

State of Minnesota

HOUSE OF REPRESENTATIVES**Unofficial Engrossment**

House Engrossment of a Senate File

NINETIETH SESSION

S. F. No. 803

03/29/2017 Companion to House File No. 896. (Authors: Cornish)
Read First Time and Referred to the Committee on Ways and Means

03/30/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

04/03/2017 Calendar for the Day, Amended
Read Third Time as Amended

04/18/2017 Passed by the House as Amended and transmitted to the Senate to include Committee and Floor Amendments
Refused to concur and a Conference Committee was appointed

1.1 A bill for an act

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

1.3 safety, firefighters, corrections, crime, disaster assistance, and controlled substances;

1.4 requesting reports; providing for penalties; appropriating money for public safety,

1.5 courts, corrections, Guardian Ad Litem Board, Uniform Laws Commission, Board

1.6 on Judicial Standards, Board of Public Defense, Sentencing Guidelines, Peace

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

1.8 amending Minnesota Statutes 2016, sections 3.739, subdivision 1; 12.221,

1.9 subdivision 6; 12B.15, subdivision 2; 152.02, subdivisions 2, 12; 152.105; 169.444,

1.10 subdivision 2; 169.64, by adding a subdivision; 169.68; 169.791, by adding a

1.11 subdivision; 169.792, subdivision 7; 169.797, by adding a subdivision; 169.80,

1.12 subdivision 1; 169.829, by adding a subdivision; 169.98, subdivision 3, by adding

1.13 a subdivision; 169.99, subdivision 1c, by adding a subdivision; 169A.03,

1.14 subdivision 21; 169A.20, subdivision 2; 169A.51, subdivisions 2, 4; 171.24; 241.01,

1.15 subdivision 3a; 243.05, subdivision 1; 243.166, subdivision 1b; 243.17, subdivision

1.16 1; 243.49; 244.05, subdivision 3; 244.09, subdivision 11; 244.195, subdivision 1;

1.17 244.198, by adding a subdivision; 253D.22; 260C.163, subdivisions 3, 10;

1.18 260C.607, subdivision 2; 271.21, subdivision 2; 299A.55, subdivisions 2, 3, 4;

1.19 299A.707, subdivision 2; 299C.46, subdivision 6; 326.3384, subdivision 1; 357.42;

1.20 358.116; 401.01, subdivision 2; 480.242, subdivision 2; 484.70, subdivision 7;

1.21 484.702, by adding a subdivision; 486.05, subdivision 1; 486.06; 513.41; 518.179,

1.22 subdivision 2; 549.09, subdivision 1; 609.095; 609.135, subdivision 1; 609.14, by

1.23 adding a subdivision; 609.2231, subdivisions 2, 3a; 609.342, subdivision 2, by

1.24 adding a subdivision; 609.343, subdivision 2, by adding a subdivision; 609.344,

1.25 subdivision 2, by adding a subdivision; 609.345, subdivision 2, by adding a

1.26 subdivision; 609.3451, subdivision 3; 609.3455, subdivisions 7, 8, by adding

1.27 subdivisions; 609.475; 609.48, by adding a subdivision; 609.605, by adding a

1.28 subdivision; 609.74; 609.746, subdivision 1; 609.748, subdivisions 3, 3a, 4, 5, by

1.29 adding subdivisions; 609.749, subdivision 3; 609.855, subdivision 2; 609.87,

1.30 subdivision 2a, by adding subdivisions; 609.891, subdivisions 1, 2, 3; 617.246,

1.31 subdivision 7, by adding a subdivision; 617.247, subdivisions 3, 4, by adding a

1.32 subdivision; 624.714, subdivision 17; 626.863; 626.88, subdivision 2; 631.52,

1.33 subdivision 2; 634.36; Laws 2009, chapter 59, article 3, section 4, subdivision 9,

1.34 as amended; Laws 2014, chapter 263, section 2; Laws 2016, chapter 160, section

1.35 19; proposing coding for new law in Minnesota Statutes, chapters 171; 243; 299A;

1.36 609; 626; repealing Minnesota Statutes 2016, sections 169.685, subdivision 4;

1.37 169A.51, subdivision 3; 486.05, subdivision 1a; 525.112; 609.342, subdivision 3;

2.1 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; 609.3455,
2.2 subdivision 6.

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

2.4 **ARTICLE 1**

2.5 **APPROPRIATIONS**

2.6 Section 1. **APPROPRIATIONS.**

2.7 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
2.8 and for the purposes specified in this article. The appropriations are from the general fund,
2.9 or another named fund, and are available for the fiscal years indicated for each purpose.
2.10 The figures "2018" and "2019" used in this article mean that the appropriations listed under
2.11 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.
2.12 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"
2.13 is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are
2.14 effective the day following final enactment.

2.15 **APPROPRIATIONS**
2.16 **Available for the Year**
2.17 **Ending June 30**

2.18 **2017** **2018** **2019**

2.19 Sec. 2. **SUPREME COURT**

2.20 **Subdivision 1. Total Appropriation** **\$ 50,539,000** **\$ 51,350,000**

2.21 The amounts that may be spent for each
2.22 purpose are specified in the following
2.23 subdivisions.

2.24 **Subd. 2. Supreme Court Operations** **37,263,000** **38,074,000**

2.25 **Subd. 3. Civil Legal Services** **13,276,000** **13,276,000**

2.26 **Legal Services to Low-Income Clients in**
2.27 **Family Law Matters**

2.28 \$948,000 each year is to improve the access
2.29 of low-income clients to legal representation
2.30 in family law matters. This appropriation must
2.31 be distributed under Minnesota Statutes,
2.32 section 480.242, to the qualified legal services
2.33 program described in Minnesota Statutes,
2.34 section 480.242, subdivision 2, paragraph (a).

5.1 fund to the commissioner of public safety to
 5.2 maintain four emergency response teams: one
 5.3 under the jurisdiction of the St. Cloud Fire
 5.4 Department or a similarly located fire
 5.5 department if necessary; one under the
 5.6 jurisdiction of the Duluth Fire Department;
 5.7 one under the jurisdiction of the St. Paul Fire
 5.8 Department; and one under the jurisdiction of
 5.9 the Moorhead Fire Department. The
 5.10 commissioner must allocate the appropriation
 5.11 as follows: (1) \$184,000 in each fiscal year to
 5.12 the St. Cloud Fire Department; (2) \$184,000
 5.13 in each fiscal year to the Duluth Fire
 5.14 Department; (3) \$184,000 in each fiscal year
 5.15 to the St. Paul Fire Department; and (4)
 5.16 \$184,000 in each fiscal year to the Moorhead
 5.17 Fire Department.

5.18 **(c) Disaster Assistance Account**
 5.19 \$2,000,000 the first year is for transfer to the
 5.20 disaster assistance contingency account in
 5.21 Minnesota Statutes, section 12.221.

5.22 **(d) Supplemental Nonprofit Security Grant**
 5.23 **Program**
 5.24 \$75,000 in fiscal year 2018 and \$75,000 in
 5.25 fiscal year 2019 are for a supplemental
 5.26 nonprofit security grant program administered
 5.27 by the Division of Homeland Security and
 5.28 Emergency Management.

5.29 **Subd. 3. Criminal Apprehension** 57,891,000 58,559,000

	<u>Appropriations by Fund</u>	
5.31 <u>General</u>	<u>55,510,000</u>	<u>56,133,000</u>
5.32 <u>State Government</u>		
5.33 <u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
5.34 <u>Trunk Highway</u>	<u>2,374,000</u>	<u>2,419,000</u>

5.35 **(a) DWI Lab Analysis; Trunk Highway Fund**

6.1 Notwithstanding Minnesota Statutes, section
 6.2 161.20, subdivision 3, \$2,374,000 the first
 6.3 year and \$2,419,000 the second year are from
 6.4 the trunk highway fund for laboratory analysis
 6.5 related to driving-while-impaired cases.

6.6 **(b) Predatory Registration System**

6.7 \$2,100,000 the first year and \$2,000,000 the
 6.8 second year are to be used to build the
 6.9 predatory registration system. These
 6.10 appropriations are available until June 30,
 6.11 2020. The base for fiscal year 2020 and fiscal
 6.12 year 2021 is \$400,000 per year to maintain
 6.13 the system.

6.14 **(c) BCA Investment Initiative**

6.15 \$275,000 each year is:
 6.16 (1) for an additional firearms examiner; and
 6.17 (2) for additional staff in the drug chemistry
 6.18 lab.

6.19 **(d) Livescan Replacement**

6.20 \$325,000 each year is to replace electronic
 6.21 fingerprint capture equipment in criminal
 6.22 justice agencies around the state. The
 6.23 equipment is to be used to automatically
 6.24 submit the fingerprints to the bureau for
 6.25 identification of the person and processing.

6.26 **(e) Base Adjustment**

6.27 The base from the general fund for criminal
 6.28 apprehension is \$54,520,000 in fiscal year
 6.29 2020 and \$54,520,000 in fiscal year 2021.

6.30 **Subd. 4. Fire Marshal**

6,297,000

6,297,000

6.31 These appropriations are from the fire safety
 6.32 account in the special revenue fund and are

7.1 for activities under Minnesota Statutes, section
 7.2 299F.012.

7.3 **Subd. 5. Board of Firefighter Training** 5,015,000 5,015,000

7.4 These appropriations are from the fire safety
 7.5 account in the special revenue fund.

7.6 **(a) Task Force 1**

7.7 \$500,000 the first year and \$500,000 the
 7.8 second year are for an increase to Minnesota
 7.9 Task Force 1.

7.10 **(b) Air Rescue**

7.11 \$250,000 each year is to fund the Minnesota
 7.12 Air Rescue Team.

7.13 **(c) Unappropriated Revenue**

7.14 Any additional unappropriated money
 7.15 collected in fiscal year 2017 is appropriated
 7.16 to the commissioner of public safety for the
 7.17 purposes of Minnesota Statutes, section
 7.18 299F.012. The commissioner may transfer
 7.19 appropriations and base amounts between
 7.20 activities in this subdivision.

7.21 **Subd. 6. Alcohol and Gambling Enforcement** 2,585,000 2,641,000

7.22 Appropriations by Fund

7.23 General 1,827,000 1,877,000

7.24 Special Revenue 758,000 764,000

7.25 \$688,000 the first year and \$694,000 the
 7.26 second year are from the alcohol enforcement
 7.27 account in the special revenue fund. Of this
 7.28 appropriation, \$500,000 each year shall be
 7.29 transferred to the general fund.

7.30 \$70,000 each year is from the lawful gambling
 7.31 regulation account in the special revenue fund.

7.32 **Field Agent or Alcohol Educator**

8.1 \$90,000 each year is for a field agent or an
 8.2 alcohol educator.

8.3 **Subd. 7. Office of Justice Programs** 40,234,000 40,171,000

8.4 Appropriations by Fund

8.5 General 40,138,000 40,075,000

8.6 State Government

8.7 Special Revenue 96,000 96,000

8.8 **(a) OJP Administration Costs**

8.9 Up to 2.5 percent of the grant funds
 8.10 appropriated in this subdivision may be used
 8.11 by the commissioner to administer the grant
 8.12 program.

8.13 **(b) Violent Crime Enforcement**

8.14 \$35,000 each year is for additional grants for
 8.15 Statewide Violent Crime Enforcement Teams.

8.16 **(c) Combating Terrorism Recruitment**

8.17 \$250,000 in fiscal year 2018 and \$250,000 in
 8.18 fiscal year 2019 are for grants to local law
 8.19 enforcement agencies to develop strategies
 8.20 and make efforts to combat the recruitment of
 8.21 Minnesota residents by terrorist organizations
 8.22 such as ISIS and al-Shabaab. This is a onetime
 8.23 appropriation.

8.24 **(d) Sex Trafficking Prevention Grants**

8.25 \$299,000 in fiscal year 2018 and \$180,000 in
 8.26 fiscal year 2019 are for grants to state and
 8.27 local units of government for the following
 8.28 purposes:

8.29 (1) to support new or existing
 8.30 multijurisdictional entities to investigate sex
 8.31 trafficking crimes; and

8.32 (2) to provide technical assistance, including
 8.33 training and case consultation, to law
 8.34 enforcement agencies statewide.

9.1 **(e) Pathway to Policing Reimbursement Grants**

9.2 \$500,000 in fiscal year 2018 and \$500,000 in
 9.3 fiscal year 2019 are for reimbursement grants
 9.4 to local units of government that operate
 9.5 pathway to policing programs intended to
 9.6 bring persons with nontraditional backgrounds
 9.7 into law enforcement. Applicants for
 9.8 reimbursement grants may receive up to 50
 9.9 percent of the cost of compensating and
 9.10 training pathway to policing participants.
 9.11 Reimbursement grants shall be proportionally
 9.12 allocated based on the number of grant
 9.13 applications approved by the commissioner.

9.14	<u>Subd. 8. Emergency Communication Networks</u>	<u>77,187,000</u>	<u>77,221,000</u>
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9.15 This appropriation is from the state
 9.16 government special revenue fund for 911
 9.17 emergency telecommunications services.

9.18 This appropriation includes funds for
 9.19 information technology project services and
 9.20 support subject to the provisions of Minnesota
 9.21 Statutes, section 16E.0466. Any ongoing
 9.22 information technology costs will be
 9.23 incorporated into the service level agreement
 9.24 and will be paid to the Office of MN.IT
 9.25 Services by the Department of Public Safety
 9.26 under the rates and mechanism specified in
 9.27 that agreement.

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

9.29 \$13,664,000 each year is to be distributed as
 9.30 provided in Minnesota Statutes, section
 9.31 403.113, subdivision 2.

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

9.33 \$683,000 each year is for grants to the
 9.34 Minnesota Emergency Medical Services

10.1 Regulatory Board for the Metro East and
10.2 Metro West Medical Resource
10.3 Communication Centers that were in operation
10.4 before January 1, 2000.

10.5 **(c) ARMER Debt Service**

10.6 \$23,261,000 each year is to the commissioner
10.7 of management and budget to pay debt service
10.8 on revenue bonds issued under Minnesota
10.9 Statutes, section 403.275.

10.10 Any portion of this appropriation not needed
10.11 to pay debt service in a fiscal year may be used
10.12 by the commissioner of public safety to pay
10.13 cash for any of the capital improvements for
10.14 which bond proceeds were appropriated by
10.15 Laws 2005, chapter 136, article 1, section 9,
10.16 subdivision 8; or Laws 2007, chapter 54,
10.17 article 1, section 10, subdivision 8.

10.18 **(d) ARMER State Backbone Operating**

10.19 **Costs**

10.20 \$9,650,000 each year is to the commissioner
10.21 of transportation for costs of maintaining and
10.22 operating the statewide radio system
10.23 backbone.

10.24 **(e) ARMER Improvements**

10.25 \$1,000,000 each year is to the Statewide Radio
10.26 Board for improvements to those elements of
10.27 the statewide public safety radio and
10.28 communication system that support mutual
10.29 aid communications and emergency medical
10.30 services or provide interim enhancement of
10.31 public safety communication interoperability
10.32 in those areas of the state where the statewide
10.33 public safety radio and communication system
10.34 is not yet implemented, and grants to local

12.1 **Subd. 5. De-escalation Training**
 12.2 \$100,000 each year from the peace officer
 12.3 training account in the special revenue fund
 12.4 is for training state and local community safety
 12.5 personnel in the use of crisis de-escalation
 12.6 techniques.

12.7 **Subd. 6. Outreach Officer**
 12.8 \$100,000 each year from the peace officer
 12.9 training account in the special revenue fund
 12.10 is for an outreach officer.

12.11 **Sec. 13. PRIVATE DETECTIVE BOARD** **\$** **191,000** **\$** **192,000**

12.12 **Sec. 14. CORRECTIONS**

12.13 **Subdivision 1. Total**
 12.14 **Appropriation** **\$** **9,200,000** **\$** **572,739,000** **\$** **568,438,000**

12.15 The amounts that may be spent for each
 12.16 purpose are specified in the following
 12.17 subdivisions.

12.18 **Subd. 2. Correctional**
 12.19 **Institutions** **9,200,000** **416,890,000** **410,501,000**

12.20 **(a) Offender Health Care**
 12.21 \$9,200,000 in fiscal year 2017 is to fund a
 12.22 deficiency in the base budget for the offender
 12.23 health care contract.

12.24 \$11,400,000 in fiscal year 2018 is for the
 12.25 offender health care contract.

12.26 Prior to entering into a new health care
 12.27 contract, the commissioner must identify and
 12.28 directly solicit bids from at least five health
 12.29 care organizations that provide, or are willing
 12.30 to provide, health care to prison inmates. In
 12.31 the department's next report required under
 12.32 Minnesota Statutes, section 241.016, after

13.1 entering a new health care contract, the
 13.2 commissioner shall:
 13.3 (1) provide the names and a summary of each
 13.4 bid proposal from the health care organizations
 13.5 that submitted a proposal to provide health
 13.6 care to state inmates; and

13.7 (2) explain, in detail, why the commissioner
 13.8 selected the chosen provider.

13.9 **(b) Federal Prison Rape Elimination Act**
 13.10 \$943,000 the first year and \$1,068,000 the
 13.11 second year are to comply with requirements
 13.12 of the federal Prison Rape Elimination Act.

13.13 **(c) Mentally Ill Offenders**
 13.14 \$637,000 the first year and \$937,000 the
 13.15 second year are to expand services for
 13.16 mentally ill offenders including behavioral
 13.17 health and security personnel.

13.18 <u>Subd. 3. Community Services</u>	<u>129,983,000</u>	<u>131,894,000</u>
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13.19 **(a) Supervised Release Agents**
 13.20 \$728,000 each year is to increase the number
 13.21 of supervision agents for offenders under
 13.22 Department of Corrections supervision.

13.23 **(b) Out-Patient Sex Offender Treatment**
 13.24 \$372,000 each year is to increase out-patient
 13.25 sex offender treatment for offenders on
 13.26 community supervision.

13.27 **(c) Subsidy**
 13.28 \$2,205,000 each year is added to the
 13.29 Community Corrections Act subsidy, as
 13.30 described in Minnesota Statutes, section
 13.31 401.14.

13.32 **(d) County Probation Officers**

14.1 \$242,000 each year is for county probation
14.2 officers reimbursement, as described in
14.3 Minnesota Statutes, section 244.19,
14.4 subdivision 6.

14.5 **(e) Alternatives to Incarceration Pilot Program**
14.6 **Fund**

14.7 \$185,000 in fiscal year 2018 and \$185,000 in
14.8 fiscal year 2019 are to fund grants to facilitate
14.9 access to community treatment options under
14.10 article 3, section 10.

14.11 **(f) Targeted Domestic Violence Prevention**
14.12 **Programming**

14.13 \$100,000 in fiscal year 2018 and \$100,000 in
14.14 fiscal year 2019 are to develop and establish
14.15 processes for identification of offenders
14.16 sentenced for domestic violence related
14.17 offenses, threat assessment, and targeted
14.18 domestic violence prevention programming.

14.19 This is a onetime appropriation and is not
14.20 added to the base.

14.21 **(g) Department of Corrections Intensive**
14.22 **Supervision**

14.23 \$319,000 in fiscal year 2018 and \$829,000 in
14.24 fiscal year 2019 are to fund the Department
14.25 of Corrections intensive supervised release
14.26 agents needed to supervise offenders placed
14.27 on intensive probation pursuant to Minnesota
14.28 Statutes, section 609.3455, subdivision 8a.

14.29 **(h) Community Corrections Act Intensive**
14.30 **Probation**

14.31 \$619,000 in fiscal year 2018 and \$1,609,000
14.32 in fiscal year 2019 is for county probation
14.33 officer reimbursement, as described in
14.34 Minnesota Statutes, section 244.19,
14.35 subdivision 6, to provide supervision to
14.36 offenders placed on intensive probation

15.1 pursuant to Minnesota Statutes, section

15.2 609.3455, subdivision 8a.

15.3 The general fund base for this program shall

15.4 be \$133,154,000 in fiscal year 2020 and

15.5 \$134,694,000 in fiscal year 2021.

15.6 Subd. 4. **Operations Support**

25,866,000

26,043,000

15.7 Sec. 15. **TRANSFERS**

15.8 **MINNCOR**

15.9 Notwithstanding Minnesota Statutes, section

15.10 241.27, the commissioner of management and

15.11 budget shall transfer \$1,000,000 each year

15.12 from the Minnesota correctional industries

15.13 revolving fund to the general fund. This is a

15.14 onetime transfer.

15.15 Sec. 16. Laws 2016, chapter 160, section 19, is amended to read:

15.16 Sec. 19. **TRANSFER; COMMUNITY JUSTICE REINVESTMENT ACCOUNT.**

15.17 In fiscal year 2017, the commissioner of management and budget shall transfer \$488,000

15.18 from the general fund to the community justice reinvestment account in the special revenue

15.19 fund. The base for this transfer is \$461,000 beginning in each of fiscal years 2018 and 2019,

15.20 year 2020 and thereafter.

15.21 **ARTICLE 2**

15.22 **COURTS**

15.23 Section 1. Minnesota Statutes 2016, section 243.49, is amended to read:

15.24 **243.49 COMMITMENT PAPERS; DUTY OF COURT ADMINISTRATOR.**

15.25 Upon a plea of guilty or finding of guilty after trial, the court administrator of every

15.26 court which sentences a defendant for a felony or gross misdemeanor to the custody of the

15.27 commissioner of corrections or to the superintendent of the workhouse or work farm, shall

15.28 provide the officer or person having custody of the defendant a certified record for

15.29 commitment, including (1) a copy of the indictment and plea, (2) a transcript of the sentencing

15.30 proceedings, with the date thereof, together with the defendant's statement under oath, if

15.31 obtained, as to the defendant's true name, residence, if any, the date and place of birth, the

16.1 ~~names and addresses of parents and other relatives and of employers and others who know~~
16.2 ~~the defendant well, social and other affiliations, past occupations and employments, former~~
16.3 ~~places of residence and the period of time and the dates the defendant has resided in each,~~
16.4 ~~citizenship, the number, dates, places and causes of any prior convictions, and (3) if the~~
16.5 ~~person pleaded guilty, a transcript of the sentencing proceedings.~~ The record shall also
16.6 include the trial judge's impressions of the defendant's mental and physical condition, general
16.7 character, capacity, disposition, habits and special needs. ~~The court reporter shall provide~~
16.8 ~~the required transcripts.~~ The certified record for commitment may be used as evidence in
16.9 any postconviction proceeding brought by the defendant. The court administrator shall also
16.10 deliver to the sheriff or other officer or person conveying the defendant to the correctional
16.11 facility, workhouse, or work farm designated by the commissioner of corrections or the
16.12 judge a warrant of commitment together with a certified copy of the warrant directing the
16.13 conveyor to deliver the person and the certified record for commitment to the principal
16.14 officer in charge of the correctional facility, workhouse, or work farm. Upon the delivery
16.15 of any person, the principal officer in charge of the correctional facility, workhouse, or work
16.16 farm shall keep the certified copy of the warrant of commitment and endorse the principal
16.17 officer's receipt upon the original, which shall be filed with the sentencing court. The court
16.18 administrator shall retain ~~one copy of the required transcripts, and a tape recording and the~~
16.19 court reporter's notes of all ~~other~~ proceedings.

16.20 Sec. 2. Minnesota Statutes 2016, section 260C.163, subdivision 3, is amended to read:

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

16.24 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the
16.25 ~~child, parent, guardian, or custodian~~ desires counsel but is unable to employ it, the court
16.26 shall appoint counsel to represent the child who is ten years of age or older under section
16.27 611.14, clause (4), or other counsel at public expense.

16.28 (c) Except in proceedings where the sole basis for the petition is habitual truancy, if the
16.29 parent, guardian, or custodian desires counsel but is unable to employ it, the court shall
16.30 appoint counsel to represent the parent, guardian, or custodian in any case in which it feels
16.31 that such an appointment is appropriate if the person would be financially unable to obtain
16.32 counsel under the guidelines set forth in section 611.17. Court-appointed counsel shall be
16.33 at county expense as outlined in paragraph (h).

17.1 ~~(e)~~ (d) In any proceeding where the subject of a petition for a child in need of protection
17.2 or services is ten years of age or older, the responsible social services agency shall, within
17.3 14 days after filing the petition or at the emergency removal hearing under section 260C.178,
17.4 subdivision 1, if the child is present, fully and effectively inform the child of the child's
17.5 right to be represented by appointed counsel upon request and shall notify the court as to
17.6 whether the child desired counsel. Information provided to the child shall include, at a
17.7 minimum, the fact that counsel will be provided without charge to the child, that the child's
17.8 communications with counsel are confidential, and that the child has the right to participate
17.9 in all proceedings on a petition, including the opportunity to personally attend all hearings.
17.10 The responsible social services agency shall also, within 14 days of the child's tenth birthday,
17.11 fully and effectively inform the child of the child's right to be represented by counsel if the
17.12 child reaches the age of ten years while the child is the subject of a petition for a child in
17.13 need of protection or services or is a child under the guardianship of the commissioner.

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

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

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

17.25 ~~(f)~~ (h) Court-appointed counsel for the parent, guardian, or custodian under this
17.26 subdivision is at county expense. If the county has contracted with counsel meeting
17.27 qualifications under paragraph ~~(g)~~ (i), the court shall appoint the counsel retained by the
17.28 county, unless a conflict of interest exists. If a conflict exists, after consulting with the chief
17.29 judge of the judicial district or the judge's designee, the county shall contract with competent
17.30 counsel to provide the necessary representation. The court may appoint only one counsel
17.31 at public expense for the first court hearing to represent the interests of the parents, guardians,
17.32 and custodians, unless, at any time during the proceedings upon petition of a party, the court
17.33 determines and makes written findings on the record that extraordinary circumstances exist
17.34 that require counsel to be appointed to represent a separate interest of other parents, guardians,
17.35 or custodians subject to the jurisdiction of the juvenile court.

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

18.6 Sec. 3. Minnesota Statutes 2016, section 260C.163, subdivision 10, is amended to read:

18.7 Subd. 10. **Waiver.** (a) Waiver of any right which a child has under this chapter must be
18.8 an express waiver made voluntarily and, intelligently made, and in writing by the child after
18.9 the child has been fully and effectively informed of the right ~~being waived~~ to counsel.

