is effective January 1, 2024.

131.17 Sec. 25. Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a, is amended  
131.18 to read:

131.19 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance  
131.20 of an expungement order related to a charge supported by probable cause, the DNA samples  
131.21 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
131.22 other than section 299C.105 shall not be sealed, returned to the subject of the record, or  
131.23 destroyed.

131.24 (b) Notwithstanding the issuance of an expungement order:

131.25 (1) except as provided in clause (2), an expunged record may be opened, used, or  
131.26 exchanged between criminal justice agencies without a court order for the purposes of  
131.27 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing  
131.28 purposes or providing probation or other correctional services;

131.29 (2) when a criminal justice agency seeks access to a record that was sealed under section  
131.30 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
131.31 for lack of probable cause, for purposes of a criminal investigation, prosecution, or

132.1 sentencing, the requesting agency must obtain an ex parte court order after stating a  
132.2 good-faith basis to believe that opening the record may lead to relevant information;

132.3 (3) an expunged record of a conviction may be opened for purposes of evaluating a  
132.4 prospective employee in a criminal justice agency without a court order;

132.5 (4) an expunged record of a conviction may be opened for purposes of a background  
132.6 study under section 245C.08 unless the commissioner had been properly served with notice  
132.7 of the petition for expungement and the court order for expungement is directed specifically  
132.8 to the commissioner of human services;

132.9 (5) an expunged record of a conviction may be opened for purposes of a background  
132.10 check required under section 122A.18, subdivision 8, unless the court order for expungement  
132.11 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

132.12 (6) the court may order an expunged record opened upon request by the victim of the  
132.13 underlying offense if the court determines that the record is substantially related to a matter  
132.14 for which the victim is before the court;

132.15 (7) a prosecutor may request and the district court shall provide certified records of  
132.16 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,  
132.17 and the certified records of conviction may be disclosed and introduced in criminal court  
132.18 proceedings as provided by the rules of court and applicable law; and

132.19 (8) the subject of an expunged record may request and the court shall provide certified  
132.20 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,  
132.21 609A.02, and 609A.025.

132.22 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
132.23 in a manner that provides access to the record by a criminal justice agency under paragraph  
132.24 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
132.25 of Criminal Apprehension shall notify the commissioner of human services or the  
132.26 Professional Educator Licensing and Standards Board of the existence of a sealed record  
132.27 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the  
132.28 agency or jurisdiction subject to the expungement order shall provide access to the record  
132.29 to the commissioner of human services or the Professional Educator Licensing and Standards  
132.30 Board under paragraph (b), clause (4) or (5).

132.31 (d) An expunged record that is opened or exchanged under this subdivision remains  
132.32 subject to the expungement order in the hands of the person receiving the record.

133.1 (e) A criminal justice agency that receives an expunged record under paragraph (b),  
133.2 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the  
133.3 record to the investigation, prosecution, or sentencing for which it was obtained.

133.4 (f) For purposes of this section, a "criminal justice agency" means a court or government  
133.5 agency that performs the administration of criminal justice under statutory authority.

133.6 (g) This subdivision applies to expungement orders subject to its limitations and effective  
133.7 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,  
133.8 2024.

133.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

133.10 Sec. 26. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

133.11 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall  
133.12 be stayed automatically for 60 days after the order is filed and, if the order is appealed,  
133.13 during the appeal period. A person or an agency or jurisdiction whose records would be  
133.14 affected by the order may appeal the order within 60 days of service of notice of filing of  
133.15 the order. An agency or jurisdiction or its officials or employees need not file a cost bond  
133.16 or supersedeas bond in order to further stay the proceedings or file an appeal.

133.17 **EFFECTIVE DATE.** This section is effective January 1, 2024.

133.18 Sec. 27. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

133.19 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual  
133.20 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall  
133.21 make a reasonable and good faith effort to inform the victim of:

133.22 (1) the contents of the plea agreement recommendation, including the amount of time  
133.23 recommended for the defendant to serve in jail or prison if the court accepts the agreement;  
133.24 ~~and~~

133.25 (2) the right to be present at the sentencing hearing and at the hearing during which the  
133.26 plea is presented to the court and to express orally or in writing, at the victim's option, any  
133.27 objection to the agreement or to the proposed disposition. If the victim is not present when  
133.28 the court considers the recommendation, but has communicated objections to the prosecuting  
133.29 attorney, the prosecuting attorney shall make these objections known to the court; and

133.30 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

134.1 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to plea  
134.2 agreements entered into on or after that date.

134.3 Sec. 28. Minnesota Statutes 2020, section 638.01, is amended to read:

134.4 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

134.5 The Board of Pardons shall consist of the governor, the chief justice of the supreme  
134.6 court, and the attorney general. The governor, in conjunction with the board, may grant  
134.7 pardons ~~and reprieves~~ and commute the sentence of any person convicted of any offense  
134.8 ~~against~~ under the laws of the this state, in the manner and under the conditions ~~and rules~~  
134.9 ~~hereinafter~~ prescribed, but not otherwise in this chapter. A majority vote of the board is  
134.10 required for pardons and commutations with the governor in that majority.

134.11 Sec. 29. **[638.09] CLEMENCY REVIEW COMMISSION.**

134.12 (a) Notwithstanding the provisions of chapter 15, the Clemency Review Commission  
134.13 is established to review applications for pardons or commutations before they are considered  
134.14 by the Board of Pardons. By majority vote, the commission shall make a recommendation  
134.15 on each eligible application as to whether it should be granted or denied. The commission  
134.16 shall provide its recommendations to the board with the vote of each commission member  
134.17 reported in writing.

134.18 (b) The commission shall consist of nine members, each serving a four-year term. The  
134.19 governor, the attorney general, and the chief justice of the supreme court shall each appoint  
134.20 three members and replace members upon expiration of the members' terms. In the event  
134.21 of a vacancy, the board member who selected the previous incumbent shall make an interim  
134.22 appointment to expire at the end of the prior incumbent's four-year term. A person may  
134.23 serve no more than two terms on the commission, excluding interim appointments.

134.24 (c) The commission shall biennially elect one of its members as chair and one as  
134.25 vice-chair. The chair of the commission shall serve as secretary of the board.

134.26 (d) Each member of the commission shall be compensated at the rate of \$55 for each  
134.27 day or part thereof spent on commission activities. Each member shall be reimbursed for  
134.28 all reasonable expenses actually paid or incurred by that member in the performance of  
134.29 official duties.

134.30 (e) The commission may obtain office space and supplies and hire administrative staff  
134.31 to carry out the commission's official functions.

135.1 (f) At least six members of the commission shall constitute a quorum for official  
135.2 administrative business.

135.3 Sec. 30. **[638.10] PARDONS AND COMMUTATIONS.**

135.4 Subdivision 1. **Pardons and commutations.** (a) The Board of Pardons may pardon a  
135.5 criminal conviction imposed under the laws of this state or commute a criminal sentence  
135.6 imposed by a court of this state to time served or a lesser sentence. Every pardon or  
135.7 commutation shall be in writing and shall have no force or effect unless granted by a majority  
135.8 vote of the board with the governor in that majority. Every conditional pardon shall state  
135.9 the terms and conditions upon which it was granted and every commutation shall specify  
135.10 the terms of the commuted sentence.

135.11 (b) When granted, a pardon has the effect of setting aside the conviction and purging  
135.12 the conviction from the person's record. The person then is not required to disclose the  
135.13 conviction at any time or place other than in a judicial proceeding or as part of the licensing  
135.14 process for peace officers.

135.15 Subd. 2. **Eligibility for a pardon.** (a) Any person convicted of a crime in any court of  
135.16 this state may apply for a pardon of the person's conviction on or after five years from the  
135.17 date of the expiration of the person's sentence or the date of the person's discharge. Upon  
135.18 a showing of unusual circumstances and special need, the board may waive the required  
135.19 waiting period by a majority vote with the governor in that majority.

135.20 (b) The Clemency Review Commission shall review all requests for a waiver of the  
135.21 waiting period and make recommendations by majority vote to the board. Consideration of  
135.22 requests to waive the waiting period are exempt from the meeting requirements of this  
135.23 chapter.

135.24 Subd. 3. **Eligibility for a commutation.** (a) Any person may apply for a commutation  
135.25 of an unexpired criminal sentence imposed by a court of this state, including those confined  
135.26 in a correctional facility or on probation, parole, supervised release, or conditional release.  
135.27 An application for commutation may not be filed until the date that the person has served  
135.28 at least one-half of the sentence imposed or on or after five years from the date of the  
135.29 conviction, whichever is less. Upon a showing of unusual circumstances and special need,  
135.30 the board may waive the required waiting period by a majority vote with the governor in  
135.31 that majority.

136.1 (b) The commission shall review all requests for a waiver of the waiting period and  
136.2 make recommendations by majority vote to the board. Consideration of requests to waive  
136.3 the waiting period are exempt from the meeting requirements of this chapter.

136.4 Subd. 4. **Filing of a pardon or commutation.** After granting a pardon or commutation,  
136.5 the board shall file a copy of the pardon or commutation with the district court of the county  
136.6 in which the conviction and sentence were imposed. In the case of a pardon, the court shall  
136.7 order the conviction set aside, include a copy of the pardon in the court file, and send copies  
136.8 of the order and the pardon to the Bureau of Criminal Apprehension. In the case of a  
136.9 commutation, the court shall amend the sentence to reflect the specific relief granted by the  
136.10 board, include a copy of the commutation in the court file, and send copies of the amended  
136.11 sentencing order and commutation to the commissioner of corrections and the Bureau of  
136.12 Criminal Apprehension.

136.13 Subd. 5. **Reapplication.** (a) Once an application for a pardon or commutation has been  
136.14 considered and denied on the merits, no subsequent application may be filed for five years  
136.15 after the date of the most recent denial unless permission is granted from at least two board  
136.16 members. A person may request permission to reapply prior to the expiration of the five-year  
136.17 period based only on new and substantial information that was not and could not have been  
136.18 previously considered by the board or the commission. If a request to reapply contains new  
136.19 and substantial information, the commission shall review the request and make a  
136.20 recommendation by majority vote to the board. Consideration of requests to reapply are  
136.21 exempt from the meeting requirements under this chapter.

136.22 (b) The denial or grant of an application for a commutation of sentence does not preclude  
136.23 a person from later seeking a pardon of the criminal conviction once the eligibility  
136.24 requirements of subdivision 2 have been satisfied.

136.25 Sec. 31. **[638.11] APPLICATIONS.**

136.26 (a) Each application for a pardon or commutation shall be in writing, signed under oath  
136.27 by the applicant, and contain a brief statement of the relief sought and the reasons why it  
136.28 should be granted. The application shall also contain the following information and any  
136.29 additional information that the commission or board requires:

136.30 (1) the applicant's name, address, date of birth, place of birth, and every alias by which  
136.31 the applicant is or has been known;

136.32 (2) the name of the offense for which relief is requested, the date and county of  
136.33 conviction, the sentence imposed, and the expiration or discharge date of the sentence;

- 137.1 (3) the names of the sentencing judge, prosecuting attorney, and any victims of the  
137.2 offense;
- 137.3 (4) a brief description of the offense;
- 137.4 (5) the date and outcome of any prior applications for a pardon or commutation;
- 137.5 (6) a statement of other felony or gross misdemeanor convictions and any pending  
137.6 criminal charges or investigations; and
- 137.7 (7) a statement by the applicant consenting to the disclosure to the commission and the  
137.8 board of any private data concerning the applicant contained in the application or in any  
137.9 other record relating to the grounds on which the relief is sought, including conviction and  
137.10 arrest records.
- 137.11 (b) Applications shall be made on forms approved by the commission or the board and  
137.12 shall be filed with the commission by the deadlines set by the commission or the board. The  
137.13 commission shall review applications for completeness. Any application that is considered  
137.14 incomplete shall be returned to the applicant who may then provide the missing information  
137.15 and resubmit the application within a time period prescribed by the commission.

137.16 **Sec. 32. [638.12] NOTIFICATIONS.**

137.17 Subdivision 1. **Notice to victim.** After receiving an application for a pardon or  
137.18 commutation, the Clemency Review Commission shall make all reasonable efforts to locate  
137.19 any victim of the applicant's crime. At least 30 days before the date of the commission  
137.20 meeting at which the application shall be heard, the commission shall notify any located  
137.21 victim of the application, the time and place of the meeting, and the victim's right to attend  
137.22 the meeting and submit an oral or written statement to the commission.

137.23 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** At least 30 days before  
137.24 the date of the commission meeting at which the application shall be heard, the commission  
137.25 shall notify the sentencing judge and prosecuting attorney or their successors of the  
137.26 application and solicit the judge's and attorney's views on whether clemency should be  
137.27 granted.

137.28 Subd. 3. **Notice to applicant.** Following its initial investigation of an application for a  
137.29 pardon or commutation, the commission shall notify the applicant of the scheduled date,  
137.30 time, and location that the applicant shall appear before the commission for consideration.

138.1 Sec. 33. **[638.13] MEETINGS.**

138.2 Subdivision 1. Commission meetings. (a) The Clemency Review Commission shall  
138.3 meet at least four times each year for one or more days each meeting to hear eligible  
138.4 applications of pardons or commutations and make recommendations to the board on each  
138.5 application. One or more of the meetings may be held at facilities operated by the Department  
138.6 of Corrections. All commission meetings shall be open to the public as provided in chapter  
138.7 13D.

138.8 (b) Applicants for pardons or commutations must appear before the commission either  
138.9 in person or through any available form of telecommunication. The victim of an applicant's  
138.10 crime may appear and speak at the commission's meeting or submit a written statement to  
138.11 the commission. The commission may treat a victim's statement as confidential and not  
138.12 disclose the statement to the applicant or the public if there is or has been a recent order for  
138.13 protection, restraining order, or other no contact order prohibiting the applicant from  
138.14 contacting the victim. In addition, any law enforcement agency may appear and speak at  
138.15 the meeting or submit a written statement to the commission, giving the agency's  
138.16 recommendation on whether clemency should be granted or denied.

138.17 (c) The commission must consider any statement provided by a victim or law enforcement  
138.18 agency when making its recommendation on an application. Whenever possible, the  
138.19 commission shall record its meetings by audio or audiovisual means. Any recordings and  
138.20 statements from victims or law enforcement agencies shall be provided to the board along  
138.21 with the commission's recommendations.

138.22 (d) Not later than ten working days after the date of its decision, the commission shall  
138.23 notify the applicant in writing of its decision to recommend a grant or denial of clemency  
138.24 to the board.

138.25 Subd. 2. Board meetings. (a) The board shall meet at least two times each year to  
138.26 consider applications for pardons or commutations that have received a favorable  
138.27 recommendation from the commission and any other applications that have received further  
138.28 consideration from at least one board member. Whenever the commission recommends  
138.29 denial of an application and the board does not disapprove or take other action with respect  
138.30 to that recommendation, it shall be presumed that the board concurs with the adverse  
138.31 recommendation and that the application has been considered and denied on the merits. All  
138.32 board meetings shall be open to the public as provided in chapter 13D.

138.33 (b) Applicants, victims, and law enforcement agencies may not submit oral or written  
138.34 statements at a board meeting, unless the board requests additional testimony. The board

139.1 shall consider any statements provided to the commission when making a decision on an  
139.2 application for a pardon or commutation.

139.3 (c) The commission shall notify the applicant in writing of the board's decision to grant  
139.4 or deny clemency not later than ten working days from the date of the board's decision.

139.5 Sec. 34. **[638.14] GROUNDS FOR RECOMMENDING CLEMENCY.**

139.6 Subdivision 1. **Factors.** When making recommendations on applications for pardons or  
139.7 commutations, the Clemency Review Commission shall consider any factors the commission  
139.8 deems appropriate, including but not limited to:

139.9 (1) the nature, seriousness, circumstances, and age of the applicant's offense;

139.10 (2) the successful completion or revocation of previous probation, parole, supervised  
139.11 release, or conditional release;

139.12 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

139.13 (4) the extent to which the applicant has demonstrated rehabilitation through  
139.14 postconviction conduct, character, and reputation;

139.15 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,  
139.16 and made restitution to victims;

139.17 (6) whether the sentence is clearly excessive in light of the applicant's offense, criminal  
139.18 history, and any sentence received by an accomplice, with due regard given to any plea  
139.19 agreement, the sentencing judge's views, and the sentencing ranges established by law;

139.20 (7) whether the applicant's age or medical status indicates that it is in the best interest  
139.21 of society that the applicant receive clemency;

139.22 (8) recommendations from victims, sentencing judges, and prosecuting attorneys;

139.23 (9) the applicant's asserted need for a pardon or commutation, including family needs  
139.24 and barriers to housing or employment created by the conviction; and

139.25 (10) the amount of time already served by the applicant and the availability of other  
139.26 forms of judicial or administrative relief.

139.27 Subd. 2. **Denial recommendation.** The commission may recommend denial without a  
139.28 hearing of an application for a commutation when the applicant is presently challenging the  
139.29 conviction or sentence through court proceedings, has failed to exhaust all available state  
139.30 court remedies for challenging the sentence, or the matter should first be considered by the  
139.31 parole authority.

