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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3614

02/13/2024 Authored by Moller and Curran
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
04/02/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; making policy and technical changes to certain provisions,
1.3 including crime victim policy, criminal justice reform, public safety policy,
1.4 predatory offenders, and corrections policy; establishing crimes; providing
1.5 penalties; classifying data; requiring reports; amending Minnesota Statutes 2022,
1.6 sections 13.84, subdivision 6; 241.021, subdivisions 1h, 4b; 241.75, subdivision
1.7 2; 243.05, subdivision 1b; 243.166, subdivisions 1a, 3, 6, by adding a subdivision;
1.8 243.167, subdivision 1; 243.52, subdivision 2; 244.052, subdivisions 3, 4, 4a;
1.9 253B.18, subdivision 5a; 253D.14, subdivision 1; 260B.198, subdivision 7; 326.338,
1.10 subdivision 4; 326.3388; 518B.01, subdivisions 2, 3a, 3b, 4, 5, 6a, 7, 8, 8a, 9, 9a,
1.11 11, by adding a subdivision; 590.01, subdivision 4; 590.03; 595.02, subdivision
1.12 1; 604A.05, subdivision 1; 609.748, subdivisions 3a, 5, 5b, by adding a subdivision;
1.13 611A.06, subdivision 3a, by adding a subdivision; 611A.212, subdivision 1;
1.14 611A.73, subdivision 4; 626.05, subdivision 2; 626.84, subdivision 1; 626.8435,
1.15 subdivision 1; 626.8457, subdivision 3; 629.72, subdivisions 1, 7; 629.725; 629.73,
1.16 subdivision 1, by adding a subdivision; Minnesota Statutes 2023 Supplement,
1.17 sections 146A.08, subdivision 1; 214.10, subdivision 10; 241.021, subdivision 1;
1.18 243.166, subdivision 1b; 244.05, subdivision 5; 244.17, subdivision 3; 244.21,
1.19 subdivision 2; 299C.10, subdivision 1; 299C.105, subdivision 1; 326.3387,
1.20 subdivision 1; 401.01, subdivision 2; 609.1095, subdivision 1; 609.133, subdivision
1.21 4; 609.135, subdivision 2; 609.3455, subdivision 5; 609.35; 609.522, subdivisions
1.22 1, 2; 609A.015, subdivision 3; 609A.02, subdivision 3; 611A.039, subdivision 1;
1.23 611A.52, subdivision 5; 629.292, subdivision 2; proposing coding for new law in
1.24 Minnesota Statutes, chapters 219; 260B; 609; 626; 627; repealing Minnesota
1.25 Statutes 2022, section 299C.105, subdivision 3.

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

1.27 ARTICLE 1
1.28 CRIME VICTIM POLICY

1.29 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1b, is amended to read:

1.30 Subd. 1b. Victim's rights. (a) This subdivision applies to parole decisions relating to
1.31 inmates convicted of first-degree murder who are described in subdivision 1, clauses (a)

2.1 and (b). As used in this subdivision, "victim" ~~means the murder victim's surviving spouse~~  
2.2 ~~or next of kin~~ has the meaning given in section 611A.01, paragraph (b).

2.3 (b) The commissioner shall make reasonable efforts to notify the victim, in advance, of  
2.4 the time and place of the inmate's parole review hearing. The victim has a right to submit  
2.5 an oral or written statement at the review hearing. The statement may summarize the harm  
2.6 suffered by the victim as a result of the crime and give the victim's recommendation on  
2.7 whether the inmate should be paroled at that time. The commissioner must consider the  
2.8 victim's statement when making the parole decision.

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

2.10 Sec. 2. Minnesota Statutes 2022, section 244.052, subdivision 3, is amended to read:

2.11 Subd. 3. **End-of-confinement review committee.** (a) The commissioner of corrections  
2.12 shall establish and administer end-of-confinement review committees at each state  
2.13 correctional facility and at each state treatment facility where predatory offenders are  
2.14 confined. The committees shall assess on a case-by-case basis the public risk posed by  
2.15 predatory offenders who are about to be released from confinement.