18.10 (b) Waiver of a child's right to be represented by counsel provided under the juvenile
18.11 court rules must be an express waiver made voluntarily and, intelligently made, and in
18.12 writing by the child after the child has been fully and effectively informed of the right being
18.13 waived by the responsible social services agency. In determining whether a child has
18.14 voluntarily and intelligently waived the right to counsel, the court shall look to the totality
18.15 of the circumstances which includes but is not limited to the child's age, maturity, intelligence,
18.16 education, experience, and ability to comprehend, and the presence and competence of the
18.17 child's parents, guardian, or guardian ad litem. The court shall not permit the child's parent,
18.18 other person legally responsible for the child's care, or the child's guardian ad litem to waive
18.19 the child's right to be represented by counsel. If the court accepts the child's waiver, it shall
18.20 state on the record the findings and conclusions that form the basis for its decision to accept
18.21 the waiver.

18.22 Sec. 4. Minnesota Statutes 2016, section 260C.607, subdivision 2, is amended to read:

18.23 Subd. 2. **Notice.** Notice of review hearings shall be given by the court to:

18.24 (1) the responsible social services agency;

18.25 (2) the child, if the child is age ten and older;

18.26 (3) the child's guardian ad litem;

18.27 (4) counsel appointed for the child pursuant to section 260C.163, subdivision 3;

18.28 (5) relatives of the child who have kept the court informed of their whereabouts as
18.29 required in section 260C.221 and who have responded to the agency's notice under section
18.30 260C.221, indicating a willingness to provide an adoptive home for the child unless the
18.31 relative has been previously ruled out by the court as a suitable foster parent or permanency
18.32 resource for the child;

19.1 ~~(5)~~ (6) the current foster or adopting parent of the child;

19.2 ~~(6)~~ (7) any foster or adopting parents of siblings of the child; and

19.3 ~~(7)~~ (8) the Indian child's tribe.

19.4 Sec. 5. Minnesota Statutes 2016, section 271.21, subdivision 2, is amended to read:

19.5 Subd. 2. **Jurisdiction.** At the election of the taxpayer, the Small Claims Division shall
19.6 have jurisdiction only in the following matters:

19.7 (a) cases involving valuation, assessment, or taxation of real or personal property, if:

19.8 (i) the issue is a denial of a current year application for the homestead classification for
19.9 the taxpayer's property;

19.10 (ii) only one parcel is included in the petition, the entire parcel is classified as homestead
19.11 class 1a or 1b under section 273.13, and the parcel contains no more than one dwelling unit;

19.12 (iii) the entire property is classified as agricultural homestead class 2a or 1b under section
19.13 273.13; or

19.14 (iv) the assessor's estimated market value of the property included in the petition is less
19.15 than \$300,000; or

19.16 (b) any case not involving valuation, assessment, or taxation of real and personal property
19.17 in which the amount in controversy does not exceed ~~\$5,000~~ \$15,000, including penalty and
19.18 interest.

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

19.20 Sec. 6. Minnesota Statutes 2016, section 299A.707, subdivision 2, is amended to read:

19.21 Subd. 2. **Account purpose, grants.** Money in this account shall be allocated by a grant
19.22 program administered by the commissioner of public safety through the Office of Justice
19.23 Programs. Local units of government and nonprofit organizations are eligible for grants to
19.24 establish or operate chemical dependency and mental health treatment programs, programs
19.25 that improve supervision, including pretrial and precharge supervision, and programs to
19.26 reduce recidivism of controlled substances offenders on probation or supervised release or
19.27 participating in ~~drug~~ treatment courts or to fund local participation in ~~drug~~ treatment court
19.28 initiatives approved by the Judicial Council.

19.29 Sec. 7. Minnesota Statutes 2016, section 357.42, is amended to read:

19.30 **357.42 DRUG TREATMENT COURT FEES.**

20.1 (a) When a court establishes a ~~drug~~ drug treatment court process, the court may establish one
20.2 or more fees for services provided to defendants participating in the process.

20.3 (b) In each fiscal year, the court shall deposit the ~~drug~~ drug treatment court participation fees
20.4 in the special revenue fund and credit the fees to a separate account for the trial courts. The
20.5 balance in this account is appropriated to the trial courts and does not cancel but is available
20.6 until expended. Expenditures from this account must be made for ~~drug~~ drug treatment court
20.7 purposes.

20.8 Sec. 8. Minnesota Statutes 2016, section 358.116, is amended to read:

20.9 **358.116 COURT DOCUMENTS.**

20.10 Unless specifically required by court rule, a pleading, motion, affidavit, or other document
20.11 filed with a court of the Minnesota judicial branch, or presented to a judge or judicial officer
20.12 in support of a request for a court order, warrant, or other relief, is not required to be
20.13 notarized. Signing a document filed with the court or presented to a judge or judicial officer
20.14 constitutes "verification upon oath or affirmation" as defined in section 358.41, clause (3),
20.15 without administration of an oath under section 358.07, provided that the signature, as
20.16 defined by court rules, is affixed immediately below a declaration using substantially the
20.17 following language: "I declare under penalty of perjury that everything I have stated in this
20.18 document is true and correct." In addition to the signature, the date of signing and the county
20.19 and state where the document was signed shall be noted on the document. A person who
20.20 signs knowing that the document is false in any material respect is guilty of perjury under
20.21 section 609.48, even if the date, county, and state of signing are omitted from the document.

20.22 Sec. 9. Minnesota Statutes 2016, section 480.242, subdivision 2, is amended to read:

20.23 Subd. 2. **Review of applications; selection of recipients.** At times and in accordance
20.24 with any procedures as the Supreme Court adopts in the form of court rules, applications
20.25 for the expenditure of civil legal services funds shall be accepted from qualified legal services
20.26 programs or from local government agencies and nonprofit organizations seeking to establish
20.27 qualified alternative dispute resolution programs. The applications shall be reviewed by the
20.28 advisory committee, and the advisory committee, subject to review by the Supreme Court,
20.29 shall distribute the funds available for this expenditure to qualified legal services programs
20.30 or to qualified alternative dispute resolution programs submitting applications. The funds
20.31 shall be distributed in accordance with the following formula:

20.32 (a) Eighty-five percent of the funds distributed shall be distributed to qualified legal
20.33 services programs that have demonstrated an ability as of July 1, 1982, to provide legal

21.1 services to persons unable to afford private counsel with funds provided by the federal Legal
21.2 Services Corporation. The allocation of funds among the programs selected shall be based
21.3 upon the number of persons with incomes below the poverty level established by the United
21.4 States Census Bureau who reside in the geographical area served by each program, as
21.5 determined by the Supreme Court on the basis of the most recent national census. All funds
21.6 distributed pursuant to this clause shall be used for the provision of legal services in civil
21.7 and farm legal assistance matters as prioritized by program boards of directors to eligible
21.8 clients.

21.9 (b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal
21.10 services programs for the provision of legal services in civil matters to eligible clients,
21.11 including programs which organize members of the private bar to perform services and
21.12 programs for qualified alternative dispute resolution, (2) to programs for training mediators
21.13 operated by nonprofit alternative dispute resolution corporations, or (3) to qualified legal
21.14 services programs to provide family farm legal assistance for financially distressed state
21.15 farmers. The family farm legal assistance must be directed at farm financial problems
21.16 including, but not limited to, liquidation of farm property including bankruptcy, farm
21.17 foreclosure, repossession of farm assets, restructuring or discharge of farm debt, farm credit
21.18 and general debtor-creditor relations, and tax considerations. If all the funds to be distributed
21.19 pursuant to this clause cannot be distributed because of insufficient acceptable applications,
21.20 the remaining funds shall be distributed pursuant to clause (a).

21.21 A person is eligible for legal assistance under this section if the person is an eligible
21.22 client as defined in section 480.24, subdivision 2, or:

21.23 (1) is a state resident;

21.24 (2) is or has been a farmer or a family shareholder of a family farm corporation within
21.25 the preceding 24 months;

21.26 (3) has a debt-to-asset ratio greater than 50 percent; and

21.27 ~~(4) has a reportable federal adjusted gross income of \$15,000 or less in the previous~~
21.28 ~~year; and~~

21.29 ~~(5) is financially unable to retain legal representation~~ (4) satisfies the income eligibility
21.30 guidelines established under section 480.243, subdivision 1.

21.31 Qualifying farmers and small business operators whose bank loans are held by the Federal
21.32 Deposit Insurance Corporation are eligible for legal assistance under this section.

22.1 Sec. 10. Minnesota Statutes 2016, section 484.70, subdivision 7, is amended to read:

22.2 Subd. 7. **Referee duties.** The duties and powers of referees shall be as follows:

22.3 (a) Hear and report all matters assigned by the chief judge.

22.4 (b) Recommend findings of fact, conclusions of law, temporary and interim orders, and
22.5 final orders for judgment.

22.6 All recommended orders and findings of a referee shall be subject to confirmation by a
22.7 judge.

22.8 (c) Upon the conclusion of the hearing in each case, the referee shall transmit to a judge
22.9 the court file together with recommended findings and orders in writing. The recommended
22.10 findings and orders of a referee become the findings and orders of the court when confirmed
22.11 by a judge. The order of the court shall be proof of such confirmation, and also of the fact
22.12 that the matter was duly referred to the referees.

22.13 (d) Review of any recommended order or finding of a referee by a judge may be by
22.14 notice served and filed within ten days of effective notice of the recommended order or
22.15 finding. The notice of review shall specify the grounds for review and the specific provisions
22.16 of the recommended findings or orders disputed, and the court, upon receipt of a notice of
22.17 review, shall set a time and place for a review hearing.

22.18 (e) All orders and findings recommended by a referee become an effective order when
22.19 countersigned by a judge and remain effective during the pendency of a review, including
22.20 a remand to the referee, unless a judge:

22.21 (1) expressly stays the effect of the order;

22.22 (2) changes the order during the pendency of the review; or

22.23 (3) changes or vacates the order upon completion of the review.

22.24 (f) Notwithstanding paragraphs (d) and (e), referee orders and decrees in probate or civil
22.25 commitment court proceedings, if appealed, must be appealed directly to the Court of
22.26 Appeals, in the same manner as judicial orders and decrees.

22.27 Sec. 11. Minnesota Statutes 2016, section 484.702, is amended by adding a subdivision
22.28 to read:

22.29 Subd. 6. Expedited child support process. Hearings and proceedings conducted in the
22.30 expedited child support process under this section may be reported by use of electronic
22.31 recording equipment provided that the equipment meets the minimum standards established

23.1 by the state court administrator. Electronic recording equipment must be operated and
23.2 monitored by a person who meets the minimum qualifications established by the state court
23.3 administrator.

23.4 Sec. 12. Minnesota Statutes 2016, section 486.05, subdivision 1, is amended to read:

23.5 Subdivision 1. **Salaries.** The salary for each court reporter shall be set ~~annually by the~~
23.6 ~~district administrator~~ as provided in judicial branch personnel policies and collective
23.7 bargaining agreements within the range established under section 480.181 as provided in
23.8 the judicial branch personnel rules.

23.9 Sec. 13. Minnesota Statutes 2016, section 486.06, is amended to read:

23.10 **486.06 CHARGE FOR TRANSCRIPT.**

23.11 In addition to the salary set in section 486.05, the court reporter may charge for a
23.12 transcript of a record ordered by any person other than the judge ~~50 cents per original folio~~
23.13 ~~thereof and ten cents per folio for each manifold or other copy thereof when so ordered that~~
23.14 ~~it can be made with the original transcript. The chief judge of the judicial district may by~~
23.15 ~~order establish new transcript fee ceilings annually~~ a rate set by the chief justice.

23.16 A court reporter may impose a fee authorized under this section only if the transcript is
23.17 delivered to the person who ordered it within a reasonable time after it was ordered.

23.18 Sec. 14. Minnesota Statutes 2016, section 513.41, is amended to read:

23.19 **513.41 DEFINITIONS.**

23.20 As used in sections 513.41 to 513.51:

23.21 (1) "Affiliate" means:

23.22 (i) a person that directly or indirectly owns, controls, or holds with power to vote, 20
23.23 percent or more of the outstanding voting securities of the debtor, other than a person that
23.24 holds the securities,

23.25 (A) as a fiduciary or agent without sole discretionary power to vote the securities; or

23.26 (B) solely to secure a debt, if the person has not in fact exercised the power to vote;

23.27 (ii) a corporation 20 percent or more of whose outstanding voting securities are directly
23.28 or indirectly owned, controlled, or held with power to vote, by the debtor or a person that
23.29 directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the
23.30 outstanding voting securities of the debtor, other than a person that holds the securities,

- 24.1 (A) as a fiduciary or agent without sole discretionary power to vote the securities; or
- 24.2 (B) solely to secure a debt, if the person has not in fact exercised the power to vote;
- 24.3 (iii) a person whose business is operated by the debtor under a lease or other agreement,
- 24.4 or a person substantially all of whose assets are controlled by the debtor; or
- 24.5 (iv) a person that operates the debtor's business under a lease or other agreement or
- 24.6 controls substantially all of the debtor's assets.
- 24.7 (2) "Asset" means property of a debtor, but the term does not include:
- 24.8 (i) property to the extent it is encumbered by a valid lien;
- 24.9 (ii) property to the extent it is generally exempt under nonbankruptcy law; or
- 24.10 (iii) an interest in property held in tenancy by the entirety to the extent it is not subject
- 24.11 to process by a creditor holding a claim against only one tenant.
- 24.12 (3) "Claim" means a right to payment, whether or not the right is reduced to judgment,
- 24.13 liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal,
- 24.14 equitable, secured, or unsecured.
- 24.15 (4) "Creditor" means a person that has a claim.
- 24.16 (5) "Debt" means liability on a claim.
- 24.17 (6) "Debtor" means a person that is liable on a claim.
- 24.18 (7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless,
- 24.19 optical, electromagnetic, or similar capabilities.
- 24.20 (8) "Insider" includes:
- 24.21 (i) if the debtor is an individual,
- 24.22 (A) a relative of the debtor or of a general partner of the debtor;
- 24.23 (B) a partnership in which the debtor is a general partner;
- 24.24 (C) a general partner in a partnership described in subitem (B); or
- 24.25 (D) a corporation of which the debtor is a director, officer, or a person in control;
- 24.26 (ii) if the debtor is a corporation,
- 24.27 (A) a director of the debtor;
- 24.28 (B) an officer of the debtor;
- 24.29 (C) a person in control of the debtor;

- 25.1 (D) a partnership in which the debtor is a general partner;
- 25.2 (E) a general partner in a partnership described in subitem (D); or
- 25.3 (F) a relative of a general partner, director, officer, or person in control of the debtor;
- 25.4 (iii) if the debtor is a partnership,
- 25.5 (A) a general partner in the debtor;
- 25.6 (B) a relative of a general partner in, or a general partner of, or a person in control of
- 25.7 the debtor;
- 25.8 (C) another partnership in which the debtor is a general partner;
- 25.9 (D) a general partner in a partnership described in subitem (C); or
- 25.10 (E) a person in control of the debtor;
- 25.11 (iv) an affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
- 25.12 (v) a managing agent of the debtor.
- 25.13 (9) "Lien" means a charge against or an interest in property to secure payment of a debt
- 25.14 or performance of an obligation, and includes a security interest created by agreement, a
- 25.15 judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or
- 25.16 a statutory lien.
- 25.17 (10) "Organization" means a person other than an individual.
- 25.18 (11) "Person" means an individual, estate, business or nonprofit entity, public corporation,
- 25.19 government or governmental subdivision, agency, or instrumentality, or other legal entity.
- 25.20 (12) "Property" means anything that may be subject of ownership.
- 25.21 (13) "Record" means information that is inscribed on a tangible medium or that is stored
- 25.22 in an electronic or other medium and is retrievable in perceivable form.
- 25.23 (14) "Relative" means an individual related by consanguinity within the third degree as
- 25.24 determined by the common law, a spouse, or an individual related to a spouse within the
- 25.25 third degree as so determined, and includes an individual in an adoptive relationship within
- 25.26 the third degree.
- 25.27 (15) "Sign" means, with present intent to authenticate or adopt a record:
- 25.28 (i) to execute or adopt a tangible symbol; or
- 25.29 (ii) to attach to or logically associate with the record an electronic symbol, sound, or
- 25.30 process.

26.1 (16) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary
26.2 or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes
26.3 payment of money, release, lease, license, and creation of a lien or other encumbrance.

26.4 Transfer does not include a donation or contribution of money or an asset made to a qualified
26.5 charitable or religious organization or entity, whether made by a debtor or by any other
26.6 person and whether or not the donation or contribution requires or results in a payment
26.7 being made by a debtor to the charitable or religious organization pursuant to a promissory
26.8 note, stock, bond, debenture, or by any other method, unless the donation or contribution
26.9 was made within two years of commencement of an action under sections 513.41 to 513.51
26.10 against the qualified charitable or religious organization or entity, was made by the debtor,
26.11 and:

26.12 (i) the debtor made the donation or charitable contribution with actual intent to hinder,
26.13 delay, or defraud any creditor of the debtor; or

26.14 (ii) the debtor made the donation or charitable contribution and:

26.15 (A) was insolvent at the time of the contribution or would be rendered insolvent by
26.16 reason of the contribution;

26.17 (B) was engaged or was about to engage in a business or a transaction for which the
26.18 remaining assets of the debtor were unreasonably small in relation to the business or
26.19 transaction; or

26.20 (C) intended to incur, or the charitable or religious organization or entity believed or
26.21 had reason to believe that the debtor would incur, debts beyond the debtor's ability to pay
26.22 as the debts become due.

26.23 A transfer of a charitable contribution to a qualified charitable or religious organization
26.24 or entity is not considered a transfer covered under item (ii) if the amount of that contribution
26.25 did not exceed 15 percent of the gross annual income of the debtor for the year in which
26.26 the transfer of the contribution was made; or the contribution exceeded that amount but the
26.27 transfer was consistent with practices of the debtor in making charitable contributions.

26.28 Transfer does include a return on investment made directly by a qualified charitable or
26.29 religious organization or entity. A charitable or religious organization shall not be deemed
26.30 to have made an investment by reason of accepting the donation or contribution of a
26.31 promissory note, stock, bond, debenture, or other nonmonetary asset nor by extending or
26.32 modifying the terms of repayment of the promissory note, stock, bond, debenture, or other
26.33 similar nonmonetary asset. "Qualified charitable or religious organization or entity" means

27.1 an organization or entity described in United States Code, title 26, section 170(c)(1), (2),
27.2 or (3).

27.3 (17) "Valid lien" means a lien that is effective against the holder of a judicial lien
27.4 subsequently obtained by legal or equitable process or proceedings.

27.5 **EFFECTIVE DATE.** This section is effective the day following final enactment, and
27.6 applies to all pending cases and to causes of action arising before, on, or after that date.

27.7 Sec. 15. Minnesota Statutes 2016, section 518.179, subdivision 2, is amended to read:

27.8 Subd. 2. **Applicable crimes.** This section applies to the following crimes or similar
27.9 crimes under the laws of the United States, or any other state:

27.10 (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

27.11 (2) manslaughter in the first degree under section 609.20;

27.12 (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

27.13 (4) kidnapping under section 609.25;

27.14 (5) depriving another of custodial or parental rights under section 609.26;

27.15 (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving
27.16 a minor under section 609.322;

27.17 (7) criminal sexual conduct in the first degree under section 609.342;

27.18 (8) criminal sexual conduct in the second degree under section 609.343;

27.19 (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1,
27.20 paragraph (c), (f), or (g);

27.21 (10) solicitation of a child to engage in sexual conduct under section 609.352;

27.22 (11) incest under section 609.365;

27.23 (12) malicious punishment of a child under section 609.377;

27.24 (13) neglect of a child under section 609.378;

27.25 (14) terroristic threats under section 609.713; ~~or~~

27.26 (15) felony stalking under section 609.749, subdivision 4; or

27.27 (16) domestic assault by strangulation under section 609.2247.

28.1 Sec. 16. Minnesota Statutes 2016, section 549.09, subdivision 1, is amended to read:

28.2 Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery of
28.3 money, including a judgment for the recovery of taxes, interest from the time of the verdict,
28.4 award, or report until judgment is finally entered shall be computed by the court administrator
28.5 or arbitrator as provided in paragraph (c), clause (1), regardless of the amount and added
28.6 to the judgment or award.

28.7 (b) Except as otherwise provided by contract or allowed by law, preverdict, preaward,
28.8 or prereport interest on pecuniary damages shall be computed as provided in paragraph (c),
28.9 clause (1), regardless of the amount from the time of the commencement of the action or a
28.10 demand for arbitration, or the time of a written notice of claim, whichever occurs first,
28.11 except as provided herein. The action must be commenced within two years of a written
28.12 notice of claim for interest to begin to accrue from the time of the notice of claim. If either
28.13 party serves a written offer of settlement, the other party may serve a written acceptance or
28.14 a written counteroffer within 30 days. After that time, interest on the judgment or award
28.15 shall be calculated by the judge or arbitrator in the following manner. The prevailing party
28.16 shall receive interest on any judgment or award from the time of commencement of the
28.17 action or a demand for arbitration, or the time of a written notice of claim, or as to special
28.18 damages from the time when special damages were incurred, if later, until the time of verdict,
28.19 award, or report only if the amount of its offer is closer to the judgment or award than the
28.20 amount of the opposing party's offer. If the amount of the losing party's offer was closer to
28.21 the judgment or award than the prevailing party's offer, the prevailing party shall receive
28.22 interest only on the amount of the settlement offer or the judgment or award, whichever is
28.23 less, and only from the time of commencement of the action or a demand for arbitration, or
28.24 the time of a written notice of claim, or as to special damages from when the special damages
28.25 were incurred, if later, until the time the settlement offer was made. Subsequent offers and
28.26 counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes
28.27 of clause (2), the amount of settlement offer must be allocated between past and future
28.28 damages in the same proportion as determined by the trier of fact. Except as otherwise
28.29 provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not
28.30 be awarded on the following:

28.31 (1) judgments, awards, or benefits in workers' compensation cases, but not including
28.32 third-party actions;

28.33 (2) judgments or awards for future damages;

28.34 (3) punitive damages, fines, or other damages that are noncompensatory in nature;

29.1 (4) judgments or awards not in excess of the amount specified in section 491A.01; and

29.2 (5) that portion of any verdict, award, or report which is founded upon interest, or costs,
29.3 disbursements, attorney fees, or other similar items added by the court or arbitrator.

29.4 (c)(1)(i) For interest that accrues before a judgment is final, a judgment or award of
29.5 \$50,000 or less, or a judgment or award for or against the state or a political subdivision of
29.6 the state, regardless of the amount, or a judgment or award in a family court action, regardless
29.7 of the amount, the interest shall be computed as simple interest per annum. The rate of
29.8 interest shall be based on the secondary market yield of one year United States Treasury
29.9 bills, calculated on a bank discount basis as provided in this section.

29.10 On or before the 20th day of December of each year the state court administrator shall
29.11 determine the rate from the one-year constant maturity treasury yield for the most recent
29.12 calendar month, reported on a monthly basis in the latest statistical release of the board of
29.13 governors of the Federal Reserve System. This yield, rounded to the nearest one percent,
29.14 or four percent, whichever is greater, shall be the annual interest rate during the succeeding
29.15 calendar year. The state court administrator shall communicate the interest rates to the court
29.16 administrators and sheriffs for use in computing the interest on verdicts and shall make the
29.17 interest rates available to arbitrators.

29.18 This item applies to any section that references section 549.09 by citation for the purposes
29.19 of computing an interest rate on any amount owed to or by the state or a political subdivision
29.20 of the state, regardless of the amount.

29.21 (ii) The court, in a family court action, may order a lower interest rate or no interest rate
29.22 if the parties agree or if the court makes findings explaining why application of a lower
29.23 interest rate or no interest rate is necessary to avoid causing an unfair hardship to the debtor.
29.24 This item does not apply to child support or spousal maintenance judgments subject to
29.25 section 548.091.

29.26 (2) For a judgment or award over \$50,000, other than a judgment or award for or against
29.27 the state or a political subdivision of the state or a judgment or award in a family court
29.28 action, the interest rate shall be ten percent per year until paid.

29.29 (3) When a judgment creditor, or the judgment creditor's attorney or agent, has received
29.30 a payment after entry of judgment, whether the payment is made voluntarily by or on behalf
29.31 of the judgment debtor, or is collected by legal process other than execution levy where a
29.32 proper return has been filed with the court administrator, the judgment creditor, or the
29.33 judgment creditor's attorney, before applying to the court administrator for an execution
29.34 shall file with the court administrator an affidavit of partial satisfaction. The affidavit must

30.1 state the dates and amounts of payments made upon the judgment after the most recent
30.2 affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable
30.3 disbursements and to accrued interest and to the unpaid principal balance of the judgment;
30.4 and the accrued, but the unpaid interest owing, if any, after application of each payment.

30.5 (d) This section does not apply to arbitrations between employers and employees under
30.6 chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding
30.7 interest under chapter 179 or under section 179A.16 for essential employees.

30.8 (e) For purposes of this subdivision:

30.9 (1) "state" includes a department, board, agency, commission, court, or other entity in
30.10 the executive, legislative, or judicial branch of the state; and

30.11 (2) "political subdivision" includes a town, statutory or home rule charter city, county,
30.12 school district, or any other political subdivision of the state.

30.13 (f) This section does not apply to a judgment or award upon which interest is entitled
30.14 to be recovered under section 60A.0811.

30.15 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to judgments
30.16 and awards entered on or after that date.

30.17 Sec. 17. Minnesota Statutes 2016, section 609.48, is amended by adding a subdivision to
30.18 read:

30.19 Subd. 5. **Venue.** A violation of subdivision 1, clause (4), may be prosecuted in the county
30.20 where the statement, under penalty of perjury, was signed, or the county of the district court
30.21 in which the statement was filed.

30.22 Sec. 18. Minnesota Statutes 2016, section 609.748, subdivision 4, is amended to read:

30.23 Subd. 4. **Temporary restraining order; relief by court.** (a) The court may issue a
30.24 temporary restraining order that provides any or all of the following:

30.25 (1) orders the respondent to cease or avoid the harassment of another person; or

30.26 (2) orders the respondent to have no contact with another person.