140.1 Sec. 35. **[638.15] ACCESS TO RECORDS; ISSUANCE OF PROCESS.**

140.2 Subdivision 1. Access to records. Upon receipt of an application for a pardon or  
140.3 commutation, the Board of Pardons or Clemency Review Commission may request and  
140.4 obtain any relevant reports, data, and other information from a district court, law enforcement  
140.5 agency, or state agency. The commission and board shall have access to sealed court records,  
140.6 presentence investigation reports, police reports, criminal history reports, prison records,  
140.7 and any other relevant information. District courts, law enforcement agencies, and state  
140.8 agencies shall promptly respond to record requests from the commission and the board.

140.9 Subd. 2. Legal process. The commission and the board may issue process requiring the  
140.10 presence of any person before the commission or board and the production of papers, records,  
140.11 and exhibits in any pending matter. When any person is summoned before the commission  
140.12 or the board, the person may be allowed compensation for travel and attendance as the  
140.13 commission or the board may deem reasonable.

140.14 Sec. 36. **[638.16] RULES.**

140.15 The Board of Pardons and the Clemency Review Commission may adopt rules under  
140.16 chapter 14 for the effective enforcement of their powers and duties.

140.17 Sec. 37. **[638.17] RECORDS.**

140.18 The Clemency Review Commission shall keep a record of every application received,  
140.19 its recommendation on each application, and the final disposition of each application by  
140.20 the Board of Pardons. The records and files shall be kept by the commission and shall be  
140.21 open to public inspection at all reasonable times, except for sealed court records, presentence  
140.22 investigation reports, Social Security numbers, financial account numbers, driver's license  
140.23 information, medical records, confidential Bureau of Criminal Apprehension records, and  
140.24 confidential victim statements as provided in section 638.12.

140.25 Sec. 38. **[638.18] REPORT TO LEGISLATURE.**

140.26 By February 15 of each year, the Clemency Review Commission shall submit a written  
140.27 report to the chairs and ranking minority members of the house of representatives and senate  
140.28 committees with jurisdiction over public safety, corrections, and judiciary containing at a  
140.29 minimum the following information:

140.30 (1) the number of applications for pardons and commutations received by the commission  
140.31 during the preceding calendar year;

141.1 (2) the number of favorable and adverse recommendations made by the commission for  
141.2 each category;

141.3 (3) the number of applications granted and denied by the Board of Pardons for each  
141.4 category; and

141.5 (4) the crimes for which the applications were granted by the board, the year of each  
141.6 conviction, and the age of the offender at the time of the offense.

141.7 Sec. 39. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:

141.8 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall  
141.9 pay the costs of medical services provided to prisoners pursuant to this section. The amount  
141.10 paid by the county board for a medical service shall not exceed the maximum allowed  
141.11 medical assistance payment rate for the service, as determined by the commissioner of  
141.12 human services. In the absence of a health or medical insurance or health plan that has a  
141.13 contractual obligation with the provider or the prisoner, medical providers shall charge no  
141.14 higher than the rate negotiated between the county and the provider. In the absence of an  
141.15 agreement between the county and the provider, the provider may not charge an amount  
141.16 that exceeds the maximum allowed medical assistance payment rate for the service, as  
141.17 determined by the commissioner of human services. The county is entitled to reimbursement  
141.18 from the prisoner for payment of medical bills to the extent that the prisoner to whom the  
141.19 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,  
141.20 incur co-payment obligations for health care services provided by a county correctional  
141.21 facility. The county board shall determine the co-payment amount. Notwithstanding any  
141.22 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held  
141.23 by the county, to the extent possible. If there is a disagreement between the county and a  
141.24 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant  
141.25 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.  
141.26 If a prisoner is covered by health or medical insurance or other health plan when medical  
141.27 services are provided, the medical provider shall bill that health or medical insurance or  
141.28 other plan. If the county providing the medical services for a prisoner that has coverage  
141.29 under health or medical insurance or other plan, that county has a right of subrogation to  
141.30 be reimbursed by the insurance carrier for all sums spent by it for medical services to the  
141.31 prisoner that are covered by the policy of insurance or health plan, in accordance with the  
141.32 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or  
141.33 health plan. The county may maintain an action to enforce this subrogation right. The county  
141.34 does not have a right of subrogation against the medical assistance program. The county

142.1 shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline,  
142.2 or a current mental health provider or calls for the purpose of providing case management  
142.3 or mental health services as defined in section 245.462 to prisoners.

142.4 Sec. 40. **TASK FORCE ON THE COLLECTION OF CHARGING AND RELATED**  
142.5 **DATA.**

142.6 Subdivision 1. **Establishment.** The Task Force on the Collection of Charging and Related  
142.7 Data is established to identify data that should be collected and analyzed to determine the  
142.8 ways in which individuals are charged and prosecuted in Minnesota.

142.9 Subd. 2. **Membership.** (a) The task force consists of the following members:

142.10 (1) the attorney general or a designee;

142.11 (2) the chief justice of the supreme court or a designee;

142.12 (3) the commissioner of corrections or a designee;

142.13 (4) the state public defender or a designee;

142.14 (5) the executive director of the Minnesota Sentencing Guidelines Commission;

142.15 (6) one private criminal defense attorney appointed by the governor;

142.16 (7) one probation, supervised release, or parole officer appointed by the governor;

142.17 (8) one county attorney from within the metropolitan area as defined in Minnesota

142.18 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota  
142.19 County Attorneys Association;

142.20 (9) one county attorney from outside the metropolitan area as defined in Minnesota

142.21 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota  
142.22 County Attorneys Association;

142.23 (10) one assistant county attorney appointed by the board of directors of the Minnesota  
142.24 County Attorneys Association;

142.25 (11) one city attorney appointed by the governor;

142.26 (12) one peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1,  
142.27 paragraph (c), appointed by the governor; and

142.28 (13) three public members appointed by the governor, one of whom shall be a victim of  
142.29 a crime defined as a felony.

142.30 (b) Members of the task force serve without compensation.

143.1 (c) Members of the task force serve at the pleasure of the appointing authority or until  
143.2 the task force expires. Vacancies shall be filled by the appointing authority consistent with  
143.3 the qualifications of the vacating member required by this subdivision.

143.4 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and  
143.5 may elect other officers as necessary.

143.6 (b) The executive director of the Minnesota Sentencing Guidelines Commission shall  
143.7 convene the first meeting of the task force no later than September 1, 2022.

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

143.11 Subd. 4. **Staff.** The Minnesota Sentencing Guidelines Commission shall provide meeting  
143.12 space and administrative assistance as necessary for the task force to conduct its work.

143.13 Subd. 5. **Duties.** (a) The duties of the task force shall, at a minimum, include:

143.14 (1) determining what data are generated when prosecutors make decisions on initial  
143.15 criminal charges and amended criminal charges;

143.16 (2) assessing what factors prosecutorial offices use to make decisions about what criminal  
143.17 charges to bring, dismiss, or amend;

143.18 (3) assessing what factors prosecutorial offices use to recommend or support referring  
143.19 a defendant for pretrial services;

143.20 (4) determining what additional information should be collected to accurately track and  
143.21 inform decisions made by prosecutorial offices regarding bringing and amending criminal  
143.22 charges and offering pretrial diversion;

143.23 (5) determining what incident data is needed to increase consistency in charging decisions,  
143.24 how that data should be collected, and what components a uniform data collection process  
143.25 would contain;

143.26 (6) reviewing the current practices of data collection and storage by law enforcement  
143.27 agencies, what data should be collected and reported from law enforcement agencies, and  
143.28 whether data from law enforcement agencies should be consistent with data collected from  
143.29 prosecutorial offices;

143.30 (7) examining how data could be best collected and reported, including whether the data  
143.31 should be reported to a central location and, if so, what location;

144.1 (8) assessing whether data should be collected regarding the specific reason for dismissing  
144.2 cases, in cases where the highest charge is a gross misdemeanor or misdemeanor, and in  
144.3 cases involving delinquency petitions;

144.4 (9) estimating the costs associated with additional data collection and reporting, and  
144.5 making recommendations about appropriate funding levels to support that collection; and

144.6 (10) recommending methods of collecting and storing data that does not promote or  
144.7 reward filing charges in cases that do not meet the appropriate standards.

144.8 (b) At its discretion, the task force may examine other related issues consistent with this  
144.9 section.

144.10 Subd. 6. **Report.** By January 15, 2024, the task force shall report to the chairs and ranking  
144.11 minority members of the legislative committees and divisions with jurisdiction over public  
144.12 safety finance and policy on the work of the task force. The report shall include  
144.13 recommendations for legislative action, if needed.

144.14 Subd. 7. **Expiration.** The task force expires upon submission of the report required by  
144.15 subdivision 6.

144.16 **Sec. 41. LIABILITY FOR MURDER COMMITTED BY ANOTHER;**  
144.17 **RETROACTIVE APPLICATION.**

144.18 Subdivision 1. **Purpose.** A person convicted of a violation of Minnesota Statutes, section  
144.19 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), committed by another  
144.20 and who is in the custody of the commissioner of corrections or under court supervision is  
144.21 entitled to petition to have the conviction vacated pursuant to this section. A person who is  
144.22 not in the custody of the commissioner of corrections or under court supervision may petition  
144.23 the Board of Pardons to grant a pardon extraordinary.

144.24 Subd. 2. **Notification.** (a) By December 1, 2022, the commissioner of corrections shall  
144.25 notify persons convicted for a violation of section 609.185, paragraph (a), clause (3), or  
144.26 609.19, subdivision 2, clause (1), of the right to file a preliminary application for relief if:

144.27 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,  
144.28 paragraph (a), clause (3), and did not actually cause the death of a human being or  
144.29 intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with  
144.30 the intent to cause the death of a human being; or

144.31 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,  
144.32 subdivision 2, clause (1), and did not actually cause the death of a human being or was not

145.1 a major participant in the underlying felony who acted with extreme indifference to human  
145.2 life.

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

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

145.7 Subd. 3. Preliminary application. (a) An applicant shall submit a preliminary application  
145.8 to the Ramsey County District Court. The preliminary application must contain:

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

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

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

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

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

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

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

145.20 (b)The preliminary application may contain:

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

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

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

145.29 (d) A person seeking relief under this section must submit a preliminary application no  
145.30 later than January 31, 2024. Submission is complete upon mailing.

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

146.3 Subd. 4. **Review of preliminary application.** (a) Upon receipt of a preliminary  
146.4 application, the court administrator of the Ramsey County District Court shall immediately  
146.5 direct attention of the filing to the chief judge or judge acting in the chief judge's behalf  
146.6 who shall promptly assign the matter to a judge in that district.

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

146.9 (c) The reviewing judge shall determine whether, in the discretion of that judge, there  
146.10 is a reasonable probability that the applicant is entitled to relief under this section.

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

146.14 (e) The court may summarily deny an application when the applicant is not in the custody  
146.15 of the commissioner of corrections or under court supervision; was not convicted of a  
146.16 violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19,  
146.17 subdivision 2, clause (1), before August 1, 2022; the only issues raised in the application  
146.18 are not relevant to the relief available under this section; or the applicant previously filed a  
146.19 petition for relief under this section and the petition was denied pursuant to subdivision 5.

146.20 (f) If the reviewing judge determines that there is a reasonable probability that the  
146.21 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's  
146.22 attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. If  
146.23 the applicant is without counsel, the reviewing judge shall send notice to the state public  
146.24 defender and shall advise the applicant of the referral.

146.25 (g) If the reviewing judge determines that there is not a reasonable probability that the  
146.26 applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's  
146.27 attorney, if any. The notice must contain a brief statement explaining the reasons the  
146.28 reviewing judge concluded that there is not a reasonable probability that the applicant is  
146.29 entitled to relief.

146.30 Subd. 5. **Petition for relief; hearing.** (a) Unless extended for good cause, within 60  
146.31 days of receipt of the notice sent under subdivision 4, paragraph (f), the individual seeking  
146.32 relief shall file and serve a petition to vacate the conviction. The petition must be filed in  
146.33 the district court of the judicial district in the county where the conviction took place and

147.1 must contain the information identified in subdivision 3, paragraph (a), and a statement of  
147.2 why the petitioner is entitled to relief under this section. The petition may contain any other  
147.3 relevant information, including police reports, trial transcripts, and plea transcripts involving  
147.4 the petitioner or any other person investigated for, charged with, or convicted of a crime  
147.5 arising out of the same set of circumstances for which the petitioner was convicted. The  
147.6 filing of the petition and any document subsequent to the filing and all following proceedings  
147.7 shall be without costs or fees charged to the petitioner.

147.8 (b) Upon receipt of the petition, the prosecutor shall make a good faith and reasonable  
147.9 effort to notify any person determined to be a victim of the underlying offense that a petition  
147.10 has been filed.

147.11 (c) A county attorney representing the prosecutorial office shall respond to the petition  
147.12 by answer or motion within 45 days after the filing of the petition pursuant to paragraph  
147.13 (a), unless extended for good cause. The response shall be filed with the court administrator  
147.14 of district court and served on the petitioner if unrepresented or on the petitioner's attorney.  
147.15 The response may serve notice of the intent to support the petition, or include a statement  
147.16 explaining why the petitioner is not entitled to relief along with any supporting documents.  
147.17 The filing of the response and any document subsequent to the filing and all following  
147.18 proceedings shall be without costs or fees charged to the county attorney.

147.19 (d) The petitioner may file a reply to the response filed by the county attorney within  
147.20 15 days after the filing of the response, unless extended for good cause.

147.21 (e) Within 30 days of receipt of the reply from the petitioner or, if no reply is filed,  
147.22 within 30 days of receipt of the response from the county attorney, the court shall:

147.23 (1) issue an order pursuant to subdivision 6 and schedule the matter for sentencing or  
147.24 resentencing pursuant to subdivision 6, paragraph (e), if the county attorney indicates an  
147.25 intent to support the petition;

147.26 (2) issue an order denying the petition if additional information or submissions establish  
147.27 that there is not a reasonable probability that the applicant is entitled to relief under this  
147.28 section and a memorandum identifying the additional information or submissions and  
147.29 explaining the reasons why the court concluded that there is not a reasonable probability  
147.30 that the applicant is entitled to relief; or

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

148.1 (f) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes,  
148.2 section 590.04, except that the petitioner must be present at the hearing, unless excused  
148.3 under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). The prosecutor  
148.4 shall make a good faith and reasonable effort to notify any person determined to be a victim  
148.5 of the hearing.

148.6 Subd. 6. **Determination; order; resentencing.** (a) A petitioner who was convicted of  
148.7 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to  
148.8 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

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

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

148.12 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,  
148.13 subdivision 2, clause (1), is entitled to relief if the petitioner:

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

148.15 (2) was not a major participant in the underlying felony or did not act with extreme  
148.16 indifference to human life.

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

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

148.24 (2) enter a conviction and impose a sentence for the most serious predicate felony arising  
148.25 out of the course of conduct that served as the factual basis for the conviction vacated by  
148.26 the court.

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

148.30 (e) The court shall state in writing or on the record the reasons for its decision on the  
148.31 petition.

149.1 (f) If the court intends to resentence a petitioner or impose a sentence on a petitioner,  
149.2 the court must hold the hearing at a time that allows any victim an opportunity to submit a  
149.3 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make  
149.4 a good faith and reasonable effort to notify any person determined to be a victim of the  
149.5 hearing and the right to submit or make a statement. A sentence imposed under this  
149.6 subdivision shall not increase the petitioner's period of confinement or, if the petitioner was  
149.7 serving a stayed sentence, increase the period of supervision. A person resentenced under  
149.8 this paragraph is entitled to credit for time served in connection with the vacated offense.

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

149.11 (h) Appeals from an order of the court issued under this subdivision may be made  
149.12 pursuant to Minnesota Statutes, section 590.06.

149.13 Subd. 7. **Application for pardon.** (a) Notwithstanding Minnesota Statutes, section  
149.14 638.02, subdivision 2, a person convicted of a violation of Minnesota Statutes, section  
149.15 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), committed by another  
149.16 and who is not in the custody of the commissioner of corrections or under court supervision  
149.17 may petition the Board of Pardons for the granting of a pardon extraordinary at any time  
149.18 after the sentence was discharged.

149.19 (b) A petition for a pardon extraordinary filed under this section must show the following:

149.20 (1) if the petitioner was convicted of a violation of Minnesota Statutes, section 609.185,  
149.21 paragraph (a), clause (3), the petitioner:

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

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

149.25 (2) if the petitioner was convicted of a violation of Minnesota Statutes, section 609.19,  
149.26 subdivision 2, clause (1), the petitioner:

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

149.28 (ii) was not a major participant in the underlying felony or did not act with extreme  
149.29 indifference to human life.

149.30 (c) The Board of Pardons shall determine if a petitioner seeking relief under this section  
149.31 meets the requirements of paragraph (b). The Board of Pardons may consider any relevant  
149.32 evidence in making this determination.

150.1 (d) The petition for a pardon extraordinary filed under this section is otherwise subject  
150.2 to the requirements of Minnesota Statutes, chapter 638.

150.3 **EFFECTIVE DATE.** This section is effective August 1, 2022.

