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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3156

- 02/11/2020 Authored by Mariani
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division
- 05/04/2020 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 05/11/2020 Adoption of Report: Re-referred to the Committee on Ways and Means
Joint Rule 2.03 has been waived for any subsequent committee action on this bill
- 05/14/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 05/16/2020 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to public safety; establishing a supplemental budget for corrections, public

1.3 safety, and sentencing guidelines; publishing correctional facility daily population

1.4 data on website; modifying occupancy limits of correctional facility cells; providing

1.5 storage, uniform consent form, and website database for sexual assault examination

1.6 kits; providing for motor vehicle charges and conviction data report; authorizing

1.7 presentence investigation reports to include information related to brain injury;

1.8 providing early conditional release for certain inmates during COVID-19 public

1.9 health emergency; providing testing of public safety specialists for SARS-CoV-2;

1.10 establishing task force on sentencing for aiding and abetting felony murder;

1.11 requiring reports; appropriating money; amending Minnesota Statutes 2018, sections

1.12 241.27, subdivision 2; 243.53; 299C.106, subdivision 3, by adding subdivisions;

1.13 480.15, by adding a subdivision; 609.115, by adding a subdivision; proposing

1.14 coding for new law in Minnesota Statutes, chapter 241.

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

1.16 ARTICLE 1

1.17 APPROPRIATIONS

1.18 Section 1. APPROPRIATIONS.

1.19 The sums shown in the column under "Appropriations" are added to the appropriations

1.20 in Laws 2019, First Special Session chapter 5, to the agencies and for the purposes specified

1.21 in this article. The appropriations are from the general fund, or another named fund, and

1.22 are available for the fiscal year indicated for each purpose.

1.23	<u>APPROPRIATIONS</u>	
1.24	<u>Available for the Year</u>	
1.25	<u>Ending June 30</u>	
1.26	<u>2020</u>	<u>2021</u>

1.27 Sec. 2. CORRECTIONS

1.28	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>1,014,000</u>	<u>\$</u>	<u>15,721,000</u>
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2.1 The amounts that may be spent for each
 2.2 purpose are specified in the following
 2.3 subdivisions.

2.4 **Subd. 2. Correctional Institutions** 481,000 9,888,000

2.5 **Corrections Overtime and Staffing**

2.6 \$481,000 in fiscal year 2020 and \$9,888,000
 2.7 in fiscal year 2021 are for additional
 2.8 compensation costs, including overtime. The
 2.9 base for this appropriation is \$12,338,000 in
 2.10 fiscal year 2022 and \$12,338,000 in fiscal year
 2.11 2023.

2.12 **Subd. 3. Community Services** 338,000 5,193,000

2.13 **(a) Corrections Overtime and Staffing**

2.14 \$338,000 in fiscal year 2020 and \$1,268,000
 2.15 in fiscal year 2021 are for additional
 2.16 compensation costs, including overtime.

2.17 **(b) Investments in Community Supervision**
 2.18 **Partners**

2.19 \$3,925,000 in fiscal year 2021 is added to the
 2.20 Community Corrections Act subsidy, under
 2.21 Minnesota Statutes, section 401.14. The base
 2.22 for this appropriation is \$4,911,000 in fiscal
 2.23 year 2022 and \$4,911,000 in fiscal year 2023.

2.24 \$310,000 in fiscal year 2021 is for county
 2.25 probation officer reimbursement, under
 2.26 Minnesota Statutes, section 244.19,
 2.27 subdivision 6.

2.28 \$205,000 in fiscal year 2020 and \$430,000 in
 2.29 fiscal year 2021 are to provide offender
 2.30 supervision services in Meeker and Renville
 2.31 Counties. These expenditures must be offset
 2.32 by revenue to the general fund collected under

3.1 Minnesota Statutes, section 244.19,
 3.2 subdivision 5.
 3.3 \$422,000 in fiscal year 2021 is to increase
 3.4 Department of Correction's offender
 3.5 supervision. The base for this appropriation
 3.6 is \$844,000 in fiscal year 2022 and \$844,000
 3.7 in fiscal year 2023.