30.27 (b) The court may issue an order under paragraph (a) if the petitioner files a petition in
30.28 compliance with subdivision 3 and if the court finds reasonable grounds to believe that the
30.29 respondent has engaged in harassment. When a petition alleges harassment as defined by
30.30 subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and
30.31 present danger of harassment before the court may issue a temporary restraining order under

31.1 this section. When signed by a referee, the temporary order becomes effective upon the
31.2 referee's signature.

31.3 (c) Notice need not be given to the respondent before the court issues a temporary
31.4 restraining order under this subdivision. A copy of the restraining order must be served on
31.5 the respondent along with the order for hearing and petition, as provided in subdivision 3.
31.6 If the respondent is a juvenile, whenever possible, a copy of the restraining order, along
31.7 with notice of the pendency of the case and the time and place of the hearing, shall also be
31.8 served by mail at the last known address upon any parent or guardian of the juvenile
31.9 respondent who is not the petitioner. A temporary restraining order may be entered only
31.10 against the respondent named in the petition.

31.11 (d) The temporary restraining order is in effect until a hearing is held on the issuance of
31.12 a restraining order under subdivision 5. The court shall hold the hearing on the issuance of
31.13 a restraining order if the petitioner requests a hearing. The hearing may be continued by the
31.14 court upon a showing that the respondent has not been served with a copy of the temporary
31.15 restraining order despite the exercise of due diligence or if service is made by published
31.16 notice under subdivision 3 and the petitioner files the affidavit required under that
31.17 subdivision.

31.18 (e) If the temporary restraining order has been issued and the respondent requests a
31.19 hearing, the hearing shall be scheduled by the court upon receipt of the respondent's request.
31.20 Service of the notice of hearing must be made upon the petitioner not less than five days
31.21 prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by
31.22 mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a
31.23 complaint and motions and shall also mail notice of the date and time of the hearing to the
31.24 respondent. In the event that service cannot be completed in time to give the respondent or
31.25 petitioner the minimum notice required under this subdivision, the court may set a new
31.26 hearing date.

31.27 (f) A request for a hearing under this subdivision must be made within ~~45~~ 20 days ~~after~~
31.28 ~~the temporary restraining order is issued~~ of the date of completed service of the petition.

31.29 Sec. 19. Minnesota Statutes 2016, section 631.52, subdivision 2, is amended to read:

31.30 Subd. 2. **Application.** Subdivision 1 applies to the following crimes or similar crimes
31.31 under the laws of the United States or any other state:

31.32 (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

31.33 (2) manslaughter in the first degree under section 609.20;

- 32.1 (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- 32.2 (4) kidnapping under section 609.25;
- 32.3 (5) depriving another of custodial or parental rights under section 609.26;
- 32.4 (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving
- 32.5 a minor under section 609.322;
- 32.6 (7) criminal sexual conduct in the first degree under section 609.342;
- 32.7 (8) criminal sexual conduct in the second degree under section 609.343;
- 32.8 (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1,
- 32.9 paragraph (c), (f), or (g);
- 32.10 (10) solicitation of a child to engage in sexual conduct under section 609.352;
- 32.11 (11) incest under section 609.365;
- 32.12 (12) malicious punishment of a child under section 609.377;
- 32.13 (13) neglect of a child under section 609.378;
- 32.14 (14) terroristic threats under section 609.713; ~~or~~
- 32.15 (15) felony stalking under section 609.749; or
- 32.16 (16) domestic assault by strangulation under section 609.2247.

32.17 Sec. 20. Minnesota Statutes 2016, section 634.36, is amended to read:

32.18 **634.36 EVIDENCE OF VIDEOTAPES, AUDIOTAPES, OR OTHER**

32.19 **RECORDINGS.**

32.20 In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant

32.21 to section 169A.53, subdivision 3, evidence of a videotape, audiotape, or electronic or digital

32.22 recording prepared by a peace officer, using recording equipment in a law enforcement

32.23 vehicle or on the officer's person, while in the performance of official duties shall not be

32.24 excluded on the ground that a written transcript of the recording was not prepared and

32.25 available at or prior to trial. As used in this section, "peace officer" has the meaning given

32.26 in section 169A.03, subdivision 18.

32.27 **EFFECTIVE DATE.** This section is effective July 1, 2017, and applies to trials and

32.28 hearings beginning on or after that date.

33.1 Sec. 21. Laws 2014, chapter 263, section 2, the effective date, is amended to read:

33.2 **EFFECTIVE DATE; SUNSET.** (a) This section is effective retroactively from January
33.3 15, 2014.

33.4 (b) The amendments to this section expire on August 1, ~~2017~~ 2021.

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

33.6 Sec. 22. **REPEALER.**

33.7 Minnesota Statutes 2016, sections 169.685, subdivision 4; 486.05, subdivision 1a; and
33.8 525.112, are repealed.

33.9 ARTICLE 3

33.10 CORRECTIONS

33.11 Section 1. Minnesota Statutes 2016, section 3.739, subdivision 1, is amended to read:

33.12 Subdivision 1. **Permissible claims.** Claims and demands arising out of the circumstances
33.13 described in this subdivision shall be presented to, heard, and determined as provided in
33.14 subdivision 2:

33.15 (1) an injury to or death of an inmate of a state, regional, or local correctional facility
33.16 or county jail ~~who has been conditionally released and ordered to perform~~ while performing
33.17 compensated or uncompensated work in the community for a state agency, a political
33.18 subdivision or public corporation of this state, a nonprofit educational, medical, or social
33.19 service agency, or a private business or individual, ~~as a condition of the release,~~ while
33.20 performing the work;

33.21 (2) an injury to or death of a person sentenced by a court, granted a suspended sentence
33.22 by a court, or subject to a court disposition order, and who, ~~under court order,~~ is performing
33.23 work ~~(a) (i) in restitution, (b) (ii) in lieu of or to work off fines or court ordered,~~ court-ordered
33.24 costs, or other statutorily authorized correctional fees, ~~(c) (iii) in lieu of incarceration, or~~
33.25 ~~(d) (iv) as a term or condition of a sentence, suspended sentence, or disposition order,~~ while
33.26 performing the work;

33.27 (3) an injury to or death of a person, who has been diverted from the court system and
33.28 who is performing work as described in ~~paragraph~~ clause (1) or (2) under a written agreement
33.29 signed by the person, and if a juvenile, by a parent or guardian; and

33.30 (4) an injury to or death of any person caused by an individual who was performing
33.31 work as described in ~~paragraph~~ clause (1), (2), or (3).

34.1 Sec. 2. Minnesota Statutes 2016, section 241.01, subdivision 3a, is amended to read:

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

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

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

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

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

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

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

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

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

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

35.1 (j) At such time that the commissioner determines that the department has an insufficient
35.2 number of prison beds to house the current or projected prison population and needs to
35.3 expand an existing facility or build a new facility, the commissioner shall enter into a contract
35.4 either to purchase and operate or to lease-to-own and operate an existing prison facility
35.5 located in Appleton, Minnesota. The commissioner shall attempt to conclude negotiations
35.6 within 12 months of the date the commissioner determines the need for additional beds.
35.7 The contract negotiated must be approved by the legislature before its final execution. All
35.8 employees who supervise inmates at the facility must be state employees.

35.9 Sec. 3. Minnesota Statutes 2016, section 243.05, subdivision 1, is amended to read:

35.10 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole
35.11 any person sentenced to confinement in any state correctional facility for adults under the
35.12 control of the commissioner of corrections, provided that:

35.13 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
35.14 than murder committed in violation of clause (1) of section 609.185 who has not been
35.15 previously convicted of a felony shall be paroled without having served 20 years, less the
35.16 diminution that would have been allowed for good conduct had the sentence been for 20
35.17 years;

35.18 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
35.19 has been previously convicted of a felony or though not previously convicted of a felony
35.20 is serving a life sentence for murder in the first degree committed in violation of clause (1)
35.21 of section 609.185 shall be paroled without having served 25 years, less the diminution
35.22 which would have been allowed for good conduct had the sentence been for 25 years;

35.23 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
35.24 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

35.25 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
35.26 corrections which has the effect of postponing eligibility for parole has prospective effect
35.27 only and applies only with respect to persons committing offenses after the effective date
35.28 of the new rule or policy or change.

35.29 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
35.30 under the control of the commissioner, subject at any time to be returned to a facility of the
35.31 Department of Corrections established by law for the confinement or treatment of convicted
35.32 persons and the parole rescinded by the commissioner.

36.1 (c) The written order of the commissioner of corrections, is sufficient authority for any
36.2 peace officer, state correctional investigator, or state parole and probation agent to retake
36.3 and place in actual custody any person on parole or supervised release. In addition, when
36.4 it appears necessary in order to prevent escape or enforce discipline, any state parole and
36.5 probation agent or state correctional investigator may, without order of warrant, take and
36.6 detain a parolee or person on supervised release or work release and bring the person to the
36.7 commissioner for action.

36.8 (d) The written order of the commissioner of corrections is sufficient authority for any
36.9 peace officer, state correctional investigator, or state parole and probation agent to retake
36.10 and place in actual custody any person on probation under the supervision of the
36.11 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
36.12 to prevent escape or enforce discipline, any state parole and probation agent or state
36.13 correctional investigator may, without an order, retake and detain a probationer and bring
36.14 the probationer before the court for further proceedings under section 609.14.

36.15 (e) The written order of the commissioner of corrections is sufficient authority for any
36.16 peace officer, state correctional investigator, or state parole and probation agent to detain
36.17 any person on pretrial release who absconds from pretrial release or fails to abide by the
36.18 conditions of pretrial release.

36.19 (f) Persons conditionally released, and those on probation under the supervision of the
36.20 commissioner of corrections pursuant to section 609.135 may be placed within or outside
36.21 the boundaries of the state at the discretion of the commissioner of corrections or the court,
36.22 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

36.23 (g) Except as otherwise provided in subdivision 1b, in considering applications for
36.24 conditional release or discharge, the commissioner is not required to hear oral argument
36.25 from any attorney or other person not connected with an adult correctional facility of the
36.26 Department of Corrections in favor of or against the parole or release of any inmates. The
36.27 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
36.28 as to the previous history, physical or mental condition, and character of the inmate and, to
36.29 that end, has the authority to require the attendance of the chief executive officer of any
36.30 state adult correctional facility and the production of the records of these facilities, and to
36.31 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
36.32 witnesses for these purposes.

36.33 (h) Unless the district court directs otherwise, state parole and probation agents may
36.34 require a person who is under the supervision of the commissioner of corrections to perform

37.1 community work service for violating a condition of probation imposed by the court.

37.2 Community work service may be imposed for the purpose of protecting the public, to aid
37.3 the offender's rehabilitation, or both. Agents may impose up to eight hours of community
37.4 work service for each violation and up to a total of 24 hours per offender per 12-month
37.5 period, beginning with the date on which community work service is first imposed. The
37.6 commissioner may authorize an additional 40 hours of community work services, for a total
37.7 of 64 hours per offender per 12-month period, beginning with the date on which community
37.8 work service is first imposed. At the time community work service is imposed, parole and
37.9 probation agents are required to provide written notice to the offender that states:

37.10 (1) the condition of probation that has been violated;

37.11 (2) the number of hours of community work service imposed for the violation; and

37.12 (3) the total number of hours of community work service imposed to date in the 12-month
37.13 period.

37.14 An offender may challenge the imposition of community work service by filing a petition
37.15 in district court. An offender must file the petition within five days of receiving written
37.16 notice that community work service is being imposed. If the offender challenges the
37.17 imposition of community work service, the state bears the burden of showing, by a
37.18 preponderance of the evidence, that the imposition of community work service is reasonable
37.19 under the circumstances.

37.20 Community work service includes sentencing to service.

37.21 (i) Prior to revoking a nonviolent controlled substance offender's parole or probation
37.22 based on a technical violation, when the offender does not present a risk to the public and
37.23 the offender is amenable to continued supervision in the community, a parole or probation
37.24 agent must identify community options to address and correct the violation including, but
37.25 not limited to, inpatient chemical dependency treatment. If a probation or parole agent
37.26 determines that community options are appropriate, the agent shall seek to restructure the
37.27 offender's terms of release to incorporate those options. If an offender on probation stipulates
37.28 in writing to restructure the terms of release, a probation agent must forward a report to the
37.29 district court containing:

37.30 (1) the specific nature of the technical violation of probation;

37.31 (2) the recommended restructure to the terms of probation; and

37.32 (3) a copy of the offender's signed stipulation indicating that the offender consents to
37.33 the restructuring of probation.

38.1 The recommended restructuring of probation becomes effective when confirmed by a
38.2 judge. The order of the court shall be proof of such confirmation and amend the terms of
38.3 the sentence imposed by the court under section 609.135. If a nonviolent controlled substance
38.4 offender's parole or probation is revoked, the offender's agent must first attempt to place
38.5 the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance
38.6 offender" is a person who meets the criteria described under section 244.0513, subdivision
38.7 2, clauses (1), (2), and (5), and "technical violation" has the meaning given in section
38.8 244.196, subdivision 6.

38.9 Sec. 4. Minnesota Statutes 2016, section 243.17, subdivision 1, is amended to read:

38.10 Subdivision 1. **Allowed expenses.** ~~The necessary expenses of sheriffs and other peace~~
38.11 ~~officers~~ commissioner of management and budget shall pay out of the state treasury to the
38.12 commissioner of corrections each fiscal year the amount necessary to offset expenses
38.13 incurred in conveying to convey convicted persons and children adjudicated delinquent and
38.14 committed to the custody of the commissioner of corrections to the appropriate adult or
38.15 juvenile correctional facility as designated by the commissioner of corrections, including
38.16 per diem and expenses of correctional officers, shall be allowed by the commissioner of
38.17 management and budget and paid out of the state treasury. The commissioner of management
38.18 and budget may allow and pay for the necessary expenses incurred by the sheriff, deputy,
38.19 or other peace officer in going to and returning from the correctional facility and \$10 per
38.20 day for each correctional officer. Not more than one correctional officer shall be allowed
38.21 for one prisoner, but one additional correctional officer shall be allowed for every two
38.22 additional prisoners. All bills shall be in writing, fully itemized, verified, and accompanied
38.23 by the receipt of the chief executive officer of the facility for the delivery of the convicted
38.24 or adjudicated persons, in a form prescribed by the commissioner of management and
38.25 budget. The total amount of payments shall not exceed \$500,000 each fiscal year. Payments
38.26 shall be made one or two times each fiscal year based on a fee schedule agreed to by the
38.27 Department of Corrections and the Minnesota Sheriffs' Association.

38.28 Sec. 5. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.**

38.29 Subdivision 1. **Authorization.** In any adult correctional facility under the control of the
38.30 commissioner of corrections, the commissioner may require an inmate to be placed in
38.31 disciplinary segregation for rule violations involving use of a weapon or infliction of bodily
38.32 harm, escape, or a major rule violation, or in administrative segregation for the safety of
38.33 the inmate or others, subject to the requirements of this section.

39.1 Subd. 2. **Conditions in segregated housing.** The segregation unit shall provide regular
39.2 meals, furnished cells, appropriate reading materials, limited recreational facilities, at least
39.3 five hours a week out of cell unless safety and security dictate otherwise, reduced lighting
39.4 during the nighttime hours, rights of communication and visitation by those properly
39.5 authorized, and other privileges as may be established by the commissioner.

39.6 Subd. 3. **Review of disciplinary segregation status.** An inmate who serves 15 days in
39.7 disciplinary segregation shall have the inmate's segregation status reviewed at that time by
39.8 the warden of the institution and every 15 days thereafter. An inmate who serves 60 days
39.9 in disciplinary segregation shall have the inmate's segregation status reviewed at that time
39.10 by the commissioner of corrections, or a deputy or assistant commissioner, and every 30
39.11 days thereafter.

39.12 Subd. 4. **Graduated disciplinary sanctions.** The commissioner shall design and
39.13 implement a graduated scale of responses to infractions, including reprimands, loss of
39.14 privileges, and restriction of motion within the institution, so that the use of disciplinary
39.15 segregation is reserved for the most serious and persistent infractions.

39.16 Subd. 5. **Discharge from segregated housing.** (a) The commissioner shall not release
39.17 an inmate to the community directly from segregated housing. A segregated inmate must
39.18 serve at least 30 days in the general population prior to the inmate's release to the community,
39.19 absent a documented, compelling safety reason, approved by the warden.

39.20 (b) An inmate who is being released from segregated housing to the general population
39.21 after serving in that status for 30 days or more shall have the transfer reviewed and approved
39.22 by a mental health professional prior to returning to the general population.

39.23 Subd. 6. **Reporting.** By January 15, 2018, and by January 15 each year thereafter, the
39.24 commissioner of corrections shall report to the chairs and ranking minority members of the
39.25 house of representatives and senate committees with jurisdiction over public safety and
39.26 judiciary on the status of the implementation of the provisions in this section. This report
39.27 shall include, but not be limited to, data regarding:

39.28 (1) the number of inmates in each institution placed in segregation during the past year;

39.29 (2) the ages of inmates placed in segregation during the past year;

39.30 (3) the number of inmates transferred from segregation to the mental health treatment
39.31 unit;

39.32 (4) the nature of the infractions leading to the use of segregation;

40.1 (5) the lengths of terms served in segregation, including terms served consecutively;
40.2 and

40.3 (6) any incidents of inmates not receiving at least five hours a week out of cell.

40.4 Sec. 6. Minnesota Statutes 2016, section 244.05, subdivision 3, is amended to read:

40.5 Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's
40.6 supervised release imposed by the commissioner, the commissioner may:

40.7 (1) continue the inmate's supervised release term, with or without modifying or enlarging
40.8 the conditions imposed on the inmate; or

40.9 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
40.10 period of time.

40.11 Prior to revoking a nonviolent controlled substance offender's supervised release based
40.12 on a technical violation, when the offender does not present a risk to the public and the
40.13 offender is amenable to continued supervision in the community, the commissioner must
40.14 identify community options to address and correct the violation including, but not limited
40.15 to, inpatient chemical dependency treatment. If the commissioner determines that community
40.16 options are appropriate, the commissioner shall restructure the inmate's terms of release to
40.17 incorporate those options. If a nonviolent controlled substance offender's supervised release
40.18 is revoked, the offender's agent must first attempt to place the offender in a local jail. For
40.19 purposes of this subdivision, "nonviolent controlled substance offender" is a person who
40.20 meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5),
40.21 and "technical violation" has the meaning given in section 244.196, subdivision 6.

40.22 The period of time for which a supervised release may be revoked may not exceed the
40.23 period of time remaining in the inmate's sentence, except that if a sex offender is sentenced
40.24 and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5,
40.25 the period of time for which conditional release may be revoked may not exceed the balance
40.26 of the conditional release term.

40.27 Sec. 7. Minnesota Statutes 2016, section 244.09, subdivision 11, is amended to read:

40.28 Subd. 11. **Modification.** The commission shall meet as necessary for the purpose of
40.29 modifying and improving the guidelines. Any modification which amends the Sentencing
40.30 Guidelines grid, including severity levels and criminal history scores, or which would result
40.31 in the reduction of any sentence or in the early release of any inmate, with the exception of
40.32 a modification mandated or authorized by the legislature or relating to a crime created or

41.1 amended by the legislature in the preceding session, shall be submitted to the legislature by
41.2 January 15 of any year in which the commission wishes to make the change and ~~shall be~~,
41.3 if approved by the legislature by law, becomes effective on August 1 of that year, ~~unless~~
41.4 ~~the legislature by law provides otherwise~~. All other modifications shall take effect according
41.5 to the procedural rules of the commission. On or before January 15 of each year, the
41.6 commission shall submit a written report to the committees of the senate and the house of
41.7 representatives with jurisdiction over criminal justice policy that identifies and explains all
41.8 modifications made during the preceding 12 months and all proposed modifications that
41.9 are being submitted to the legislature that year.

41.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
41.11 applies to any pending or future proposed modifications.

41.12 Sec. 8. Minnesota Statutes 2016, section 244.198, is amended by adding a subdivision to
41.13 read:

41.14 Subd. 1a. **Alternatives to incarceration.** At a sanctions conference regarding a
41.15 nonviolent controlled substance offender, when the offender does not present a risk to the
41.16 public and the offender is amenable to continued supervision in the community, a probation
41.17 agency must identify community options to address and correct the violation including, but
41.18 not limited to, inpatient chemical dependency treatment. If the agency determines that
41.19 community options are appropriate, the county probation officer shall recommend a sanction
41.20 that incorporates those options. For purposes of this subdivision, "nonviolent controlled
41.21 substance offender" is a person who meets the criteria described under section 244.0513,
41.22 subdivision 2, clauses (1), (2), and (5).

41.23 Sec. 9. Minnesota Statutes 2016, section 609.14, is amended by adding a subdivision to
41.24 read:

41.25 Subd. 2a. **Alternatives to incarceration.** (a) A probation agent must present the court
41.26 with local options to address and correct the violation including, but not limited to, inpatient
41.27 chemical dependency treatment when the defendant at a summary hearing provided by
41.28 subdivision 2 is:

41.29 (1) a nonviolent controlled substance offender;

41.30 (2) subject to supervised probation;

41.31 (3) appearing based on a technical violation; and

41.32 (4) admitting or found to have violated any of the conditions of probation.

42.1 (b) For purposes of this subdivision, "nonviolent controlled substance offender" is a
42.2 person who meets the criteria described under section 244.0513, subdivision 2, clauses (1),
42.3 (2), and (5), and "technical violation" has the meaning given in section 244.196, subdivision
42.4 6.

42.5 Sec. 10. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

42.6 (a) Agencies providing supervision to offenders on probation, parole, or supervised
42.7 release are eligible for grants to facilitate access to community options including, but not
42.8 limited to, inpatient chemical dependency treatment for nonviolent controlled substance
42.9 offenders to address and correct behavior that is, or is likely to result in, a technical violation
42.10 of the conditions of release. For purposes of this section, "nonviolent controlled substance
42.11 offender" is a person who meets the criteria described under Minnesota Statutes, section
42.12 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" has the meaning
42.13 given in Minnesota Statutes, section 244.196, subdivision 6.

42.14 (b) The Department of Corrections shall establish criteria for selecting grant recipients
42.15 and the amount awarded to each grant recipient.

42.16 (c) By January 15, 2019, the commissioner of corrections shall submit a report to the
42.17 chairs of the house of representatives and senate committees with jurisdiction over public
42.18 safety policy and finance. At a minimum, the report must include:

42.19 (1) the total number of grants issued under this program;

42.20 (2) the average amount of each grant;

42.21 (3) the community services accessed as a result of the grants;

42.22 (4) a summary of the type of supervision offenders were under when a grant was used
42.23 to help access a community option;

42.24 (5) the number of individuals who completed, and the number who failed to complete,
42.25 programs accessed as a result of this grant; and

42.26 (6) the number of individuals who violated the terms of release following participation
42.27 in a program accessed as a result of this grant, separating technical violations and new
42.28 criminal offenses.

43.1 Sec. 11. **TARGETED DOMESTIC VIOLENCE PREVENTION PROGRAMMING.**

43.2 Subdivision 1. **Domestic violence offender identification.** The commissioner of
43.3 corrections shall implement a process to identify offenders sentenced for domestic violence
43.4 related offenses.

43.5 Subd. 2. **Threat assessment and screening.** The commissioner of corrections shall
43.6 develop a process to identify offenders who pose the highest threat to commit domestic
43.7 violence and abuse upon release from confinement.

43.8 Subd. 3. **Programming.** The commissioner shall identify accepted best practices, if any,
43.9 for providing domestic violence prevention programming to offenders, including evaluating
43.10 any currently piloted domestic violence programming. The commissioner shall provide
43.11 programming consistent with accepted best practices to offenders identified as posing the
43.12 highest threat of committing domestic violence and abuse upon release from confinement.

43.13 Subd. 4. **Report.** By January 15, 2019, the commissioner of corrections shall submit a
43.14 report to the chairs of the house of representatives and senate committees with jurisdiction
43.15 over public safety policy and finance. At a minimum, the report must include:

43.16 (1) a description of the offender identification screening process;

43.17 (2) a description of the process used to assess offenders who pose an increased threat
43.18 of committing domestic violence and abuse upon release from confinement;

43.19 (3) the number of offenders identified as being likely to commit domestic violence or
43.20 abuse upon release from confinement;

43.21 (4) the number of offenders who have participated in targeted domestic violence
43.22 prevention programming;

43.23 (5) the number of offenders who participated in targeted domestic violence prevention
43.24 programming who have been released from confinement;

43.25 (6) the recidivism rate of offenders who participated in targeted domestic violence
43.26 prevention programming who have been released from confinement; and

43.27 (7) the number of offenders who participated in targeted domestic violence prevention
43.28 programming who committed domestic violence offenses after release from confinement.

43.29

ARTICLE 4

43.30

PUBLIC SAFETY

43.31 Section 1. Minnesota Statutes 2016, section 12.221, subdivision 6, is amended to read:

44.1 Subd. 6. **Disaster assistance contingency account; appropriation.** (a) A disaster
44.2 assistance contingency account is created in the special revenue fund in the state treasury.
44.3 Money in the disaster assistance contingency account is appropriated to the commissioner
44.4 of public safety to provide:

44.5 (1) cost-share for federal assistance under section 12A.15, subdivision 1;

44.6 (2) state public disaster assistance to eligible applicants under chapter 12B;

44.7 (3) cost-share for federal assistance from the Federal Highway Administration emergency
44.8 relief program under United States Code, title 23, section 125; and

44.9 (4) cost-share for federal assistance from the United States Department of Agriculture,
44.10 Natural Resources Conservation Service emergency watershed protection program under
44.11 United States Code, title 16, sections 2203 to 2205.

44.12 (b) For appropriations under paragraph (a), clause (1), the amount appropriated is 100
44.13 percent of any nonfederal share for state agencies ~~and~~ local governments, and utility
44.14 cooperatives. Money appropriated under paragraph (a), clause (1), may be used to pay all
44.15 or a portion of the nonfederal share for publicly owned capital improvement projects.

44.16 (c) For appropriations under paragraph (a), clause (2), the amount appropriated is the
44.17 amount required to pay eligible claims under chapter 12B, as certified by the commissioner
44.18 of public safety.

44.19 (d) By January 15 of each year, the commissioner of management and budget shall
44.20 submit a report to the chairs and ranking minority members of the house of representatives
44.21 Ways and Means Committee and the senate Finance Committee detailing state disaster
44.22 assistance appropriations and expenditures under this subdivision during the previous
44.23 calendar year.