150.4 Sec. 42. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

150.5 (a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3,  
150.6 4, and 5, are revived and reenacted on the effective date of this section to expand the focus  
150.7 of the task force's duties and work beyond the intersection of felony murder and aiding and  
150.8 abetting liability for felony murder to more generally apply to the broader issues regarding  
150.9 the state's felony murder doctrine and aiding and abetting liability schemes discussed in  
150.10 "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature,  
150.11 dated February 1, 2022, "The Task Force's recommendations," number 4.

150.12 (b) On or before January 15, 2023, the task force shall submit a report to the chairs and  
150.13 ranking minority members of the legislative committees and divisions with jurisdiction over  
150.14 crime and sentencing on the findings and recommendations of the task force.

150.15 (c) The task force expires January 16, 2023, or the day after submitting its report under  
150.16 paragraph (b), whichever is earlier.

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

150.18 Sec. 43. **STAFF TRANSITION TO CLASSIFIED SERVICE.**

150.19 On and after the effective date of this section, all positions of employment with the  
150.20 Minnesota Sentencing Guidelines Commission in the unclassified service of the state, except  
150.21 for the research director, shall be placed in the classified service without loss of compensation  
150.22 or seniority. A person employed as of the effective date of this section in a position placed  
150.23 in the classified service under this section shall not be required to complete a probationary  
150.24 period if the employee was employed in the same position on January 1, 2022.

150.25 Sec. 44. **REPEALER.**

150.26 Minnesota Statutes 2020, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;  
150.27 638.075; and 638.08, are repealed.

151.1

**ARTICLE 6**

151.2

**INTERSTATE COMPACTS**

151.3 Section 1. Minnesota Statutes 2020, section 243.1606, is amended to read:

151.4

**243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**

151.5

**SUPERVISION.**

151.6

Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender

151.7

Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate

151.8

Compact for Juveniles established by section 260.515 and consist of the following individuals

151.9

or their designees:

151.10

(1) the governor;

151.11

(2) the chief justice of the supreme court;

151.12

(3) two senators, one from the majority and the other from the minority party, selected

151.13

by the Subcommittee on Committees of the senate Committee on Rules and Administration;

151.14

(4) two representatives, one from the majority and the other from the minority party,

151.15

selected by the house speaker;

151.16

(5) the compact administrator, selected as provided in section 243.1607;

151.17

(6) a representative from the Department of Human Services regarding the Interstate

151.18

Compact for the Placement of Children;

151.19

~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of

151.20

Public Safety; ~~and~~

151.21

(8) the deputy compact administrator as defined in section 260.515;

151.22

(9) a representative from the State Public Defender's Office;

151.23

(10) a representative from the Minnesota County Attorneys Association;

151.24

(11) a representative from the Minnesota Sheriff's Association;

151.25

(12) a representative from the Minnesota Association of County Probation Officers;

151.26

(13) a representative from the Minnesota Association of Community Corrections Act

151.27

Counties;

151.28

(14) a representative from the community at large;

151.29

(15) a representative from a community organization working with victims of crimes;

151.30

and

152.1 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

152.2 The council may elect a chair from among its members.

152.3 Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the~~  
152.4 ~~compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council  
152.5 shall appoint the compact administrator as the state's commissioner. In addition to these  
152.6 duties, the council shall develop a model policy concerning the operations and procedures  
152.7 of the compact within the state.

152.8 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor  
152.9 and the chairs and ranking minority members of the senate and house of representatives  
152.10 committees having jurisdiction over criminal justice policy on its activities along with  
152.11 providing a copy of the annual report published by the national commission that includes  
152.12 the activities of the interstate commission and executive committee as described in section  
152.13 243.1605 for the preceding year. The council's annual report must include information  
152.14 required of the State Advisory Council for the Interstate Compact for Juveniles under section  
152.15 260.515, Article IV.

152.16 Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

152.17 Sec. 2. Minnesota Statutes 2020, section 260.515, is amended to read:

152.18 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

152.19 The Interstate Compact for Juveniles is enacted into law and entered into with all other  
152.20 states legally joining in it in substantially the following form:

152.21 ARTICLE I

152.22 PURPOSE

152.23 The compacting states to this Interstate Compact recognize that each state is responsible  
152.24 for the proper supervision or return of juveniles, delinquents, and status offenders who are  
152.25 on probation or parole and who have absconded, escaped, or run away from supervision  
152.26 and control and in so doing have endangered their own safety and the safety of others. The  
152.27 compacting states also recognize that each state is responsible for the safe return of juveniles  
152.28 who have run away from home and in doing so have left their state of residence. The  
152.29 compacting states also recognize that Congress, by enacting the Crime Control Act, United  
152.30 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for  
152.31 cooperative efforts and mutual assistance in the prevention of crime.

153.1 It is the purpose of this compact, through means of joint and cooperative action among  
153.2 the compacting states to:

153.3 (A) ensure that the adjudicated juveniles and status offenders subject to this compact  
153.4 are provided adequate supervision and services in the receiving state as ordered by the  
153.5 adjudicating judge or parole authority in the sending state;

153.6 (B) ensure that the public safety interests of the citizens, including the victims of juvenile  
153.7 offenders, in both the sending and receiving states are adequately protected;

153.8 (C) return juveniles who have run away, absconded, or escaped from supervision or  
153.9 control or have been accused of an offense to the state requesting their return;

153.10 (D) make contracts for the cooperative institutionalization in public facilities in member  
153.11 states for delinquent youth needing special services;

153.12 (E) provide for the effective tracking and supervision of juveniles;

153.13 (F) equitably allocate the costs, benefits, and obligations of the compact states;

153.14 (G) establish procedures to manage the movement between states of juvenile offenders  
153.15 released to the community under the jurisdiction of courts, juvenile departments, or any  
153.16 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

153.17 (H) insure immediate notice to jurisdictions where defined juvenile offenders are  
153.18 authorized to travel or to relocate across state lines;

153.19 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders  
153.20 prior to transfer or release to the community under the terms of this compact;

153.21 (J) establish a system of uniform data collection on information pertaining to juveniles  
153.22 subject to this compact that allows access by authorized juvenile justice and criminal justice  
153.23 officials, and regular reporting of compact activities to heads of state; executive, judicial,  
153.24 and legislative branches; and juvenile criminal justice administrators;

153.25 (K) monitor compliance with rules governing interstate movement of juveniles and  
153.26 initiate interventions to address and correct noncompliance;

153.27 (L) coordinate training and education regarding the regulation of interstate movement  
153.28 of juveniles for officials involved in such activity; and

153.29 (M) coordinate the implementation and operation of the compact with the Interstate  
153.30 Compact for the Placement of Children, the Interstate Compact for Adult Offender  
153.31 Supervision, and other compacts affecting juveniles particularly in those cases where  
153.32 concurrent or overlapping supervision issues arise.

154.1 It is the policy of the compacting states that the activities conducted by the Interstate  
154.2 Commission created herein are the information of public policies and therefore are public  
154.3 business. Furthermore, the compacting states shall cooperate and observe their individual  
154.4 and collective duties and responsibilities for the prompt return and acceptance of juveniles  
154.5 subject to the provisions of this compact. The provisions of this compact shall be reasonably  
154.6 and liberally construed to accomplish the purpose and policies of the compact.

## 154.7 ARTICLE II

### 154.8 DEFINITIONS

154.9 As used in this compact, unless the context clearly requires a different construction:

154.10 A. "Bylaws" means those bylaws established by the commission for its governance, or  
154.11 for directing or controlling its actions or conduct.

154.12 B. "Compact administrator" means the individual in each compacting state appointed  
154.13 pursuant to the terms of this compact responsible for the administration and management  
154.14 of the state's supervision and transfer of juveniles subject to the terms of this compact, the  
154.15 rules adopted by the Interstate Commission, and policies adopted by the state council under  
154.16 this compact.

154.17 C. "Compacting state" means any state which has enacted the enabling legislation for  
154.18 this compact.

154.19 D. "Commissioner" means the voting representative of each compacting state appointed  
154.20 pursuant to Article III of this compact.

154.21 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent  
154.22 children.

154.23 F. "Deputy compact administrator" means the individual, if any, in each compacting  
154.24 state appointed to act on behalf of a compact administrator pursuant to the terms of this  
154.25 compact responsible for the administration and management of the state's supervision and  
154.26 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate  
154.27 Commission, and policies adopted by the state council under this compact.

154.28 G. "Interstate Commission" means the Interstate Commission for Juveniles created by  
154.29 Article III of this compact.

154.30 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules  
154.31 of the Interstate Commission, including:

155.1 (1) accused delinquent - a person charged with an offense that, if committed by an adult,  
155.2 would be a criminal offense;

155.3 (2) adjudicated delinquent - a person found to have committed an offense that, if  
155.4 committed by an adult, would be a criminal offense;

155.5 (3) accused status offender - a person charged with an offense that would not be a criminal  
155.6 offense if committed by an adult;

155.7 (4) adjudicated status offender - a person found to have committed an offense that would  
155.8 not be a criminal offense if committed by an adult; and

155.9 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated  
155.10 a status offender or delinquent.

155.11 I. "Noncompacting state" means any state which has not enacted the enabling legislation  
155.12 for this compact.

155.13 J. "Probation" or "parole" means any kind of supervision or conditional release of  
155.14 juveniles authorized under the laws of the compacting states.

155.15 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant  
155.16 to Article VI of this compact that is of general applicability, implements, interprets, or  
155.17 prescribes a policy or provision of the compact, or an organizational, procedural, or practice  
155.18 requirement of the commission, and has the force and effect of statutory law in a compacting  
155.19 state, and includes the amendment, repeal, or suspension of an existing rule.

155.20 L. "State" means a state of the United States, the District of Columbia (or its designee),  
155.21 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American  
155.22 Samoa, and the Northern Marianas.

### 155.23 ARTICLE III

#### 155.24 INTERSTATE COMMISSION FOR JUVENILES

155.25 A. The compacting states hereby create the "Interstate Commission for Juveniles." The  
155.26 commission shall be a body corporate and joint agency of the compacting states. The  
155.27 commission shall have all the responsibilities, powers, and duties set forth herein, and such  
155.28 additional powers as may be conferred upon it by subsequent action of the respective  
155.29 legislatures of the compacting states in accordance with the terms of this compact.

155.30 B. The Interstate Commission shall consist of commissioners appointed by the appropriate  
155.31 appointing authority in each state pursuant to the rules and requirements of each compacting  
155.32 state and in consultation with the State Advisory Council for Interstate Supervision of

156.1 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact  
156.2 administrator. The commissioner of corrections or the commissioner's designee shall serve  
156.3 as the compact administrator, who shall serve on the Interstate Commission in such capacity  
156.4 under or pursuant to the applicable law of the compacting state.

156.5 C. In addition to the commissioners who are the voting representatives of each state, the  
156.6 Interstate Commission shall include individuals who are not commissioners but who are  
156.7 members of interested organizations. Such noncommissioner members must include a  
156.8 member of the national organizations of governors, legislators, state chief justices, attorneys  
156.9 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the  
156.10 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.  
156.11 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)  
156.12 members. The Interstate Commission may provide in its bylaws for such additional ex-officio  
156.13 (nonvoting) members, including members of other national organizations, in such numbers  
156.14 as shall be determined by the commission.

156.15 D. Each compacting state represented at any meeting of the commission is entitled to  
156.16 one vote. A majority of the compacting states shall constitute a quorum for the transaction  
156.17 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

156.18 E. The commission shall meet at least once each calendar year. The chair may call  
156.19 additional meetings and, upon the request of a simple majority of the compacting states,  
156.20 shall call additional meetings. Public notice shall be given of all meetings and meetings  
156.21 shall be open to the public.

156.22 F. The Interstate Commission shall establish an executive committee, which shall include  
156.23 commission officers, members, and others as determined by the bylaws. The executive  
156.24 committee shall have the power to act on behalf of the Interstate Commission during periods  
156.25 when the Interstate Commission is not in session, with the exception of rulemaking and/or  
156.26 amendment to the compact. The executive committee shall oversee the day-to-day activities  
156.27 of the administration of the compact managed by an executive director and Interstate  
156.28 Commission staff; administer enforcement and compliance with the provisions of the  
156.29 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate  
156.30 Commission or set forth in the bylaws.

156.31 G. Each member of the Interstate Commission shall have the right and power to cast a  
156.32 vote to which that compacting state is entitled and to participate in the business and affairs  
156.33 of the Interstate Commission. A member shall vote in person and shall not delegate a vote  
156.34 to another compacting state. However, a commissioner, in consultation with the state council,

157.1 shall appoint another authorized representative, in the absence of the commissioner from  
157.2 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws  
157.3 may provide for members' participation in meetings by telephone or other means of  
157.4 telecommunication or electronic communication.

157.5 H. The Interstate Commission's bylaws shall establish conditions and procedures under  
157.6 which the Interstate Commission shall make its information and official records available  
157.7 to the public for inspection or copying. The Interstate Commission may exempt from  
157.8 disclosure any information or official records to the extent they would adversely affect  
157.9 personal privacy rights or proprietary interests.

157.10 I. Public notice shall be given of all meetings and all meetings shall be open to the public,  
157.11 except as set forth in the rules or as otherwise provided in the compact. The Interstate  
157.12 Commission and any of its committees may close a meeting to the public where it determines  
157.13 by two-thirds vote that an open meeting would be likely to:

157.14 1. relate solely to the Interstate Commission's internal personnel practices and procedures;

157.15 2. disclose matters specifically exempted from disclosure by statute;

157.16 3. disclose trade secrets or commercial or financial information which is privileged or  
157.17 confidential;

157.18 4. involve accusing any person of a crime or formally censuring any person;

157.19 5. disclose information of a personal nature where disclosure would constitute a clearly  
157.20 unwarranted invasion of personal privacy;

157.21 6. disclose investigative records compiled for law enforcement purposes;

157.22 7. disclose information contained in or related to examination, operating or condition  
157.23 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect  
157.24 to a regulated person or entity for the purpose of regulation or supervision of such person  
157.25 or entity;

157.26 8. disclose information, the premature disclosure of which would significantly endanger  
157.27 the stability of a regulated person or entity;

157.28 9. specifically relate to the Interstate Commission's issuance of a subpoena or its  
157.29 participation in a civil action or other legal proceeding.

157.30 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal  
157.31 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed  
157.32 to the public, and shall reference each relevant exemptive provision. The Interstate

158.1 Commission shall keep minutes which shall fully and clearly describe all matters discussed  
158.2 in any meeting and shall provide a full and accurate summary of any actions taken, and the  
158.3 reasons therefore, including a description of each of the views expressed on any item and  
158.4 the record of any roll call vote (reflected in the vote of each member on the question). All  
158.5 documents considered in connection with any action shall be identified in such minutes.

158.6 K. The Interstate Commission shall collect standardized data concerning the interstate  
158.7 movement of juveniles as directed through its rules which shall specify the data to be  
158.8 collected, the means of collection, and data exchange and reporting requirements. Such  
158.9 methods of data collection, exchange, and reporting shall insofar as is reasonably possible  
158.10 conform to up-to-date technology and coordinate its information functions with the  
158.11 appropriate repository of records.

#### 158.12 ARTICLE IV

#### 158.13 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

158.14 The commission shall have the following powers and duties:

158.15 1. To provide for dispute resolution among compacting states.

158.16 2. To promulgate rules to affect the purposes and obligations as enumerated in this  
158.17 compact, which shall have the force and effect of statutory law and shall be binding in the  
158.18 compact states to the extent and in the manner provided in this compact.

158.19 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to  
158.20 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate  
158.21 Commission.

158.22 4. To enforce compliance with the compact provisions, the rules promulgated by the  
158.23 Interstate Commission, and the bylaws, using all necessary and proper means, including  
158.24 but not limited to the use of judicial process.

158.25 5. To establish and maintain offices which shall be located within one or more of the  
158.26 compacting states.

158.27 6. To purchase and maintain insurance and bonds.

158.28 7. To borrow, accept, hire, or contract for services of personnel.

158.29 8. To establish and appoint committees and hire staff which it deems necessary for the  
158.30 carrying out of its functions including, but not limited to, an executive committee as required  
158.31 by Article III, which shall have the power to act on behalf of the Interstate Commission in  
158.32 carrying out its powers and duties hereunder.

159.1 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to  
159.2 fix their compensation, define their duties, and determine their qualifications; and to establish  
159.3 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts  
159.4 of interest, rates of compensation, and qualifications of personnel.

159.5 10. To accept any and all donations and grants of money, equipment, supplies, materials,  
159.6 and services, and to receive, utilize, and dispose of it.

159.7 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
159.8 improve, or use any property, real, personal, or mixed.

159.9 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
159.10 of any property, real, personal, or mixed.

159.11 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII  
159.12 of this compact.

159.13 14. To sue and be sued.

159.14 15. To adopt a seal and bylaws governing the management and operation of the Interstate  
159.15 Commission.

159.16 16. To perform such functions as may be necessary or appropriate to achieve the purposes  
159.17 of this compact.

159.18 17. To report annually to the legislatures, governors, judiciary, and state councils of the  
159.19 compacting states concerning the activities of the Interstate Commission during the preceding  
159.20 year. Such reports shall also include any recommendations that may have been adopted by  
159.21 the Interstate Commission.

159.22 18. To coordinate education, training, and public awareness regarding the interstate  
159.23 movement of juveniles for officials involved in such activity.