3.8 \$2,613,000 in fiscal year 2021 is to establish
 3.9 county and regional revocation intervention
 3.10 service centers for offenders who would
 3.11 otherwise be returned to prison. The base for
 3.12 this appropriation is \$5,100,000 in fiscal year
 3.13 2022 and \$5,100,000 in fiscal year 2023.

3.14 \$365,000 in fiscal year 2021 is for cognitive
 3.15 behavioral treatment, for community-based
 3.16 sex offender treatment, and to increase housing
 3.17 alternatives for offenders under community
 3.18 supervision. The base for this appropriation
 3.19 is \$730,000 in fiscal year 2022 and \$730,000
 3.20 in fiscal year 2023.

3.21 <u>Subd. 4. Operations Support</u>	<u>184,000</u>	<u>586,000</u>
3.22 <u>Corrections Overtime and Staffing</u>		

3.23 \$184,000 in fiscal year 2020 and \$586,000 in
 3.24 fiscal year 2021 are for additional
 3.25 compensation costs, including overtime.

3.26 <u>Subd. 5. Staffing Early Conditional Release</u>	<u>11,000</u>	<u>54,000</u>
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3.27 \$11,000 in fiscal year 2020 and \$54,000 in
 3.28 fiscal year 2021 are appropriated from the
 3.29 coronavirus relief federal fund to the
 3.30 commissioner of corrections for staffing costs
 3.31 related to the procedure for early conditional
 3.32 release. This appropriation expires December
 3.33 30, 2020.

4.1	Sec. 3. <u>PUBLIC SAFETY; BUREAU OF</u>			
4.2	<u>CRIMINAL APPREHENSION</u>	\$	<u>-0-</u> \$	<u>4,482,000</u>
4.3	<u>(a) Storage, Tracking, and Testing for Sexual</u>			
4.4	<u>Assault Examination Kits</u>			
4.5	<u>\$3,096,000 in fiscal year 2021 is to pay for</u>			
4.6	<u>the testing of unrestricted sexual assault</u>			
4.7	<u>examination kits, storage of restricted kits, and</u>			
4.8	<u>the development of an informational website</u>			
4.9	<u>for sexual assault survivors to learn the status</u>			
4.10	<u>of the testing of the survivor's individual</u>			
4.11	<u>sexual assault examination kit. The</u>			
4.12	<u>commissioner of management and budget shall</u>			
4.13	<u>reduce this appropriation by the amount of</u>			
4.14	<u>MINNCOR funds transferred by the</u>			
4.15	<u>commissioner of corrections to the</u>			
4.16	<u>commissioner of public safety under</u>			
4.17	<u>Minnesota Statutes, section 241.27, and cancel</u>			
4.18	<u>it back to the general fund. The base for this</u>			
4.19	<u>appropriation is \$2,067,000 in fiscal year 2022</u>			
4.20	<u>and each year thereafter.</u>			
4.21	<u>(b) Laboratory Capacity Support to Combat</u>			
4.22	<u>Violent Crime</u>			
4.23	<u>\$1,386,000 in fiscal year 2021 is for staffing</u>			
4.24	<u>and operating costs to provide for training,</u>			
4.25	<u>supplies, and equipment; and renovate space</u>			
4.26	<u>to enhance the capacity for forensic testing to</u>			
4.27	<u>combat violent crime. The base for this</u>			
4.28	<u>appropriation is \$844,000 in fiscal year 2022</u>			
4.29	<u>and each year thereafter.</u>			
4.30	<u>(c) Felony Murder Task Force</u>			
4.31	<u>\$25,000 in fiscal year 2021 is for staffing</u>			
4.32	<u>needs of the Felony Murder Task Force.</u>			
4.33	Sec. 4. <u>SENTENCING GUIDELINES</u>	\$	<u>8,000</u> \$	<u>36,000</u>

