

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3979

(SENATE AUTHORS: LATZ, Pappas and Putnam)		
DATE	D-PG	OFFICIAL STATUS
03/14/2022	5312	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/17/2022	5389	Author added Putnam

1.1

A bill for an act

1.2

relating to public safety; authorizing the commissioner of public safety to mobilize

1.3

specialized emergency response teams; clarifying victim request of notification

1.4

of civil commitment; clarifying Office of Justice Programs in the Department of

1.5

Public Safety as the designated agency responsible for domestic abuse funding;

1.6

authorizing the commissioner of public safety to accept donations, nonfederal

1.7

grants, bequests, and other gifts of money; providing for the expiration of certain

1.8

reports to the legislature by the Department of Public Safety; defining hazardous

1.9

materials response teams; modifying the Bureau of Criminal Apprehension's

1.10

questioned identity process; modifying language regarding smoke alarms;

1.11

modifying crime of computer theft to include copies of data; amending Minnesota

1.12

Statutes 2020, sections 12.351; 256I.04, subdivision 2g; 299A.49, subdivision 2;

1.13

299A.50, subdivision 1; 299A.51; 299F.362; 609.87, by adding a subdivision;

1.14

609.89, subdivision 1; 629.341, subdivisions 3, 4; 629.72, subdivision 6; Minnesota

1.15

Statutes 2021 Supplement, sections 253B.18, subdivision 5a; 253D.14, subdivision

1.16

2; proposing coding for new law in Minnesota Statutes, chapters 299A; 299C;

1.17

repealing Minnesota Statutes 2020, section 299A.49, subdivision 7.

1.18

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

1.19

Section 1. Minnesota Statutes 2020, section 12.351, is amended to read:

1.20

12.351 SPECIALIZED EMERGENCY RESPONSE TEAM.

1.21

~~The state director of the Division of Homeland Security and Emergency Management~~

1.22

~~shall~~ commissioner of public safety or a designee must determine if, in response to an

1.23

emergency or disaster, activation of a specialized emergency response team for deployment

1.24

to any political subdivision is in the public interest. If so, the ~~state director~~ commissioner

1.25

may activate a team. When activated by the ~~state director~~ commissioner, team members not

1.26

employed by any political subdivision struck by the emergency or disaster are deemed

1.27

employees of the state for purposes of workers' compensation and tort claim defense and

indemnification. The provisions of chapter 176 and other applicable statutes must be followed for purposes of calculating workers' compensation benefits.

Sec. 2. Minnesota Statutes 2021 Supplement, section 253B.18, subdivision 5a, is amended to read:

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

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

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

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

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

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

(d) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a state-operated treatment program or treatment facility, the head of the state-operated treatment program or head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan.

Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. These notices shall only be provided to victims who have submitted a written request for notification as provided in paragraph (c).

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

Sec. 3. Minnesota Statutes 2021 Supplement, section 253D.14, subdivision 2, is amended to read:

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

Sec. 4. Minnesota Statutes 2020, section 256I.04, subdivision 2g, is amended to read:

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

4.1 Sec. 5. [299A.012] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.

4.2 The commissioner may accept donations, grants, bequests, and other gifts of money to
4.3 carry out the purposes of chapter 299A. Donations, nonfederal grants, bequests, or other
4.4 gifts of money accepted by the commissioner must be deposited in an account in the special
4.5 revenue fund and are appropriated to the commissioner for the purpose for which the funds
4.6 were given.

4.7 Sec. 6. [299A.016] EXPIRATION OF REPORT MANDATES.

4.8 (a) If the submission of a report by the commissioner of public safety to the legislature
4.9 is mandated by statute and the enabling legislation does not include a date for the submission
4.10 of a final report, the mandate to submit the report shall expire in accordance with this section.

4.11 (b) If the mandate requires the submission of an annual report and the mandate was
4.12 enacted before January 1, 2022, the mandate shall expire on January 1, 2024. If the mandate
4.13 requires the submission of a biennial or less frequent report and the mandate was enacted
4.14 before January 1, 2022, the mandate shall expire on January 1, 2025.