159.24 19. To establish uniform standards of the reporting, collecting, and exchanging of data.

159.25 20. The Interstate Commission shall maintain its corporate books and records in  
159.26 accordance with the bylaws.

159.27

## ARTICLE V

159.28

### ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

159.29

159.30 Section A. Bylaws.

159.31 1. The Interstate Commission shall, by a majority of the members present and voting,  
159.32 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its

160.1 conduct as may be necessary or appropriate to carry out the purposes of the compact,  
160.2 including, but not limited to:

160.3 a. establishing the fiscal year of the Interstate Commission;

160.4 b. establishing an executive committee and such other committees as may be necessary;

160.5 c. provide: (i) for the establishment of committees, and (ii) governing any general or  
160.6 specific delegation of any authority or function of the Interstate Commission;

160.7 d. providing reasonable procedures for calling and conducting meetings of the Interstate  
160.8 Commission and ensuring reasonable notice of each such meeting;

160.9 e. establishing the titles and responsibilities of the officers of the Interstate Commission;

160.10 f. providing a mechanism for concluding the operations of the Interstate Commission  
160.11 and the return of any surplus funds that may exist upon the termination of the compact after  
160.12 the payment and/or reserving of all of its debts and obligations;

160.13 g. providing "start-up" rules for initial administration of the compact;

160.14 h. establishing standards and procedures for compliance and technical assistance in  
160.15 carrying out the compact.

160.16 Section B. Officers and staff.

160.17 1. The Interstate Commission shall, by a majority of the members, elect annually from  
160.18 among its members a chair and a vice-chair, each of whom shall have such authority and  
160.19 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,  
160.20 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so  
160.21 elected shall serve without compensation or remuneration from the Interstate Commission;  
160.22 provided that, subject to the availability of budget funds, the officers shall be reimbursed  
160.23 for any ordinary and necessary costs and expenses incurred by them in the performance of  
160.24 their responsibilities as officers of the Interstate Commission.

160.25 2. The Interstate Commission shall, through its executive committee, appoint or retain  
160.26 an executive director for such period, upon such terms and conditions, and for such  
160.27 compensation as the Interstate Commission may deem appropriate. The executive director  
160.28 shall serve as secretary to the Interstate Commission, but shall not be a member and shall  
160.29 hire and supervise such other staff as may be authorized by the Interstate Commission.

160.30 Section C. Qualified immunity, defense, and indemnification.

160.31 1. The commission's executive director and employees shall be immune from suit and  
160.32 liability, either personally or in their official capacity, for any claim for damage to or loss

161.1 of property or personal injury or other civil liability caused or arising out of or relating to  
161.2 any actual or alleged act, error, or omission that occurred, or that such person had a  
161.3 reasonable basis for believing occurred within the scope of commission employment, duties,  
161.4 or responsibilities; provided, that any such person shall not be protected from suit or liability  
161.5 for any damage, loss, injury, or liability caused by the intentional or willful and wanton  
161.6 misconduct of any such person.

161.7 2. The liability of any commissioner, or the employee or agent of a commissioner, acting  
161.8 within the scope of such person's employment or duties for acts, errors, or omissions  
161.9 occurring within such person's state may not exceed the limits of liability set forth under  
161.10 the Constitution and laws of that state for state officials, employees, and agents. Nothing  
161.11 in this subsection shall be construed to protect any such person from suit or liability for any  
161.12 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct  
161.13 of any such person.

161.14 3. The Interstate Commission shall defend the executive director or the employees or  
161.15 representatives of the Interstate Commission and, subject to the approval of the attorney  
161.16 general of the state represented by any commissioner of a compacting state, shall defend  
161.17 such commissioner or the commissioner's representatives or employees in any civil action  
161.18 seeking to impose liability arising out of any actual or alleged act, error, or omission that  
161.19 occurred within the scope of Interstate Commission employment, duties, or responsibilities,  
161.20 or that the defendant has a reasonable basis for believing occurred within the scope of  
161.21 Interstate Commission employment, duties, or responsibilities, provided that the actual or  
161.22 alleged act, error, or omission did not result from intentional or willful and wanton  
161.23 misconduct on the part of such person.

161.24 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting  
161.25 state, or the commissioner's representatives or employees, or the Interstate Commission's  
161.26 representatives or employees, harmless in the amount of any settlement or judgment obtained  
161.27 against such persons arising out of any actual or alleged act, error, or omission that occurred  
161.28 within the scope of Interstate Commission employment, duties, or responsibilities, or that  
161.29 such persons had a reasonable basis for believing occurred within the scope of Interstate  
161.30 Commission employment, duties, or responsibilities, provided that the actual or alleged act,  
161.31 error, or omission did not result from intentional or willful and wanton misconduct on the  
161.32 part of such persons.

161.33

## ARTICLE VI

161.34

### RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

162.1 1. The Interstate Commission shall promulgate and publish rules in order to effectively  
162.2 and efficiently achieve the purposes of the compact.

162.3 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
162.4 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the  
162.5 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws  
162.6 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the  
162.7 Interstate Commission deems appropriate consistent with due process requirements under  
162.8 the United States Constitution as now or hereafter interpreted by the United States Supreme  
162.9 Court. All rules and amendments shall become binding as of the date specified, as published  
162.10 with the final version of the rule as approved by the commission.

162.11 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

162.12 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

162.13 b. allow and invite any and all persons to submit written data, facts, opinions, and  
162.14 arguments, which information shall be added to the record, and be made publicly available;

162.15 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;  
162.16 and

162.17 d. promulgate a final rule and its effective date, if appropriate, based on input from state  
162.18 or local officials, or interested parties.

162.19 4. The Interstate Commission shall allow, not later than 60 days after a rule is  
162.20 promulgated, any interested person to file a petition in the United States District Court for  
162.21 the District of Columbia or in the federal District Court where the Interstate Commission's  
162.22 principal office is located for judicial review of such rule. If the court finds that the Interstate  
162.23 Commission's action is not supported by substantial evidence in the rulemaking record, the  
162.24 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence  
162.25 is substantial if it would be considered substantial evidence under the Model (State)  
162.26 Administrative Procedures Act.

162.27 5. If a majority of the legislatures of the compacting states rejects a rule, those states  
162.28 may, by enactment of a statute or resolution in the same manner used to adopt the compact,  
162.29 cause that such rule shall have no further force and effect in any compacting state.

162.30 6. The existing rules governing the operation of the Interstate Compact on Juveniles  
162.31 superceded by this act shall be null and void 12 months after the first meeting of the Interstate  
162.32 Commission created hereunder.

163.1 7. Upon determination by the Interstate Commission that a state of emergency exists, it  
163.2 may promulgate an emergency rule which shall become effective immediately upon adoption,  
163.3 provided that the usual rulemaking procedures provided hereunder shall be retroactively  
163.4 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective  
163.5 date of the emergency rule.

## 163.6 ARTICLE VII

### 163.7 OVERSIGHT, ENFORCEMENT, AND DISPUTE 163.8 RESOLUTION BY THE INTERSTATE COMMISSION

#### 163.9 Section A. Oversight.

163.10 1. The Interstate Commission shall oversee the administration and operations of the  
163.11 interstate movement of juveniles subject to this compact in the compacting states and shall  
163.12 monitor such activities being administered in noncompacting states which may significantly  
163.13 affect compacting states.

163.14 2. The courts and executive agencies in each compacting state shall enforce this compact  
163.15 and shall take all actions necessary and appropriate to effectuate the compact's purposes  
163.16 and intent. The provisions of this compact and the rules promulgated hereunder shall be  
163.17 received by all the judges, public officers, commissions, and departments of the state  
163.18 government as evidence of the authorized statute and administrative rules. All courts shall  
163.19 take judicial notice of the compact and the rules. In any judicial or administrative proceeding  
163.20 in a compacting state pertaining to the subject matter of this compact which may affect the  
163.21 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to  
163.22 receive all service of process in any such proceeding, and shall have standing to intervene  
163.23 in the proceeding for all purposes.

163.24 3. The compact administrator shall assess and collect fines, fees, and costs from any  
163.25 state or local entity deemed responsible by the compact administrator for a default as  
163.26 determined by the Interstate Commission under Article XI.

#### 163.27 Section B. Dispute resolution.

163.28 1. The compacting states shall report to the Interstate Commission on all issues and  
163.29 activities necessary for the administration of the compact as well as issues and activities  
163.30 pertaining to compliance with the provisions of the compact and its bylaws and rules.

163.31 2. The Interstate Commission shall attempt, upon the request of a compacting state, to  
163.32 resolve any disputes or other issues which are subject to the compact and which may arise  
163.33 among compacting states and between compacting and noncompacting states. The

164.1 commission shall promulgate a rule providing for both mediation and binding dispute  
164.2 resolution for disputes among the compacting states.

164.3 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce  
164.4 the provisions and rules of this compact using any or all means set forth in Article XI of  
164.5 this compact.

## 164.6 ARTICLE VIII

### 164.7 FINANCE

164.8 1. The Interstate Commission shall pay or provide for the payment of the reasonable  
164.9 expenses of its establishment, organization, and ongoing activities.

164.10 2. The Interstate Commission shall levy on and collect an annual assessment from each  
164.11 compacting state to cover the cost of the internal operations and activities of the Interstate  
164.12 Commission and its staff which must be in a total amount sufficient to cover the Interstate  
164.13 Commission's annual budget as approved each year. The aggregate annual assessment  
164.14 amount shall be allocated based upon a formula to be determined by the Interstate  
164.15 Commission, taking into consideration the population of each compacting state and the  
164.16 volume of interstate movement of juveniles in each compacting state, and shall promulgate  
164.17 a rule binding upon all compacting states which governs said assessment.

164.18 3. The Interstate Commission shall not incur any obligations of any kind prior to securing  
164.19 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit  
164.20 of any of the compacting states, except by and with the authority of the compacting state.

164.21 4. The Interstate Commission shall keep accurate accounts of all receipts and  
164.22 disbursements. The receipts and disbursements of the Interstate Commission shall be subject  
164.23 to the audit and accounting procedures established under its bylaws. However, all receipts  
164.24 and disbursements of funds handled by the Interstate Commission shall be audited yearly  
164.25 by a certified or licensed public accountant and the report of the audit shall be included in  
164.26 and become part of the annual report of the Interstate Commission.

164.27 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for  
164.28 Juveniles fund is established as a special fund in the Department of Corrections. The fund  
164.29 consists of money appropriated for the purpose of meeting financial obligations imposed  
164.30 on the state as a result of Minnesota's participation in this compact. An assessment levied  
164.31 or any other financial obligation imposed under this compact is effective against the state  
164.32 only to the extent that money to pay the assessment or meet the financial obligation has  
164.33 been appropriated and deposited in the fund established in this paragraph.

## 165.1 ARTICLE IX

## 165.2 THE STATE ADVISORY COUNCIL

165.3 Each member state shall create a State Advisory Council for the Interstate Compact for  
165.4 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be  
165.5 combined with the Advisory Council on Interstate Adult Offender Supervision established  
165.6 by section 243.1606 and consist of the following individuals or their designees:

165.7 (1) the governor;

165.8 (2) the chief justice of the Supreme Court;

165.9 (3) two senators, one from the majority and the other from the minority party, selected  
165.10 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

165.11 (4) two representatives, one from the majority and the other from the minority party,  
165.12 selected by the house speaker;

165.13 (5) a representative from the Department of Human Services regarding the Interstate  
165.14 Compact for the Placement of Children;

165.15 (6) the compact administrator, selected as provided in Article III;

165.16 (7) the executive director of the Office of Justice Programs or designee;

165.17 (8) the deputy compact administrator; ~~and~~

165.18 (9) a representative from the State Public Defender's Office;

165.19 (10) a representative from the Minnesota County Attorneys Association;

165.20 (11) a representative from the Minnesota Sheriffs' Association;

165.21 (12) a representative from the Minnesota Association of County Probation Officers;

165.22 (13) a representative from the Minnesota Association of Community Corrections Act  
165.23 Counties;

165.24 (14) a representative from the community at large;

165.25 (15) a representative from a community organization working with victims of crimes;

165.26 and

165.27 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

165.28 The council may elect a chair from among its members.

166.1 The council shall oversee and administer the state's participation in the compact as  
166.2 described in Article III. The council shall appoint the compact administrator as the state's  
166.3 commissioner.

166.4 The state advisory council will advise and exercise advocacy concerning that state's  
166.5 participation in Interstate Commission activities and other duties as may be determined by  
166.6 that state, including, but not limited to, development of policy concerning operations and  
166.7 procedures of the compact within that state.

166.8 Expiration; expenses. The provisions of section 15.059 apply to the council except that  
166.9 it does not expire.

## 166.10 ARTICLE X

### 166.11 COMPACTING STATES, EFFECTIVE DATE, 166.12 AND AMENDMENT

166.13 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto  
166.14 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas  
166.15 Islands as defined in Article II of this compact is eligible to become a compacting state.

166.16 2. The compact shall become effective and binding upon legislative enactment of the  
166.17 compact into law by no less than 35 of the states. The initial effective date shall be the later  
166.18 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall  
166.19 become effective and binding as to any other compacting state upon enactment of the  
166.20 compact into law by that state. The governors of nonmember states or their designees shall  
166.21 be invited to participate in the activities of the Interstate Commission on a nonvoting basis  
166.22 prior to adoption of the compact by all states and territories of the United States.

166.23 3. The Interstate Commission may propose amendments to the compact for enactment  
166.24 by the compacting states. No amendment shall become effective and binding upon the  
166.25 Interstate Commission and the compacting states unless and until it is enacted into law by  
166.26 unanimous consent of the compacting states.

## 166.27 ARTICLE XI

### 166.28 WITHDRAWAL, DEFAULT, TERMINATION, 166.29 AND JUDICIAL ENFORCEMENT

166.30 Section A. Withdrawal.

166.31 1. Once effective, the compact shall continue in force and remain binding upon each  
166.32 and every compacting state; provided that a compacting state may withdraw from the  
166.33 compact specifically repealing the statute, which enacted the compact into law.

166.34 2. The effective date of withdrawal is the effective date of the repeal.

167.1 3. The withdrawing state shall immediately notify the chair of the Interstate Commission  
167.2 in writing upon the introduction of legislation repealing this compact in the withdrawing  
167.3 state. The Interstate Commission shall notify the other compacting states of the withdrawing  
167.4 state's intent to withdraw within 60 days of its receipt thereof.

167.5 4. The withdrawing state is responsible for all assessments, obligations, and liabilities  
167.6 incurred through the effective date of withdrawal, including any obligations, the performance  
167.7 of which extend beyond the effective date of withdrawal.

167.8 5. Reinstatement following withdrawal of any compacting state shall occur upon the  
167.9 withdrawing state reenacting the compact or upon such later date as determined by the  
167.10 Interstate Commission.

167.11 Section B. Technical assistance, fines, suspension, termination, and default.

167.12 1. If the Interstate Commission determines that any compacting state has at any time  
167.13 defaulted in the performance of any of its obligations or responsibilities under this compact,  
167.14 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all  
167.15 of the following penalties:

167.16 a. remedial training and technical assistance as directed by the Interstate Commission;

167.17 b. alternative dispute resolution;

167.18 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the  
167.19 Interstate Commission;

167.20 d. suspension or termination of membership in the compact, which shall be imposed  
167.21 only after all other reasonable means of securing compliance under the bylaws and rules  
167.22 have been exhausted and the Interstate Commission has therefore determined that the  
167.23 offending state is in default. Immediate notice of suspension shall be given by the Interstate  
167.24 Commission to the governor, the chief justice, or the chief judicial officer of the state; the  
167.25 majority and minority leaders of the defaulting state's legislature; and the state council. The  
167.26 grounds for default include, but are not limited to, failure of a compacting state to perform  
167.27 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly  
167.28 promulgated rules and any other grounds designated in commission bylaws and rules. The  
167.29 Interstate Commission shall immediately notify the defaulting state in writing of the penalty  
167.30 imposed by the Interstate Commission and of the default pending a cure of the default. The  
167.31 commission shall stipulate the conditions and the time period within which the defaulting  
167.32 state must cure its default. If the defaulting state fails to cure the default within the time  
167.33 period specified by the commission, the defaulting state shall be terminated from the compact

168.1 upon an affirmative vote of a majority of the compacting states and all rights, privileges,  
168.2 and benefits conferred by this compact shall be terminated from the effective date of  
168.3 termination.

168.4 2. Within 60 days of the effective date of termination of a defaulting state, the commission  
168.5 shall notify the governor, the chief justice or chief judicial officer, the majority and minority  
168.6 leaders of the defaulting state's legislature, and the state council of such termination.

168.7 3. The defaulting state is responsible for all assessments, obligations, and liabilities  
168.8 incurred through the effective date of termination including any obligations, the performance  
168.9 of which extends beyond the effective date of termination.

168.10 4. The Interstate Commission shall not bear any costs relating to the defaulting state  
168.11 unless otherwise mutually agreed upon in writing between the Interstate Commission and  
168.12 the defaulting state.

168.13 5. Reinstatement following termination of any compacting state requires both a  
168.14 reenactment of the compact by the defaulting state and the approval of the Interstate  
168.15 Commission pursuant to the rules.