5.1 Sec. 5. Minnesota Statutes 2018, section 241.27, subdivision 2, is amended to read:

5.2 Subd. 2. **Revolving fund; use of fund.** (a) There is established in the Department of
5.3 Corrections under the control of the commissioner of corrections the Minnesota correctional
5.4 industries revolving fund to which shall be transferred the revolving funds authorized in
5.5 Minnesota Statutes 1978, sections 243.41 and 243.85, clause (f), and any other industrial
5.6 revolving funds heretofore established at any state correctional facility under the control of
5.7 the commissioner of corrections. The revolving fund established shall be used for the conduct
5.8 of the industrial and commercial activities now or hereafter established at any state
5.9 correctional facility, including but not limited to the purchase of equipment, raw materials,
5.10 the payment of salaries, wages and other expenses necessary and incident thereto. The
5.11 purchase of services, materials, and commodities used in and held for resale are not subject
5.12 to the competitive bidding procedures of section 16C.06, but are subject to all other provisions
5.13 of chapters 16B and 16C. When practical, purchases must be made from small targeted
5.14 group businesses designated under section 16C.16. Additionally, the expenses of inmate
5.15 educational training, self-sufficiency skills, transition services, and the inmate release fund
5.16 may be financed from the correctional industries revolving fund in an amount to be
5.17 determined by the commissioner or the MINNCOR chief executive officer as duly appointed
5.18 by the commissioner. The proceeds and income from all industrial and commercial activities
5.19 conducted at state correctional facilities shall be deposited in the correctional industries
5.20 revolving fund subject to disbursement as hereinabove provided. The commissioner of
5.21 corrections may request that money in the fund be invested pursuant to section 11A.25; the
5.22 proceeds from the investment not currently needed shall be accounted for separately and
5.23 credited to the fund.

5.24 (b) Notwithstanding any law to the contrary, the commissioner may transfer surplus
5.25 funds in the revolving fund in fiscal year 2021 to the commissioner of public safety to fund
5.26 the storage, tracking, and testing of sexual assault examination kits.

5.27 Sec. 6. **EXPENDITURES ELIGIBLE UNDER THE CARES ACT.**

5.28 The commissioner of management and budget must determine whether any of the
5.29 expenditures an appropriation is made for under this article is an eligible use of federal
5.30 funding received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act,
5.31 Public Law 116-136, title V. If the commissioner of management and budget determines
5.32 an expenditure is eligible for funding under title V of the CARES Act, the amount for the
5.33 eligible expenditure is appropriated from the account where CARES Act money has been

6.1 deposited and the corresponding amount appropriated under this section cancels to the
 6.2 general fund.

6.3 **ARTICLE 2**

6.4 **POLICY**

6.5 Section 1. **[241.017] PUBLIC ACCESS TO CORRECTIONAL FACILITY**
 6.6 **POPULATION DATA.**

6.7 Subdivision 1. **Department of Corrections.** The commissioner of corrections must
 6.8 publish daily facility population data on the department's publicly accessible website. The
 6.9 commissioner must retain daily population data on the agency's website for at least 12
 6.10 months from the date it was posted.

6.11 Subd. 2. **Local correctional facilities.** The sheriff or chief executive officer of a local
 6.12 correctional facility or juvenile detention facility must publish daily inmate population data
 6.13 for the facility under the officer's control on the facility's publicly accessible website. The
 6.14 sheriff or chief executive officer must retain daily population data on the facility's publicly
 6.15 accessible website for at least 12 months from the date it was posted.

6.16 **EFFECTIVE DATE.** This section is effective 30 days after the day following final
 6.17 enactment.

