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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 4664

03/25/2026 Authored by Robbins, Scott, Mekeland, Dotseth and Schultz
The bill was read for the first time and referred to the Committee on State Government Finance and Policy

1.1 A bill for an act
1.2 relating to fraud prevention; clarifying that certain actions by public officers and
1.3 employees constitute misconduct; increasing the penalty for repeated misconduct
1.4 of public officer or employee; increasing the statute of limitations for misconduct
1.5 of public officer or employee; making the offense of public misconduct of public
1.6 officer or employee ineligible for automatic expungement; amending Minnesota
1.7 Statutes 2024, sections 3.978, subdivision 3; 609.43; 609A.015, subdivision 3;
1.8 Minnesota Statutes 2025 Supplement, section 628.26.

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

1.10 Section 1. Minnesota Statutes 2024, section 3.978, subdivision 3, is amended to read:

1.11 Subd. 3. Penalties. (a) If a person refuses or neglects to obey any lawful direction of
1.12 the legislative auditor, a deputy or assistant, or withholds any information, book, record,
1.13 paper or other document called for by the legislative auditor for the purpose of examination,
1.14 after having been lawfully required by order or subpoena, upon application by the auditor,
1.15 a judge of the district court in the county where the order or subpoena was made returnable
1.16 shall compel obedience or punish disobedience as for contempt, as in the case of a similar
1.17 order or subpoena issued by the court.

1.18 (b) A person who swears falsely concerning any matter stated under oath is guilty of a
1.19 gross misdemeanor.

1.20 (c) A public officer or employee, as defined in section 609.415, subdivision 1, who
1.21 provides documents or other information to the legislative auditor knowing that the
1.22 documents or other information are false in any material respect is guilty of a gross
1.23 misdemeanor and subject to suspension without pay or dismissal for just cause.

2.1 (d) A public officer or employee who violates paragraph (c) a second or subsequent time
 2.2 may be sentenced to imprisonment for not more than three years or to payment of a fine of
 2.3 \$5,000, or both.

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2026, and applies to crimes
 2.5 committed on or after that date.

2.6 Sec. 2. Minnesota Statutes 2024, section 609.43, is amended to read:

2.7 **609.43 MISCONDUCT OF PUBLIC OFFICER OR EMPLOYEE.**

2.8 (a) A public officer or employee who does any of the following, for which no other
 2.9 sentence is specifically provided by law, may be sentenced to imprisonment for not more
 2.10 than 364 days or to payment of a fine of not more than \$3,000, or both:

2.11 (1) intentionally fails or refuses to perform a known mandatory, nondiscretionary,
 2.12 ministerial duty of the office or employment within the time or in the manner required by
 2.13 law; or

2.14 (2) in the capacity of such officer or employee, does an act knowing it is in excess of
 2.15 lawful authority or knowing it is forbidden by law to be done in that capacity; or

2.16 (3) under pretense or color of official authority intentionally and unlawfully injures
 2.17 another in the other's person, property, or rights; or

2.18 (4) in the capacity of such officer or employee, makes a return, certificate, official report,
 2.19 or other like document having knowledge it is false in any material respect.

2.20 (b) A person who violates paragraph (a) a second or subsequent time may be sentenced
 2.21 to imprisonment for not more than three years or to payment of a fine of \$5,000, or both.

2.22 **EFFECTIVE DATE.** This section is effective August 1, 2026, and applies to crimes
 2.23 committed on or after that date.

2.24 Sec. 3. Minnesota Statutes 2024, section 609A.015, subdivision 3, is amended to read:

2.25 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant
 2.26 of expungement relief if the person:

2.27 (1) was convicted of a qualifying offense;

2.28 (2) has not been convicted of a new offense, other than an offense that would be a petty
 2.29 misdemeanor, in Minnesota:

3.1 (i) during the applicable waiting period immediately following discharge of the disposition
 3.2 or sentence for the crime; or

3.3 (ii) during the applicable waiting period immediately preceding a subsequent review
 3.4 performed pursuant to subdivision 5, paragraph (a); and

3.5 (3) is not charged with an offense, other than an offense that would be a petty
 3.6 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
 3.7 period or at the time of a subsequent review.

3.8 (b) As used in this subdivision, "qualifying offense" means a conviction for:

3.9 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
 3.10 to the operation or parking of motor vehicles;

3.11 (2) any misdemeanor offense other than:

3.12 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
 3.13 while impaired);

3.14 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

3.15 (iii) section 609.224 (assault in the fifth degree);

3.16 (iv) section 609.2242 (domestic assault);

3.17 (v) section 609.746 (interference with privacy);

3.18 (vi) section 609.748 (violation of a harassment restraining order);

3.19 (vii) section 609.78 (interference with emergency call);

3.20 (viii) section 609.79 (obscene or harassing phone calls);

3.21 (ix) section 617.23 (indecent exposure); or

3.22 (x) section 629.75 (violation of domestic abuse no contact order);

3.23 (3) any gross misdemeanor offense other than:

3.24 (i) section 3.978, subdivision 3 (penalties);

3.25 ~~(i)~~ (ii) section 169.13, subdivision 1, if the person causes great bodily harm or death to
 3.26 another (reckless driving resulting in great bodily harm or death);

3.27 ~~(ii)~~ (iii) section 169A.25 (second-degree driving while impaired);

3.28 ~~(iii)~~ (iv) section 169A.26 (third-degree driving while impaired);

3.29 ~~(iv)~~ (v) section 518B.01, subdivision 14 (violation of an order for protection);