168.16 Section C. Judicial enforcement.

168.17 The Interstate Commission may, by majority vote of the members, initiate legal action  
168.18 in the United States District Court for the District of Columbia or, at the discretion of the  
168.19 Interstate Commission, in the federal district where the Interstate Commission has its offices,  
168.20 to enforce compliance with the provisions of the compact, its duly promulgated rules and  
168.21 bylaws, against any compacting state in default. In the event judicial enforcement is  
168.22 necessary, the prevailing party shall be awarded all costs of such litigation, including  
168.23 reasonable attorney fees.

168.24 Section D. Dissolution of compact.

168.25 1. The compact dissolves effective upon the date of the withdrawal or default of the  
168.26 compacting state, which reduces membership in the compact to one compacting state.

168.27 2. Upon the dissolution of this compact, the compact becomes null and void and shall  
168.28 be of no further force or effect, and the business and affairs of the Interstate Commission  
168.29 shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

168.30 ARTICLE XII

168.31 SEVERABILITY AND CONSTRUCTION

169.1 1. The provisions of this compact shall be severable, and if any phrase, clause, sentence,  
169.2 or provision is deemed unenforceable, the remaining provisions of this compact shall be  
169.3 enforceable.

169.4 2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

## 169.5 ARTICLE XIII

### 169.6 BINDING EFFECT OF COMPACT AND OTHER LAWS

#### 169.7 Section A. Other laws.

169.8 1. Nothing herein prevents the enforcement of any other law of a compacting state that  
169.9 is not inconsistent with this compact.

169.10 2. All compacting states' laws other than state constitutions and other interstate compacts  
169.11 conflicting with this compact are superseded to the extent of the conflict.

#### 169.12 Section B. Binding effect of the compact.

169.13 1. All lawful actions of the Interstate Commission, including all rules and bylaws  
169.14 promulgated by the Interstate Commission, are binding upon the compacting state.

169.15 2. All agreements between the Interstate Commission and the compacting states are  
169.16 binding in accordance with their terms.

169.17 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate  
169.18 Commission actions, and upon a majority vote of the compacting states, the Interstate  
169.19 Commission may issue advisory opinions regarding such meaning of interpretation.

169.20 4. In the event any provision of this compact exceeds the constitutional limits imposed  
169.21 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction  
169.22 sought to be conferred by such provision upon the Interstate Commission shall be ineffective  
169.23 and such obligations, duties, powers, or jurisdiction shall remain in the compacting state  
169.24 and shall be exercised by the agency thereof to which such obligations, duties, powers, or  
169.25 jurisdiction are delegated by law in effect at the time this compact becomes effective.

## 169.26 ARTICLE 7

### 169.27 COMMUNITY SUPERVISION REFORM

169.28 Section 1. Minnesota Statutes 2020, section 241.272, is amended to read:

#### 169.29 **241.272 FEE COLLECTION; PROHIBITED.**

169.30 Subdivision 1. **Definition.** (a) As used in this section, the following terms have the  
169.31 meanings given ~~them~~.

170.1 (b) "Correctional fees" include fees for the following correctional services:

170.2 (1) ~~community service work placement and supervision;~~

170.3 ~~(2) restitution collection;~~

170.4 ~~(3) supervision;~~

170.5 ~~(4)~~ (2) court-ordered investigations; or

170.6 ~~(5)~~ (3) any other service provided by a probation officer or parole agency for offenders  
170.7 supervised by the commissioner of corrections, a local unit of government, or a community  
170.8 corrections agency.

170.9 (c) "Probation" has the meaning given in section 609.02, subdivision 15.

170.10 (d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

170.11 ~~Subd. 2. **Correctional fees established.** To defray costs associated with correctional~~  
170.12 ~~services, the commissioner of corrections may establish a schedule of correctional fees to~~  
170.13 ~~charge persons convicted of a crime and supervised by the commissioner. The correctional~~  
170.14 ~~fees on the schedule must be reasonably related to offenders' abilities to pay and the actual~~  
170.15 ~~cost of correctional services.~~

170.16 Subd. 2a. **Prohibition.** The commissioner of corrections, local units of government, and  
170.17 community corrections agencies are prohibited from assessing and collecting correctional  
170.18 fees from persons on probation, parole, supervised release, or conditional release except as  
170.19 otherwise provided in this section.

170.20 ~~Subd. 3. **Fee collection.** (a) The commissioner of corrections may impose and collect~~  
170.21 ~~fees from individuals on probation and supervised release at any time while the offender is~~  
170.22 ~~under sentence or after the sentence has been discharged.~~

170.23 ~~(b) The commissioner may use any available civil means of debt collection in collecting~~  
170.24 ~~a correctional fee.~~

170.25 ~~Subd. 4. **Exemption from fee.** The commissioner of corrections may waive payment~~  
170.26 ~~of the fee if the commissioner determines that the offender does not have the ability to pay~~  
170.27 ~~the fee, the prospects for payment are poor, or there are extenuating circumstances justifying~~  
170.28 ~~waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to~~  
170.29 ~~perform community work service as a means of paying the fee.~~

170.30 ~~Subd. 5. **Restitution payment priority.** If an offender has been ordered by a court to~~  
170.31 ~~pay restitution, the offender shall be obligated to pay the restitution ordered before paying~~

171.1 ~~the correctional fee. However, if the offender is making reasonable payments to satisfy the~~  
171.2 ~~restitution obligation, the commissioner may also collect a correctional fee.~~

171.3 ~~Subd. 6. **Use of fees.** Excluding correctional fees collected from offenders supervised~~  
171.4 ~~by department agents under the authority of section 244.19, subdivision 1, paragraph (a),~~  
171.5 ~~clause (3), all correctional fees collected under this section go to the general fund. Fees~~  
171.6 ~~collected by agents under the authority of section 244.19, subdivision 1, paragraph (a),~~  
171.7 ~~clause (3), shall go to the county treasurer in the county where supervision is provided.~~  
171.8 ~~These fees may only be used in accordance with section 244.18, subdivision 6.~~

171.9 ~~Subd. 7. **Annual report.** Beginning January 15, 2001, the commissioner shall submit~~  
171.10 ~~an annual report on the implementation of this section to the chairs and ranking minority~~  
171.11 ~~members of the senate and house of representatives committees and divisions with jurisdiction~~  
171.12 ~~over criminal justice funding and policy. At a minimum, the report shall include information~~  
171.13 ~~on the types of correctional services for which fees were imposed, the aggregate amount of~~  
171.14 ~~fees imposed, and the amount of fees collected.~~

171.15 Subd. 8. **Sex offender treatment fee.** The commissioner of corrections may authorize  
171.16 sex offender treatment providers to charge and collect treatment co-pays from all offenders  
171.17 in their treatment program. The amount of treatment co-pay assessed to each offender is  
171.18 based upon a fee schedule approved by the commissioner. Fees collected under this authority  
171.19 are used by the treatment provider to fund the cost of treatment.

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

171.21 Sec. 2. Minnesota Statutes 2020, section 243.05, subdivision 1, is amended to read:

171.22 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole  
171.23 any person sentenced to confinement in any state correctional facility for adults under the  
171.24 control of the commissioner of corrections, provided that:

171.25 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other  
171.26 than murder committed in violation of clause (1) of section 609.185 who has not been  
171.27 previously convicted of a felony shall be paroled without having served 20 years, less the  
171.28 diminution that would have been allowed for good conduct had the sentence been for 20  
171.29 years;

171.30 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who  
171.31 has been previously convicted of a felony or though not previously convicted of a felony  
171.32 is serving a life sentence for murder in the first degree committed in violation of clause (1)

172.1 of section 609.185 shall be paroled without having served 25 years, less the diminution  
172.2 which would have been allowed for good conduct had the sentence been for 25 years;

172.3 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole  
172.4 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

172.5 (4) any new rule or policy or change of rule or policy adopted by the commissioner of  
172.6 corrections which has the effect of postponing eligibility for parole has prospective effect  
172.7 only and applies only with respect to persons committing offenses after the effective date  
172.8 of the new rule or policy or change.

172.9 (b) Upon being paroled and released, an inmate is and remains in the legal custody and  
172.10 under the control of the commissioner, subject at any time to be returned to a facility of the  
172.11 Department of Corrections established by law for the confinement or treatment of convicted  
172.12 persons and the parole rescinded by the commissioner.

172.13 (c) The written order of the commissioner of corrections, is sufficient authority for any  
172.14 peace officer, state correctional investigator, or state parole and probation agent to retake  
172.15 and place in actual custody any person on parole or supervised release. In addition, when  
172.16 it appears necessary in order to prevent escape or enforce discipline, any state parole and  
172.17 probation agent or state correctional investigator may, without order of warrant, take and  
172.18 detain a parolee or person on supervised release or work release and bring the person to the  
172.19 commissioner for action.

172.20 (d) The written order of the commissioner of corrections is sufficient authority for any  
172.21 peace officer, state correctional investigator, or state parole and probation agent to retake  
172.22 and place in actual custody any person on probation under the supervision of the  
172.23 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order  
172.24 to prevent escape or enforce discipline, any state parole and probation agent or state  
172.25 correctional investigator may, without an order, retake and detain a probationer and bring  
172.26 the probationer before the court for further proceedings under section 609.14.

172.27 (e) The written order of the commissioner of corrections is sufficient authority for any  
172.28 peace officer, state correctional investigator, or state parole and probation agent to detain  
172.29 any person on pretrial release who absconds from pretrial release or fails to abide by the  
172.30 conditions of pretrial release.

172.31 (f) Persons conditionally released, and those on probation under the supervision of the  
172.32 commissioner of corrections pursuant to section 609.135 may be placed within or outside  
172.33 the boundaries of the state at the discretion of the commissioner of corrections or the court,  
172.34 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

173.1 (g) Except as otherwise provided in subdivision 1b, in considering applications for  
173.2 conditional release or discharge, the commissioner is not required to hear oral argument  
173.3 from any attorney or other person not connected with an adult correctional facility of the  
173.4 Department of Corrections in favor of or against the parole or release of any inmates. The  
173.5 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,  
173.6 as to the previous history, physical or mental condition, and character of the inmate and, to  
173.7 that end, has the authority to require the attendance of the chief executive officer of any  
173.8 state adult correctional facility and the production of the records of these facilities, and to  
173.9 compel the attendance of witnesses. The commissioner is authorized to administer oaths to  
173.10 witnesses for these purposes.

173.11 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~  
173.12 ~~require a person who is under the supervision of the commissioner of corrections to perform~~  
173.13 ~~community work service for violating a condition of probation imposed by the court.~~  
173.14 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~  
173.15 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~  
173.16 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~  
173.17 ~~period, beginning with the date on which community work service is first imposed. The~~  
173.18 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~  
173.19 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~  
173.20 ~~work service is first imposed. At the time community work service is imposed, parole and~~  
173.21 ~~probation agents are required to provide written notice to the offender that states:~~

173.22 ~~(1) the condition of probation that has been violated;~~

173.23 ~~(2) the number of hours of community work service imposed for the violation; and~~

173.24 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~  
173.25 ~~period.~~

173.26 ~~An offender may challenge the imposition of community work service by filing a petition~~  
173.27 ~~in district court. An offender must file the petition within five days of receiving written~~  
173.28 ~~notice that community work service is being imposed. If the offender challenges the~~  
173.29 ~~imposition of community work service, the state bears the burden of showing, by a~~  
173.30 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~  
173.31 ~~under the circumstances.~~

173.32 ~~Community work service includes sentencing to service.~~

173.33 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~  
173.34 ~~based on a technical violation, when the offender does not present a risk to the public and~~

174.1 ~~the offender is amenable to continued supervision in the community, a parole or probation~~  
174.2 ~~agent must identify community options to address and correct the violation including, but~~  
174.3 ~~not limited to, inpatient chemical dependency treatment. If a probation or parole agent~~  
174.4 ~~determines that community options are appropriate, the agent shall seek to restructure the~~  
174.5 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~  
174.6 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~  
174.7 ~~district court containing:~~

174.8 (1) ~~the specific nature of the technical violation of probation;~~

174.9 (2) ~~the recommended restructure to the terms of probation; and~~

174.10 (3) ~~a copy of the offender's signed stipulation indicating that the offender consents to~~  
174.11 ~~the restructuring of probation.~~

174.12 ~~The recommended restructuring of probation becomes effective when confirmed by a~~  
174.13 ~~judge. The order of the court shall be proof of such confirmation and amend the terms of~~  
174.14 ~~the sentence imposed by the court under section 609.135. If a nonviolent controlled substance~~  
174.15 ~~offender's parole or probation is revoked, the offender's agent must first attempt to place~~  
174.16 ~~the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance~~  
174.17 ~~offender" is a person who meets the criteria described under section 244.0513, subdivision~~  
174.18 ~~2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order~~  
174.19 ~~of probation or a condition of parole, except an allegation of a subsequent criminal act that~~  
174.20 ~~is alleged in a formal complaint, citation, or petition.~~

174.21 Sec. 3. Minnesota Statutes 2020, section 244.05, subdivision 3, is amended to read:

174.22 Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's  
174.23 supervised release imposed by the commissioner, the commissioner may:

174.24 (1) continue the inmate's supervised release term, with or without modifying or enlarging  
174.25 the conditions imposed on the inmate, or transferring the inmate's case to a specialized  
174.26 caseload; or

174.27 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate  
174.28 period of time.

174.29 Prior to revoking a ~~nonviolent controlled substance~~ an offender's supervised release  
174.30 based on a technical violation, when the offender does not present a risk to the public ~~and~~  
174.31 ~~the offender is amenable to continued supervision in the community~~, the commissioner  
174.32 must identify community options to address and correct the violation ~~including, but not~~  
174.33 ~~limited to, inpatient chemical dependency treatment~~. If the commissioner determines that

175.1 community options are appropriate, the commissioner shall restructure the inmate's terms  
175.2 of release to incorporate those options. ~~If a nonviolent controlled substance offender's~~  
175.3 ~~supervised release is revoked, the offender's agent must first attempt to place the offender~~  
175.4 ~~in a local jail.~~ For purposes of this subdivision, "~~nonviolent controlled substance offender~~"  
175.5 ~~is a person who meets the criteria described under section 244.0513, subdivision 2, clauses~~  
175.6 ~~(1), (2), and (5), and~~ "technical violation" means a violation of a condition of supervised  
175.7 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,  
175.8 citation, or petition.

175.9 The period of time for which a supervised release may be revoked may not exceed the  
175.10 period of time remaining in the inmate's sentence, except that if a sex offender is sentenced  
175.11 and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5,  
175.12 the period of time for which conditional release may be revoked may not exceed the balance  
175.13 of the conditional release term.

175.14 Sec. 4. Minnesota Statutes 2020, section 244.19, subdivision 1, is amended to read:

175.15 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of  
175.16 counties has established a human services board pursuant to chapter 402, the district court  
175.17 may appoint one or more county probation officers as necessary to perform court services,  
175.18 and the human services board shall appoint persons as necessary to provide correctional  
175.19 services within the authority granted in chapter 402. In all counties of more than 200,000  
175.20 population, which have not organized pursuant to chapter 402, the district court shall appoint  
175.21 one or more persons of good character to serve as county probation officers during the  
175.22 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile  
175.23 probation services to district courts in one of the following ways:

175.24 (1) the court, with the approval of the county boards, may appoint one or more salaried  
175.25 county probation officers to serve during the pleasure of the court;

175.26 (2) when two or more counties offer probation services the district court through the  
175.27 county boards may appoint common salaried county probation officers to serve in the several  
175.28 counties;

175.29 (3) a county or a district court may request the commissioner of corrections to furnish  
175.30 probation services in accordance with the provisions of this section, and the commissioner  
175.31 of corrections shall furnish such services to any county or court that fails to provide its own  
175.32 probation officer by one of the two procedures listed above;

176.1 (4) if a county or district court providing probation services under clause (1) or (2) asks  
176.2 the commissioner of corrections or the legislative body for the state of Minnesota mandates  
176.3 the commissioner of corrections to furnish probation services to the district court, the  
176.4 probation officers and other employees displaced by the changeover shall be employed by  
176.5 the commissioner of corrections. Years of service in the county probation department are  
176.6 to be given full credit for future sick leave and vacation accrual purposes;

176.7 (5) ~~all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~  
176.8 ~~serve in the county or counties they are now serving~~ if a county receiving probation services  
176.9 under clause (3) decides to provide those services under clause (1) or (2), the probation  
176.10 officers and other employees displaced by the changeover shall be employed by the county.  
176.11 Years of service in the state are to be given full credit for future sick leave and vacation  
176.12 accrual purposes.

176.13 (b) A county or counties providing probation services under paragraph (a), clause (1)  
176.14 or (2), is designated a CPO county for purposes of receiving a grant under chapter 401. A  
176.15 county or counties receiving probation services under paragraph (a), clause (3), is not eligible  
176.16 for a grant under chapter 401, and the commissioner of corrections is appropriated the  
176.17 county's share of funding for the purpose of providing probation services, and authority to  
176.18 seek reimbursement from the county under subdivision 5.

176.19 (c) A county that requests the commissioner of corrections to provide probation services  
176.20 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a  
176.21 comprehensive plan as described in section 401.06.