44.24 (e) The governor's budget proposal submitted to the legislature under section 16A.11
44.25 must include recommended appropriations to the disaster assistance contingency account.
44.26 The governor's appropriation recommendations must be informed by the commissioner of
44.27 public safety's estimate of the amount of money that will be necessary to:

44.28 (1) provide 100 percent of the nonfederal share for state agencies ~~and~~ local governments,
44.29 and utility cooperatives that will receive federal financial assistance from FEMA during
44.30 the next biennium; and

44.31 (2) fully pay all eligible claims under chapter 12B.

44.32 (f) Notwithstanding section 16A.28:

45.1 (1) funds appropriated or transferred to the disaster assistance contingency account do
45.2 not lapse but remain in the account until appropriated; and

45.3 (2) funds appropriated from the disaster assistance contingency account do not lapse
45.4 and are available until expended.

45.5 Sec. 2. Minnesota Statutes 2016, section 12B.15, subdivision 2, is amended to read:

45.6 Subd. 2. **Applicant.** "Applicant" means a local government or state government agency,
45.7 or utility cooperative that applies for state disaster assistance under this chapter.

45.8 Sec. 3. Minnesota Statutes 2016, section 152.105, is amended to read:

45.9 **152.105 DISPOSAL.**

45.10 Subdivision 1. Disposal of controlled substances. Controlled substances listed in section
45.11 152.02, subdivisions 3 to 6, may be collected and disposed of only pursuant to the provisions
45.12 of Code of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317, that
45.13 are applicable to the disposal of controlled substances. Disposal of controlled substances
45.14 and legend and nonlegend drugs must also comply with the requirements of section 116.07
45.15 governing the disposal of hazardous waste, and the rules promulgated thereunder.

45.16 Subd. 2. Sheriff to maintain collection receptacle. The sheriff of each county shall
45.17 maintain at least one collection receptacle for the disposal of noncontrolled substances,
45.18 pharmaceutical controlled substances, and other legend drugs, as permitted by federal law.
45.19 For purposes of this section, "legend drug" has the meaning given in section 151.01,
45.20 subdivision 17. The collection receptacle must comply with federal law. In maintaining and
45.21 operating the collection receptacle, the sheriff shall follow all applicable provisions of Code
45.22 of Federal Regulations, title 21, parts 1300, 1301, 1304, 1305, 1307, and 1317.

45.23 Sec. 4. Minnesota Statutes 2016, section 169.791, is amended by adding a subdivision to
45.24 read:

45.25 Subd. 6a. Mandatory court appearance. A mandatory court appearance is required if
45.26 a person violates this section under circumstances involving a collision that caused bodily
45.27 harm or damage to the property of another.

45.28 Sec. 5. Minnesota Statutes 2016, section 169.792, subdivision 7, is amended to read:

45.29 Subd. 7. **License revocation.** Upon receiving the notification under subdivision 6 or
45.30 notification of a conviction for violation of section 169.791, the commissioner shall revoke

46.1 the person's driver's license or permit to drive. The revocation shall be effective beginning
46.2 14 days after the date of notification by the district court administrator or officer to the
46.3 Department of Public Safety. In order to be revoked, notice must have been mailed to the
46.4 person by the commissioner at least ten days before the effective date of the revocation. If
46.5 the person, before the effective date of the revocation, provides the commissioner or court
46.6 with the proof of insurance or other verifiable insurance information as determined by the
46.7 commissioner, establishing that the required insurance covered the vehicle at the time of
46.8 the original demand, the revocation must not become effective. ~~Revocation based upon~~
46.9 ~~receipt of a notification under subdivision 6 must be carried out regardless of the status or~~
46.10 ~~disposition of any related criminal charge.~~ The person's driver's license or permit to drive
46.11 shall be revoked for the longer of: (i) the period provided in section 169.797, subdivision
46.12 4, paragraph ~~(e)~~ (f), including any rules adopted under that paragraph, or (ii) until the driver
46.13 or owner files ~~proof of insurance~~ with the Department of Public Safety or judicial officer
46.14 proof of insurance satisfactory to the commissioner of public safety. If proof is filed with
46.15 the court under item (ii), the judicial officer must report the proof filing to the commissioner
46.16 of public safety. A license must not be revoked more than once based upon the same demand
46.17 for proof of insurance.

46.18 Sec. 6. Minnesota Statutes 2016, section 169.797, is amended by adding a subdivision to
46.19 read:

46.20 Subd. 4b. **Mandatory court appearance.** A mandatory court appearance is required if
46.21 a person violates this section under circumstances involving a collision that caused bodily
46.22 harm or damage to the property of another.

46.23 Sec. 7. Minnesota Statutes 2016, section 169.80, subdivision 1, is amended to read:

46.24 Subdivision 1. **Limitations; misdemeanor.** (a) It is a misdemeanor for a person to drive
46.25 or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway
46.26 a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80
46.27 to 169.88, or otherwise in violation of sections 169.80 to 169.88, other than section 169.81,
46.28 subdivision 5a, and the maximum size and weight of vehicles as prescribed in sections
46.29 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no
46.30 power or authority to alter these limitations except as express authority may be granted in
46.31 sections 169.80 to 169.88.

47.1 (b) When all the axles of a vehicle or combination of vehicles are weighed separately
47.2 the sum of the weights of the axles so weighed shall be evidence of the total gross weight
47.3 of the vehicle or combination of vehicles so weighed.

47.4 (c) When each of the axles of any group that contains two or more consecutive axles of
47.5 a vehicle or combination of vehicles have been weighed separately the sum of the weights
47.6 of the axles so weighed shall be evidence of the total gross weight on the group of axles so
47.7 weighed.

47.8 (d) When, in any group of three or more consecutive axles of a vehicle or combination
47.9 of vehicles any axles have been weighed separately and two or more axles consecutive to
47.10 each other in the group have been weighed together, the sum of the weights of the axles
47.11 weighed separately and the axles weighed together shall be evidence of the total gross weight
47.12 of the group of axles so weighed.

47.13 (e) The provisions of sections 169.80 to 169.88 governing size, weight, and load shall
47.14 do not apply to a fire apparatus, or to a vehicle operated under the terms of a special permit
47.15 issued as provided by law.

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

47.17 Sec. 8. Minnesota Statutes 2016, section 169.829, is amended by adding a subdivision to
47.18 read:

47.19 **Subd. 4. Certain emergency vehicles.** The provisions of sections 169.80 to 169.88
47.20 governing size, weight, and load do not apply to a fire apparatus, a police special response
47.21 vehicle, or a licensed land emergency ambulance service vehicle.

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

47.23 Sec. 9. Minnesota Statutes 2016, section 169.99, subdivision 1c, is amended to read:

47.24 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must give provide
47.25 conspicuous notice ~~of the fact that;~~

47.26 (1) if convicted, the person to whom it was issued must pay a state-imposed surcharge
47.27 under section 357.021, subdivision 6, and the current amount of the required surcharge;
47.28 and

47.29 (2) programs, including diversion, may be available.

48.1 Sec. 10. Minnesota Statutes 2016, section 169.99, is amended by adding a subdivision to
48.2 read:

48.3 Subd. 1d. **Collision.** In every charge of a violation of any provision of this chapter, the
48.4 uniform traffic ticket shall contain a blank or space where the officer shall specify whether
48.5 an offense involved a collision that caused bodily harm or damage to the property of another.

48.6 Sec. 11. Minnesota Statutes 2016, section 171.24, is amended by adding a subdivision to
48.7 read:

48.8 Subd. 4a. **Mandatory court appearance.** A court appearance is required if a person
48.9 violates subdivision 1, 2, or 3 under circumstances involving a collision that caused bodily
48.10 harm or damage to the property of another.

48.11 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to violations
48.12 committed on or after that date.

48.13 Sec. 12. **[171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.**

48.14 Subdivision 1. **Establishment.** A city or county may establish a license reinstatement
48.15 diversion program for holders of class D drivers' licenses who have been charged with
48.16 violating section 171.24, subdivision 1 or 2, but have not yet entered a plea in the
48.17 proceedings. An individual charged with driving after revocation under section 171.24,
48.18 subdivision 2, is eligible for diversion only if the revocation was due to a violation of section
48.19 169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision 1, paragraph (a), clause (6); or
48.20 171.172. An individual who otherwise qualifies for the diversion program under this section
48.21 and who is also canceled under section 171.24, subdivision 5, is eligible for the diversion
48.22 program. An individual who otherwise qualifies for the diversion program under this section
48.23 and who is also canceled under section 171.24, subdivision 5, is eligible for license
48.24 reinstatement only if the individual complies with the requirements of section 171.306 and
48.25 other applicable restrictions, including the ignition interlock device program. An individual
48.26 who is a holder of a commercial driver's license or who has committed an offense in a
48.27 commercial motor vehicle is not eligible to participate in the diversion program.

48.28 Subd. 2. **Contract.** Notwithstanding any law or ordinance to the contrary, a city or
48.29 county may contract with a third party to create and administer the diversion program under
48.30 this section.

49.1 Subd. 3. **Diversion of an individual.** A prosecutor for a participating city or county
49.2 may, in consultation with the commissioner, determine whether to accept an individual for
49.3 diversion. When making the determination, the prosecutor must consider:

49.4 (1) whether the individual has a record of driving without a valid license or other criminal
49.5 record, or has previously participated in a diversion program;

49.6 (2) the strength of the evidence against the individual, along with any mitigating factors;
49.7 and

49.8 (3) the apparent ability and willingness of the individual to participate in the diversion
49.9 program and comply with program requirements.

49.10 Subd. 4. **Diversion driver's license.** (a) Notwithstanding any law to the contrary, the
49.11 commissioner of public safety may issue a diversion driver's license to a person who is a
49.12 participant in the diversion program, after receiving an application and payment of:

49.13 (1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose
49.14 driver's license has been suspended;

49.15 (2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a
49.16 participant whose driver's license has been revoked under section 169.791; 169.797; or
49.17 171.17, subdivision 1, paragraph (a), clause (6); or

49.18 (3) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a
49.19 participant whose driver's license has been revoked under section 169A.52 or 169A.54. The
49.20 reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), also
49.21 must be paid during the course of and as a condition of the diversion program.

49.22 (b) The commissioner may impose restrictions on a diversion driver's license that are
49.23 suitable to the licensee's driving ability or applicable to the licensee as the commissioner
49.24 deems appropriate to ensure the safe operation of a motor vehicle by the licensee. Restrictions
49.25 may include but are not limited to participation in the ignition interlock device program
49.26 under section 171.306.

49.27 (c) Payments of the reinstatement fee and surcharge under section 171.29, subdivision
49.28 2, paragraph (b), made by participants in the diversion program must be applied first toward
49.29 payment of the reinstatement fee and, after the reinstatement fee has been fully paid, toward
49.30 payment of the surcharge. Each payment that is applied toward the reinstatement fee must
49.31 be credited as provided in section 171.29, subdivision 2, paragraph (b), and each payment
49.32 that is applied toward the surcharge must be credited as provided in section 171.29,

50.1 subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied,
50.2 the participant must pay the program participation fee.

50.3 (d) Notwithstanding any law to the contrary, a diversion driver's license issued to a
50.4 participant in the program must not be revoked or suspended for convictions entered due
50.5 to payments made under subdivision 5.

50.6 Subd. 5. **Components of program.** (a) At a minimum, the diversion program must
50.7 require individuals to:

50.8 (1) successfully attend and complete, at the individual's expense, educational classes
50.9 that provide, among other things, information on driver's licensure;

50.10 (2) pay, under a schedule approved by the prosecutor, all required fees, fines, and charges
50.11 that affect the individual's driver's license status, including applicable statutory license
50.12 reinstatement fees and costs of participation in the program;

50.13 (3) comply with all traffic laws; and

50.14 (4) demonstrate compliance with motor vehicle insurance requirements.

50.15 (b) An individual accepted into the diversion program is eligible to apply for a diversion
50.16 driver's license.

50.17 Subd. 6. **Termination of participation in diversion program.** (a) An individual's
50.18 participation in the diversion program may terminate when:

50.19 (1) during participation in the program, the individual is guilty of a moving traffic
50.20 violation or failure to provide vehicle insurance for an offense that occurred after the
50.21 individual attended the education class under subdivision 5, paragraph (a), clause (1);

50.22 (2) the third-party administrator of the diversion program informs the court and the
50.23 commissioner that the individual no longer satisfies the conditions of the diversion program;
50.24 or

50.25 (3) the third-party administrator informs the court, the prosecutor, and the commissioner
50.26 of public safety that the individual has met all conditions of the diversion program, including,
50.27 at a minimum, satisfactory fulfillment of the components under subdivision 5.

50.28 (b) Upon termination of an individual's participation in the diversion program, the
50.29 commissioner must cancel the individual's diversion driver's license.

50.30 (c) Upon receiving notice under paragraph (a), clause (3), the court must dismiss the
50.31 charge or the prosecutor must decline to prosecute the individual.

51.1 (d) The original charge against the individual for violating section 171.24 may be
51.2 reinstated against an individual if the individual's diversion program participation terminates
51.3 under paragraph (a), clause (1) or (2).

51.4 (e) The commissioner must reinstate the driver's license of an individual whose diversion
51.5 program participation terminates under paragraph (a), clause (3).

51.6 (f) If an individual terminates diversion program participation under paragraph (a), clause
51.7 (1) or (2), or voluntarily leaves the diversion program, the third-party administrator must
51.8 retain any fees paid under subdivision 4 for a period of five years from the termination date.
51.9 If the individual returns to the diversion program within the five-year period, the retained
51.10 fees may be applied to the subsequent diversion program participation. If the individual
51.11 does not return to the program within the five-year period, the returned fees are forfeited
51.12 to the third-party administrator.

51.13 Subd. 7. **Biennial report.** (a) By February 1 of each even-numbered year, each city and
51.14 county that participates in the diversion program must report to the legislative committees
51.15 with jurisdiction over transportation and the judiciary concerning the results of the program.
51.16 The report must be made available electronically and, upon request, in print. The report
51.17 must include, without limitation, the effect of the program on:

51.18 (1) recidivism rates for participants in the diversion program;

51.19 (2) payment of the fees and fines collected in the diversion program to cities, counties,
51.20 and the state;

51.21 (3) educational support provided to participants in the diversion program; and

51.22 (4) the total number of participants in the diversion program, including the number of
51.23 participants who have terminated from the program under clauses (1) to (3).

51.24 (b) The report must include recommendations regarding legislative changes, as
51.25 appropriate.

51.26 **EFFECTIVE DATE.** This section is effective July 1, 2020, or the day following the
51.27 date the Minnesota Licensing and Registration System is first used for driver's license
51.28 transactions, whichever is earlier.

51.29 Sec. 13. Minnesota Statutes 2016, section 299A.55, subdivision 2, is amended to read:

51.30 **Subd. 2. Railroad and pipeline safety account.** (a) A railroad and pipeline safety
51.31 account is created in the special revenue fund. The account consists of funds collected under
51.32 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

52.1 (b) ~~\$104,000~~ \$114,000 is annually appropriated from the railroad and pipeline safety
52.2 account to the commissioner of the Pollution Control Agency for environmental protection
52.3 activities related to railroad discharge preparedness under chapter 115E.

52.4 (c) \$500,000 is annually appropriated from the railroad and pipeline safety account to
52.5 the commissioner of the Department of Transportation for improving safety at railroad grade
52.6 crossings.

52.7 (d) Following the appropriation in ~~paragraph~~ paragraphs (b) and (c), the remaining
52.8 money in the account is annually appropriated to the commissioner of public safety for the
52.9 purposes specified in subdivision 3.

52.10 Sec. 14. Minnesota Statutes 2016, section 299A.55, subdivision 3, is amended to read:

52.11 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision,
52.12 the commissioner shall provide funds for training and response preparedness related to (1)
52.13 derailments, discharge incidents, or spills involving trains carrying oil or other hazardous
52.14 substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous
52.15 substances.

52.16 (b) The commissioner shall allocate available funds as follows:

52.17 (1) ~~\$100,000~~ \$1,586,000 annually for emergency response teams and hazmat and
52.18 chemical assessment teams; and

52.19 (2) the remaining amount to the Board of Firefighter Training and Education under
52.20 section 299N.02 and the Division of Homeland Security and Emergency Management.

52.21 (c) Prior to making allocations under paragraph (b), the commissioner shall consult with
52.22 the Fire Service Advisory Committee under section 299F.012, subdivision 2.

52.23 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
52.24 prioritize uses of funds based on:

52.25 (1) firefighter training needs;

52.26 (2) community risk from discharge incidents or spills;

52.27 (3) geographic balance; and

52.28 (4) recommendations of the Fire Service Advisory Committee.

52.29 (e) The following are permissible uses of funds provided under this subdivision:

52.30 (1) training costs, which may include, but are not limited to, training curriculum, trainers,
52.31 trainee overtime salary, other personnel overtime salary, and tuition;

53.1 (2) costs of gear and equipment related to hazardous materials readiness, response, and
53.2 management, which may include, but are not limited to, original purchase, maintenance,
53.3 and replacement;

53.4 (3) supplies related to the uses under clauses (1) and (2); and

53.5 (4) emergency preparedness planning and coordination.

53.6 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
53.7 safety account provided for the purposes under this subdivision, the commissioner may
53.8 retain a balance in the account for budgeting in subsequent fiscal years.

53.9 Sec. 15. Minnesota Statutes 2016, section 299A.55, subdivision 4, is amended to read:

53.10 Subd. 4. **Assessments.** (a) If the account balance in the railroad and pipeline safety
53.11 account is below \$1,000,000 at any point during a fiscal year, the commissioner of public
53.12 safety shall annually assess \$2,500,000 to railroad and pipeline companies based on the
53.13 formula specified in paragraph (b). By June 1 annually, the commissioner must notify
53.14 railroad and pipeline companies regarding the next fiscal year's assessment. The
53.15 commissioner shall deposit funds collected under this subdivision in the railroad and pipeline
53.16 safety account under subdivision 2.

53.17 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
53.18 divided in equal proportion between applicable rail carriers based on route miles operated
53.19 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
53.20 assessment amount, divided in equal proportion between companies based on the yearly
53.21 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

53.22 (c) The assessments under this subdivision expire July 1, ~~2017~~ 2019, and after July 1,
53.23 2017, and the commissioner of the Office of Management and Budget confirms that sufficient
53.24 funds are available in the railroad and pipeline safety account, a supplemental appropriation
53.25 of \$100,000 shall be made annually pursuant to the requirements of subdivision 2, paragraph
53.26 (c).

53.27 Sec. 16. [299A.625] SUPPLEMENTAL NONPROFIT SECURITY GRANT
53.28 PROGRAM.

53.29 Subdivision 1. Establishment. A supplemental nonprofit security grant program is
53.30 established. The Division of Homeland Security and Emergency Management shall
53.31 administer the program.

54.1 Subd. 2. **Eligibility and application.** Nonprofit organizations whose applications for
54.2 funding through the Federal Emergency Management Agency's nonprofit security grant
54.3 program have been approved by the Division of Homeland Security and Emergency
54.4 Management are eligible for grants under this section. No additional application shall be
54.5 required for grants under this section, and an application for a grant from the federal program
54.6 is also an application for funding from the state supplemental program.

54.7 Subd. 3. **Amount, preference, and timing of grants.** Organizations meeting the
54.8 eligibility requirements of subdivision 2 may receive grants of up to \$75,000, except that
54.9 the total received by any individual from both the federal nonprofit security grant program
54.10 and the state supplemental nonprofit security grant program shall not exceed \$75,000. Grants
54.11 shall be awarded in an order consistent with the ranking given to applicants for the federal
54.12 nonprofit security grant program. No grants under the state supplemental nonprofit security
54.13 grant program shall be awarded until the announcement of the recipients and the amount
54.14 of the grants awarded under the federal nonprofit security grant program.

54.15 Subd. 4. **Administrative costs.** The commissioner may use up to one percent, on an
54.16 annual basis, of the appropriation received under this section to pay costs incurred by the
54.17 department in administering the supplemental nonprofit security grant program.

54.18 Sec. 17. Minnesota Statutes 2016, section 299C.46, subdivision 6, is amended to read:

54.19 **Subd. 6. Orders for protection and no contact orders.** (a) As used in this subdivision,
54.20 "no contact orders" include orders issued as pretrial orders under section 629.72, subdivision
54.21 2, orders under section 629.75, and orders issued as probationary or sentencing orders at
54.22 the time of disposition in a criminal domestic abuse case.

54.23 (b) The data communications network must include orders for protection issued under
54.24 section 518B.01 ~~and~~, harassment restraining orders, and no contact orders issued against
54.25 adults and juveniles. A no contact order must be accompanied by a photograph of the
54.26 offender for the purpose of enforcement of the order, if a photograph is available and verified
54.27 by the court to be an image of the defendant.

54.28 (c) Data from orders for protection, harassment restraining orders, or no contact orders
54.29 and data entered by law enforcement to assist in the enforcement of those orders are classified
54.30 as private data on individuals as defined in section 13.02, subdivision 12. Data about the
54.31 offender can be shared with the victim for purposes of enforcement of the order.

55.1 Sec. 18. Minnesota Statutes 2016, section 609.748, subdivision 3, is amended to read:

55.2 Subd. 3. **Contents of petition; hearing; notice.** (a) A petition for relief must allege
55.3 facts sufficient to show the following:

55.4 (1) the name of the alleged harassment victim;

55.5 (2) the name of the respondent; and

55.6 (3) that the respondent has engaged in harassment.

55.7 A petition for relief must state whether the petitioner has had a previous restraining order
55.8 in effect against the respondent. The petition shall be accompanied by an affidavit made
55.9 under oath stating the specific facts and circumstances from which relief is sought. The
55.10 court shall provide simplified forms and clerical assistance to help with the writing and
55.11 filing of a petition under this section and shall advise the petitioner of the right to sue in
55.12 forma pauperis under section 563.01. The court shall advise the petitioner of the right to
55.13 request a hearing. If the petitioner does not request a hearing, the court shall advise the
55.14 petitioner that the respondent may request a hearing and that notice of the hearing date and
55.15 time will be provided to the petitioner by mail at least five days before the hearing. Upon
55.16 receipt of the petition and a request for a hearing by the petitioner, the court shall order a
55.17 hearing. Personal service must be made upon the respondent not less than five days before
55.18 the hearing. If personal service cannot be completed in time to give the respondent the
55.19 minimum notice required under this paragraph, the court may set a new hearing date. Nothing
55.20 in this section shall be construed as requiring a hearing on a matter that has no merit.

55.21 (b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued
55.22 under subdivision 4 may be served on the respondent by means of a one-week published
55.23 notice under section 645.11, if:

55.24 (1) the petitioner files an affidavit with the court stating that an attempt at personal
55.25 service made by a ~~sheriff~~ peace officer was unsuccessful because the respondent is avoiding
55.26 service by concealment or otherwise; and

55.27 (2) a copy of the petition and order for hearing and any temporary restraining order has
55.28 been mailed to the respondent at the respondent's residence or place of business, if the
55.29 respondent is an organization, or the respondent's residence or place of business is not known
55.30 to the petitioner.

55.31 (c) Regardless of the method of service, if the respondent is a juvenile, whenever possible,
55.32 the court also shall have notice of the pendency of the case and of the time and place of the

56.1 hearing served by mail at the last known address upon any parent or guardian of the juvenile
56.2 respondent who is not the petitioner.

56.3 (d) A request for a hearing under this subdivision must be made within 20 days of service
56.4 of the petition.

56.5 Sec. 19. Minnesota Statutes 2016, section 609.748, subdivision 3a, is amended to read:

56.6 Subd. 3a. **Filing fee; cost of service.** The filing fees for a restraining order under this
56.7 section are waived for the petitioner if the petition alleges acts that would constitute a
56.8 violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. The
56.9 court administrator and ~~the sheriff of any county~~ any peace officer in this state shall perform
56.10 their duties relating to service of process without charge to the petitioner. The court shall
56.11 direct payment of the reasonable costs of service of process if served by a private process
56.12 server when ~~the sheriff~~ a peace officer is unavailable or if service is made by publication.
56.13 The court may direct a respondent to pay to the court administrator the petitioner's filing
56.14 fees and reasonable costs of service of process if the court determines that the respondent
56.15 has the ability to pay the petitioner's fees and costs.

56.16 Sec. 20. Minnesota Statutes 2016, section 609.748, subdivision 5, is amended to read:

56.17 Subd. 5. **Restraining order.** (a) The court may issue a restraining order that provides
56.18 any or all of the following:

56.19 (1) orders the respondent to cease or avoid the harassment of another person; or

56.20 (2) orders the respondent to have no contact with another person.

56.21 (b) The court may issue an order under paragraph (a) if all of the following occur:

56.22 (1) the petitioner has filed a petition under subdivision 3;

56.23 (2) ~~the sheriff~~ a peace officer has served respondent with a copy of the temporary
56.24 restraining order obtained under subdivision 4, and with notice of the right to request a
56.25 hearing, or service has been made by publication under subdivision 3, paragraph (b); and

56.26 (3) the court finds at the hearing that there are reasonable grounds to believe that the
56.27 respondent has engaged in harassment.

56.28 A restraining order may be issued only against the respondent named in the petition; except
56.29 that if the respondent is an organization, the order may be issued against and apply to all of
56.30 the members of the organization. If the court finds that the petitioner has had two or more
56.31 previous restraining orders in effect against the same respondent or the respondent has

57.1 violated a prior or existing restraining order on two or more occasions, relief granted by the
57.2 restraining order may be for a period of up to 50 years. In all other cases, relief granted by
57.3 the restraining order must be for a fixed period of not more than two years. When a referee
57.4 presides at the hearing on the petition, the restraining order becomes effective upon the
57.5 referee's signature.

57.6 (c) An order issued under this subdivision must be personally served upon the respondent.