- 4.1 ~~(v)~~ (vi) section 609.2113, subdivision 3 (criminal vehicular operation);
- 4.2 ~~(vi)~~ (vii) section 609.2231 (assault in the fourth degree);
- 4.3 ~~(vii)~~ (viii) section 609.224 (assault in the fifth degree);
- 4.4 ~~(viii)~~ (ix) section 609.2242 (domestic assault);
- 4.5 ~~(ix)~~ (x) section 609.233 (criminal neglect);
- 4.6 ~~(x)~~ (xi) section 609.3451 (criminal sexual conduct in the fifth degree);
- 4.7 ~~(xi)~~ (xii) section 609.377 (malicious punishment of child);
- 4.8 (xiii) section 609.43 (misconduct of public officer or employee);
- 4.9 ~~(xii)~~ (xiv) section 609.485 (escape from custody);
- 4.10 ~~(xiii)~~ (xv) section 609.498 (tampering with witness);
- 4.11 ~~(xiv)~~ (xvi) section 609.582, subdivision 4 (burglary in the fourth degree);
- 4.12 ~~(xv)~~ (xvii) section 609.746 (interference with privacy);
- 4.13 ~~(xvi)~~ (xviii) section 609.748 (violation of a harassment restraining order);
- 4.14 ~~(xvii)~~ (xix) section 609.749 (harassment; stalking);
- 4.15 ~~(xviii)~~ (xx) section 609.78 (interference with emergency call);
- 4.16 ~~(xix)~~ (xxi) section 617.23 (indecent exposure);
- 4.17 ~~(xx)~~ (xxii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 4.18 ~~(xxi)~~ (xxiii) section 629.75 (violation of domestic abuse no contact order); or
- 4.19 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 4.20 than:
- 4.21 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 4.22 degree);
- 4.23 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 4.24 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 4.25 commitment for mental illness);
- 4.26 (iv) section 609.582, subdivision 3, paragraph (a) (burglary in the third degree; other
- 4.27 than trespass); or

5.1 (v) section 609.746, subdivision 1, paragraph (g) (interference with privacy; subsequent
5.2 violation or minor victim).

5.3 (c) As used in this subdivision, "applicable waiting period" means:

5.4 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

5.5 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
5.6 crime;

5.7 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
5.8 for the crime;

5.9 (4) if the offense was a felony violation of section 152.025, four years since the discharge
5.10 of the sentence for the crime; and

5.11 (5) if the offense was any other felony, five years since discharge of the sentence for the
5.12 crime.

5.13 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
5.14 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
5.15 misdemeanor offenses ineligible for a grant of expungement under this section remain
5.16 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

5.17 (e) The service requirements in section 609A.03, subdivision 8, do not apply to any
5.18 expungements ordered under this subdivision.

5.19 (f) An expungement order does not apply to records held by the commissioners of
5.20 children, youth, and families; health; and human services.

5.21 **EFFECTIVE DATE.** This section is effective August 1, 2026.

5.22 Sec. 4. Minnesota Statutes 2025 Supplement, section 628.26, is amended to read:

5.23 **628.26 LIMITATIONS.**

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

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

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

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

6.5 (e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and
6.6 609.3458 may be found or made at any time after the commission of the offense.

6.7 (f) Indictments or complaints for a violation of section 609.561 shall be found or made
6.8 and filed in the proper court within ten years after the commission of the offense.

6.9 (g) Indictments or complaints for a violation of sections 3.978, subdivision 3, and 609.43
6.10 shall be found or made and filed in the proper court within ten years after the commission
6.11 of the offense.

6.12 ~~(g)~~ (h) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
6.13 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
6.14 within six years after the commission of the offense.

6.15 ~~(h)~~ (i) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
6.16 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
6.17 the value of the property or services stolen is more than \$35,000, or for violation of section
6.18 609.527 where the offense involves eight or more direct victims or the total combined loss
6.19 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
6.20 the proper court within five years after the commission of the offense.

6.21 ~~(i)~~ (j) Except for violations relating to false material statements, representations or
6.22 omissions, indictments or complaints for violations of section 609.671 shall be found or
6.23 made and filed in the proper court within five years after the commission of the offense.

6.24 ~~(j)~~ (k) Indictments or complaints for violation of sections 609.562 and 609.563, shall be
6.25 found or made and filed in the proper court within five years after the commission of the
6.26 offense.

6.27 ~~(k)~~ (l) Indictments or complaints for violation of section 609.746 shall be found or made
6.28 and filed in the proper court within the later of three years after the commission of the
6.29 offense or three years after the offense was reported to law enforcement authorities.

6.30 ~~(l)~~ (m) In all other cases, indictments or complaints shall be found or made and filed in
6.31 the proper court within three years after the commission of the offense.

6.32 ~~(m)~~ (n) The limitations periods contained in this section shall exclude any period of time
6.33 during which the defendant was not an inhabitant of or usually resident within this state.

7.1 ~~(n)~~ (o) The limitations periods contained in this section for an offense shall not include
7.2 any period during which the alleged offender participated under a written agreement in a
7.3 pretrial diversion program relating to that offense.

7.4 ~~(o)~~ (p) The limitations periods contained in this section shall not include any period of
7.5 time during which physical evidence relating to the offense was undergoing DNA analysis,
7.6 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
7.7 law enforcement agency purposefully delayed the DNA analysis process in order to gain
7.8 an unfair advantage.

7.9 **EFFECTIVE DATE.** This section is effective August 1, 2026, and applies to crimes
7.10 committed on or after that date and to crimes committed before that date if the limitations
7.11 period for the crime did not expire before August 1, 2026.