6.18 Sec. 2. Minnesota Statutes 2018, section 243.53, is amended to read:

6.19 **243.53 CORRECTIONAL INSTITUTIONS; OCCUPANCY LIMITS OF CELLS.**

6.20 Subdivision 1. **Separate cells.** ~~(a)~~ When there are sufficient cells available, each inmate
 6.21 shall be confined in a separate cell. Each inmate shall be confined in a separate cell in
 6.22 institutions classified by the commissioner as custody level five institutions.

6.23 ~~(b) Correctional institutions classified by the commissioner as custody level one, two,~~
 6.24 ~~three, or four institutions must permit multiple occupancy, except segregation units, to the~~
 6.25 ~~greatest extent possible not to exceed the limits of facility infrastructure and programming~~
 6.26 ~~space.~~

6.27 Sec. 3. Minnesota Statutes 2018, section 299C.106, subdivision 3, is amended to read:

6.28 Subd. 3. **Submission and storage of unrestricted sexual assault examination kit**
 6.29 **kits.** (a) Within 60 days of receiving an unrestricted sexual assault examination kit, a law
 6.30 enforcement agency shall submit the kit for testing to a forensic laboratory, ~~unless the law~~
 6.31 ~~enforcement agency deems the result of the kit would not add evidentiary value to the case.~~

7.1 ~~If a kit is not submitted during this time, the agency shall make a record, in consultation~~
7.2 ~~with the county attorney, stating the reasons why the kit was not submitted. Restricted sexual~~
7.3 ~~assault examination kits shall not be submitted for testing. The testing laboratory shall return~~
7.4 ~~unrestricted sexual assault examination kits to the submitting agency for storage after testing~~
7.5 ~~is complete. The submitting agency must store unrestricted sexual assault examination kits~~
7.6 ~~indefinitely.~~

7.7 (b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or
7.8 a law enforcement agency receiving a restricted sexual assault examination kit from a
7.9 hospital, the hospital or the agency shall submit the kit to the Bureau of Criminal
7.10 Apprehension. The bureau shall store all restricted sexual assault examination kits collected
7.11 by law enforcement agencies in the state. The bureau shall retain a restricted sexual assault
7.12 examination kit for at least 30 months from the date the bureau receives the kit.

7.13 Sec. 4. Minnesota Statutes 2018, section 299C.106, is amended by adding a subdivision
7.14 to read:

7.15 Subd. 3a. **Uniform consent form.** The superintendent of the Bureau of Criminal
7.16 Apprehension shall develop a uniform sexual assault examination kit consent form. The
7.17 form must clearly explain the differences between designating a kit as unrestricted or
7.18 restricted. In developing and designing the consent form, the superintendent must consult
7.19 with hospital administrators, sexual assault nurse examiners, the Minnesota Coalition Against
7.20 Sexual Assault, and other stakeholders. The uniform consent form shall be widely distributed
7.21 to law enforcement agencies, medical providers, and other stakeholders. The superintendent
7.22 must make the form available on the bureau's website.

7.23 Sec. 5. Minnesota Statutes 2018, section 299C.106, is amended by adding a subdivision
7.24 to read:

7.25 Subd. 3b. **Web database requirement.** The commissioner, in consultation with the
7.26 commissioner of administration, must maintain a website with a searchable database
7.27 providing sexual assault victims with information on the status of their individual sexual
7.28 assault examination kit. The superintendent must strictly control access to the database to
7.29 protect the privacy of the victims' data.

8.1 Sec. 6. Minnesota Statutes 2018, section 480.15, is amended by adding a subdivision to
8.2 read:

8.3 Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator
8.4 shall collect, compile, and report the data on (1) charges and convictions for driving after
8.5 suspension or revocation, and (2) payment of fines for violations related to operation of a
8.6 motor vehicle, as required under section 171.325.