57.7 (d) If the court orders relief for a period of up to 50 years under paragraph (a), the
57.8 respondent named in the restraining order may request to have the restraining order vacated
57.9 or modified if the order has been in effect for at least five years and the respondent has not
57.10 violated the order. Application for relief under this paragraph must be made in the county
57.11 in which the restraining order was issued. Upon receipt of the request, the court shall set a
57.12 hearing date. Personal service must be made upon the petitioner named in the restraining
57.13 order not less than 30 days before the date of the hearing. At the hearing, the respondent
57.14 named in the restraining order has the burden of proving by a preponderance of the evidence
57.15 that there has been a material change in circumstances and that the reasons upon which the
57.16 court relied in granting the restraining order no longer apply and are unlikely to occur. If
57.17 the court finds that the respondent named in the restraining order has met the burden of
57.18 proof, the court may vacate or modify the order. If the court finds that the respondent named
57.19 in the restraining order has not met the burden of proof, the court shall deny the request and
57.20 no request may be made to vacate or modify the restraining order until five years have
57.21 elapsed from the date of denial. An order vacated or modified under this paragraph must
57.22 be personally served on the petitioner named in the restraining order.

57.23 Sec. 21. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision
57.24 to read:

57.25 Subd. 5a. **Short-form notification.** (a) In lieu of personal service of a harassment
57.26 restraining order, a peace officer may serve a person with a short-form notification. The
57.27 short-form notification must include the following clauses: the respondent's name; the
57.28 respondent's date of birth, if known; the petitioner's name; the names of other protected
57.29 parties; the date and county in which the temporary restraining order or restraining order
57.30 was filed; the court file number; the hearing date and time, if known; the conditions that
57.31 apply to the respondent, either in checklist form or handwritten; and the name of the judge
57.32 who signed the order.

57.33 The short-form notification must be in bold print in the following form:

58.1 "The restraining order is now enforceable. A copy of the restraining order is available
58.2 at your nearest law enforcement office or district court. You are subject to arrest and may
58.3 be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the
58.4 terms of the restraining order or this short-form notification."

58.5 (b) Upon verification of the identity of the respondent and the existence of an unserved
58.6 harassment restraining order against the respondent, a law enforcement officer may detain
58.7 the respondent for a reasonable time necessary to complete and serve the short-form
58.8 notification.

58.9 (c) When service is made by short-form notification, it may be proved by the affidavit
58.10 of the law enforcement officer making the service.

58.11 (d) For service under this section only, service upon an individual may occur at any
58.12 time, including Sundays and legal holidays.

58.13 (e) The superintendent of the Bureau of Criminal Apprehension shall provide the short
58.14 form to law enforcement agencies.

58.15 **EFFECTIVE DATE.** This section is effective 30 days following publication of a notice
58.16 on the Bureau of Criminal Apprehension's website that a computer system is available to
58.17 send harassment restraining order data from the Minnesota judicial branch to law
58.18 enforcement.

58.19 Sec. 22. Minnesota Statutes 2016, section 609.748, is amended by adding a subdivision
58.20 to read:

58.21 Subd. 5b. **Service by others.** In addition to peace officers, corrections officers, including
58.22 but not limited to probation officers, court services officers, parole officers, and employees
58.23 of jails or correctional facilities, may serve a temporary restraining order or restraining
58.24 order.

58.25 Sec. 23. Minnesota Statutes 2016, section 624.714, subdivision 17, is amended to read:

58.26 **Subd. 17. Posting; trespass.** (a) A person carrying a firearm on or about his or her person
58.27 or clothes under a permit or otherwise who remains at a private establishment knowing that
58.28 the operator of the establishment or its agent has made a reasonable request that firearms
58.29 not be brought into the establishment may be ordered to leave the premises. A person who
58.30 fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense
58.31 must not exceed \$25. Notwithstanding section 609.531, a firearm carried in violation of
58.32 this subdivision is not subject to forfeiture.

59.1 (b) As used in this subdivision, the terms in this paragraph have the meanings given.

59.2 (1) "Reasonable request" means a request made under the following circumstances:

59.3 (i) the requester has prominently posted a conspicuous sign at every entrance to the
59.4 establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR)
59.5 BANS GUNS IN THESE PREMISES."; or

59.6 (ii) the requester or the requester's agent personally informs the person that guns are
59.7 prohibited in the premises and demands compliance.

59.8 (2) "Prominently" means readily visible and within four feet laterally of the entrance
59.9 with the bottom of the sign at a height of four to six feet above the floor.

59.10 (3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height
59.11 against a bright contrasting background that is at least 187 square inches in area.

59.12 (4) "Private establishment" means a building, structure, or portion thereof that is owned,
59.13 leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

59.14 (c) The owner or operator of a private establishment may not prohibit the lawful carry
59.15 or possession of firearms in a parking facility or parking area.

59.16 (d) The owner or operator of a private establishment may not prohibit the lawful carry
59.17 or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1,
59.18 paragraph (c), within the private establishment or deny the officer access thereto, except
59.19 when specifically authorized by statute.

59.20 ~~(d)~~ (e) This subdivision does not apply to private residences. The lawful possessor of a
59.21 private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

59.22 ~~(e)~~ (f) A landlord may not restrict the lawful carry or possession of firearms by tenants
59.23 or their guests.

59.24 ~~(f)~~ (g) Notwithstanding any inconsistent provisions in section 609.605, this subdivision
59.25 sets forth the exclusive criteria to notify a permit holder when otherwise lawful firearm
59.26 possession is not allowed in a private establishment and sets forth the exclusive penalty for
59.27 such activity.

59.28 ~~(g) This subdivision does not apply to:~~

59.29 ~~(1) an active licensed peace officer; or~~

59.30 ~~(2) a security guard acting in the course and scope of employment.~~

60.1 Sec. 24. [626.8469] TRAINING IN CRISIS RESPONSE, CONFLICT
60.2 MANAGEMENT, AND CULTURAL DIVERSITY.

60.3 Subdivision 1. In-service training required. Beginning July 1, 2018, the chief law
60.4 enforcement officer of every state and local law enforcement agency shall provide in-service
60.5 training in crisis intervention and mental illness crises; conflict management and mediation;
60.6 and recognizing and valuing community diversity and cultural differences to include implicit
60.7 bias training to every peace officer and part-time peace officer employed by the agency.
60.8 The training shall comply with learning objectives developed and approved by the board
60.9 and shall meet board requirements for board-approved continuing education credit. The
60.10 training shall consist of at least 16 continuing education credits within an officer's three-year
60.11 licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not
60.12 required to complete this training until the officer's next full three-year licensing cycle.

60.13 Subd. 2. Record keeping required. The head of every local and state law enforcement
60.14 agency shall maintain written records of the agency's compliance with the requirements of
60.15 subdivision 1. The documentation is subject to periodic review by the board, and shall be
60.16 made available to the board at its request.

60.17 Subd. 3. Licensing sanctions; injunctive relief. The board may impose licensing
60.18 sanctions and seek injunctive relief under section 214.11 for failure to comply with the
60.19 requirements of this section.

60.20 Sec. 25. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws
60.21 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, and Laws
60.22 2013, chapter 127, section 60, is amended to read:

60.23 Subd. 9. Sunset; transition. A city or county participating in this pilot program may
60.24 accept an individual for diversion into the pilot program ~~until June 30, 2017.~~ The ~~and the~~
60.25 third party administering the diversion program may collect and disburse fees collected
60.26 pursuant to subdivision 6, paragraph (a), clause (2), ~~through December 31, 2018~~ until the
60.27 day following the date the permanent diversion program established under Minnesota
60.28 Statutes, section 171.2405, is effective, at which time the pilot program under this section
60.29 expires. An individual participating in but who has not completed the pilot program on the
60.30 date the pilot program expires is automatically transferred and enrolled in the permanent
60.31 diversion program under Minnesota Statutes, section 171.2405, and credited for any fees
60.32 paid or activities completed under the pilot program.

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

61.1

ARTICLE 5

61.2

GENERAL CRIMINAL PROVISIONS

61.3 Section 1. Minnesota Statutes 2016, section 169.444, subdivision 2, is amended to read:

61.4 Subd. 2. **Violations by drivers; penalties.** (a) A person who fails to stop a vehicle or
61.5 to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, is guilty of
61.6 a misdemeanor punishable by a fine of not less than ~~\$300~~ \$500.

61.7 (b) A person is guilty of a gross misdemeanor if the person fails to stop a motor vehicle
61.8 or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, and
61.9 commits either or both of the following acts:

61.10 (1) passes or attempts to pass the school bus in a motor vehicle on the right-hand,
61.11 passenger-door side of the bus; or

61.12 (2) passes or attempts to pass the school bus in a motor vehicle when a school child is
61.13 outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

61.14 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to violations
61.15 committed on and after that date.

61.16 Sec. 2. Minnesota Statutes 2016, section 169.64, is amended by adding a subdivision to
61.17 read:

61.18 **Subd. 11. Gross misdemeanor.** A person who violates subdivision 2, 3, or 4 while
61.19 impersonating a peace officer in violation of section 609.4751, subdivision 1, is guilty of a
61.20 gross misdemeanor.

61.21 Sec. 3. Minnesota Statutes 2016, section 169.68, is amended to read:

61.22 **169.68 HORN, SIREN.**

61.23 **Subdivision 1. Requirement; limitations.** (a) Every motor vehicle when operated upon
61.24 a highway must be equipped with a horn in good working order and capable of emitting
61.25 sound audible under normal conditions from a distance of not less than 200 feet. However,
61.26 the horn or other warning device must not emit an unreasonably loud or harsh sound or a
61.27 whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe
61.28 operation, give audible warning with the horn, but shall not otherwise use the horn when
61.29 upon a highway.

61.30 (b) A vehicle must not be equipped with, and a person shall not use upon a vehicle, any
61.31 siren, whistle, or bell, except as otherwise permitted in this section.

62.1 (c) It is permissible, but not required, for any commercial vehicle to be equipped with
62.2 a theft alarm signal device, so arranged that it cannot be used by the driver as an ordinary
62.3 warning signal.

62.4 (d) All authorized emergency vehicles must be equipped with a siren capable of emitting
62.5 sound audible under normal conditions from a distance of not less than 500 feet and of a
62.6 type conforming to the federal certification standards for sirens, as determined by the General
62.7 Services Administration. However, the siren must not be used except when the vehicle is
62.8 operated in response to an emergency call or in the immediate pursuit of an actual or
62.9 suspected violator of the law, in which latter events the driver of the vehicle shall sound the
62.10 siren when necessary to warn pedestrians and other drivers of the vehicle's approach.

62.11 (e) It is permissible, but not required, for a bicycle to be equipped with a horn or bell
62.12 designed to alert motor vehicles, other bicycles, and pedestrians of the bicycle's presence.

62.13 Subd. 2. **Gross misdemeanor.** A person who violates subdivision 1 while impersonating
62.14 a peace officer in violation of section 609.4751, subdivision 1, is guilty of a gross
62.15 misdemeanor.

62.16 Sec. 4. Minnesota Statutes 2016, section 169.98, subdivision 3, is amended to read:

62.17 Subd. 3. **Security guard vehicle.** (a) All motor vehicles ~~which~~ that are used by security
62.18 guards in the course of their employment ~~may have any color other than those specified in~~
62.19 ~~subdivision 1 for law enforcement vehicles~~ shall be predominantly grey. The identity of the
62.20 security service shall be displayed on ~~the motor vehicle as required for law enforcement~~
62.21 ~~vehicles~~ both front door panels and on the rear of the vehicle. The identity must include the
62.22 word "Security" with letters not less than 2-1/2 inches high, one inch wide, and of a
62.23 three-eighth inch brush stroke. The identity shall be of a color contrasting with the
62.24 background color so that the motor vehicle is easily identifiable as belonging to a specific
62.25 security service. The identity may be in the form of an emblem. Each vehicle must be marked
62.26 with its own identifying number on the rear of the vehicle. The number shall be printed in
62.27 the same size and color required pursuant to this subdivision for identifying words which
62.28 may be displayed on the vehicle.

62.29 (b) Notwithstanding subdivision 1, paragraph (a), clause (1), a security guard may
62.30 continue to use a motor vehicle that is predominantly black in the course of the guard's
62.31 employment if the vehicle was being used in this manner before August 1, 2002.

63.1 (c) Notwithstanding subdivision 1, paragraph (a), clause (3), a security guard may
63.2 continue to use a motor vehicle that is predominantly gold in the course of the guard's
63.3 employment if the vehicle was being used in this manner before August 1, 2012.

63.4 (d) Notwithstanding paragraph (a), a security guard may continue to use a motor vehicle
63.5 that is not predominantly grey in the course of the guard's employment if the vehicle was
63.6 being used in this manner before August 1, 2017.

63.7 Sec. 5. Minnesota Statutes 2016, section 169.98, is amended by adding a subdivision to
63.8 read:

63.9 Subd. 6. **Offense.** A person may not own or operate a motor vehicle marked or identified:

63.10 (1) in any manner described in this section;

63.11 (2) with the word or words "police," "patrolman," "sheriff," "deputy," "trooper," "state
63.12 patrol," "conservation officer," "agent," or "marshal"; or

63.13 (3) with any lettering, marking, or insignia, or colorable imitation thereof, including,
63.14 but not limited to, stars, badges, or shields identifying the vehicle as a federal, state, county,
63.15 or municipal law enforcement vehicle, and which a reasonable person would believe that
63.16 the vehicle is authorized by any agency for use by the person operating the motor vehicle;
63.17 and

63.18 (4) that a reasonable person would believe that the vehicle is authorized by any agency
63.19 for use by the person operating the motor vehicle.

63.20 Sec. 6. Minnesota Statutes 2016, section 171.24, is amended to read:

63.21 **171.24 VIOLATIONS; DRIVING WITHOUT VALID LICENSE.**

63.22 Subdivision 1. **Driving after suspension; misdemeanor.** Except as otherwise provided
63.23 in subdivision 5, a person is guilty of a misdemeanor if:

63.24 (1) the person's driver's license or driving privilege has been suspended;

63.25 (2) the person has been given notice of or reasonably should know of the suspension;
63.26 and

63.27 (3) the person disobeys the order by operating in this state any motor vehicle, the
63.28 operation of which requires a driver's license, while the person's license or privilege is
63.29 suspended.

64.1 Subd. 2. **Driving after revocation; misdemeanor.** Except as otherwise provided in
64.2 subdivision 5, a person is guilty of a misdemeanor if:

64.3 (1) the person's driver's license or driving privilege has been revoked;

64.4 (2) the person has been given notice of or reasonably should know of the revocation;

64.5 and

64.6 (3) the person disobeys the order by operating in this state any motor vehicle, the
64.7 operation of which requires a driver's license, while the person's license or privilege is
64.8 revoked.

64.9 Subd. 3. **Driving after cancellation; misdemeanor.** Except as otherwise provided in
64.10 subdivision 5, a person is guilty of a misdemeanor if:

64.11 (1) the person's driver's license or driving privilege has been canceled;

64.12 (2) the person has been given notice of or reasonably should know of the cancellation;

64.13 and

64.14 (3) the person disobeys the order by operating in this state any motor vehicle, the
64.15 operation of which requires a driver's license, while the person's license or privilege is
64.16 canceled.

64.17 Subd. 4. **Driving after disqualification; misdemeanor.** Except as otherwise provided
64.18 in subdivision 5, a person is guilty of a misdemeanor if the person:

64.19 (1) has been disqualified from holding a commercial driver's license or been denied the
64.20 privilege to operate a commercial motor vehicle;

64.21 (2) has been given notice of or reasonably should know of the disqualification; and

64.22 (3) disobeys the order by operating in this state a commercial motor vehicle while the
64.23 person is disqualified to hold the license or privilege.

64.24 Subd. 5. **Gross misdemeanor violations.** (a) A person is guilty of a gross misdemeanor
64.25 if:

64.26 (1) the person's driver's license or driving privilege has been canceled or denied under
64.27 section 171.04, subdivision 1, clause (10);

64.28 (2) the person has been given notice of or reasonably should know of the cancellation
64.29 or denial; and

65.1 (3) the person disobeys the order by operating in this state any motor vehicle, the
65.2 operation of which requires a driver's license, while the person's license or privilege is
65.3 canceled or denied.

65.4 (b) A person is guilty of a gross misdemeanor if the person violates this section and
65.5 causes a collision resulting in substantial bodily harm or death to another.

65.6 (c) A person is guilty of a gross misdemeanor and is subject to the minimum penalty
65.7 under subdivision 5a, paragraph (b), if the person violates this section within ten years of
65.8 the first of two prior convictions under this section.

65.9 Subd. 5a. **Minimum penalties.** (a) A person who is convicted under this section a second
65.10 time must, at a minimum, be sentenced to pay a fine of at least \$750. This paragraph does
65.11 not apply to penalties under subdivision 5, paragraph (c).

65.12 (b) A person who is convicted under this section a third or subsequent time must, at a
65.13 minimum, be sentenced to pay a fine of at least \$1,500.

65.14 (c) The court may order a person to perform community work service in lieu of all or a
65.15 portion of the minimum fine required under this subdivision if the court makes specific
65.16 findings on the record that the convicted person is indigent or that payment of the fine would
65.17 create undue hardship for the convicted person or that person's immediate family.

65.18 Subd. 6. **Responsibility for prosecution.** (a) The attorney in the jurisdiction in which
65.19 the violation occurred who is responsible for prosecution of misdemeanor violations of this
65.20 section is also responsible for prosecution of gross misdemeanor violations of this section.

65.21 (b) Nothing in this section or section 609.035 or 609.04 shall limit the power of the state
65.22 to prosecute or punish a person for conduct that constitutes any other crime under any other
65.23 law of this state.

65.24 Subd. 7. **Sufficiency of notice.** (a) Notice of revocation, suspension, cancellation, or
65.25 disqualification is sufficient if personally served, or if mailed by first class mail to the
65.26 person's last known address or to the address listed on the person's driver's license. Notice
65.27 is also sufficient if the person was informed that revocation, suspension, cancellation, or
65.28 disqualification would be imposed upon a condition occurring or failing to occur, and where
65.29 the condition has in fact occurred or failed to occur.

65.30 (b) It is not a defense that a person failed to file a change of address with the post office,
65.31 or failed to notify the Department of Public Safety of a change of name or address as required
65.32 under section 171.11.

66.1 Subd. 8. **Definition.** For the purposes of this section, "substantial bodily harm" has the
66.2 meaning given in section 609.02, subdivision 7a.

66.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
66.4 committed on or after that date.

66.5 Sec. 7. Minnesota Statutes 2016, section 243.166, subdivision 1b, is amended to read:

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

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

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

66.12 (ii) kidnapping under section 609.25;

66.13 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
66.14 subdivision 3; or 609.3453; ~~or~~

66.15 (iv) indecent exposure under section 617.23, subdivision 3; or

66.16 (v) stalking a minor with sexual or aggressive intent under section 609.749, subdivision
66.17 3, paragraph (b);

66.18 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
66.19 aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,
66.20 subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision
66.21 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the
66.22 sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation
66.23 of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual
66.24 conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a
66.25 sexual performance in violation of section 617.246; or possessing pornographic work
66.26 involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent
66.27 for that offense or another offense arising out of the same set of circumstances;

66.28 (3) the person was sentenced as a patterned sex offender under section 609.3455,
66.29 subdivision 3a; or

66.30 (4) the person was charged with or petitioned for, including pursuant to a court martial,
66.31 violating a law of the United States, including the Uniform Code of Military Justice, similar

67.1 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
67.2 for that offense or another offense arising out of the same set of circumstances.

67.3 (b) A person also shall register under this section if:

67.4 (1) the person was charged with or petitioned for an offense in another state that would
67.5 be a violation of a law described in paragraph (a) if committed in this state and convicted
67.6 of or adjudicated delinquent for that offense or another offense arising out of the same set
67.7 of circumstances;

67.8 (2) the person enters this state to reside, work, or attend school, or enters this state and
67.9 remains for 14 days or longer; and

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

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

67.19 (c) A person also shall register under this section if the person was committed pursuant
67.20 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
67.21 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
67.22 United States, regardless of whether the person was convicted of any offense.

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

67.24 (1) the person was charged with or petitioned for a felony violation or attempt to violate
67.25 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
67.26 the United States, or the person was charged with or petitioned for a violation of any of the
67.27 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
67.28 States;

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

67.32 (3) the person was committed pursuant to a court commitment order under section
67.33 253B.18 or a similar law of another state or the United States.

68.1 Sec. 8. Minnesota Statutes 2016, section 326.3384, subdivision 1, is amended to read:

68.2 Subdivision 1. **Prohibition.** No license holder or employee of a license holder shall, in
68.3 a manner that implies that the person is an employee or agent of a governmental agency,
68.4 display on a badge, identification card, emblem, vehicle, uniform, stationery, or in advertising
68.5 for private detective or protective agent services:

68.6 (1) the words "public safety," "police," "highway patrol," "state patrol," "sheriff,"
68.7 "trooper," "marshal," "agent," or "law enforcement"; or

68.8 (2) the name of a municipality, county, state, or of the United States, or any governmental
68.9 subdivision thereof.

68.10 Sec. 9. Minnesota Statutes 2016, section 609.2231, subdivision 2, is amended to read:

68.11 Subd. 2. **Firefighters and emergency medical personnel.** (a) Whoever physically
68.12 assaults any of the following persons and inflicts demonstrable bodily harm is guilty of a
68.13 felony and may be sentenced to imprisonment for not more than two years or to payment
68.14 of a fine of not more than \$4,000, or both gross misdemeanor:

68.15 (1) a member of a municipal or volunteer fire department or emergency medical services
68.16 personnel unit in the performance of the member's duties; or

68.17 (2) a physician, nurse, or other person providing health care services in a hospital
68.18 emergency department.

68.19 (b) Whoever commits either of the following acts against a person identified in paragraph
68.20 (a), clause (1) or (2), is guilty of a felony and may be sentenced to imprisonment for not
68.21 more than three years or to payment of a fine of not more than \$6,000, or both:

68.22 (1) physically assaults the person and the assault inflicts demonstrable bodily harm; or

68.23 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

68.24 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
68.25 committed on or after that date.

68.26 Sec. 10. Minnesota Statutes 2016, section 609.475, is amended to read:

68.27 **609.475 IMPERSONATING OFFICER A MILITARY SERVICE MEMBER,**
68.28 **VETERAN, OR PUBLIC OFFICIAL.**

68.29 Whoever falsely impersonates a police or military officer an active or reserve component
68.30 military service member, veteran, or public official with intent to mislead another into

69.1 ~~believing that the impersonator is actually such officer or official~~ wrongfully obtain money,
69.2 property, or any other tangible benefit is guilty of a misdemeanor.

69.3 Sec. 11. **[609.4751] IMPERSONATING A PEACE OFFICER.**

69.4 Subdivision 1. **Misdemeanor.** Whoever falsely impersonates a peace officer with intent
69.5 to mislead another into believing that the impersonator is actually an officer is guilty of a
69.6 misdemeanor.

69.7 Subd. 2. **Gross misdemeanor.** Whoever violates subdivision 1 while committing any
69.8 of the following acts is guilty of a gross misdemeanor:

69.9 (1) attempting to gain access to a public building or government facility that is not open
69.10 to the public;

69.11 (2) possessing false or fraudulent credentials that identify the person as a peace officer;

69.12 or

69.13 (3) directing or ordering another person to act.

69.14 Subd. 3. **Felony.** (a) Whoever violates subdivision 1 or 2 while committing any of the
69.15 following acts is guilty of a felony and may be sentenced to imprisonment for not more than
69.16 five years or to payment of a fine of not more than \$10,000, or both:

69.17 (1) possessing a firearm; or

69.18 (2) violating section 169.98, subdivision 6.

69.19 (b) Whoever violates subdivision 1 or 2 within five years of a previous violation of this
69.20 section is guilty of a felony and may be sentenced to imprisonment for not more than five
69.21 years or to payment of a fine of not more than \$10,000, or both.

69.22 Sec. 12. **[609.476] IMPERSONATING A SECURITY OFFICER.**

69.23 Whoever falsely impersonates a private security officer, protective officer, or bail
69.24 enforcement officer with intent to mislead another into believing that the impersonator is
69.25 actually an officer to gain entry to a government facility that the impersonator is not
69.26 authorized to enter or for other criminal purposes is guilty of a gross misdemeanor.

69.27 Sec. 13. **[609.547] PUBLIC SAFETY MOTOR VEHICLE TAMPERING.**

69.28 Subdivision 1. **Offenses.** (a) Whoever intentionally damages or tampers with a public
69.29 safety motor vehicle is guilty of a felony and may be sentenced as provided in subdivision
69.30 2.

70.1 (b) Whoever intentionally damages or tampers with a motor vehicle owned by a public
70.2 safety officer because the motor vehicle belongs to a public safety officer is guilty of a crime
70.3 and may be sentenced as provided in subdivision 2.

70.4 Subd. 2. Penalties. (a) Except as provided in paragraph (c), a person who violates
70.5 subdivision 1, paragraph (a), may be sentenced to imprisonment for not more than five years
70.6 or to payment of a fine of not more than \$10,000, or both.

70.7 (b) Except as provided in paragraph (c), a person who violates subdivision 1, paragraph
70.8 (b), may be sentenced:

70.9 (1) to a gross misdemeanor if the violation reduces the value of the property by not more
70.10 than \$500; or

70.11 (2) to imprisonment for not more than two years or to payment of a fine of not more
70.12 than \$5,000, or both, if the violation:

70.13 (i) reduces the value of the property by more than \$500 but not more than \$1,000 as
70.14 measured by the cost of repair and replacement; or

70.15 (ii) creates a reasonably foreseeable risk of bodily harm but does not otherwise damage
70.16 the vehicle.

70.17 (c) A person who violates subdivision 1, paragraph (a) or (b), and the violation causes
70.18 a substantial interruption or impairment of a service rendered by the public safety agency
70.19 that owns the motor vehicle or employs the officer who owns the motor vehicle may be
70.20 sentenced to imprisonment for not more than ten years or to payment of a fine of not more
70.21 than \$20,000, or both.

70.22 Subd. 3. Definitions. (a) As used in this section, the following terms have the meanings
70.23 given.

70.24 (b) "Public safety motor vehicle" includes:

70.25 (1) police patrols, including specially marked vehicles permitted under section 169.98,
70.26 subdivision 2a, owned or leased by the state or a political subdivision;

70.27 (2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the
70.28 state or a political subdivision;

70.29 (3) ambulances owned or leased by the state or a political subdivision;

70.30 (4) vehicles owned by ambulance services licensed under section 144E.10 that are
70.31 equipped and specifically intended for emergency response or providing ambulance services;
70.32 and

71.1 (5) marked vehicles used by conservation officers of the Division of Enforcement and
71.2 Field Service of the Department of Natural Resources.