176.22 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred  
176.23 to state service under paragraph (a), clause (4), in the proper classifications in the classified  
176.24 service. Each employee is appointed without examination at no loss in salary or accrued  
176.25 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits  
176.26 may occur until the employee's total accrued vacation or sick leave benefits fall below the  
176.27 maximum permitted by the state for the employee's position. An employee appointed under  
176.28 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting  
176.29 labor contract remedies, a noncertified employee may appeal for a hearing within ten days  
176.30 to the commissioner of management and budget, who may uphold the decision, extend the  
176.31 probation period, or certify the employee. The decision of the commissioner of management  
176.32 and budget is final. The state shall negotiate with the exclusive representative for the  
176.33 bargaining unit to which the employees are transferred regarding their seniority. For purposes  
176.34 of computing seniority among those employees transferring from one county unit only, a

177.1 transferred employee retains the same seniority position as the employee had within that  
177.2 county's probation office.

177.3 Sec. 5. Minnesota Statutes 2020, section 244.19, subdivision 5, is amended to read:

177.4 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~  
177.5 ~~judges of the district court may direct the payment of such salary to probation officers as~~  
177.6 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~  
177.7 ~~necessary expenses incurred in the performance of their official duties.~~ In all counties which  
177.8 obtain probation services from the commissioner of corrections the commissioner shall, out  
177.9 of appropriations provided therefor, pay probation officers the salary and all benefits fixed  
177.10 by the state law or applicable bargaining unit and all necessary expenses, including secretarial  
177.11 service, office equipment and supplies, postage, telephone and telegraph services, and travel  
177.12 and subsistence. Each county receiving probation services from the commissioner of  
177.13 corrections shall reimburse the department of corrections for the total cost and expenses of  
177.14 such services as incurred by the commissioner of corrections, excluding the cost and expense  
177.15 of services provided under the state's obligation in section 244.20. ~~Total annual costs for~~  
177.16 ~~each county shall be that portion of the total costs and expenses for the services of one~~  
177.17 ~~probation officer represented by the ratio which the county's population bears to the total~~  
177.18 ~~population served by one officer. For the purposes of this section, the population of any~~  
177.19 ~~county shall be the most recent estimate made by the Department of Health.~~ At least every  
177.20 six months the commissioner of corrections shall bill for the total cost and expenses incurred  
177.21 by the commissioner on behalf of each county which has received probation services. The  
177.22 commissioner of corrections shall notify each county of the cost and expenses and the county  
177.23 shall pay to the commissioner the amount due for reimbursement. All such reimbursements  
177.24 shall be ~~deposited in the general fund~~ used to provide services for each county according  
177.25 to their reimbursement amount. Objections by a county to all allocation of such cost and  
177.26 expenses shall be presented to and determined by the commissioner of corrections. Each  
177.27 county providing probation services under this section is hereby authorized to use unexpended  
177.28 funds and to levy additional taxes for this purpose.

177.29 The county commissioners of any county of not more than 200,000 population shall,  
177.30 when requested to do so by the juvenile judge, provide probation officers with suitable  
177.31 offices, and may provide equipment, and secretarial help needed to render the required  
177.32 services.

178.1 Sec. 6. Minnesota Statutes 2020, section 244.195, subdivision 1, is amended to read:

178.2 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to  
178.3 244.1995, the following terms have the meanings given them.

178.4 (b) "Commissioner" means the commissioner of corrections.

178.5 (c) "Conditional release" means parole, supervised release, conditional release as  
178.6 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section  
178.7 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work  
178.8 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and  
178.9 any other authorized temporary release from a correctional facility.

178.10 (d) "Court services director" means the director or designee of a county probation agency  
178.11 that is not organized under section 244.19 or an agency organized under chapter 401.

178.12 (e) "Detain" means to take into actual custody, including custody within a local  
178.13 correctional facility.

178.14 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision  
178.15 1.

178.16 (g) "Probation agency" means the Department of Corrections field office or a probation  
178.17 agency organized under section 244.19 or chapter 401.

178.18 (h) "Probation officer" means a court services director, county probation officer, or any  
178.19 other community supervision officer employed by the commissioner or by a probation  
178.20 agency organized under section 244.19 or chapter 401.

178.21 ~~(g)~~ (i) "Release" means to release from actual custody.

178.22 Sec. 7. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to  
178.23 read:

178.24 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a  
178.25 probation officer may require a person committed to the officer's care by the court to perform  
178.26 community work service for violating a condition of probation imposed by the court.  
178.27 Community work service may be imposed for the purpose of protecting the public, to aid  
178.28 the person's rehabilitation, or both. A probation officer may impose up to eight hours of  
178.29 community work service for each violation and up to a total of 24 hours per person per  
178.30 12-month period, beginning on the date on which community work service is first imposed.  
178.31 The court services director or probation agency may authorize an additional 40 hours of  
178.32 community work service, for a total of 64 hours per person per 12-month period, beginning

179.1 with the date on which community work service is first imposed. At the time community  
179.2 work service is imposed, probation officers are required to provide written notice to the  
179.3 person that states:

179.4 (1) the condition of probation that has been violated;

179.5 (2) the number of hours of community work service imposed for the violation; and

179.6 (3) the total number of hours of community work service imposed to date in the 12-month  
179.7 period.

179.8 (b) A person on supervision may challenge the imposition of community work service  
179.9 by filing a petition in district court within five days of receiving written notice that  
179.10 community work service is being imposed. If the person challenges the imposition of  
179.11 community work service, the state bears the burden of showing, by a preponderance of the  
179.12 evidence, that the imposition of community work service is reasonable under the  
179.13 circumstances.

179.14 (c) Community work service includes sentencing to service.

179.15 Sec. 8. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to  
179.16 read:

179.17 Subd. 7. **Contacts.** Supervision contacts may be conducted over video conference  
179.18 technology at the discretion of the probation agent.

179.19 Sec. 9. Minnesota Statutes 2020, section 244.20, is amended to read:

179.20 **244.20 PROBATION SUPERVISION.**

179.21 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the  
179.22 Department of Corrections shall have exclusive responsibility for providing probation  
179.23 services for adult felons in counties that do not take part in the Community Corrections Act.  
179.24 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~  
179.25 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~  
179.26 ~~be discharged according to local judicial policy.~~

179.27 Sec. 10. Minnesota Statutes 2020, section 244.21, is amended to read:

179.28 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

179.29 Subdivision 1. **Collection of information by probation service providers; report**  
179.30 **required.** (a) By January 1, 1998, probation service providers shall begin collecting and

180.1 maintaining information on offenders under supervision. The commissioner of corrections  
180.2 shall specify the nature and extent of the information to be collected. By April 1 of every  
180.3 year, each probation service provider shall report a summary of the information collected  
180.4 to the commissioner as a condition of state grant funding under chapter 401.

180.5 (b) Beginning August 1, 2023, and each year thereafter, each entity required to submit  
180.6 a report under paragraph (a) must include in their report the total number of days in the  
180.7 previous fiscal year that offenders supervised by the entity had their probation or supervised  
180.8 release revoked.

180.9 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2023, the  
180.10 commissioner of corrections shall report to the chairs of the ~~senate crime prevention and~~  
180.11 ~~house of representatives judiciary~~ legislative committees with jurisdiction over public safety  
180.12 and finance on recommended methods of coordinating the exchange of information collected  
180.13 on offenders under subdivision 1: (1) between probation service providers; and (2) between  
180.14 probation service providers and the Department of Corrections, ~~without requiring service~~  
180.15 ~~providers to acquire uniform computer software.~~

180.16 Sec. 11. Minnesota Statutes 2020, section 401.01, is amended to read:

180.17 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.**

180.18 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to  
180.19 promote efficiency and economy in the delivery of correctional services, the commissioner  
180.20 is authorized to make grants to assist counties in the development, implementation, and  
180.21 operation of community-based corrections programs including preventive or diversionary  
180.22 correctional programs, conditional release programs, community corrections centers, and  
180.23 facilities for the detention or confinement, care and treatment of persons convicted of crime  
180.24 or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a~~  
180.25 ~~grant for the operation of an emergency shelter or make a separate grant for the rehabilitation~~  
180.26 ~~of a facility owned by the grantee and used as a shelter to bring the facility into compliance~~  
180.27 ~~with state and local laws pertaining to health, fire, and safety, and to provide security.~~

180.28 Subd. 1a. **Credit for early discharge.** In calculating grants authorized under subdivision  
180.29 1, the commissioner must not reduce the amount of a grant based on offenders being  
180.30 discharged from community supervision prior to the sentence expiration date imposed by  
180.31 the sentencing court.

180.32 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following  
180.33 terms have the meanings given them.

181.1 (b) "CCA county" means a county that participates in the Community Corrections Act.

181.2 (c) "Commissioner" means the commissioner of corrections or a designee.

181.3 (d) "Conditional release" means parole, supervised release, conditional release as  
 181.4 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section  
 181.5 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work  
 181.6 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and  
 181.7 any other authorized temporary release from a correctional facility.

181.8 (e) "County probation officer" means a probation officer appointed under section 244.19.

181.9 (f) "CPO county" means a county that participates in funding under this act by providing  
 181.10 local corrections service for all juveniles and individuals on probation for misdemeanors,  
 181.11 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

181.12 (g) "Detain" means to take into actual custody, including custody within a local  
 181.13 correctional facility.

181.14 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

181.15 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision  
 181.16 1.

181.17 ~~(i)~~ (j) "Local correctional service" means those services authorized by and employees,  
 181.18 officers, and agents appointed under section 244.19, subdivision 1.

181.19 ~~(j)~~ (k) "Release" means to release from actual custody.

181.20 (l) "Tribal government" means one of the federally recognized Tribes described in section  
 181.21 3.922.

181.22 Sec. 12. Minnesota Statutes 2020, section 401.02, is amended to read:

181.23 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

181.24 Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more  
 181.25 counties, ~~having an aggregate population of 30,000 or more persons,~~ or Tribal governments  
 181.26 may qualify for a grant as provided in section 401.01 by ~~the enactment of appropriate~~  
 181.27 ~~resolutions creating and establishing a corrections advisory board,~~ designating the officer  
 181.28 or agency to be responsible for administering grant funds, and providing for the preparation  
 181.29 of a comprehensive plan for the development, implementation and operation of the  
 181.30 correctional services described in ~~section~~ sections 401.01 and 401.11, including the  
 181.31 assumption of those correctional services, other than the operation of state facilities, presently

182.1 provided in such counties by the Department of Corrections, and providing for centralized  
182.2 administration and control of those correctional services described in section 401.01. Counties  
182.3 participating as a CCA county must also enact the appropriate resolutions creating and  
182.4 establishing a corrections advisory board.

182.5 Where counties or Tribal governments combine as authorized in this section, they shall  
182.6 comply with the provisions of section 471.59.

182.7 (b) A county that has participated in the Community Corrections Act for five or more  
182.8 years is eligible to continue to participate in the Community Corrections Act.

182.9 (c) If a county or Tribal government withdraws from the grant program as outlined in  
182.10 subdivision 1 of this section and asks the commissioner of corrections, or the legislative  
182.11 body or the state of Minnesota mandates the commissioner of corrections to furnish probation  
182.12 services to the county, the probation officers and other employees displaced by the  
182.13 changeover shall be employed by the commissioner of corrections. Years of service in the  
182.14 county probation department are to be given full credit for future sick leave and vacation  
182.15 accrual purposes.

182.16 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties  
182.17 which have complied with the provisions of subdivision 1 and require financial aid to defray  
182.18 all or a part of the expenses incurred by corrections advisory board members in discharging  
182.19 their official duties pursuant to section 401.08, the commissioner may designate counties  
182.20 as "planning counties", and, upon receipt of resolutions by the governing boards of the  
182.21 counties certifying the need for and inability to pay the expenses described in this subdivision,  
182.22 advance to the counties an amount not to exceed five percent of the maximum quarterly  
182.23 ~~subsidy grant~~ for which the counties are eligible. The expenses described in this subdivision  
182.24 shall be paid in the same manner and amount as for state employees.

182.25 Subd. 3. **Establishment and reorganization of administrative structure.** Any county  
182.26 or group of counties which have qualified for participation in the ~~community corrections~~  
182.27 ~~subsidy grant~~ program provided by this chapter may establish, organize, and reorganize an  
182.28 administrative structure and provide for the budgeting, staffing, and operation of court  
182.29 services and probation, construction or improvement to juvenile detention and juvenile  
182.30 correctional facilities and adult detention and correctional facilities, and other activities  
182.31 required to conform to the purposes of this chapter. No contrary general or special statute  
182.32 divests any county or group of counties of the authority granted by this subdivision.

182.33 Subd. 5. ~~Intermediate sanctions.~~ Unless the district court directs otherwise, county  
182.34 ~~probation officers may require a person committed to the officer's care by the court to~~

183.1 ~~perform community work service for violating a condition of probation imposed by the~~  
183.2 ~~court. Community work service may be imposed for the purpose of protecting the public,~~  
183.3 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~  
183.4 ~~of community work service for each violation and up to a total of 24 hours per offender per~~  
183.5 ~~12-month period, beginning on the date on which community work service is first imposed.~~  
183.6 ~~The chief executive officer of a community corrections agency may authorize an additional~~  
183.7 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~  
183.8 ~~period, beginning with the date on which community work service is first imposed. At the~~  
183.9 ~~time community work service is imposed, probation officers are required to provide written~~  
183.10 ~~notice to the offender that states:~~

183.11 ~~(1) the condition of probation that has been violated;~~

183.12 ~~(2) the number of hours of community work service imposed for the violation; and~~

183.13 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~  
183.14 ~~period.~~

183.15 ~~An offender may challenge the imposition of community work service by filing a petition~~  
183.16 ~~in district court. An offender must file the petition within five days of receiving written~~  
183.17 ~~notice that community work service is being imposed. If the offender challenges the~~  
183.18 ~~imposition of community work service, the state bears the burden of showing, by a~~  
183.19 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~  
183.20 ~~under the circumstances.~~

183.21 ~~Community work service includes sentencing to service.~~

183.22 Sec. 13. Minnesota Statutes 2020, section 401.04, is amended to read:

183.23 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**  
183.24 **STRUCTURE; EMPLOYEES.**

183.25 Any county or group of counties electing to come within the provisions of sections  
183.26 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer  
183.27 of custodial control, the lands, buildings and equipment necessary and incident to the  
183.28 accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish  
183.29 the administrative structure best suited to the efficient administration and delivery of the  
183.30 correctional services described in section 401.01, and (c) employ a director and other officers,  
183.31 employees and agents as deemed necessary to carry out the provisions of sections 401.01  
183.32 to 401.16. To the extent that participating counties shall assume and take over state and  
183.33 local correctional services presently provided in counties, employment shall be given to

184.1 those state and local officers, employees and agents thus displaced; if hired by a county,  
184.2 employment shall, to the extent possible and notwithstanding the provisions of any other  
184.3 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits  
184.4 enjoyed by such officer, employee or agent while in the service of the state or local  
184.5 correctional service.

184.6 State or local employees displaced by county participation in the subsidy grant program  
184.7 provided by this chapter are on layoff status and, if not hired by a participating county as  
184.8 provided herein, may exercise their rights under layoff procedures established by law or  
184.9 union agreement whichever is applicable.

184.10 State or local officers and employees displaced by a county's participation in the  
184.11 Community Corrections Act and hired by the participating county shall retain all fringe  
184.12 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in  
184.13 the service of the state.

184.14 Sec. 14. Minnesota Statutes 2021 Supplement, section 401.06, is amended to read:

184.15 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**  
184.16 **COMPLIANCE.**

184.17 No county or group of counties or Tribal government or group of Tribal governments  
184.18 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be  
184.19 eligible for the subsidy grant herein provided unless and until its comprehensive plan shall  
184.20 have been approved by the commissioner. The commissioner shall, pursuant to the  
184.21 Administrative Procedure Act, promulgate rules establishing standards of eligibility for  
184.22 CCA and CPO counties and Tribal governments to receive funds grants under sections  
184.23 401.01 to 401.16. To remain eligible for subsidy grants counties and Tribal governments  
184.24 shall maintain substantial compliance with the minimum standards established pursuant to  
184.25 sections 401.01 to 401.16 and the policies and procedures governing the services described  
184.26 in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial  
184.27 compliance with other correctional operating standards permitted by law and established  
184.28 by the commissioner and shall report statistics required by the commissioner including but  
184.29 not limited to information on individuals convicted as an extended jurisdiction juvenile  
184.30 identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review  
184.31 annually the comprehensive plans submitted by participating counties and Tribal  
184.32 governments, including the facilities and programs operated under the plans. The  
184.33 commissioner is hereby authorized to enter upon any facility operated under the plan, and  
184.34 inspect books and records, for purposes of recommending needed changes or improvements.

185.1 When the commissioner provides supervision to a county that elects not to provide the  
185.2 supervision, the commissioner shall prepare a comprehensive plan for the county and shall  
185.3 present it to the local county board of commissioners. The Department of Corrections shall  
185.4 be subject to all the standards and requirements established in sections 401.01 to 401.16  
185.5 and promulgated rules.