8.7 Sec. 7. Minnesota Statutes 2018, section 609.115, is amended by adding a subdivision to
8.8 read:

8.9 Subd. 11. **Traumatic brain injury.** (a) When a defendant appears in court and is
8.10 convicted of a felony, the court shall inquire whether the defendant has a history of stroke,
8.11 traumatic brain injury, or fetal alcohol spectrum disorder.

8.12 (b) If the defendant has a history of stroke, traumatic brain injury, or fetal alcohol
8.13 spectrum disorder and the court believes that the offender may have a mental impairment
8.14 that caused the offender to lack substantial capacity for judgment when the offense was
8.15 committed, the court shall order that the offender undergo a neuropsychological examination
8.16 unless the offender has had a recent examination as described in paragraph (c). The report
8.17 prepared under subdivision 1 shall contain the results of the examination ordered by the
8.18 court or the recent examination and the officer preparing the report may consult with any
8.19 medical provider, mental health professional, or other agency or person with suitable
8.20 knowledge or experience for the purpose of providing the court with information regarding
8.21 treatment and case management options available to the defendant.

8.22 (c) An updated neuropsychological examination is not required under this subdivision
8.23 if:

8.24 (1) the person had a previous examination when the person was at least 25 years of age;

8.25 (2) the examination took place at least 18 months after the person's most recent stroke
8.26 or traumatic brain injury; and

8.27 (3) the examination took place within the previous three years.

8.28 (d) At sentencing, the court may consider any relevant information including but not
8.29 limited to the information provided pursuant to paragraph (b) and the recommendations of
8.30 any diagnosing or treating medical providers or mental health professionals to determine
8.31 whether the offender, because of mental impairment resulting from a stroke, traumatic brain
8.32 injury, or fetal alcohol spectrum disorder, lacked substantial capacity for judgment when
8.33 the offense was committed.

9.1 Sec. 8. **TEMPORARY EMERGENCY POWER; COMMISSIONER OF**
9.2 **CORRECTIONS; EARLY CONDITIONAL RELEASE FOR CERTAIN**
9.3 **NONVIOLENT OFFENDERS.**

9.4 Subdivision 1. **Applicability.** The powers granted in this section apply beginning on
9.5 the date a peacetime public health emergency is declared by the governor pursuant to
9.6 Minnesota Statutes, section 12.31, in response to a potential or actual outbreak of COVID-19.
9.7 The powers expire when the declaration of the peacetime public health emergency expires.
9.8 For purposes of this section, "peacetime public health emergency" means any peacetime
9.9 emergency declared by the governor in an executive order that relates to the infectious
9.10 disease known as COVID-19.

9.11 Subd. 2. **Temporary powers granted; limitations.** The commissioner of corrections
9.12 is granted temporary powers described and limited by this section to protect the health and
9.13 safety of state and local correctional employees and inmates as well as the public. The
9.14 temporary powers granted to the commissioner in this section may only be used to prepare
9.15 for, prevent, or respond to an outbreak of COVID-19.

9.16 Subd. 3. **Expanded authority to grant conditional release to certain nonviolent**
9.17 **offenders.** (a) Notwithstanding any law to the contrary, the commissioner may place an
9.18 eligible inmate who has 180 days or less to serve in the inmate's term of imprisonment on
9.19 conditional release. The commissioner may not grant conditional release under this
9.20 subdivision to an inmate who is serving a sentence for a crime of violence as that term is
9.21 defined in paragraph (g). The commissioner must give priority for conditional release under
9.22 this subdivision to inmates who are most likely to suffer serious illness or death from
9.23 COVID-19 according to current guidelines published by the United States Center for Disease
9.24 Control.

9.25 (b) Before the commissioner releases an inmate under the authority granted in this
9.26 subdivision, the commissioner must:

9.27 (1) determine the offender is a low risk to re-offend;

9.28 (2) prepare a release plan that meets current agency standards and that also:

9.29 (i) requires the inmate to report to the inmate's supervised release agent if the inmate
9.30 tests positive for the COVID-19 virus; and

9.31 (ii) includes the names and approximate ages of persons residing in the inmate's
9.32 designated residence and identifies residents with preexisting medical conditions; and

10.1 (3) complete the notification process, including notice to victims who requested notice
10.2 of the inmate's release.