71.3 (c) "Public safety officer" includes:

71.4 (1) a peace officer as defined in section 626.84, subdivision 1, paragraph (c) or (d);

71.5 (2) an individual employed on a full-time basis by the state or by a fire department of a
71.6 governmental subdivision of the state, who is engaged in any of the following duties:

71.7 (i) firefighting;

71.8 (ii) emergency motor vehicle operation;

71.9 (iii) the provision of emergency medical services; or

71.10 (iv) hazardous material response;

71.11 (3) a legally enrolled member of a volunteer fire department or member of an independent
71.12 nonprofit firefighting corporation who is engaged in the hazards of firefighting; and

71.13 (4) a first responder who is certified by the Emergency Medical Services Regulatory
71.14 Board to perform basic emergency skills before the arrival of a licensed ambulance service
71.15 and who is a member of an organized service recognized by a local political subdivision to
71.16 respond to medical emergencies to provide initial medical care before the arrival of an
71.17 ambulance.

71.18 Sec. 14. Minnesota Statutes 2016, section 609.605, is amended by adding a subdivision
71.19 to read:

71.20 Subd. 4a. **Trespass on a school bus.** (a) As used in this subdivision, "school bus" has
71.21 the meaning given in section 169.011, subdivision 71.

71.22 (b) As used in this subdivision, "pupil" has the meaning given in section 123B.41,
71.23 subdivision 6.

71.24 (c) A person who boards a school bus when the bus is on its route or otherwise in
71.25 operation, or while it has pupils in it, and who refuses to leave the bus on demand of the
71.26 bus operator, is guilty of a misdemeanor.

71.27 (d) This subdivision does not apply to a pupil, school employee, or volunteer authorized
71.28 to be on the school bus.

71.29 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to violations
71.30 committed on or after that date.

72.1 Sec. 15. [609.6057] GEOGRAPHIC RESTRICTION.

72.2 Subdivision 1. Definition. As used in this section "geographic restriction" means a
72.3 limitation prohibiting a defendant in a criminal proceeding or a juvenile offender in a
72.4 delinquency proceeding from entering a designated property or geographic area.

72.5 Subd. 2. Prohibited conduct; penalty. A person who knows of a geographic restriction
72.6 order issued against the person and intentionally enters or remains in the restricted area is
72.7 guilty of a misdemeanor.

72.8 Subd. 3. Notice. (a) A geographic restriction may be issued as a pretrial order before
72.9 final disposition of the underlying criminal case, as a postconviction probationary order, or
72.10 both. A geographic restriction order is independent of any condition of pretrial release or
72.11 probation imposed on the defendant. A geographic restriction order may be issued in addition
72.12 to a similar restriction imposed as a condition of pretrial release or probation.

72.13 (b) A court may issue a geographic restriction upon a finding that its issuance will serve
72.14 the interests of protecting public safety or property. In making that determination, a court
72.15 shall consider the following factors:

72.16 (1) whether a defendant's presence in a restricted area creates a risk to public safety or
72.17 property;

72.18 (2) a defendant's criminal history;

72.19 (3) the likelihood of future criminal activity within the restricted area; and

72.20 (4) any other factors deemed relevant by the court.

72.21 (c) A court may grant any exceptions to a geographic restriction that it deems necessary
72.22 in order to avoid the imposition of a significant hardship upon a defendant. In determining
72.23 whether to grant an exception, a court shall also consider the impact of the exception on the
72.24 interests of protecting public safety or property.

72.25 (d) A geographic restriction order under this section shall be issued in a proceeding that
72.26 is separate from but which may be held immediately following a proceeding in which any
72.27 pretrial release or sentencing issues are decided.

72.28 (e) A court issuing a geographic restriction order under this section shall notify a
72.29 defendant:

72.30 (1) of the area subject to a geographic restriction; and

72.31 (2) that violation of the geographic restriction order is a crime.

73.1 Subd. 4. **Cancellation.** (a) A court shall cancel a pretrial geographic restriction order at
73.2 the final disposition of the underlying criminal case.

73.3 (b) A court shall cancel a postconviction geographic restriction order when an offender
73.4 completes a period of probationary supervision or is committed to the commissioner of
73.5 corrections.

73.6 (c) A court may cancel a postconviction geographic restriction order at any time during
73.7 which an offender is under probationary supervision.

73.8 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
73.9 committed on or after that date.

73.10 Sec. 16. **[609.7141] SOLICITING OR PROVIDING SUPPORT FOR AN ACT OF**
73.11 **TERRORISM.**

73.12 Subdivision 1. **Crime.** Whoever raises, solicits, collects, or provides material support
73.13 or resources with intent that the material support or resources will be used, in whole or in
73.14 part, to plan, prepare, carry out, or aid in either an act of terrorism or the concealment of,
73.15 or an escape from, an act of terrorism is guilty of a felony.

73.16 Subd. 2. **Penalty.** Whoever violates subdivision 1 may be sentenced as follows:

73.17 (1) to imprisonment for not more than 15 years or to payment of a fine of not more than
73.18 \$30,000, or both, if the total value of the material support or resources exceeds \$5,000; or

73.19 (2) to imprisonment for not more than seven years or to payment of a fine of not more
73.20 than \$15,000, or both, if the total value of the material support or resources is \$5,000 or
73.21 less.

73.22 Subd. 3. **Definitions.** (a) As used in this section, the following terms have the meanings
73.23 given.

73.24 (b) "Act of terrorism" means an act that is violent or dangerous to human life, a violation
73.25 of the criminal laws of the United States or any state, and intended to:

73.26 (1) intimidate or coerce a civilian population; or

73.27 (2) affect the conduct of a unit of government by murder, assassination, or kidnapping.

73.28 (c) "Coercion" means compulsion by physical force or threat of physical force.

73.29 (d) "Material support or resources" means currency or other financial securities, financial
73.30 services, lodging, training, safehouses, false documentation or identification, communications

74.1 equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and
74.2 other physical assets, except medicine or religious materials.

74.3 Sec. 17. Minnesota Statutes 2016, section 609.74, is amended to read:

74.4 **609.74 PUBLIC NUISANCE.**

74.5 (a) Whoever by an act or failure to perform a legal duty intentionally does any of the
74.6 following is guilty of maintaining a public nuisance, which is a misdemeanor:

74.7 (1) maintains or permits a condition which unreasonably annoys, injures or endangers
74.8 the safety, health, morals, comfort, or repose of any considerable number of members of
74.9 the public; or

74.10 (2) except as provided in paragraph (b), interferes with, obstructs, or renders dangerous
74.11 for passage, any public highway or right-of-way, or waters used by the public; or

74.12 (3) is guilty of any other act or omission declared by law to be a public nuisance and for
74.13 which no sentence is specifically provided.

74.14 (b) It is a gross misdemeanor for a person to interfere with or obstruct traffic that is
74.15 entering, exiting, or on a freeway or entering, exiting, or on a public roadway within the
74.16 boundaries of airport property with the intent to interfere with, obstruct, or otherwise disrupt
74.17 traffic. This paragraph does not apply to the actions of law enforcement or other emergency
74.18 responders, road or airport authorities, or utility officials, or their agents, employees, or
74.19 contractors when carrying out duties imposed by law or contract. For purposes of this
74.20 paragraph: (1) "airport" means an airport that has a control tower and airline service; and
74.21 (2) "freeway" means any section of a divided highway where the only access and egress for
74.22 vehicular traffic is from entrance and exit ramps.

74.23 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
74.24 committed on or after that date.

74.25 Sec. 18. Minnesota Statutes 2016, section 609.746, subdivision 1, is amended to read:

74.26 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of
74.27 a gross misdemeanor who:

74.28 (1) enters upon another's property;

74.29 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house
74.30 or place of dwelling of another; and

75.1 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
75.2 household.

75.3 (b) A person is guilty of a gross misdemeanor who:

75.4 (1) enters upon another's property;

75.5 (2) surreptitiously installs or uses any device for observing, photographing, recording,
75.6 amplifying, or broadcasting sounds or events through the window or any other aperture of
75.7 a house or place of dwelling of another; and

75.8 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
75.9 household.

75.10 (c) A person is guilty of a gross misdemeanor who:

75.11 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
75.12 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
75.13 where a reasonable person would have an expectation of privacy and has exposed or is
75.14 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
75.15 clothing covering the immediate area of the intimate parts; and

75.16 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

75.17 (d) A person is guilty of a gross misdemeanor who:

75.18 (1) surreptitiously installs or uses any device for observing, photographing, recording,
75.19 amplifying, or broadcasting sounds or events through the window or other aperture of a
75.20 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
75.21 other place where a reasonable person would have an expectation of privacy and has exposed
75.22 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
75.23 the clothing covering the immediate area of the intimate parts; and

75.24 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

75.25 (e) A person is guilty of a felony and may be sentenced to imprisonment for not more
75.26 than ~~two~~ five years or to payment of a fine of not more than \$5,000, or both, if the person:

75.27 (1) violates this subdivision after a previous conviction under this subdivision or section
75.28 609.749; or

75.29 (2) violates this subdivision against a minor under the age of 18, knowing or having
75.30 reason to know that the minor is present.

76.1 (f) Paragraphs (b) and (d) do not apply to law enforcement officers or corrections
76.2 investigators, or to those acting under their direction, while engaged in the performance of
76.3 their lawful duties. Paragraphs (c) and (d) do not apply to conduct in: (1) a medical facility;
76.4 or (2) a commercial establishment if the owner of the establishment has posted conspicuous
76.5 signs warning that the premises are under surveillance by the owner or the owner's employees.

76.6 Sec. 19. Minnesota Statutes 2016, section 609.749, subdivision 3, is amended to read:

76.7 Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts
76.8 is guilty of a felony and may be sentenced to imprisonment for not more than five years or
76.9 to payment of a fine of not more than \$10,000, or both:

76.10 (1) commits any offense described in subdivision 2 because of the victim's or another's
76.11 actual or perceived race, color, religion, sex, sexual orientation, disability as defined in
76.12 section 363A.03, age, or national origin;

76.13 (2) commits any offense described in subdivision 2 by falsely impersonating another;

76.14 (3) commits any offense described in subdivision 2 and possesses a dangerous weapon
76.15 at the time of the offense;

76.16 (4) stalks another, as defined in subdivision 1, with intent to influence or otherwise
76.17 tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial
76.18 officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the
76.19 court, because of that person's performance of official duties in connection with a judicial
76.20 proceeding; or

76.21 (5) commits any offense described in subdivision 2 against a victim under the age of
76.22 18, if the actor is more than 36 months older than the victim.

76.23 (b) A person who commits any offense described in subdivision 2 against a victim under
76.24 the age of 18, if the actor is more than 36 months older than the victim, and the act is
76.25 committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to
76.26 imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than
76.27 \$20,000, or both.

76.28 Sec. 20. Minnesota Statutes 2016, section 609.855, subdivision 2, is amended to read:

76.29 Subd. 2. **Unlawful interference with transit operator.** (a) Whoever intentionally
76.30 commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the
76.31 operation of a transit vehicle is guilty of ~~unlawful interference with a transit operator~~ a crime
76.32 and may be sentenced as provided in paragraph (c).

77.1 (b) An act ~~that is~~ committed on a transit vehicle that distracts the driver from the safe
77.2 operation of the vehicle, restricts passenger access to the transit vehicle, or ~~that~~ endangers
77.3 passengers is a violation of this subdivision if an authorized transit representative has clearly
77.4 warned the person once to stop the act.

77.5 (c) A person who violates this subdivision may be sentenced as follows:

77.6 (1) to imprisonment for not more than three years or to payment of a fine of not more
77.7 than \$5,000, or both, if the violation was accompanied by force or violence or a
77.8 communication of a threat of force or violence; or

77.9 (2) to imprisonment for not more than ~~90 days~~ one year or to payment of a fine of not
77.10 more than ~~\$1,000~~ \$3,000, or both, if the violation was not accompanied by force or violence
77.11 or a communication of a threat of force or violence.

77.12 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
77.13 committed on or after that date.

77.14 Sec. 21. Minnesota Statutes 2016, section 609.87, subdivision 2a, is amended to read:

77.15 Subd. 2a. **Authorization.** (a) "Authorization" means:

77.16 (1) with the permission of the owner of the computer, computer system, computer
77.17 network, computer software, or other property;

77.18 (2) access by employees of the Department of Commerce acting under the authority and
77.19 powers granted to the director of the Weights and Measures Division in chapter 239 at any
77.20 time the device is commercially available for use;

77.21 (3) access by registrants in the voluntary placing in service program and registered
77.22 liquefied petroleum gas (LPG) meter inspectors acting under the authority and powers
77.23 granted in Minnesota Rules, chapter 7601, but only at times specified by the device owner
77.24 or operator or the device owner's or operator's designated representative; or

77.25 (4) access by other people who have the express permission of the device owner or
77.26 operator or the device owner's or operator's designated representative but only at times as
77.27 approved by the device owner or operator and only for purposes approved by the device
77.28 owner or operator.

77.29 (b) Authorization may be limited by the owner by:

77.30 (1) giving the user actual notice orally or in writing;

- 78.1 (2) posting a written notice in a prominent location adjacent to the computer being used;
78.2 or
78.3 (3) using a notice displayed on or announced by the computer being used.

78.4 Sec. 22. Minnesota Statutes 2016, section 609.87, is amended by adding a subdivision to
78.5 read:

78.6 Subd. 15. **Electronic terminal.** "Electronic terminal" means an electronic device, other
78.7 than a telephone operated by a consumer, through which an individual or company may
78.8 initiate an electronic fund transfer. The term includes, but is not limited to, point-of-sale
78.9 terminals, automated teller machines, cash dispensing machines, and gas pump dispensers.

78.10 Sec. 23. Minnesota Statutes 2016, section 609.87, is amended by adding a subdivision to
78.11 read:

78.12 Subd. 16. **Access device.** "Access device" means a card that is used by an individual or
78.13 company to initiate transactions and is:

- 78.14 (1) a means of access to an individual's or company's account;
78.15 (2) issued on a prepaid basis to the individual or company in a specific amount; or
78.16 (3) used by the individual or company to access government benefits.

78.17 Sec. 24. Minnesota Statutes 2016, section 609.891, subdivision 1, is amended to read:

78.18 Subdivision 1. **Crime.** A person is guilty of unauthorized computer access if the person
78.19 intentionally and without authorization attempts to or does penetrate a computer security
78.20 system or electronic terminal.

78.21 Sec. 25. Minnesota Statutes 2016, section 609.891, subdivision 2, is amended to read:

78.22 Subd. 2. **Felony.** (a) A person who violates subdivision 1 in a manner that creates a
78.23 grave risk of causing the death of a person is guilty of a felony and may be sentenced to
78.24 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
78.25 or both.

78.26 (b) A person who is convicted of a second or subsequent gross misdemeanor violation
78.27 of subdivision 1 is guilty of a felony and may be sentenced under paragraph (a).

78.28 (c) A person who violates subdivision 1 by accessing or attempting to access an electronic
78.29 terminal through opening any panel or access door without authorization and placing or

79.1 attaching or attempting to place or attach an electronic device to capture, store, or
79.2 communicate access device information is guilty of a felony.

79.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
79.4 committed on or after that date.

79.5 Sec. 26. Minnesota Statutes 2016, section 609.891, subdivision 3, is amended to read:

79.6 Subd. 3. **Gross misdemeanor.** (a) A person who violates subdivision 1 in a manner that
79.7 creates a risk to public health and safety is guilty of a gross misdemeanor and may be
79.8 sentenced to imprisonment for a term of not more than one year or to payment of a fine of
79.9 not more than \$3,000, or both.

79.10 (b) A person who violates subdivision 1 in a manner that compromises the security of
79.11 data that are protected under section 609.52, subdivision 2, clause (8), or are not public data
79.12 as defined in section 13.02, subdivision 8a, is guilty of a gross misdemeanor and may be
79.13 sentenced under paragraph (a).

79.14 (c) A person who violates subdivision 1 and gains access to personal data is guilty of a
79.15 gross misdemeanor and may be sentenced under paragraph (a).

79.16 (d) A person who is convicted of a second or subsequent misdemeanor violation of
79.17 subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced
79.18 under paragraph (a).

79.19 (e) A person who violates subdivision 1 by accessing an electronic terminal through
79.20 opening any panel or access door without authorization is guilty of a gross misdemeanor
79.21 and may be sentenced under paragraph (a).

79.22 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
79.23 committed on or after that date.

79.24 Sec. 27. Minnesota Statutes 2016, section 626.863, is amended to read:

79.25 **626.863 UNAUTHORIZED PRACTICE.**

79.26 (a) A person who is not a peace officer or part-time peace officer is guilty of a
79.27 misdemeanor if the person: (1) makes a representation of being a peace officer or part-time
79.28 peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved
79.29 by law for licensed peace officers and part-time peace officers.

79.30 (b) A peace officer who authorizes or knowingly allows a person to violate paragraph
79.31 (a) is guilty of a misdemeanor.

80.1 (c) The board shall designate the appropriate law enforcement agency to investigate
80.2 violations of this section. The attorney general shall prosecute violations of this section.

80.3 (d) A person who violates this section and who has previously been convicted of a
80.4 violation of this section is guilty of a ~~gross misdemeanor~~ felony.

80.5 Sec. 28. Minnesota Statutes 2016, section 626.88, subdivision 2, is amended to read:

80.6 Subd. 2. **Uniforms.** (a) Uniforms for peace officers shall be of uniform colors throughout
80.7 the state as provided herein. Uniforms for:

80.8 (1) municipal peace officers, including University of Minnesota peace officers and peace
80.9 officers assigned to patrol duties in parks, shall be blue, brown, or green;

80.10 (2) peace officers who are members of the county sheriffs' office shall be blue, brown,
80.11 or green;

80.12 (3) state troopers shall be maroon;

80.13 (4) conservation officers shall be green.

80.14 (b) The uniforms of security guards ~~may be any color other than those specified for~~
80.15 ~~peace officers~~ and protective agents shall be predominantly white or grey. This paragraph
80.16 shall apply to uniforms purchased after August 1, 2018.

80.17 (c) The uniforms of a bail bondsman or bail enforcement agent or any person who acts
80.18 at the direction of a surety may be any color other than those specified for peace officers.
80.19 A violation of this paragraph is a petty misdemeanor.

80.20 (d) This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

80.21 Sec. 29. **SENTENCING GUIDELINES MODIFICATIONS.**

80.22 The Sentencing Guidelines Commission shall modify the sentencing guidelines grid by
80.23 ranking: (1) violations of Minnesota Statutes, section 609.746, subdivision 1, paragraph (e)
80.24 (interfering with the privacy - subsequent violations and minor victim), in severity level 2;
80.25 and (2) violations of Minnesota Statutes, section 609.749, subdivision 3, paragraph (b)
80.26 (stalking a minor with sexual or aggressive intent), in severity level 5.

80.27 ARTICLE 6

80.28 CRIMINAL SEXUAL CONDUCT

80.29 Section 1. Minnesota Statutes 2016, section 244.195, subdivision 1, is amended to read:

81.1 Subdivision 1. **Definitions.** (a) As used in this subdivision, the following terms have
81.2 the meanings given them.

81.3 (b) "Commissioner" means the commissioner of corrections.

81.4 (c) "Conditional release" means parole, supervised release, conditional release as
81.5 authorized by section 609.3455, subdivision ~~6~~, 7, or 8; Minnesota Statutes 2004, section
81.6 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
81.7 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
81.8 any other authorized temporary release from a correctional facility.

81.9 (d) "Court services director" means the director or designee of a county probation agency
81.10 that is not organized under chapter 401.

81.11 (e) "Detain" means to take into actual custody, including custody within a local
81.12 correctional facility.

81.13 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
81.14 1.

81.15 (g) "Release" means to release from actual custody.

81.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
81.17 committed on or after that date.

81.18 Sec. 2. Minnesota Statutes 2016, section 253D.22, is amended to read:

81.19 **253D.22 TRANSFER TO CORRECTIONAL FACILITY.**

81.20 (a) If a person has been committed under this chapter and later is committed to the
81.21 custody of the commissioner of corrections for any reason, including but not limited to,
81.22 being sentenced for a crime or revocation of the person's supervised release or conditional
81.23 release under section 244.05; 609.3455, subdivision ~~6~~, 7, or 8; Minnesota Statutes 2004,
81.24 section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision
81.25 7, the person shall be transferred to a facility designated by the commissioner of corrections
81.26 without regard to the procedures provided in section 253D.29, subdivision 1.

81.27 (b) If a person is committed under this chapter after a commitment to the commissioner
81.28 of corrections, the person shall first serve the sentence in a facility designated by the
81.29 commissioner of corrections. After the person has served the sentence, the person shall be
81.30 transferred to a treatment program designated by the commissioner of human services.

81.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
81.32 committed on or after that date.

82.1 Sec. 3. Minnesota Statutes 2016, section 401.01, subdivision 2, is amended to read:

82.2 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
82.3 terms have the meanings given them.

82.4 (b) "CCA county" means a county that participates in the Community Corrections Act.

82.5 (c) "Commissioner" means the commissioner of corrections or a designee.

82.6 (d) "Conditional release" means parole, supervised release, conditional release as
82.7 authorized by section 609.3455, subdivision ~~6~~, 7, or 8; Minnesota Statutes 2004, section
82.8 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
82.9 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
82.10 any other authorized temporary release from a correctional facility.

82.11 (e) "County probation officer" means a probation officer appointed under section 244.19.

82.12 (f) "Detain" means to take into actual custody, including custody within a local
82.13 correctional facility.

82.14 (g) "Joint board" means the board provided in section 471.59.

82.15 (h) "Local correctional facility" has the meaning given in section 241.021, subdivision
82.16 1.

82.17 (i) "Local correctional service" means those services authorized by and employees,
82.18 officers, and agents appointed under section 244.19, subdivision 1.

82.19 (j) "Release" means to release from actual custody.

82.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
82.21 committed on or after that date.

82.22 Sec. 4. Minnesota Statutes 2016, section 609.095, is amended to read:

82.23 **609.095 LIMITS OF SENTENCES.**

82.24 (a) The legislature has the exclusive authority to define crimes and offenses and the
82.25 range of the sentences or punishments for their violation. No other or different sentence or
82.26 punishment shall be imposed for the commission of a crime than is authorized by this chapter
82.27 or other applicable law.

82.28 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties
82.29 in a case that does not include a charge for violating section 243.166, 609.342, 609.343,
82.30 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, a court may not refuse to adjudicate
82.31 the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of

83.1 Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a
83.2 trial.

83.3 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

83.4 (d) The rules promulgated by the Supreme Court shall provide for remote access,
83.5 searchable by defendant name, to the publicly accessible portions of the district court register
83.6 of actions, orders, notices prepared by the court, and any other documents in a case:

83.7 (1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344,
83.8 609.345, 609.3451, subdivision 3, or 609.3453; and

83.9 (2) in which a court did not adjudicate the guilt of a defendant who, before August 1,
83.10 2017, tendered a guilty plea in accordance with Minnesota Rules of Criminal Procedure,
83.11 rule 15, or who has been found guilty by a court or jury following a trial.

83.12 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
83.13 committed on or after that date.

83.14 Sec. 5. Minnesota Statutes 2016, section 609.135, subdivision 1, is amended to read:

83.15 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life imprisonment
83.16 is required by law, or when a mandatory minimum sentence is required by section 609.11,
83.17 or as provided in paragraph (e), any court may stay imposition or execution of sentence
83.18 and:

83.19 (1) may order intermediate sanctions without placing the defendant on probation; or

83.20 (2) may place the defendant on probation with or without supervision and on the terms
83.21 the court prescribes, including intermediate sanctions when practicable. The court may order
83.22 the supervision to be under the probation officer of the court, or, if there is none and the
83.23 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in
83.24 any case by some other suitable and consenting person. Unless the court directs otherwise,
83.25 state parole and probation agents and probation officers may impose community work
83.26 service or probation violation sanctions, consistent with section 243.05, subdivision 1;
83.27 sections 244.196 to 244.199; or 401.02, subdivision 5.

83.28 No intermediate sanction may be ordered performed at a location that fails to observe
83.29 applicable requirements or standards of chapter 181A or 182, or any rule promulgated under
83.30 them.

83.31 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
83.32 "intermediate sanctions" includes but is not limited to incarceration in a local jail or

84.1 workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,
84.2 reporting to a day reporting center, chemical dependency or mental health treatment or
84.3 counseling, restitution, fines, day-fines, community work service, work service in a restorative
84.4 justice program, work in lieu of or to work off fines and, with the victim's consent, work in
84.5 lieu of or to work off restitution.

84.6 (c) A court may not stay the revocation of the driver's license of a person convicted of
84.7 violating the provisions of section 169A.20.

84.8 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment
84.9 is due on the date imposed unless the court otherwise establishes a due date or a payment
84.10 plan.

84.11 (e) A court may not stay imposition of a sentence for a felony violation of section
84.12 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

84.13 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
84.14 committed on or after that date.

84.15 Sec. 6. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

84.16 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision, "secure
84.17 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and
84.18 253D.02, subdivision 13.

84.19 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section
84.20 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts
84.21 against an employee or other individual who provides care or treatment at a secure treatment
84.22 facility while the person is engaged in the performance of a duty imposed by law, policy,
84.23 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two
84.24 years or to payment of a fine of not more than \$4,000, or both:

84.25 (1) assaults the person and inflicts demonstrable bodily harm; or

84.26 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

84.27 (c) Whoever, while committed under section 253B.18, or admitted under the provision
84.28 of section 253B.10, subdivision 1, commits either of the following acts against an employee
84.29 or other individual who supervises and works directly with patients at a secure treatment
84.30 facility while the person is engaged in the performance of a duty imposed by law, policy,
84.31 or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two
84.32 years or to payment of a fine of not more than \$4,000, or both:

85.1 (1) assaults the person and inflicts demonstrable bodily harm; or

85.2 (2) intentionally throws or otherwise transfers urine, blood, semen, or feces onto the
85.3 person.