4.15 (c) Any reporting mandate enacted on or after January 1, 2022, shall expire three years
4.16 after the date of enactment if the mandate requires the submission of an annual report and
4.17 shall expire five years after the date of enactment if the mandate requires the submission
4.18 of a biennial or less frequent report unless the enacting legislation provides for a different
4.19 expiration date.

4.20 (d) The commissioner shall submit a list to the chairs and ranking minority members of
4.21 the legislative committees with jurisdiction over public safety by February 15 of each year,
4.22 beginning February 15, 2023, of all reports set to expire during the following calendar year
4.23 in accordance with this section.

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

4.25 Sec. 7. Minnesota Statutes 2020, section 299A.49, subdivision 2, is amended to read:

4.26 Subd. 2. ~~Chemical assessment~~ Hazardous materials response team. "Chemical
4.27 ~~assessment~~ Hazardous materials response team" means a team (1) trained, equipped, and
4.28 authorized to evaluate and, when ~~possible~~ feasible, provide ~~simple~~ mitigation to a hazardous
4.29 materials incident or release and (2) required to recommend to the local incident manager
4.30 the best means of controlling the hazard after consideration of life safety concerns,
4.31 environmental effects, exposure hazards, quantity and type of hazardous material, availability
4.32 of resources, or other relevant factors.

5.1 Sec. 8. Minnesota Statutes 2020, section 299A.50, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

5.21 Sec. 9. Minnesota Statutes 2020, section 299A.51, is amended to read:

5.22 **299A.51 LIABILITY AND WORKERS' COMPENSATION.**

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

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

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

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

Sec. 10. **[299C.092] QUESTIONED IDENTITY PROCESS.**

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

(b) "Questioned identity" means an individual's identity that is associated with another person's records when the individual's identity is used by an offender in interactions with law enforcement or that the offender has the same name. Questioned identity can lead to difficulties differentiating the individual from the offender.

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

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

(1) documentation of the individual's identity through and via a government-issued photo identification;

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

(3) fingerprints for identification verification purposes.

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

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

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

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

7.1 offender, whether it is or was the offender's name, and whether the offender is living or
7.2 deceased.

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

7.8 Sec. 11. Minnesota Statutes 2020, section 299F.362, is amended to read:

7.9 **299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.**

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

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

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

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

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

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

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

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

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

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

8.15 Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section
8.16 where the occupant is not the owner of the dwelling unit or the guest room, the owner is
8.17 responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection
8.18 and maintenance reports with the local fire marshal for establishing evidence of inspection
8.19 and maintenance of smoke ~~detectors~~ alarms.

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

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

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

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

Subd. 9. **Local government ordinance; installation in single-family**

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

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

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

Sec. 12. Minnesota Statutes 2020, section 609.87, is amended by adding a subdivision to read:

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

Sec. 13. Minnesota Statutes 2020, section 609.89, subdivision 1, is amended to read:

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

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

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

(c) intentionally and without authorization accesses or copies any computer software or data and uses, alters, transfers, retains, or publishes the software or data; or

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

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

10.1 Sec. 14. Minnesota Statutes 2020, section 629.341, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

10.21 Sec. 15. Minnesota Statutes 2020, section 629.341, subdivision 4, is amended to read:

10.22 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an
10.23 incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer
10.24 shall make a written police report of the alleged incident. The report must contain at least
10.25 the following information: the name, address and telephone number of the victim, if provided
10.26 by the victim, a statement as to whether an arrest occurred, the name of the arrested person,
10.27 and a brief summary of the incident. Data that identify a victim who has made a request
10.28 under section 13.82, subdivision 17, paragraph (d), and that are private data under that
10.29 subdivision, shall be private in the report required by this section. A copy of this report must
10.30 be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney,
10.31 or organizations designated by the Office of Justice Programs in the Department of Public
10.32 Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic

abuse. The officer shall submit the report to the officer's supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made.

Sec. 16. Minnesota Statutes 2020, section 629.72, subdivision 6, is amended to read:

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

(1) the conditions of release, if any;

(2) the time of release;

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

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

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

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

Sec. 17. REPEALER.

Minnesota Statutes 2020, section 299A.49, subdivision 7, is repealed.

APPENDIX
Repealed Minnesota Statutes: 22-04852

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.