10.3 (c) The commissioner may direct that an inmate released under this section meet with
10.4 the inmate's supervised release agent by telephone or video conference.

10.5 (d) The supervised release agent of an inmate released under this subdivision must
10.6 immediately notify the commissioner if the agent learns that the inmate tested positive for
10.7 COVID-19.

10.8 (e) The conditions of release granted under this section are governed by the statutes and
10.9 rules governing supervised release, except that release may be rescinded without hearing
10.10 by the commissioner if the commissioner determines that continuation of the conditional
10.11 release poses a danger to the public or to an individual. If the commissioner rescinds an
10.12 offender's conditional release, the offender shall be returned to prison and shall serve the
10.13 remaining portion of the offender's term of imprisonment.

10.14 (f) The conditional release authority granted in this subdivision is in addition to any
10.15 other conditional release authority granted to the commissioner.

10.16 (g) For purposes of this subdivision, "crime of violence" means: felony convictions of
10.17 the following offenses: Minnesota Statutes, sections 609.185 (murder in the first degree);
10.18 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20
10.19 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215
10.20 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222
10.21 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in
10.22 the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault);
10.23 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit
10.24 of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery);
10.25 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322
10.26 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal
10.27 sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree);
10.28 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in
10.29 the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or
10.30 endangerment of a child); 609.486 (commission of crime while wearing or possessing a
10.31 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a
10.32 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first
10.33 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the
10.34 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully

11.1 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
11.2 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a
11.3 public transit vehicle or facility); and an attempt to commit any of these offenses.

11.4 Subd. 4. Reports. The commissioner shall submit the following reports to the members
11.5 of the legislative committees and divisions with jurisdiction over corrections policy and
11.6 finance regarding the temporary powers that were exercised under this section:

11.7 (1) within 30 days of the expiration of the declaration of the peacetime public health
11.8 emergency, the commissioner shall submit a report that must include, at a minimum, a
11.9 timeline as to when temporary powers were exercised and an explanation as to why the
11.10 exercise of temporary powers was necessary; and

11.11 (2) within 180 days of the expiration of the declaration of the peacetime public health
11.12 emergency, the commissioner shall submit a report that must include, at a minimum,
11.13 aggregate data on the number of inmates who were granted conditional release, committed
11.14 a new offense, were reincarcerated for a technical violation, and tested positive for
11.15 COVID-19.

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

11.17 **Sec. 9. SARS-COV-2 TESTING OF PUBLIC SAFETY SPECIALISTS.**

11.18 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
11.19 the definitions provided.

11.20 (b) "Public safety specialist" includes:

11.21 (1) a peace officer defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph
11.22 (c) or (d);

11.23 (2) a correction officer employed at a correctional facility and charged with maintaining
11.24 the safety, security, discipline, and custody of inmates at the facility;

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

11.27 (i) firefighting;

11.28 (ii) emergency motor vehicle operation;

11.29 (iii) investigation into the cause and origin of fires;

11.30 (iv) the provision of emergency medical services; or

11.31 (v) hazardous material responder;

12.1 (4) a legally enrolled member of a volunteer fire department or member of an independent
12.2 nonprofit firefighting corporation who is engaged in the hazards of firefighting;

12.3 (5) a probation officer, supervised release agent, or other qualified person employed in
12.4 supervising offenders;

12.5 (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision
12.6 and authority of a political subdivision;

12.7 (7) a driver or attendant with a licensed basic or advanced life-support transportation
12.8 service who is engaged in providing emergency care;

12.9 (8) a first responder who is certified by the Emergency Medical Services Regulatory
12.10 Board to perform basic emergency skills before the arrival of a licensed ambulance service
12.11 and who is a member of an organized service recognized by a local political subdivision to
12.12 respond to medical emergencies to provide initial medical care before the arrival of an
12.13 ambulance;

12.14 (9) a person, other than a state trooper, employed by the commissioner of public safety
12.15 and assigned to the State Patrol, whose primary employment duty is either Capitol security
12.16 or the enforcement of commercial motor vehicle laws and regulations; and

12.17 (10) domestic abuse and victim advocates.