85.4 (d) The court shall commit a person convicted of violating paragraph (b) to the custody
85.5 of the commissioner of corrections for not less than one year and one day. The court may
85.6 not, on its own motion or the prosecutor's motion, sentence a person without regard to this
85.7 paragraph. A person convicted and sentenced as required by this paragraph is not eligible
85.8 for probation, parole, discharge, work release, or supervised release, until that person has
85.9 served the full term of imprisonment as provided by law, notwithstanding the provisions of
85.10 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

85.11 (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when
85.12 a court sentences a person to the custody of the commissioner of corrections for a violation
85.13 of paragraph (b), the court shall provide that after the person has been released from prison,
85.14 the commissioner shall place the person on conditional release for five years. The terms of
85.15 conditional release are governed by sections 244.05 and 609.3455, subdivision 6, 7, or 8;
85.16 and Minnesota Statutes 2004, section 609.109.

85.17 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
85.18 committed on or after that date.

85.19 Sec. 7. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

85.20 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
85.21 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
85.22 to imprisonment for not more than 30 years or to a payment of a fine of not more than
85.23 \$40,000, or both.

85.24 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
85.25 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
85.26 presume that an executed sentence of 144 months must be imposed on an offender convicted
85.27 of violating this section. Sentencing a person in a manner other than that described in this
85.28 paragraph is a departure from the Sentencing Guidelines.

85.29 (c) A person convicted under this section is also subject to lifetime conditional release,
85.30 lifetime probation, and intensive probation under section 609.3455.

85.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
85.32 committed on or after that date.

86.1 Sec. 8. Minnesota Statutes 2016, section 609.342, is amended by adding a subdivision to
86.2 read:

86.3 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
86.4 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
86.5 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
86.6 guilty by a court or jury following a trial.

86.7 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
86.8 imposition of a sentence under this section.

86.9 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
86.10 committed on or after that date.

86.11 Sec. 9. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

86.12 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
86.13 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
86.14 to imprisonment for not more than 25 years or to a payment of a fine of not more than
86.15 \$35,000, or both.

86.16 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
86.17 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
86.18 presume that an executed sentence of 90 months must be imposed on an offender convicted
86.19 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner
86.20 other than that described in this paragraph is a departure from the Sentencing Guidelines.

86.21 (c) A person convicted under this section is also subject to lifetime conditional release,
86.22 lifetime probation, and intensive probation under section 609.3455.

86.23 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
86.24 committed on or after that date.

86.25 Sec. 10. Minnesota Statutes 2016, section 609.343, is amended by adding a subdivision
86.26 to read:

86.27 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
86.28 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
86.29 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
86.30 guilty by a court or jury following a trial.

87.1 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
87.2 imposition of a sentence under this section.

87.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
87.4 committed on or after that date.

87.5 Sec. 11. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

87.6 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
87.7 under subdivision 1 may be sentenced:

87.8 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
87.9 than \$30,000, or both; or

87.10 (2) if the person was convicted under subdivision 1, paragraph (b), and if the actor was
87.11 no more than 48 months but more than 24 months older than the complainant, to
87.12 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

87.13 A person convicted under this section is also subject to lifetime conditional release,
87.14 lifetime probation, and intensive probation under section 609.3455.

87.15 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
87.16 committed on or after that date.

87.17 Sec. 12. Minnesota Statutes 2016, section 609.344, is amended by adding a subdivision
87.18 to read:

87.19 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
87.20 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
87.21 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
87.22 guilty by a court or jury following a trial.

87.23 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
87.24 imposition of a sentence under this section.

87.25 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
87.26 committed on or after that date.

87.27 Sec. 13. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

87.28 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
87.29 under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a
87.30 payment of a fine of not more than \$20,000, or both. A person convicted under this section

88.1 is also subject to lifetime conditional release, lifetime probation, and intensive probation
88.2 under section 609.3455.

88.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
88.4 committed on or after that date.

88.5 Sec. 14. Minnesota Statutes 2016, section 609.345, is amended by adding a subdivision
88.6 to read:

88.7 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
88.8 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
88.9 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
88.10 guilty by a court or jury following a trial.

88.11 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
88.12 imposition of a sentence under this section.

88.13 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
88.14 committed on or after that date.

88.15 Sec. 15. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

88.16 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
88.17 for not more than seven years or to payment of a fine of not more than \$14,000, or both, if
88.18 the person violates this section within seven years of:

88.19 (1) a previous conviction for violating subdivision 1, clause (2), a crime described in
88.20 paragraph (b), or a statute from another state in conformity with any of these offenses; or

88.21 (2) the first of two or more previous convictions for violating subdivision 1, clause (1),
88.22 or a statute from another state in conformity with this offense.

88.23 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
88.24 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
88.25 enhance a criminal penalty as provided in paragraph (a).

88.26 (c) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the
88.27 guilt of a defendant who tenders a guilty plea under this subdivision in accordance with
88.28 Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court
88.29 or jury following a trial.

88.30 (d) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
88.31 imposition of a sentence under this subdivision.

89.1 (e) A person convicted under this subdivision is also subject to lifetime conditional
89.2 release, lifetime probation, and intensive probation under section 609.3455.

89.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
89.4 committed on or after that date.

89.5 Sec. 16. Minnesota Statutes 2016, section 609.3455, subdivision 7, is amended to read:

89.6 Subd. 7. **Mandatory lifetime conditional release term.** ~~(a) When a court sentences an~~
89.7 ~~offender under subdivision 3 or 4, the court shall provide that, if the offender is released~~
89.8 ~~from prison, the commissioner of corrections shall place the offender on conditional release~~
89.9 ~~for the remainder of the offender's life.~~

89.10 ~~(b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense,~~
89.11 ~~when the court commits an offender to the custody of the commissioner of corrections for~~
89.12 ~~a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453,~~
89.13 ~~and the offender has a previous or prior sex offense conviction, the court shall provide that,~~
89.14 ~~after the offender has been released from prison, the commissioner shall place the offender~~
89.15 ~~on conditional release for the remainder of the offender's life.~~

89.16 ~~(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional~~
89.17 ~~release for a violation of section 609.345, unless the offender's previous or prior sex offense~~
89.18 ~~conviction is for a violation of section 609.342, 609.343, 609.344, or 609.3453, or any~~
89.19 ~~similar statute of the United States, this state, or any other state.~~

89.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
89.21 committed on or after that date.

89.22 Sec. 17. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
89.23 to read:

89.24 Subd. 7a. **Lifetime probation.** Notwithstanding the statutory maximum sentence
89.25 otherwise applicable to the offense and otherwise provided in section 609.135, subdivision
89.26 2, paragraph (a), when the court does not commit an offender to the commissioner of
89.27 corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
89.28 or 609.3453, the court shall, after the offender has been released from any term of
89.29 confinement imposed by the court, place the offender on probation for the remainder of the
89.30 offender's life.

89.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
89.32 committed on or after that date.

90.1 Sec. 18. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

90.2 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
90.3 provisions of this subdivision relating to conditional release apply to all sex offenders
90.4 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
90.5 or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is
90.6 governed by provisions relating to supervised release. ~~The commissioner of corrections~~
90.7 ~~may not dismiss an offender on conditional release from supervision until the offender's~~
90.8 ~~conditional release term expires.~~

90.9 (b) The conditions of release may include successful completion of treatment and aftercare
90.10 in a program approved by the commissioner, satisfaction of the release conditions specified
90.11 in section 244.05, subdivision 6, and any other conditions the commissioner considers
90.12 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
90.13 released under this subdivision. The plan may include co-payments from offenders,
90.14 third-party payers, local agencies, or other funding sources as they are identified. This
90.15 section does not require the commissioner to accept or retain an offender in a treatment
90.16 program. Before the offender is placed on conditional release, the commissioner shall notify
90.17 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
90.18 of the terms of the offender's conditional release. The commissioner also shall make
90.19 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
90.20 conditional release.

90.21 (c) If the offender fails to meet any condition of release, the commissioner may revoke
90.22 the offender's conditional release and order that the offender serve all or a part of the
90.23 remaining portion of the conditional release term in prison. ~~An offender, while on supervised~~
90.24 ~~release, is not entitled to credit against the offender's conditional release term for time served~~
90.25 ~~in confinement for a violation of release.~~

90.26 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
90.27 committed on or after that date.

90.28 Sec. 19. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
90.29 to read:

90.30 Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the
90.31 commissioner of corrections after a conviction for a felony violation of section 609.342,
90.32 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on
90.33 intensive probation as provided in this subdivision.

91.1 (b) Phase I of intensive probation is six months and begins after the offender is released
91.2 from confinement, if ordered by the court. Phase II lasts for at least one-third of the time
91.3 remaining in the offender's imposed sentence at the beginning of phase II. Phase III lasts
91.4 for at least one-third of the time remaining in the offender's imposed sentence at the beginning
91.5 of phase III. Phase IV continues until the offender's imposed sentence expires.

91.6 (c) During phase I, the offender will be under house arrest in a residence approved by
91.7 the offender's probation agent and may not move to another residence without permission.
91.8 "House arrest" means that the offender's movements will be severely restricted and
91.9 continually monitored by the assigned agent. During phase II, modified house arrest is
91.10 imposed. During phases III and IV, the offender is subjected to a daily curfew instead of
91.11 house arrest.

91.12 (d) During phase I, the assigned probation agent shall have at least four face-to-face
91.13 contacts with the offender each week. During phase II, two face-to-face contacts a week
91.14 are required. During phase III, one face-to-face contact a week is required. During phase
91.15 IV, two face-to-face contacts a month are required. When an offender is an inmate of a jail
91.16 or a resident of a facility that is staffed full time, at least one face-to-face contact a week is
91.17 required.

91.18 (e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week
91.19 performing approved work, undertaking constructive activity designed to obtain employment,
91.20 or attending a treatment or education program as directed by the agent. An offender may
91.21 not spend more than six months in a residential treatment program that does not require the
91.22 offender to spend at least 40 hours a week performing approved work or undertaking
91.23 constructive activity designed to obtain employment.

91.24 (f) During any phase, the offender may be placed on electronic surveillance if the
91.25 probation agent so directs. If electronic surveillance is directed during phase I, the court
91.26 must require that the offender be kept in custody, or that the offender's probation agent or
91.27 the agent's designee directly supervise the offender until electronic surveillance is activated.
91.28 It is the responsibility of the offender placed on electronic surveillance to ensure that the
91.29 offender's residence is properly equipped and the offender's telecommunications system is
91.30 properly configured to support electronic surveillance prior to being released from custody
91.31 or the direct supervision of a probation agent. It is a violation of an offender's probation to
91.32 fail to comply with this paragraph.

92.1 (g) Throughout all phases of intensive probation, the offender shall submit at any time
92.2 to an unannounced search of the offender's person, vehicle, computer and other devices that
92.3 access the Internet or store data, or premises by a probation agent.

92.4 (h) The court may include any other conditions in the various phases of intensive
92.5 probation that the court finds necessary and appropriate.

92.6 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
92.7 committed on or after that date.

92.8 Sec. 20. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

92.9 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
92.10 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
92.11 court commits a person to the custody of the commissioner of corrections for violating this
92.12 section, the court shall provide that after the person has been released from prison, the
92.13 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
92.14 has previously been convicted of a violation of this section, section 609.342, 609.343,
92.15 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
92.16 States, this state, or any state, the commissioner shall place the person on conditional release
92.17 for ~~ten years~~ the remainder of the offender's life. The terms of conditional release are
92.18 governed by section 609.3455, subdivision 8.

92.19 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
92.20 committed on or after that date.

92.21 Sec. 21. Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision
92.22 to read:

92.23 Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must
92.24 serve a minimum of six months of incarceration. If the person (1) has a prior conviction
92.25 under this section or section 617.247, or (2) is required to register as a predatory offender,
92.26 the person must serve a minimum of 12 months of incarceration.

92.27 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
92.28 committed on or after that date.

92.29 Sec. 22. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

92.30 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
92.31 to an adult or a minor, knowing or with reason to know its content and character, is guilty

93.1 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a
93.2 fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a
93.3 fine of not more than \$20,000 for a second or subsequent offense.

93.4 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
93.5 imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a
93.6 registered predatory offender under section 243.166.

93.7 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
93.8 committed on or after that date.

93.9 Sec. 23. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

93.10 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
93.11 computer disk or computer or other electronic, magnetic, or optical storage system or a
93.12 storage system of any other type, containing a pornographic work, knowing or with reason
93.13 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
93.14 for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first
93.15 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for
93.16 a second or subsequent offense.

93.17 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
93.18 imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a
93.19 registered predatory offender under section 243.166.

93.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
93.21 committed on or after that date.

93.22 Sec. 24. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision
93.23 to read:

93.24 **Subd. 10. Mandatory minimum sentence.** A person convicted under this section must
93.25 serve a minimum of six months of incarceration. If the person (1) has a prior conviction
93.26 under this section or section 617.246, or (2) is required to register as a predatory offender,
93.27 the person must serve a minimum of 12 months of incarceration.

93.28 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
93.29 committed on or after that date.

94.1 Sec. 25. **SENTENCING GUIDELINES MODIFICATION.**

94.2 The Sentencing Guidelines Commission shall modify the sex offender grid by ranking
94.3 violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child
94.4 pornography - subsequent or by predatory offender), in severity level C; violations of
94.5 Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247,
94.6 subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and
94.7 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory
94.8 offender), in severity level D; and violations of Minnesota Statutes, section 617.247,
94.9 subdivision 4 (possession of child pornography - first time, nonpredatory offender), in
94.10 severity level E.

94.11 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
94.12 committed on or after that date.

94.13 Sec. 26. **REPEALER.**

94.14 Minnesota Statutes 2016, sections 609.342, subdivision 3; 609.343, subdivision 3;
94.15 609.344, subdivision 3; 609.345, subdivision 3; and 609.3455, subdivision 6, are repealed.

94.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
94.17 committed on or after that date.

94.18 **ARTICLE 7**

94.19 **DWI**

94.20 Section 1. Minnesota Statutes 2016, section 169A.03, subdivision 21, is amended to read:

94.21 Subd. 21. **Prior impaired driving-related loss of license.** (a) "Prior impaired
94.22 driving-related loss of license" includes a driver's license suspension, revocation, cancellation,
94.23 denial, or disqualification under:

94.24 (1) section 169A.31 (alcohol-related school bus or Head Start bus driving); 169A.50 to
94.25 169A.53 (implied consent law); 169A.54 (impaired driving convictions and adjudications;
94.26 administrative penalties); 171.04 (persons not eligible for drivers' licenses); 171.14
94.27 (cancellation); 171.16 (court may recommend suspension); 171.165 (commercial driver's
94.28 license, disqualification); 171.17 (revocation); 171.177 (revocation; pursuant to search
94.29 warrant); or 171.18 (suspension); because of an alcohol-related incident;

94.30 (2) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,
94.31 substance-related offenses), subdivision 1, clauses (2) to (6);

95.1 (3) Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or
95.2 controlled substance); 169.1211 (alcohol-related driving by commercial vehicle drivers);
95.3 or 169.123 (chemical tests for intoxication);

95.4 (4) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
95.5 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
95.6 (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3,
95.7 clauses (2) to (6); or subdivision 4, clauses (2) to (6);

95.8 (5) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses
95.9 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,
95.10 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

95.11 (6) an ordinance from this state, or a statute or ordinance from another state, in conformity
95.12 with any provision listed in clause (1), (2), (3), (4), or (5).

95.13 (b) "Prior impaired driving-related loss of license" also includes the revocation of
95.14 snowmobile or all-terrain vehicle operating privileges under section 84.911 (chemical
95.15 testing), or motorboat operating privileges under section 86B.335 (testing for alcohol and
95.16 controlled substances), for violations that occurred on or after August 1, 1994; the revocation
95.17 of snowmobile or all-terrain vehicle operating privileges under section 84.91 (operation of
95.18 snowmobiles and all-terrain vehicles by persons under the influence of alcohol or controlled
95.19 substances); or the revocation of motorboat operating privileges under section 86B.331
95.20 (operation while using alcohol or drugs or with a physical or mental disability).

95.21 (c) "Prior impaired driving-related loss of license" does not include any license action
95.22 stemming solely from a violation of section 169A.33 (underage drinking and driving),
95.23 171.09 (conditions of a restricted license), or 340A.503 (persons under the age of 21, illegal
95.24 acts).

95.25 Sec. 2. Minnesota Statutes 2016, section 169A.20, subdivision 2, is amended to read:

95.26 Subd. 2. **Refusal to submit to chemical test crime.** It is a crime for any person to refuse
95.27 to submit to a chemical test:

95.28 (1) of the person's blood, breath, or urine under section 169A.51 (chemical tests for
95.29 intoxication), or 169A.52 (test refusal or failure; revocation of license); or

95.30 (2) of the person's blood or urine as required by a search warrant under sections 626.04
95.31 to 626.18.

96.1 Sec. 3. Minnesota Statutes 2016, section 169A.51, subdivision 2, is amended to read:

96.2 Subd. 2. ~~Implied consent~~ **Breath test advisory.** ~~(a) Subject to paragraph (b),~~ At the
96.3 time a breath test is requested, the person must be informed:

96.4 (1) that Minnesota law requires the person to take a test:

96.5 (i) to determine if the person is under the influence of alcohol, ~~controlled substances, or~~
96.6 ~~hazardous substances; and~~

96.7 ~~(ii) to determine the presence of a controlled substance listed in Schedule I or II or~~
96.8 ~~metabolite, other than marijuana or tetrahydrocannabinols; and~~

96.9 ~~(iii)~~ if the motor vehicle was a commercial motor vehicle, to determine the presence of
96.10 alcohol;

96.11 (2) that refusal to ~~take~~ submit to a breath test is a crime; and

96.12 (3) ~~if the peace officer has probable cause to believe the person has violated the criminal~~
96.13 ~~vehicular homicide and injury laws, that a test will be taken with or without the person's~~
96.14 ~~consent; and~~

96.15 ~~(4)~~ that the person has the right to consult with an attorney, but that this right is limited
96.16 to the extent that it cannot unreasonably delay administration of the test.

96.17 ~~(b) A peace officer who is not pursuing an implied consent revocation is not required~~
96.18 ~~to give the advisory described in paragraph (a) to a person whom the officer has probable~~
96.19 ~~cause to believe has violated section 609.2112, subdivision 1, clause (2), (3), (4), (5), or~~
96.20 ~~(6); 609.2113, subdivision 1, clause (2), (3), (4), (5), or (6); or 609.2114, subdivision 1,~~
96.21 ~~clause (2), (3), (4), (5), or (6); or Minnesota Statutes 2012, 609.21, subdivision 1, clause~~
96.22 ~~(2), (3), (4), (5), or (6) (criminal vehicular operation DWI-related provisions).~~

96.23 Sec. 4. Minnesota Statutes 2016, section 169A.51, subdivision 4, is amended to read:

96.24 Subd. 4. **Requirement of urine or blood test.** ~~Notwithstanding subdivision 3,~~ A blood
96.25 or urine test may be required pursuant to a search warrant under sections 626.04 to 626.18
96.26 even after a breath test has been administered if there is probable cause to believe that:

96.27 (1) there is impairment by a controlled substance or a hazardous substance that is not
96.28 subject to testing by a breath test; ~~or~~

96.29 (2) a controlled substance listed in Schedule I or II or its metabolite, other than marijuana
96.30 or tetrahydrocannabinols, is present in the person's body; or

97.1 (3) the person is unconscious or incapacitated to the point that the peace officer providing
97.2 a breath test advisory, administering a breath test, or serving the search warrant has a
97.3 good-faith belief that the person is mentally or physically unable to comprehend the breath
97.4 test advisory or otherwise voluntarily submit to chemical tests.

97.5 ~~Action may be taken against a person who refuses to take a blood test under this~~
97.6 ~~subdivision only if a urine test was offered and action may be taken against a person who~~
97.7 ~~refuses to take a urine test only if a blood test was offered.~~

97.8 **Sec. 5. [171.177] REVOCATION; PURSUANT TO SEARCH WARRANT.**

97.9 Subdivision 1. License revocation pursuant to search warrant. After executing a
97.10 search warrant under sections 626.04 to 626.18 for the collection of a blood or urine sample
97.11 based upon probable cause of a violation of chapter 169A, the peace officer acting under
97.12 sections 626.13 to 626.17 shall certify to the commissioner of public safety:

97.13 (1) when a person refuses to comply with the execution of the search warrant; or

97.14 (2) if a person submits to the test and the test results indicate:

97.15 (i) an alcohol concentration of 0.08 or more;

97.16 (ii) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
97.17 physical control of a commercial motor vehicle at the time of the violation; or

97.18 (iii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
97.19 other than marijuana or tetrahydrocannabinols.

97.20 Subd. 2. Test refusal; license revocation. (a) Upon certification under subdivision 1
97.21 that there existed probable cause to believe the person had been driving, operating, or in
97.22 physical control of a motor vehicle in violation of section 169A.20 (driving while impaired),
97.23 and that the person refused to comply with the execution of the search warrant under sections
97.24 626.04 to 626.18, the commissioner shall revoke the person's license or permit to drive or
97.25 nonresident operating privilege. The commissioner shall revoke the license, permit, or
97.26 nonresident operating privilege:

97.27 (1) for a person with no qualified prior impaired driving incidents within the past ten
97.28 years, for a period of not less than one year;

97.29 (2) for a person under the age of 21 years and with no qualified prior impaired driving
97.30 incidents within the past ten years, for a period of not less than one year;

98.1 (3) for a person with one qualified prior impaired driving incident within the past ten
98.2 years or two qualified prior impaired driving incidents, for a period of not less than two
98.3 years;

98.4 (4) for a person with two qualified prior impaired driving incidents within the past ten
98.5 years or three qualified prior impaired driving incidents, for a period of not less than three
98.6 years;

98.7 (5) for a person with three qualified prior impaired driving incidents within the past ten
98.8 years, for a period of not less than four years; or

98.9 (6) for a person with four or more qualified prior impaired driving incidents, for a period
98.10 of not less than six years.

98.11 (b) When a person refuses to comply with the search warrant and permit testing, the
98.12 commissioner shall disqualify the person from operating a commercial motor vehicle and
98.13 shall revoke the person's license or permit to drive or nonresident operating privilege
98.14 according to the federal regulations adopted by reference in section 171.165, subdivision
98.15 2.

98.16 **Subd. 3. Test failure; license revocation.** (a) Upon certification under subdivision 1,
98.17 pursuant to a search warrant under sections 626.04 to 626.18, that there existed probable
98.18 cause to believe the person had been driving, operating, or in physical control of a motor
98.19 vehicle in violation of section 169A.20 (driving while impaired), and that the person
98.20 submitted to a test and the test results indicate an alcohol concentration of 0.08 or more or
98.21 the presence of a controlled substance listed in Schedule I or II or its metabolite, other than
98.22 marijuana or tetrahydrocannabinols, the commissioner shall revoke the person's license or
98.23 permit to drive or nonresident operating privilege:

98.24 (1) for a period of 90 days or, if the test results indicate an alcohol concentration of twice
98.25 the legal limit or more, not less than one year;

98.26 (2) if the person is under the age of 21 years, for a period of not less than 180 days or,
98.27 if the test results indicate an alcohol concentration of twice the legal limit or more, not less
98.28 than one year;

98.29 (3) for a person with one qualified prior impaired driving incident within the past ten
98.30 years or two qualified prior impaired driving incidents, for a period of not less than one
98.31 year or, if the test results indicate an alcohol concentration of twice the legal limit or more,
98.32 not less than two years;

99.1 (4) for a person with two qualified prior impaired driving incidents within the past ten
99.2 years or three qualified prior impaired driving incidents, for a period of not less than three
99.3 years;

99.4 (5) for a person with three qualified prior impaired driving incidents within the past ten
99.5 years, for a period of not less than four years; or

99.6 (6) for a person with four or more qualified prior impaired driving incidents, for a period
99.7 of not less than six years.

99.8 (b) On certification by the peace officer that there existed probable cause to believe the
99.9 person had been driving, operating, or in physical control of a commercial motor vehicle
99.10 with any presence of alcohol and that the person submitted to a test and the test results
99.11 indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the
99.12 person from operating a commercial motor vehicle under section 171.165 (commercial
99.13 driver's license disqualification).

99.14 (c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of
99.15 Criminal Apprehension or authorized by the bureau to conduct the analysis of a blood or
99.16 urine sample, the laboratory may directly certify to the commissioner the test results, and
99.17 the peace officer shall certify to the commissioner that there existed probable cause to
99.18 believe the person had been driving, operating, or in physical control of a motor vehicle in
99.19 violation of section 169A.20 (driving while impaired), and that the person submitted to a
99.20 test. Upon receipt of both certifications, the commissioner shall undertake the license actions
99.21 described in paragraphs (a) and (b).

99.22 Subd. 4. **Unlicensed drivers; license issuance denial.** If the person is a resident without
99.23 a license or permit to operate a motor vehicle in this state, the commissioner shall deny to
99.24 the person the issuance of a license or permit after the date of the alleged violation for the
99.25 same period as provided in this section for revocation, subject to review as provided in
99.26 subdivisions 8 and 9.

99.27 Subd. 5. **Notice of revocation or disqualification; review.** A revocation under this
99.28 section, or a disqualification under section 171.165 (commercial driver's license
99.29 disqualification), becomes effective at the time the commissioner or a peace officer acting
99.30 on behalf of the commissioner notifies the person of the intention to revoke, disqualify, or
99.31 both, and of revocation or disqualification. The notice must advise the person of the right
99.32 to obtain administrative and judicial review as provided in subdivisions 8 and 9. If mailed,
99.33 the notice and order of revocation or disqualification is deemed received three days after
99.34 mailing to the last known address of the person.

100.1 Subd. 6. **Test refusal; driving privilege lost.** (a) On behalf of the commissioner, a peace
100.2 officer requiring a test or directing the administration of a chemical test pursuant to a search
100.3 warrant under sections 626.04 to 626.18 shall serve immediate notice of intention to revoke
100.4 and of revocation on a person who refuses to permit a test or on a person who submits to a
100.5 test the results of which indicate an alcohol concentration of 0.08 or more.

100.6 (b) On behalf of the commissioner, a peace officer requiring a test or directing the
100.7 administration of a chemical test of a person driving, operating, or in physical control of a
100.8 commercial motor vehicle pursuant to a search warrant under sections 626.04 to 626.18
100.9 shall serve immediate notice of intention to disqualify and of disqualification on a person
100.10 who refuses to permit a test or on a person who submits to a test the results of which indicate
100.11 an alcohol concentration of 0.04 or more.