2.16 (b) Each committee shall be a standing committee and shall consist of the following  
2.17 members appointed by the commissioner:

2.18 (1) the chief executive officer or head of the correctional or treatment facility where the  
2.19 offender is currently confined, or that person's designee;

2.20 (2) a law enforcement officer;

2.21 (3) a treatment professional who is trained in the assessment of sex offenders;

2.22 (4) a caseworker experienced in supervising sex offenders; and

2.23 (5) a victim's services professional.

2.24 Members of the committee, other than the facility's chief executive officer or head, shall  
2.25 be appointed by the commissioner to two-year terms. The chief executive officer or head  
2.26 of the facility or designee shall act as chair of the committee and shall use the facility's staff,  
2.27 as needed, to administer the committee, obtain necessary information from outside sources,  
2.28 and prepare risk assessment reports on offenders.

2.29 (c) The committee shall have access to the following data on a predatory offender only  
2.30 for the purposes of its assessment and to defend the committee's risk assessment  
2.31 determination upon administrative review under this section:

3.1 (1) private medical data under section 13.384 or sections 144.291 to 144.298, or welfare  
3.2 data under section 13.46 that relate to medical treatment of the offender;

3.3 (2) private and confidential court services data under section 13.84;

3.4 (3) private and confidential corrections data under section 13.85; and

3.5 (4) private criminal history data under section 13.87.

3.6 Data collected and maintained by the committee under this paragraph may not be  
3.7 disclosed outside the committee, except as provided under section 13.05, subdivision 3 or  
3.8 4. The predatory offender has access to data on the offender collected and maintained by  
3.9 the committee, unless the data are confidential data received under this paragraph.

3.10 (d)(i) Except as otherwise provided in items (ii), (iii), and (iv), at least 90 days before a  
3.11 predatory offender is to be released from confinement, the commissioner of corrections  
3.12 shall convene the appropriate end-of-confinement review committee for the purpose of  
3.13 assessing the risk presented by the offender and determining the risk level to which the  
3.14 offender shall be assigned under paragraph (e). The offender and the law enforcement agency  
3.15 that was responsible for the charge resulting in confinement shall be notified of the time  
3.16 and place of the committee's meeting. The offender has a right to be present and be heard  
3.17 at the meeting. The law enforcement agency, agent, and victim may provide material in  
3.18 writing that is relevant to the offender's risk level to the chair of the committee. The  
3.19 committee shall use the risk factors described in paragraph (g) and the risk assessment scale  
3.20 developed under subdivision 2 to determine the offender's risk assessment score and risk  
3.21 level. Offenders scheduled for release from confinement shall be assessed by the committee  
3.22 established at the facility from which the offender is to be released.

3.23 (ii) If an offender is received for confinement in a facility with less than 90 days remaining  
3.24 in the offender's term of confinement, the offender's risk shall be assessed at the first regularly  
3.25 scheduled end of confinement review committee that convenes after the appropriate  
3.26 documentation for the risk assessment is assembled by the committee. The commissioner  
3.27 shall make reasonable efforts to ensure that offender's risk is assessed and a risk level is  
3.28 assigned or reassigned at least 30 days before the offender's release date.

3.29 (iii) If the offender is subject to a mandatory life sentence under section 609.3455,  
3.30 subdivision 3 or 4, the commissioner of corrections shall convene the appropriate  
3.31 end-of-confinement review committee at least nine months before the offender's minimum  
3.32 term of imprisonment has been served. If the offender is received for confinement in a  
3.33 facility with less than nine months remaining before the offender's minimum term of

4.1 imprisonment has been served, the committee shall conform its procedures to those outlined  
4.2 in item (ii) to the extent practicable.

4.3 (iv) If the offender is granted supervised release, the commissioner of corrections shall  
4.4 notify the appropriate end-of-confinement review committee that it needs to review the  
4.5 offender's previously determined risk level at its next regularly scheduled meeting. The  
4.6 commissioner shall make reasonable efforts to ensure that the offender's earlier risk level  
4.7 determination is reviewed and the risk level is confirmed or reassigned at least 60 days  
4.8 before the offender's release date. The committee shall give the report to the offender and  
4.9 to the law enforcement agency, and the commissioner shall provide notice of the risk level  
4.10 assignment to the victim, if requested, at least 60 days before an offender is released from  
4.11 confinement.