12.18 (c) "Health care provider" means a physician licensed under Minnesota Statutes, chapter
12.19 147, a physician assistant licensed under Minnesota Statutes, chapter 147A, and practicing
12.20 within the authorized scope of practice, an advanced practice registered nurse licensed under
12.21 Minnesota Statutes, chapter 148, and practicing within the authorized scope of practice, or
12.22 a health care facility licensed under Minnesota Statutes, chapter 144 or 144A.

12.23 (d) "SARS-CoV-2" means the infectious virus known as SARS-CoV-2.

12.24 Subd. 2. **Testing.** When a health care provider tests a public safety specialist for
12.25 SARS-CoV-2, the health care provider shall notify the public safety specialist of whether
12.26 the person has tested positive or negative for SARS-CoV-2 as soon as possible.

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

12.28 Sec. 10. **TASK FORCE ON SENTENCING FOR AIDING AND ABETTING**
12.29 **FELONY MURDER.**

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

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

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

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

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

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

13.12 (2) the executive director of the Minnesota Sentencing Guidelines Commission or a
13.13 designee;

13.14 (3) the attorney general or a designee;

13.15 (4) the state public defender or a designee;

13.16 (5) the statewide coordinator of the Violent Crime Coordinating Council;

13.17 (6) one defense attorney appointed by the Minnesota Association of Criminal Defense
13.18 Lawyers;

13.19 (7) one county attorney appointed by the Minnesota County Attorneys Association;

13.20 (8) two members representing victims' rights organizations appointed by the Office of
13.21 Justice Programs director in the Department of Public Safety;

13.22 (9) two members of a criminal justice advocacy organization, one of which is a licensed
13.23 attorney appointed by the commissioner of human rights; and

13.24 (10) an impacted person who is directly related to a person who has been convicted of
13.25 felony murder appointed by the governor.

13.26 (b) Appointments must be made no later than July 30, 2020.

13.27 (c) Members shall serve without compensation.

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

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

14.3 (b) The commissioner of corrections shall convene the first meeting of the task force no
14.4 later than August 1, 2020, and shall provide meeting space and administrative assistance
14.5 as necessary for the task force to conduct its work.

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

14.9 (d) To compile and analyze data, the task force shall request the cooperation and
14.10 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
14.11 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
14.12 and tribal governments and may request the cooperation of academics and others with
14.13 experience and expertise in researching the impact of laws criminalizing aiding and abetting
14.14 felony murder.

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

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

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

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

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

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

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

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

14.30 (i) promote public safety; and

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

- 15.1 (8) make recommendations for legislative action, if any, on laws affecting:
- 15.2 (i) the collection and reporting of data; and
- 15.3 (ii) the charging, convicting, and sentencing of people for aiding and abetting felony
- 15.4 murder.
- 15.5 (b) At its discretion, the task force may examine, as necessary, other related issues
- 15.6 consistent with this section.
- 15.7 Subd. 6. **Report.** On or before January 15, 2021, the task force shall submit a report to
- 15.8 the chairs and ranking minority members of the house of representatives and senate
- 15.9 committees and divisions with jurisdiction over criminal sentencing on the findings and
- 15.10 recommendations of the task force.
- 15.11 Subd. 7. **Expiration.** The task force expires the day after submitting its report under
- 15.12 subdivision 6.
- 15.13 **EFFECTIVE DATE.** This section is effective July 1, 2020.