100.12 (c) The officer shall:

100.13 (1) invalidate the person's driver's license or permit card by clipping the upper corner
100.14 of the card in such a way that no identifying information including the photo is destroyed,
100.15 and immediately return the card to the person;

100.16 (2) issue the person a temporary license effective for only seven days; and

100.17 (3) send the notification of this action to the commissioner along with the certificate
100.18 required by subdivision 3 or 4.

100.19 Subd. 7. **Notice of action to other states.** When a nonresident's privilege to operate a
100.20 motor vehicle in this state has been revoked or denied, the commissioner shall give
100.21 information in writing of the action taken to the official in charge of traffic control or public
100.22 safety of the state of the person's residence and of any state in which the person has a license.

100.23 Subd. 8. **Administrative review.** (a) At any time during a period of revocation imposed
100.24 under this section, or a period of disqualification imposed under section 171.165 (commercial
100.25 driver's license disqualification), a person may request in writing a review of the order of
100.26 revocation or disqualification by the commissioner, unless the person is entitled to review
100.27 under section 171.166 (review of disqualification). Upon receiving a request, the
100.28 commissioner or the commissioner's designee shall review the order, the evidence upon
100.29 which the order was based, and any other material information brought to the attention of
100.30 the commissioner and determine whether sufficient cause exists to sustain the order. Within
100.31 15 days of receiving the request, the commissioner shall report in writing the results of the
100.32 review. The review provided in this subdivision is not subject to the contested case provisions
100.33 of the Administrative Procedure Act in sections 14.001 to 14.69.

101.1 (b) The availability of administrative review for an order of revocation or disqualification
101.2 has no effect upon the availability of judicial review under this section.

101.3 (c) Review under this subdivision must take place, if possible, at the same time as any
101.4 administrative review of the person's impoundment order under section 169A.60, subdivision
101.5 9.

101.6 Subd. 9. **Petition for judicial review.** (a) Within 60 days following receipt of a notice
101.7 and order of revocation pursuant to this section, a person may petition the court for review.
101.8 The petition must be filed with the district court administrator in the county where the
101.9 alleged offense occurred, together with proof of service of a copy on the commissioner, and
101.10 accompanied by the standard filing fee for civil actions. Responsive pleading is not required
101.11 of the commissioner, and court fees must not be charged for the appearance of the
101.12 commissioner in the matter.

101.13 (b) The petition must:

101.14 (1) be captioned in the full name of the person making the petition as petitioner and the
101.15 commissioner as respondent;

101.16 (2) include the petitioner's date of birth and driver's license number, and the date of the
101.17 offense; and

101.18 (3) state with specificity the grounds upon which the petitioner seeks rescission of the
101.19 order of revocation, disqualification, or denial.

101.20 (c) The filing of the petition does not stay the revocation, disqualification, or denial. The
101.21 reviewing court may order a stay of the balance of the revocation or disqualification if the
101.22 hearing has not been conducted within 60 days after filing the petition upon terms the court
101.23 deems proper.

101.24 (d) Judicial reviews must be conducted according to the Rules of Civil Procedure, except
101.25 that prehearing discovery is mandatory and is limited to:

101.26 (1) the notice of revocation;

101.27 (2) the test record or, in the case of blood or urine tests, the certificate of analysis;

101.28 (3) the peace officer's certificate and any accompanying documentation submitted by
101.29 the arresting officer to the commissioner; and

101.30 (4) disclosure of potential witnesses, including experts, and the basis of their testimony.

101.31 Other types of discovery are available only upon order of the court.

102.1 Subd. 10. **Judicial hearing; issues, order, appeal.** (a) A judicial review hearing under
102.2 this section must be before a district judge in any county in the judicial district where the
102.3 alleged offense occurred. The hearing is to the court and may be conducted at the same time
102.4 and in the same manner as hearings upon pretrial motions in the criminal prosecution under
102.5 section 169A.20 (driving while impaired), if any. The hearing must be recorded. The
102.6 commissioner shall appear and be represented by the attorney general or through the
102.7 prosecuting authority for the jurisdiction involved. The hearing must be held at the earliest
102.8 practicable date, and in any event no later than 60 days following the filing of the petition
102.9 for review. The judicial district administrator shall establish procedures to ensure efficient
102.10 compliance with this subdivision. To accomplish this, the administrator may, whenever
102.11 possible, consolidate and transfer review hearings among the locations within the judicial
102.12 district where terms of district court are held.

102.13 (b) The scope of the hearing is limited to the issues in clauses (1) to (10):

102.14 (1) Did the peace officer have probable cause to believe the person was driving, operating,
102.15 or in physical control of a motor vehicle or commercial motor vehicle in violation of section
102.16 169A.20 (driving while impaired)?

102.17 (2) Was the person lawfully placed under arrest for violation of section 169A.20?

102.18 (3) Was the person involved in a motor vehicle accident or collision resulting in property
102.19 damage, personal injury, or death?

102.20 (4) Did a licensed peace officer apply for a search warrant in accordance with the
102.21 requirements set forth in sections 626.04 to 626.18?

102.22 (5) Did a neutral magistrate review the application for a search warrant and determine
102.23 there was probable cause to believe that the person was driving, operating, or in physical
102.24 control of a motor vehicle or commercial motor vehicle in violation of section 169A.20
102.25 (driving while impaired)?

102.26 (6) Did the person refuse to permit the test?

102.27 (7) If a test was taken by a person driving, operating, or in physical control of a motor
102.28 vehicle, did the test results indicate at the time of testing:

102.29 (i) an alcohol concentration of 0.08 or more; or

102.30 (ii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
102.31 other than marijuana or tetrahydrocannabinols?

103.1 (8) If a test was taken by a person driving, operating, or in physical control of a
103.2 commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or
103.3 more at the time of testing?

103.4 (9) Was the testing method used valid and reliable and were the test results accurately
103.5 evaluated?

103.6 (10) Did the person prove the defense of necessity?

103.7 (c) Certified or otherwise authenticated copies of laboratory or medical personnel reports,
103.8 records, documents, licenses, and certificates are admissible as substantive evidence.

103.9 (d) The court shall order that the revocation or disqualification be either rescinded or
103.10 sustained and forward the order to the commissioner. The court shall file its order within
103.11 14 days following the hearing. If the revocation or disqualification is sustained, the court
103.12 shall also forward the person's driver's license or permit to the commissioner for further
103.13 action by the commissioner if the license or permit is not already in the commissioner's
103.14 possession.

103.15 (e) Any party aggrieved by the decision of the reviewing court may appeal the decision
103.16 as provided in the Rules of Appellate Procedure.

103.17 (f) The civil hearing under this section shall not give rise to an estoppel on any issues
103.18 arising from the same set of circumstances in any criminal prosecution.

103.19 (g) It is an affirmative defense for the petitioner to prove a necessity.

103.20 **Sec. 6. REPEALER.**

103.21 Minnesota Statutes 2016, section 169A.51, subdivision 3, is repealed.

103.22 **ARTICLE 8**

103.23 **CONTROLLED SUBSTANCES**

103.24 Section 1. Minnesota Statutes 2016, section 152.02, subdivision 2, is amended to read:

103.25 Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

103.26 (b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the
103.27 following substances, including their analogs, isomers, esters, ethers, salts, and salts of
103.28 isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers,
103.29 and salts is possible:

103.30 (1) acetylmethadol;

- 104.1 (2) allylprodine;
- 104.2 (3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl
- 104.3 acetate);
- 104.4 (4) alphameprodine;
- 104.5 (5) alphamethadol;
- 104.6 (6) alpha-methylfentanyl benzethidine;
- 104.7 (7) betacetylmethadol;
- 104.8 (8) betameprodine;
- 104.9 (9) betamethadol;
- 104.10 (10) betaprodine;
- 104.11 (11) clonitazene;
- 104.12 (12) dextromoramide;
- 104.13 (13) diampromide;
- 104.14 (14) diethylambutene;
- 104.15 (15) difenoxin;
- 104.16 (16) dimenoxadol;
- 104.17 (17) dimepheptanol;
- 104.18 (18) dimethylambutene;
- 104.19 (19) dioxaphetyl butyrate;
- 104.20 (20) dipipanone;
- 104.21 (21) ethylmethylthiambutene;
- 104.22 (22) etonitazene;
- 104.23 (23) etoxeridine;
- 104.24 (24) furethidine;
- 104.25 (25) hydroxypethidine;
- 104.26 (26) ketobemidone;
- 104.27 (27) levomoramide;

- 105.1 (28) levophenacymorphan;
- 105.2 (29) 3-methylfentanyl;
- 105.3 (30) acetyl-alpha-methylfentanyl;
- 105.4 (31) alpha-methylthiofentanyl;
- 105.5 (32) benzylfentanyl beta-hydroxyfentanyl;
- 105.6 (33) beta-hydroxy-3-methylfentanyl;
- 105.7 (34) 3-methylthiofentanyl;
- 105.8 (35) thenylfentanyl;
- 105.9 (36) thiofentanyl;
- 105.10 (37) para-fluorofentanyl;
- 105.11 (38) morpheridine;
- 105.12 (39) 1-methyl-4-phenyl-4-propionoxypiperidine;
- 105.13 (40) noracymethadol;
- 105.14 (41) norlevorphanol;
- 105.15 (42) normethadone;
- 105.16 (43) norpipanone;
- 105.17 (44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
- 105.18 (45) phenadoxone;
- 105.19 (46) phenampromide;
- 105.20 (47) phenomorphan;
- 105.21 (48) phenoperidine;
- 105.22 (49) piritramide;
- 105.23 (50) proheptazine;
- 105.24 (51) properidine;
- 105.25 (52) propiram;
- 105.26 (53) racemoramide;
- 105.27 (54) tilidine;

- 106.1 (55) trimeperidine;
- 106.2 (56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
- 106.3 (57)
- 106.4 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide(U47700);
- 106.5 and
- 106.6 (58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl).
- 106.7 (c) Opium derivatives. Any of the following substances, their analogs, salts, isomers,
- 106.8 and salts of isomers, unless specifically excepted or unless listed in another schedule,
- 106.9 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:
- 106.10 (1) acetorphine;
- 106.11 (2) acetyldihydrocodeine;
- 106.12 (3) benzylmorphine;
- 106.13 (4) codeine methylbromide;
- 106.14 (5) codeine-n-oxide;
- 106.15 (6) cyprenorphine;
- 106.16 (7) desomorphine;
- 106.17 (8) dihydromorphine;
- 106.18 (9) drotebanol;
- 106.19 (10) etorphine;
- 106.20 (11) heroin;
- 106.21 (12) hydromorphanol;
- 106.22 (13) methyl-desorphine;
- 106.23 (14) methyldihydromorphine;
- 106.24 (15) morphine methylbromide;
- 106.25 (16) morphine methylsulfonate;
- 106.26 (17) morphine-n-oxide;
- 106.27 (18) myrophine;
- 106.28 (19) nicocodeine;

107.1 (20) nicomorphine;

107.2 (21) normorphine;

107.3 (22) pholcodine; and

107.4 (23) thebacon.

107.5 (d) Hallucinogens. Any material, compound, mixture or preparation which contains any
107.6 quantity of the following substances, their analogs, salts, isomers (whether optical, positional,
107.7 or geometric), and salts of isomers, unless specifically excepted or unless listed in another
107.8 schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is
107.9 possible:

107.10 (1) methylenedioxy amphetamine;

107.11 (2) methylenedioxymethamphetamine;

107.12 (3) methylenedioxy-N-ethylamphetamine (MDEA);

107.13 (4) n-hydroxy-methylenedioxyamphetamine;

107.14 (5) 4-bromo-2,5-dimethoxyamphetamine (DOB);

107.15 (6) 2,5-dimethoxyamphetamine (2,5-DMA);

107.16 (7) 4-methoxyamphetamine;

107.17 (8) 5-methoxy-3, 4-methylenedioxyamphetamine;

107.18 (9) alpha-ethyltryptamine;

107.19 (10) bufotenine;

107.20 (11) diethyltryptamine;

107.21 (12) dimethyltryptamine;

107.22 (13) 3,4,5-trimethoxyamphetamine;

107.23 (14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);

107.24 (15) ibogaine;

107.25 (16) lysergic acid diethylamide (LSD);

107.26 (17) mescaline;

107.27 (18) parahexyl;

107.28 (19) N-ethyl-3-piperidyl benzilate;

- 108.1 (20) N-methyl-3-piperidyl benzilate;
- 108.2 (21) psilocybin;
- 108.3 (22) psilocyn;
- 108.4 (23) tenocyclidine (TPCP or TCP);
- 108.5 (24) N-ethyl-1-phenyl-cyclohexylamine (PCE);
- 108.6 (25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);
- 108.7 (26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);
- 108.8 (27) 4-chloro-2,5-dimethoxyamphetamine (DOC);
- 108.9 (28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);
- 108.10 (29) 4-iodo-2,5-dimethoxyamphetamine (DOI);
- 108.11 (30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);
- 108.12 (31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);
- 108.13 (32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);
- 108.14 (33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);
- 108.15 (34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);
- 108.16 (35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);
- 108.17 (36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);
- 108.18 (37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);
- 108.19 (38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine
- 108.20 (2-CB-FLY);
- 108.21 (39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);
- 108.22 (40) alpha-methyltryptamine (AMT);
- 108.23 (41) N,N-diisopropyltryptamine (DiPT);
- 108.24 (42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);
- 108.25 (43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);
- 108.26 (44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);
- 108.27 (45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);

- 109.1 (46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);
- 109.2 (47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);
- 109.3 (48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);
- 109.4 (49) 5-methoxy- α -methyltryptamine (5-MeO-AMT);
- 109.5 (50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 109.6 (51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);
- 109.7 (52) ~~5-methoxy-N-methyl-N-propyltryptamine~~
- 109.8 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 109.9 (53) 5-methoxy- α -ethyltryptamine (5-MeO-AET);
- 109.10 (54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);
- 109.11 (55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);
- 109.12 (56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);
- 109.13 (57) methoxetamine (MXE);
- 109.14 (58) 5-iodo-2-aminoindane (5-IAI);
- 109.15 (59) 5,6-methylenedioxy-2-aminoindane (MDAI);
- 109.16 (60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);
- 109.17 (61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);
- 109.18 (62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- 109.19 (63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- 109.20 (64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
- 109.21 (65) N,N-Dipropyltryptamine (DPT);
- 109.22 (66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);
- 109.23 (67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);
- 109.24 (68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);
- 109.25 (69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);
- 109.26 (70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethyl-norketamine,
- 109.27 ethketamine, NENK); ~~and~~
- 109.28 (71) methylenedioxy-N,N-dimethylamphetamine (MDDMA)₂

110.1 (72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and

110.2 (73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

110.3 (e) Peyote. All parts of the plant presently classified botanically as *Lophophora williamsii*
110.4 Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant,
110.5 and every compound, manufacture, salts, derivative, mixture, or preparation of the plant,
110.6 its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not
110.7 apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian
110.8 Church, and members of the American Indian Church are exempt from registration. Any
110.9 person who manufactures peyote for or distributes peyote to the American Indian Church,
110.10 however, is required to obtain federal registration annually and to comply with all other
110.11 requirements of law.

110.12 (f) Central nervous system depressants. Unless specifically excepted or unless listed in
110.13 another schedule, any material compound, mixture, or preparation which contains any
110.14 quantity of the following substances, their analogs, salts, isomers, and salts of isomers
110.15 whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

110.16 (1) mecloqualone;

110.17 (2) methaqualone;

110.18 (3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

110.19 (4) flunitrazepam; and

110.20 (5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine,
110.21 methoxyketamine).

110.22 (g) Stimulants. Unless specifically excepted or unless listed in another schedule, any
110.23 material compound, mixture, or preparation which contains any quantity of the following
110.24 substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the
110.25 analogs, salts, isomers, and salts of isomers is possible:

110.26 (1) aminorex;

110.27 (2) cathinone;

110.28 (3) fenethylamine;

110.29 (4) methcathinone;

110.30 (5) methylaminorex;

110.31 (6) N,N-dimethylamphetamine;

- 111.1 (7) N-benzylpiperazine (BZP);
- 111.2 (8) methylmethcathinone (mephedrone);
- 111.3 (9) 3,4-methylenedioxy-N-methylcathinone (methydone);
- 111.4 (10) methoxymethcathinone (methedrone);
- 111.5 (11) methylenedioxypropylone (MDPV);
- 111.6 (12) 3-fluoro-N-methylcathinone (3-FMC);
- 111.7 (13) methylethcathinone (MEC);
- 111.8 (14) 1-benzofuran-6-ylpropan-2-amine (6-APB);
- 111.9 (15) dimethylmethcathinone (DMMC);
- 111.10 (16) fluoroamphetamine;
- 111.11 (17) fluoromethamphetamine;
- 111.12 (18) α -methylaminobutyrophenone (MABP or buphedrone);
- 111.13 (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
- 111.14 (20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);
- 111.15 (21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or
- 111.16 naphyrone);
- 111.17 (22) (alpha-pyrrolidinopentiophenone (alpha-PVP);
- 111.18 (23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);
- 111.19 (24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);
- 111.20 (25) 4-methyl-N-ethylcathinone (4-MEC);
- 111.21 (26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
- 111.22 (27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
- 111.23 (28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentydone);
- 111.24 (29) 4-fluoro-N-methylcathinone (4-FMC);
- 111.25 (30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);
- 111.26 (31) alpha-pyrrolidinobutiophenone (α -PBP);
- 111.27 (32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

- 112.1 (33) 1-phenyl-2-(1-pyrrolidiny)-1-heptanone (PV8);
- 112.2 (34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB); ~~and~~
- 112.3 (35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);
- 112.4 (36) 4'-chloro-alpha-pyrrolidinopropiophenone (4-chloro-PPP);
- 112.5 (37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);
- 112.6 and
- 112.7 (38) any other substance, except bupropion or compounds listed under a different
- 112.8 schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the
- 112.9 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the
- 112.10 compound is further modified in any of the following ways:
- 112.11 (i) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
- 112.12 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring
- 112.13 system by one or more other univalent substituents;
- 112.14 (ii) by substitution at the 3-position with an acyclic alkyl substituent;
- 112.15 (iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 112.16 methoxybenzyl groups; or
- 112.17 (iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.
- 112.18 (h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically
- 112.19 excepted or unless listed in another schedule, any natural or synthetic material, compound,
- 112.20 mixture, or preparation that contains any quantity of the following substances, their analogs,
- 112.21 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence
- 112.22 of the isomers, esters, ethers, or salts is possible:
- 112.23 (1) marijuana;
- 112.24 (2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, synthetic
- 112.25 equivalents of the substances contained in the cannabis plant or in the resinous extractives
- 112.26 of the plant, or synthetic substances with similar chemical structure and pharmacological
- 112.27 activity to those substances contained in the plant or resinous extract, including, but not
- 112.28 limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4
- 112.29 cis or trans tetrahydrocannabinol;
- 112.30 (3) synthetic cannabinoids, including the following substances:

113.1 (i) Naphthoylindoles, which are any compounds containing a 3-(1-naphthoyl)indole
113.2 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
113.3 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
113.4 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
113.5 extent and whether or not substituted in the naphthyl ring to any extent. Examples of
113.6 naphthoylindoles include, but are not limited to:

113.7 (A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

113.8 (B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

113.9 (C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

113.10 (D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

113.11 (E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

113.12 (F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

113.13 (G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

113.14 (H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

113.15 (I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

113.16 (J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

113.17 (ii) Naphthylmethylindoles, which are any compounds containing a
113.18 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the
113.19 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
113.20 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
113.21 substituted in the indole ring to any extent and whether or not substituted in the naphthyl
113.22 ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

113.23 (A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

113.24 (B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

113.25 (iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole
113.26 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
113.27 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
113.28 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any
113.29 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
113.30 naphthoylpyrroles include, but are not limited to,
113.31 (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

114.1 (iv) Naphthylmethylenes, which are any compounds containing a naphthylideneindene
114.2 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
114.3 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
114.4 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any
114.5 extent, whether or not substituted in the naphthyl ring to any extent. Examples of
114.6 naphthylmethylenes include, but are not limited to,
114.7 E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

114.8 (v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole
114.9 structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
114.10 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
114.11 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any
114.12 extent, whether or not substituted in the phenyl ring to any extent. Examples of
114.13 phenylacetylindoles include, but are not limited to:

114.14 (A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

114.15 (B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

114.16 (C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

114.17 (D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

114.18 (vi) Cyclohexylphenols, which are compounds containing a
114.19 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic
114.20 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
114.21 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted
114.22 in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not
114.23 limited to:

114.24 (A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

114.25 (B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
114.26 (Cannabicyclohexanol or CP 47,497 C8 homologue);

114.27 (C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]
114.28 -phenol (CP 55,940).

114.29 (vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure
114.30 with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
114.31 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
114.32 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any

- 115.1 extent and whether or not substituted in the phenyl ring to any extent. Examples of
115.2 benzoylindoles include, but are not limited to:
- 115.3 (A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);
- 115.4 (B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);
- 115.5 (C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN
115.6 48,098 or Pravadoline).
- 115.7 (viii) Others specifically named:
- 115.8 (A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
115.9 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- 115.10 (B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
115.11 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);
- 115.12 (C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]
115.13 -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);
- 115.14 (D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- 115.15 (E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
115.16 (XLR-11);
- 115.17 (F) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide
115.18 (AKB-48(APINACA));
- 115.19 (G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
115.20 (5-Fluoro-AKB-48);
- 115.21 (H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 115.22 (I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);
- 115.23 (J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide
115.24 (AB-PINACA);
- 115.25 (K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-
115.26 1H-indazole-3-carboxamide (AB-FUBINACA);
- 115.27 (L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-
115.28 indazole-3-carboxamide(AB-CHMINACA);
- 115.29 (M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate
115.30 (5-fluoro-AMB);

- 116.1 (N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);
- 116.2 (O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone
- 116.3 (FUBIMINA);
- 116.4 (P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo
- 116.5 [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);
- 116.6 (Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)
- 116.7 -1H-indole-3-carboxamide (5-fluoro-ABICA);
- 116.8 (R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 116.9 -1H-indole-3-carboxamide;
- 116.10 (S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl)
- 116.11 -1H-indazole-3-carboxamide;
- 116.12 (T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;
- 116.13 (U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1
- 116.14 H-indazole-3-carboxamide (MAB-CHMINACA);
- 116.15 (V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide
- 116.16 (ADB-PINACA);
- 116.17 (W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);
- 116.18 (X)
- 116.19 N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-3-carboxamide.
- 116.20 (APP-CHMINACA); ~~and~~
- 116.21 (Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and
- 116.22 (Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).
- 116.23 (i) A controlled substance analog, to the extent that it is implicitly or explicitly intended
- 116.24 for human consumption.

116.25 Sec. 2. Minnesota Statutes 2016, section 152.02, subdivision 12, is amended to read:

116.26 Subd. 12. **Coordination of controlled substance regulation with federal law and**

116.27 **state statute.** If any substance is designated, rescheduled, or deleted as a controlled substance

116.28 under federal law ~~and notice thereof is given to the state Board of Pharmacy, the state Board~~

116.29 ~~of Pharmacy shall similarly control the substance under this chapter, after the expiration of~~

116.30 ~~30 days from publication in the Federal Register of a final order designating a substance as~~

116.31 ~~a controlled substance or rescheduling or deleting a substance. Such order shall be filed~~

117.1 ~~with the secretary of state. If within that 30-day period, the state Board of Pharmacy objects~~
117.2 ~~to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford~~
117.3 ~~all interested parties an opportunity to be heard. At the conclusion of the hearing, the state~~
117.4 ~~Board of Pharmacy shall publish its decision, which shall be subject to the provisions of~~
117.5 ~~chapter 14, the substance shall be deemed to be similarly designated, rescheduled, or deleted~~
117.6 ~~under this section until the legislature enacts legislation or the board engages in rulemaking~~
117.7 ~~to otherwise schedule the drug.~~

117.8 In exercising the authority granted by this chapter, the state Board of Pharmacy shall be
117.9 subject to the provisions of chapter 14.

117.10 The state Board of Pharmacy shall annually submit a report to the legislature on or before
117.11 December 1 that specifies what changes the board made to the controlled substance schedules
117.12 maintained by the board in Minnesota Rules, parts 6800.4210 to 6800.4250, in the preceding
117.13 12 months. The report must include specific recommendations for amending the controlled
117.14 substance schedules contained in subdivisions 2 to 6, so that they conform with the controlled
117.15 substance schedules maintained by the board in Minnesota Rules, parts 6800.4210 to
117.16 6800.4250.

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169.685 SEAT BELT; PASSENGER RESTRAINT SYSTEM FOR CHILDREN.

Subd. 4. **Admissibility into evidence.** (a) Except as provided in paragraph (b), proof of the use or failure to use seat belts or a child passenger restraint system as described in subdivision 5, or proof of the installation or failure of installation of seat belts or a child passenger restraint system as described in subdivision 5 shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle.

(b) Paragraph (a) does not affect the right of a person to bring an action for damages arising out of an incident that involves a defectively designed, manufactured, installed, or operating seat belt or child passenger restraint system. Paragraph (a) does not prohibit the introduction of evidence pertaining to the use of a seat belt or child passenger restraint system in an action described in this paragraph.

169A.51 CHEMICAL TESTS FOR INTOXICATION.

Subd. 3. **Type of test.** The peace officer who requires a test pursuant to this section may direct whether the test is of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

486.05 DISTRICT COURT; REPORTERS' SALARIES AND EXPENSES.

Subd. 1a. **Expenses.** A court reporter, in addition to a salary, shall be paid necessary mileage, traveling, and hotel expenses incurred in the discharge of official duties while absent from the home chambers where the judge the reporter serves is assigned. The expenses are to be paid by the state upon presentation of a verified itemized statement approved by the judge.

525.112 COURT REPORTERS FOR HENNEPIN COUNTY COURT.

The county judge or judge of probate of any county now having or which may hereafter have 400,000 inhabitants, or over, may appoint a competent stenographer as court reporter and secretary, who shall be paid a salary of \$3,000 per annum; and, in addition to this salary, the court reporter may also be paid such fees for transcripts of evidence made in relation to probate hearings, as the judge of probate shall fix and allow, and appoint two additional clerks who shall be competent stenographers, who shall each be paid a salary of \$1,200 per annum.

609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

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- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE.

Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years.