185.6 When the commissioner shall determine that there are reasonable grounds to believe  
185.7 that a county or group of counties or Tribal government or group of Tribal governments is  
185.8 not in substantial compliance with minimum standards, at least 30 days' notice shall be  
185.9 given the county or counties or Tribal government or group of Tribal governments and a  
185.10 hearing conducted by the commissioner to ascertain whether there is substantial compliance  
185.11 or satisfactory progress being made toward compliance. The commissioner may suspend  
185.12 all or a portion of any subsidy grant until the required standard of operation has been met.

185.13 Sec. 15. Minnesota Statutes 2020, section 401.09, is amended to read:

185.14 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

185.15 Failure of a county or group of counties to elect to come within the provisions of sections  
185.16 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for  
185.17 correctional purposes otherwise provided by law. Any comprehensive plan submitted  
185.18 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional  
185.19 services from the state by contract, including the temporary detention and confinement of  
185.20 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate  
185.21 state facility as otherwise provided by law. The commissioner shall annually determine the  
185.22 costs of the purchase of services under this section and deduct them from the subsidy grant  
185.23 due and payable to the county or counties concerned; provided that no contract shall exceed  
185.24 in cost the amount of subsidy grant to which the participating county or counties are eligible.

185.25 Sec. 16. Minnesota Statutes 2020, section 401.10, is amended to read:

185.26 **401.10 COMMUNITY CORRECTIONS AID.**

185.27 Subdivision 1. ~~Aid calculations~~ **Funding formula.** ~~To determine the community~~  
185.28 ~~corrections aid amount to be paid to each participating county, the commissioner of~~  
185.29 ~~corrections must apply the following formula:~~

185.30 (1) ~~For each of the 87 counties in the state, a percent score must be calculated for each~~  
185.31 ~~of the following five factors:~~

186.1 ~~(i) percent of the total state population aged ten to 24 residing within the county according~~  
186.2 ~~to the most recent federal census, and, in the intervening years between the taking of the~~  
186.3 ~~federal census, according to the most recent estimate of the state demographer;~~

186.4 ~~(ii) percent of the statewide total number of felony case filings occurring within the~~  
186.5 ~~county, as determined by the state court administrator;~~

186.6 ~~(iii) percent of the statewide total number of juvenile case filings occurring within the~~  
186.7 ~~county, as determined by the state court administrator;~~

186.8 ~~(iv) percent of the statewide total number of gross misdemeanor case filings occurring~~  
186.9 ~~within the county, as determined by the state court administrator; and~~

186.10 ~~(v) percent of the total statewide number of convicted felony offenders who did not~~  
186.11 ~~receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines~~  
186.12 ~~Commission.~~

186.13 ~~The percents in items (ii) to (v) must be calculated by combining the most recent~~  
186.14 ~~three-year period of available data. The percents in items (i) to (v) each must sum to 100~~  
186.15 ~~percent across the 87 counties.~~

186.16 ~~(2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must~~  
186.17 ~~be weighted, summed, and divided by the sum of the weights to yield an average percent~~  
186.18 ~~for each county, referred to as the county's "composite need percent." When performing~~  
186.19 ~~this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The~~  
186.20 ~~composite need percent must sum to 100 percent across the 87 counties.~~

186.21 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~  
186.22 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~  
186.23 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~  
186.24 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~  
186.25 ~~87 counties.~~

186.26 ~~(4) For each of the 87 counties, the county's composite need percent must be divided by~~  
186.27 ~~the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by~~  
186.28 ~~the county's composite need percent, results in the county's "tax base adjusted need percent."~~

186.29 ~~(5) For each of the 87 counties, the county's tax base adjusted need percent must be~~  
186.30 ~~added to twice the composite need percent, and the sum must be divided by 3, to yield the~~  
186.31 ~~county's "weighted need percent."~~

187.1 ~~(6) Each participating county's weighted need percent must be added to the weighted~~  
187.2 ~~need percent of each other participating county to yield the "total weighted need percent~~  
187.3 ~~for participating counties."~~

187.4 ~~(7) Each participating county's weighted need percent must be divided by the total~~  
187.5 ~~weighted need percent for participating counties to yield the county's "share percent." The~~  
187.6 ~~share percents for participating counties must sum to 100 percent.~~

187.7 ~~(8) Each participating county's "base funding amount" is the aid amount that the county~~  
187.8 ~~received under this section for fiscal year 1995 plus the amount received in caseload or~~  
187.9 ~~workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal~~  
187.10 ~~year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,~~  
187.11 ~~no county's aid amount under this section may be less than its base funding amount, provided~~  
187.12 ~~that the total amount appropriated for this purpose is at least as much as the aggregate base~~  
187.13 ~~funding amount defined in clause (9).~~

187.14 ~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts~~  
187.15 ~~for all participating counties. If a county that participated under this section chooses not to~~  
187.16 ~~participate in any given year, then the aggregate base funding amount must be reduced by~~  
187.17 ~~that county's base funding amount. If a county that did not participate under this section in~~  
187.18 ~~fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base~~  
187.19 ~~funding amount must be increased by the amount of aid that the county would have received~~  
187.20 ~~had it participated in fiscal year 1995 plus the estimated amount it would have received in~~  
187.21 ~~caseload or workload reduction, felony caseload reduction, and sex offender supervision~~  
187.22 ~~grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount~~  
187.23 ~~of increase shall be that county's base funding amount.~~

187.24 ~~(10) In any given year, the total amount appropriated for this purpose first must be~~  
187.25 ~~allocated to participating counties in accordance with each county's base funding amount.~~  
187.26 ~~Then, any remaining amount in excess of the aggregate base funding amount must be~~  
187.27 ~~allocated to participating counties in proportion to each county's share percent, and is referred~~  
187.28 ~~to as the county's "formula amount."~~

187.29 ~~Each participating county's "community corrections aid amount" equals the sum of (i)~~  
187.30 ~~the county's base funding amount, and (ii) the county's formula amount.~~

187.31 ~~(11) However, if in any year the total amount appropriated for the purpose of this section~~  
187.32 ~~is less than the aggregate base funding amount, then each participating county's community~~  
187.33 ~~corrections aid amount is the product of (i) the county's base funding amount multiplied by~~  
187.34 ~~(ii) the ratio of the total amount appropriated to the aggregate base funding amount.~~

188.1 ~~For each participating county, the county's community corrections aid amount calculated~~  
188.2 ~~in this subdivision is the total amount of subsidy to which the county is entitled under~~  
188.3 ~~sections 401.01 to 401.16.~~

188.4 (a) The state shall institute one funding formula for supervising people in the community.  
188.5 For fiscal year 2023, the commissioner shall use the following formula to determine each  
188.6 county and Tribal government grant and the department's funding for supervision in counties  
188.7 or Tribal jurisdictions served by the department. Funding and allocations for intensive  
188.8 supervised release are not included in the formula and regardless of the results of the formula,  
188.9 in fiscal year 2023, the commissioner shall provide 50 percent funding to CPO counties as  
188.10 previously required in section 244.19, subdivision 6. The following amounts shall be summed  
188.11 to arrive at the total for a county, Tribal government, or the department:

188.12 (1) \$250,000;

188.13 (2) ten percent of the total appropriation for community supervision and postrelease  
188.14 services to the department for community supervision in fiscal year 2022 multiplied by the  
188.15 county's or Tribe's percentage of the state's total population;

188.16 (3) ten percent of the total appropriation to the department for community supervision  
188.17 in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total  
188.18 geographic area;

188.19 (4) the result of the following methodology:

188.20 (i) use the county's felony supervision population as reflected in the most recent probation  
188.21 survey by the department and analysis conducted in 2021 by an independent contractor;

188.22 (ii) use the hours required to supervise the felony population based on 2,080 hours of  
188.23 full-time equivalent officer time in one year; and

188.24 (iii) assume a \$100,000 cost for each full-time equivalent officer and multiply that  
188.25 amount by the average full-time equivalent time for the county for one year; and

188.26 (5) the department may prorate the total amount distributed in clauses (2), (3), and (4),  
188.27 as necessary, so as to not exceed the total appropriation for fiscal year 2023.

188.28 (b) For use in fiscal year 2024 and beyond, to replace the methodology in paragraph (a),  
188.29 clause (4), the state shall implement a workload methodology developed by the Supervision  
188.30 Standards Committee to calculate the average per diem costs of supervising people in  
188.31 communities and accounting for people of different risk and need levels who are juveniles,  
188.32 on probation for a misdemeanor, on probation for a gross misdemeanor, on probation for a  
188.33 felony, on supervised or conditional release, or on intensive supervised release. The

189.1 Department of Corrections and the Supervision Standards Committee shall report the  
189.2 methodology and the calculated fiscal impacts of the formula described in this paragraph  
189.3 estimated for each of fiscal years 2024, 2025, 2026, and 2027 to the chairs and ranking  
189.4 minority members of the legislative committees with jurisdiction over public safety finance  
189.5 and policy, to the governor, and to the Department of Management and Budget by October  
189.6 15, 2022, for consideration in biennial budget development under section 16A.10, subdivision  
189.7 2. The department may prorate the total amount distributed in fiscal year 2024 and subsequent  
189.8 years as necessary, so as to not exceed the total appropriation for that fiscal year.

189.9 (c) The reimbursement formulas developed under paragraphs (a) and (b) must:

189.10 (1) limit the weight of a misdemeanor case to no more than one-half of the weight  
189.11 assigned to a felony case with a comparable risk level assessment for purposes of calculating  
189.12 weighted caseloads; and

189.13 (2) account for the absence of work performed in an entity's caseload that occurs when  
189.14 offenders under the entity's supervision are reincarcerated. The formulas must reduce an  
189.15 entity's current grant award by the amount of savings that would have been generated in  
189.16 the prior year from supervision that was not performed because of offender reincarceration.

189.17 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner  
189.18 of corrections, after notifying the committees on finance of the senate and ways and means  
189.19 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated  
189.20 funds, including funds available due the withdrawal of a county under section 401.16, in  
189.21 any appropriation to the Department of Corrections to the appropriation under sections  
189.22 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes  
189.23 of sections 401.01 to 401.16.

189.24 Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~  
189.25 ~~over community corrections funding decisions in the house of representatives and the senate,~~  
189.26 ~~in consultation with the Department of Corrections and any interested county organizations,~~  
189.27 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~  
189.28 ~~its continuation, modification, replacement, or discontinuation.~~ (a) For fiscal year 2024 and  
189.29 subsequent fiscal years, the commissioner shall make a funding recommendation based  
189.30 upon the following two components:

189.31 (1) for the first component the following amounts shall be summed to arrive at the total  
189.32 for a county, Tribal government, or the department:

189.33 (i) \$250,000;

190.1 (ii) ten percent of the total appropriation to the department for community supervision  
190.2 in the previous fiscal year multiplied by the county's percentage of the state's total population  
190.3 according to 2020 census data; and

190.4 (iii) ten percent of the total appropriation to the department for community supervision  
190.5 in the previous fiscal year multiplied by the county's percentage of the state's total geographic  
190.6 area as reflected in square miles; and

190.7 (2) for the second component funding shall reflect the results of the workload study in  
190.8 subdivision 1, paragraph (b).

190.9 (b) Every six years the workload study shall be repeated and updated by the Department  
190.10 of Corrections in consultation with the Community Supervision Advisory Board if  
190.11 established.

190.12 (c) For the purposes of the recommendations required under this section, every six years  
190.13 the \$250,000 base amount shall be adjusted to reflect the statewide average cost of 2.5  
190.14 probation officer full-time equivalent employees.

190.15 Sec. 17. Minnesota Statutes 2020, section 401.11, is amended to read:

190.16 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

190.17 Subdivision 1. **Items.** The comprehensive plan submitted to the commissioner for  
190.18 approval shall include those items prescribed by rule of the commissioner, which may  
190.19 require the inclusion of the following: (a) the manner in which presentence and postsentence  
190.20 investigations and reports for the district courts and social history reports for the juvenile  
190.21 courts will be made; (b) the manner in which conditional release services to the courts and  
190.22 persons under jurisdiction of the commissioner of corrections will be provided; (c) a program  
190.23 for the detention, supervision, and treatment of persons under pretrial detention or under  
190.24 commitment; (d) delivery of other correctional services defined in section 401.01; (e)  
190.25 proposals for new programs, which proposals must demonstrate a need for the program, its  
190.26 purpose, objective, administrative structure, staffing pattern, staff training, financing,  
190.27 evaluation process, degree of community involvement, client participation, and duration of  
190.28 program.

190.29 Subd. 2. **Review.** In addition to the foregoing requirements made by this section, each  
190.30 participating CCA county or group of counties shall develop and implement a procedure  
190.31 for the review of grant applications made to the corrections advisory board and for the  
190.32 manner in which corrections advisory board action will be taken on them. A description of  
190.33 this procedure must be made available to members of the public upon request.

191.1 Sec. 18. Minnesota Statutes 2020, section 401.12, is amended to read:

191.2 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

191.3 Participating counties shall not diminish their current level of spending for correctional  
191.4 expenses as defined in section 401.01, to the extent of any subsidy grant received pursuant  
191.5 to sections 401.01 to 401.16; rather the subsidy grant herein provided is for the expenditure  
191.6 for correctional purposes in excess of those funds currently being expended. Should a  
191.7 participating county be unable to expend the full amount of the subsidy grant to which it  
191.8 would be entitled in any one year under the provisions of sections 401.01 to 401.16, the  
191.9 commissioner shall retain the surplus, subject to disbursement in the following year wherein  
191.10 such county can demonstrate a need for and ability to expend same for the purposes provided  
191.11 in section 401.01. If in any biennium the subsidy grant is increased by an inflationary  
191.12 adjustment which results in the county receiving more actual subsidy grant than it did in  
191.13 the previous calendar year, the county shall be eligible for that increase only if the current  
191.14 level of spending is increased by a percentage equal to that increase within the same  
191.15 biennium.

191.16 Sec. 19. Minnesota Statutes 2020, section 401.14, subdivision 1, is amended to read:

191.17 Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the  
191.18 prerequisites for participation in the subsidy grant prescribed by sections 401.01 to 401.16,  
191.19 and approval of the comprehensive plan by the commissioner, the commissioner shall  
191.20 determine whether funds exist for the payment of the subsidy grant and proceed to pay same  
191.21 in accordance with applicable rules.

191.22 Sec. 20. Minnesota Statutes 2020, section 401.14, subdivision 3, is amended to read:

191.23 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments  
191.24 for community corrections services to each county in 12 installments per year. The  
191.25 commissioner shall ensure that the pertinent payment of the allotment for each month is  
191.26 made to each county on the first working day after the end of each month of the calendar  
191.27 year, except for the last month of the calendar year. The commissioner shall ensure that  
191.28 each county receives its payment of the allotment for that month no later than the last  
191.29 working day of that month. ~~The payment described in this subdivision for services rendered~~  
191.30 ~~during June 1985 shall be made on the first working day of July 1985.~~

192.1 Sec. 21. Minnesota Statutes 2020, section 401.15, subdivision 2, is amended to read:

192.2 Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded  
192.3 each county by the equalization formula provided in section 401.10 and compute the ~~subsidy~~  
192.4 grant rate accordingly.

192.5 Sec. 22. Minnesota Statutes 2020, section 401.16, is amended to read:

192.6 **401.16 WITHDRAWAL FROM PROGRAM.**

192.7 Any participating county or Tribal government may, at the beginning of any calendar  
192.8 quarter, by resolution of its board of commissioners or Tribal government leaders, notify  
192.9 the commissioner of its intention to withdraw from the subsidy grant program established  
192.10 by sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the last  
192.11 ~~month~~ of the third quarter ~~in~~ after which the notice was given. ~~Upon withdrawal, the~~  
192.12 ~~unexpended balance of moneys allocated to the county, or that amount necessary to reinstate~~  
192.13 ~~state correctional services displaced by that county's participation, including complement~~  
192.14 ~~positions, may, upon approval of the legislative advisory commission, be transferred to the~~  
192.15 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~  
192.16 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

192.17 Sec. 23. **SUPERVISION STANDARDS COMMITTEE.**

192.18 Subdivision 1. Establishment; members. (a) The commissioner of corrections shall  
192.19 establish a supervision standards committee to develop standards for probation, supervised  
192.20 release, and community supervision. The committee consists of 13 members as follows:

192.21 (1) two directors appointed by the Minnesota Association of Community Corrections  
192.22 Act Counties;

192.23 (2) two probation directors appointed by the Minnesota Association of County Probation  
192.24 Officers;

192.25 (3) two county commissioner representatives appointed by the Association of Minnesota  
192.26 Counties;

192.27 (4) two behavioral health, treatment, or programming providers who work directly with  
192.28 individuals on correctional supervision, one appointed by the Department of Human Services  
192.29 and one appointed by the Minnesota Association of County Social Service Administrators;

192.30 (5) two representatives appointed by the Minnesota Indian Affairs Council;

193.1 (6) the commissioner of corrections or a designee and one additional representative of  
193.2 the department appointed by the commissioner; and

193.3 (7) the chair of the statewide evidence-based practice advisory committee.

193.4 (b) When an appointing authority selects an individual for membership on the committee,  
193.5 the authority shall make reasonable efforts to reflect geographic diversity and to appoint  
193.6 qualified members of protected groups, as defined in Minnesota Statutes, section 43A.02,  
193.7 subdivision 33.

193.8 (c) The commissioner shall convene the first meeting of the committee on or before July  
193.9 15, 2022.

193.10 Subd. 2. **Terms; removal; reimbursement.** (a) In the case of a vacancy on the  
193.11 committee, the appointing authority shall appoint a person to fill the vacancy. The members  
193.12 of the committee shall elect any officers and create any subcommittees necessary for the  
193.13 efficient discharge of committee duties.

193.14 (b) A member may be removed by the appointing authority at any time at the pleasure  
193.15 of the appointing authority.

193.16 (c) A member of the committee shall be reimbursed for all reasonable expenses actually  
193.17 paid or incurred by that member in the performance of official duties in the same manner  
193.18 as other employees of the state. The public members of the committee shall be compensated  
193.19 at the rate of \$55 for each day or part thereof spent on committee activities.

193.20 Subd. 3. **Duties.** (a) The committee shall comply with the requirements of section 401.10.

193.21 (b) By June 30, 2023, the committee shall provide written advice and recommendations  
193.22 to the commissioner of corrections for creation of administrative rules and policy regarding  
193.23 the following:

193.24 (1) developing statewide supervision standards and definitions to be applied to community  
193.25 supervision provided by CPO counties, CCA counties, and the Department of Corrections;

193.26 (2) requiring community supervision agencies to use the same agreed-upon risk screener  
193.27 and risk and needs assessment tools, as the main supervision assessment methods, or a  
193.28 universal five-level matrix allowing for consistent supervision levels and that all tools in  
193.29 use be validated on Minnesota's community supervision population and revalidated every  
193.30 five years;

194.1 (3) requiring the use of assessment-driven, formalized collaborative case planning to  
194.2 focus case planning goals on identified criminogenic and behavioral health need areas for  
194.3 moderate- and high-risk individuals;

194.4 (4) limiting standard conditions required for all people on supervision across all  
194.5 supervision systems and judicial districts, ensure that conditions of supervision are directly  
194.6 related to the offense of the person on supervision, and tailor special conditions to people  
194.7 on supervision identified as high risk and need;

194.8 (5) providing gender-responsive, culturally appropriate services and trauma-informed  
194.9 approaches;

194.10 (6) developing a statewide incentives and sanctions grid to guide responses to client  
194.11 behavior while under supervision to be reviewed and updated every five years to maintain  
194.12 alignment with national best practices; and

194.13 (7) developing performance indicators for supervision success as well as recidivism.

194.14 (c) The committee shall explore the role of a permanent state Community Supervision  
194.15 Advisory Board for the purposes of the required report in subdivision 6.

194.16 Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the  
194.17 commissioner must respond in writing to the committee's advice and recommendations.  
194.18 The commissioner's response must explain whether the agency will promulgate rules based  
194.19 on the recommendations, the timeline for rulemaking, and an explanation of why the  
194.20 commissioner will not or cannot include any individual recommendations of the committee  
194.21 in the agency's promulgation of rules. The commissioner must also submit the advice and  
194.22 recommendations of the committee and the commissioner's written response, to the  
194.23 Governor's Council on Justice Reinvestment and to the chairs and ranking minority members  
194.24 of the legislative committees with jurisdiction over public safety and finance at the same  
194.25 time.

194.26 Subd. 5. **Staff; meeting room; office equipment.** The commissioner shall provide the  
194.27 committee with staff support, a meeting room, and access to office equipment and services.

194.28 Subd. 6. **Report.** (a) On January 15, 2023, and January 15, 2024, the committee shall  
194.29 submit a report to the chairs and ranking minority members of the legislative committees  
194.30 with jurisdiction over public safety and finance and the Governor's Council on Justice  
194.31 Reinvestment on progress regarding the development of standards and recommendations  
194.32 under subdivision 3.

195.1 (b) On January 15, 2025, the committee shall submit a final report to the chairs and  
195.2 ranking minority members of the legislative committees with jurisdiction over public safety  
195.3 and finance and the Governor's Council on Justice Reinvestment on the standards and  
195.4 recommendations developed according to subdivision 3. The recommendations must include,  
195.5 at a minimum, a proposed state-level Community Supervision Advisory Board with a  
195.6 governance structure and duties for the board.

195.7 Subd. 7. **Expiration.** The committee expires the earlier of January 25, 2025, or the day  
195.8 after the final report is submitted to the legislature and the Governor's Council on Justice  
195.9 Reinvestment.

195.10 Sec. 24. **REPEALER.**

195.11 (a) Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;  
195.12 244.30; and 401.025, are repealed.

195.13 (b) Minnesota Statutes 2020, sections 244.18; and 609.102, subdivisions 1, 2, and 2a,  
195.14 are repealed.

195.15 **EFFECTIVE DATE.** Paragraph (a) is effective July 1, 2022. Paragraph (b) is effective  
195.16 July 1, 2023.

**244.18 LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.**

Subdivision 1. **Definition.** As used in this section, "local correctional fees" include fees for the following correctional services:

- (1) community service work placement and supervision;
- (2) restitution collection;
- (3) supervision;
- (4) court ordered investigations;
- (5) any other court ordered service;
- (6) postprison supervision or other form of release; or

(7) supervision or other services provided to probationers or parolees under section 243.1605 to be provided by a local probation and parole agency established under section 244.19 or community corrections agency established under chapter 401.

Subd. 2. **Local correctional fees.** A local correctional agency may establish a schedule of local correctional fees to charge persons under the supervision and control of the local correctional agency to defray costs associated with correctional services. The local correctional fees on the schedule must be reasonably related to defendants' abilities to pay and the actual cost of correctional services.

Subd. 3. **Fee collection.** The chief executive officer of a local correctional agency may impose and collect local correctional fees. The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. A local probation and parole agency established under section 244.19 or community corrections agency established under section 401.02 may not impose a fee under this section if the offender is supervised by the commissioner of corrections and the commissioner of corrections imposes and collects a fee under section 241.272. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Subd. 4. **Exemption from fee.** The chief executive officer of the local correctional agency may waive payment of the fee if the officer determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the local correctional agency may require the offender to perform community work service as a means of paying the fee.

Subd. 5. **Restitution payment priority.** If a defendant has been ordered by a court to pay restitution, the defendant shall be obligated to pay the restitution ordered before paying the local correctional fee. However, if the defendant is making reasonable payments to satisfy the restitution obligation, the local correctional agency may also collect a local correctional fee.

Subd. 6. **Use of fees.** The local correctional fees shall be used by the local correctional agency to pay the costs of local correctional services. Local correctional fees may not be used to supplant existing local funding for local correctional services.

**244.19 PROBATION OFFICERS.**

Subd. 6. **Reimbursement of counties.** In order to reimburse the counties for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties which provide their own probation services to the district court under subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation

officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.

Subd. 7. **Certificate of counties entitled to state aid.** On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of management and budget a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the commissioner of management and budget shall issue a payment to the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of management and budget shall transmit such payment to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Subd. 8. **Exception.** This section shall not apply to Ramsey County.

#### **244.22 PROBATION SERVICE PROVIDERS; CASELOAD REDUCTION GRANT MONEY.**

(a) The commissioner of corrections shall review the planned expenditures of probation service providers before allocating probation caseload reduction grants appropriated by the legislature. The review must determine whether the planned expenditures comply with applicable law.

(b) In counties where probation services are provided by both county and Department of Corrections employees, a collaborative plan addressing the local needs shall be developed. The commissioner of corrections shall specify the manner in which probation caseload reduction grant money shall be distributed between the providers according to the approved plan.

#### **244.24 CLASSIFICATION SYSTEM FOR ADULT OFFENDERS.**

By February 1, 1998, all probation agencies shall adopt written policies for classifying adult offenders. The commissioner of corrections shall assist probation agencies in locating organizations that may provide training and technical assistance to the agencies concerning methods to develop and implement effective, valid classification systems.

#### **244.30 CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.**

(a) If the commissioner revokes the supervised release of a person whose release on the current offense has not previously been revoked, the commissioner may order the person to be incarcerated for no more than 90 days or until the expiration of the person's sentence, whichever is less.

(b) This section does not apply to offenders on supervised release for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

(c) The commissioner may order a person described in this section to be incarcerated for more than 90 days if the commissioner determines that substantial and compelling reasons exist to believe that the longer incarceration period is necessary to protect the public.

#### **299A.49 DEFINITIONS.**

Subd. 7. **Regional hazardous materials response team.** "Regional hazardous materials response team" means a team trained and equipped to respond to and mitigate a hazardous materials release. A regional hazardous materials response team may include strategically located chemical assessment teams.

#### **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES.**

Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When it appears necessary to enforce discipline or to prevent a person on conditional release from escaping or absconding from supervision, the chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any peace officer or any probation officer in the state serving the district and juvenile courts to detain and bring the

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person before the court or the commissioner, whichever is appropriate, for disposition. This written order is sufficient authority for the peace officer or probation officer to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner.

(b) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing a peace officer or probation officer serving the district and juvenile courts to release a person detained under paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner. This written order is sufficient authority for the peace officer or probation officer to release the detained person.

(c) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release. A written order issued under this paragraph is sufficient authority for the peace officer or probation officer to detain the person.

**Subd. 2. Peace officers and probation officers in other counties and state correctional investigators.** (a) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain a person under sentence or on probation who:

- (1) fails to report to serve a sentence at a local correctional facility;
- (2) fails to return from furlough or authorized temporary release from a local correctional facility;
- (3) escapes from a local correctional facility; or
- (4) absconds from court-ordered home detention.

(b) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(c) A written order issued under paragraph (a) or (b) is sufficient authority for the state correctional investigator, peace officer, probation officer, or county probation officer to detain the person.

**Subd. 3. Offenders under Department of Corrections commitment.** CCA counties shall comply with the policies prescribed by the commissioner when providing supervision and other correctional services to persons conditionally released pursuant to sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty transfer of persons on conditional release and the conduct of presentence investigations.

**403.02 DEFINITIONS.**

Subd. 17c. **911 telecommunicator.** "911 telecommunicator" means a person employed by a public safety answering point, an emergency medical dispatch service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate public safety answering point.

**609.102 LOCAL CORRECTIONAL FEES; IMPOSITION BY COURT.**

Subdivision 1. **Definition.** As used in this section, "local correctional fee" means a fee for local correctional services established by a local correctional agency under section 244.18.

Subd. 2. **Imposition of fee.** When a court places a person convicted of a crime under the supervision and control of a local correctional agency, that agency may collect a local correctional fee based on the local correctional agency's fee schedule adopted under section 244.18.

Subd. 2a. **Imposition of correctional fee.** When a person convicted of a crime is supervised by the commissioner of corrections, the commissioner may collect a correctional fee under section 241.272.

**609.281 DEFINITIONS.**

Subd. 2. **Blackmail.** "Blackmail" means a threat to expose any fact or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule.

**609.293 SODOMY.**

Subdivision 1. **Definition.** "Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 5. **Consensual acts.** Whoever, in cases not coming within the provisions of sections 609.342 or 609.344, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

**609.34 FORNICATION.**

When any man and single woman have sexual intercourse with each other, each is guilty of fornication, which is a misdemeanor.

**609.36 ADULTERY.**

Subdivision 1. **Acts constituting.** When a married woman has sexual intercourse with a man other than her husband, whether married or not, both are guilty of adultery and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 2. **Limitations.** No prosecution shall be commenced under this section except on complaint of the husband or the wife, except when such husband or wife lacks the mental capacity, nor after one year from the commission of the offense.

Subd. 3. **Defense.** It is a defense to violation of this section if the marital status of the woman was not known to the defendant at the time of the act of adultery.

**638.02 PARDONS.**

Subdivision 1. **Absolute or conditional pardons; commutation of sentences.** The Board of Pardons may grant an absolute or a conditional pardon, but every conditional pardon shall state the terms and conditions on which it was granted. Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless granted by a unanimous vote of the board duly convened.

Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the Board of Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:

(1) if the person was convicted of a crime of violence as defined in section 624.712, subdivision 5, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and

(2) if the person was convicted of any crime not included within the definition of crime of violence under section 624.712, subdivision 5, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.

If the Board of Pardons determines that the person is of good character and reputation, the board may, in its discretion, grant the person a pardon extraordinary. The pardon extraordinary, when granted, has the effect of setting aside and nullifying the conviction and of purging the person of it, and the person shall never after that be required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

The application for a pardon extraordinary, the proceedings to review an application, and the notice requirements are governed by the statutes and the rules of the board in respect to other proceedings before the board. The application shall contain any further information that the board may require.

Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, and the court shall order the conviction set aside and include a copy of the pardon in the

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court file. The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension.

Subd. 4. **Grandfather provision.** Any person granted a pardon extraordinary by the Board of Pardons prior to April 12, 1974 may apply to the district court of the county in which the conviction occurred for an order setting aside the conviction as set forth in subdivision 3.

Subd. 5. **Records.** The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, trial, appeal, dismissal and discharge, which relate to the conviction for which the pardon extraordinary has been granted.

**638.03 WARRANT; RETURN.**

The Board of Pardons may issue its warrant, under its seal, to any proper officers to carry into effect any pardon, commutation, or reprieve. As soon as may be after the execution of the warrant, the officer to whom it is directed shall make return thereof, under hand, with the doings thereon, to the governor. Such officer shall also file with the court administrator in which the offender was convicted an attested copy of the warrant and return, a brief abstract of which such court administrator shall subjoin to the record of the conviction.

**638.04 MEETINGS.**

The Board of Pardons shall hold meetings at least twice each year and shall hold a meeting whenever it takes formal action on an application for a pardon or commutation of sentence. All board meetings shall be open to the public as provided in chapter 13D.

The victim of an applicant's crime has a right to submit an oral or written statement at the meeting. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the application for a pardon or commutation should be granted or denied. In addition, any law enforcement agency may submit an oral or written statement at the meeting, giving its recommendation on whether the application should be granted or denied. The board must consider the victim's and the law enforcement agency's statement when making its decision on the application.

**638.05 APPLICATION FOR PARDON.**

Every application for relief by the Pardon Board shall be in writing, addressed to the Board of Pardons, signed under oath by the convict or someone in the convict's behalf, shall state concisely the grounds upon which the relief is sought, and in addition shall contain the following facts:

- (1) the name under which the convict was indicted, and every alias by which the convict is or was known;
- (2) the date and terms of sentence, and the names of the offense for which it was imposed;
- (3) the name of the trial judge and the county attorney who participated in the trial of the convict, together with that of the county of trial;
- (4) a succinct statement of the evidence adduced at the trial, with the endorsement of the judge or county attorney who tried the case that the statement is substantially correct. If this statement and endorsement are not furnished, the reason for failing to furnish them shall be stated;
- (5) the age, birthplace, and occupation and residence of the convict during five years immediately preceding conviction;
- (6) a statement of other arrests, indictments, and convictions, if any, of the convict.

Every application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the relief is sought. In addition, if the applicant resided in another state after the sentence was discharged, the application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any data concerning the applicant that was collected or maintained by the foreign state relating to the grounds on which the relief is sought, including disclosure of criminal arrest and conviction records.

**638.06 ACTION ON APPLICATION.**

Every application for relief by the Pardon Board shall be filed with the secretary of the Board of Pardons not less than 60 days before the meeting of the board at which consideration of the application is desired. If an application for a pardon or commutation has been once heard and denied

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on the merits, no subsequent application shall be filed without the consent of two members of the board endorsed on the application. Immediately on receipt of any application, the secretary to the board shall mail notice of the application, and of the time and place of hearing on it, to the judge of the court where the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or a successor in office. Additionally, the secretary shall publish notice of an application for a pardon extraordinary in the local newspaper of the county where the crime occurred. The secretary shall also make all reasonable efforts to locate any victim of the applicant's crime. The secretary shall mail notice of the application and the time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board as provided in section 638.04.

**638.07 RECORDS; SECRETARY.**

The Board of Pardons shall keep a record of every petition received, and of every pardon, reprieve, or commutation of sentence granted or refused, and the reasons assigned therefor, and shall have a seal, with which every pardon, reprieve, or commutation of sentence shall be attested. It may adopt such additional necessary and proper rules as are not inconsistent herewith. The commissioner of corrections or a designee shall be the secretary of the board. The commissioner shall have charge of and keep its records and perform such other duties as the board may from time to time direct. The commissioner is hereby authorized and empowered to serve subpoenas and other writs or processes necessary to return parole violators to prison, and to bring before the board witnesses to be heard in matters pending before it. The records and all the files shall be kept and preserved by the secretary, and shall be open to public inspection at all reasonable times.

**638.075 ANNUAL REPORTS TO LEGISLATURE.**

By February 15 of each year, the Board of Pardons shall file a written report with the legislature containing the following information:

- (1) the number of applications received by the board during the preceding calendar year for pardons, pardons extraordinary, and commutations of sentence;
- (2) the number of applications granted by the board for each category; and
- (3) the crimes for which the applications were granted by the board, the year of each conviction, and the age of the offender at the time of the offense.

**638.08 ISSUANCE OF PROCESS; WITNESSES; STANDING APPROPRIATION.**

The Board of Pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matter pending, and may take such reasonable steps in the matter as it may deem necessary to a proper determination thereof. When any person is summoned before the board by its authority, the person may be allowed such compensation for travel and attendance as it may deem reasonable.