4.12 (e) The committee shall assign to risk level I a predatory offender whose risk assessment  
4.13 score indicates a low risk of reoffense. The committee shall assign to risk level II an offender  
4.14 whose risk assessment score indicates a moderate risk of reoffense. The committee shall  
4.15 assign to risk level III an offender whose risk assessment score indicates a high risk of  
4.16 reoffense.

4.17 (f) Before the predatory offender is released from confinement, the committee shall  
4.18 prepare a risk assessment report which specifies the risk level to which the offender has  
4.19 been assigned and the reasons underlying the committee's risk assessment decision. Except  
4.20 for an offender subject to a mandatory life sentence under section 609.3455, subdivision 3  
4.21 or 4, who has not been granted supervised release, the committee shall give the report to  
4.22 the offender and to the law enforcement agency, and the commissioner shall provide notice  
4.23 of the risk level assignment to the victim, if requested, at least 60 days before an offender  
4.24 is released from confinement. If the offender is subject to a mandatory life sentence and  
4.25 has not yet served the entire minimum term of imprisonment, the committee shall give the  
4.26 report to the offender and to the commissioner at least six months before the offender is  
4.27 first eligible for release. If the risk assessment is performed under the circumstances described  
4.28 in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement  
4.29 agency as soon as it is available. The committee also shall inform the offender of the  
4.30 availability of review under subdivision 6.

4.31 (g) As used in this subdivision, "risk factors" includes, but is not limited to, the following  
4.32 factors:

4.33 (1) the seriousness of the offense should the offender reoffend. This factor includes  
4.34 consideration of the following:

- 5.1 (i) the degree of likely force or harm;
- 5.2 (ii) the degree of likely physical contact; and
- 5.3 (iii) the age of the likely victim;
- 5.4 (2) the offender's prior offense history. This factor includes consideration of the following:
- 5.5 (i) the relationship of prior victims to the offender;
- 5.6 (ii) the number of prior offenses or victims;
- 5.7 (iii) the duration of the offender's prior offense history;
- 5.8 (iv) the length of time since the offender's last prior offense while the offender was at
- 5.9 risk to commit offenses; and
- 5.10 (v) the offender's prior history of other antisocial acts;
- 5.11 (3) the offender's characteristics. This factor includes consideration of the following:
- 5.12 (i) the offender's response to prior treatment efforts; and
- 5.13 (ii) the offender's history of substance abuse;
- 5.14 (4) the availability of community supports to the offender. This factor includes
- 5.15 consideration of the following:
- 5.16 (i) the availability and likelihood that the offender will be involved in therapeutic
- 5.17 treatment;
- 5.18 (ii) the availability of residential supports to the offender, such as a stable and supervised
- 5.19 living arrangement in an appropriate location;
- 5.20 (iii) the offender's familial and social relationships, including the nature and length of
- 5.21 these relationships and the level of support that the offender may receive from these persons;
- 5.22 and
- 5.23 (iv) the offender's lack of education or employment stability;
- 5.24 (5) whether the offender has indicated or credible evidence in the record indicates that
- 5.25 the offender will reoffend if released into the community; and
- 5.26 (6) whether the offender demonstrates a physical condition that minimizes the risk of
- 5.27 reoffense, including but not limited to, advanced age or a debilitating illness or physical
- 5.28 condition.
- 5.29 (h) Upon the request of the law enforcement agency or the offender's corrections agent,
- 5.30 the commissioner may reconvene the end-of-confinement review committee for the purpose

6.1 of reassessing the risk level to which an offender has been assigned under paragraph (e). In  
6.2 a request for a reassessment, the law enforcement agency which was responsible for the  
6.3 charge resulting in confinement or agent shall list the facts and circumstances arising after  
6.4 the initial assignment or facts and circumstances known to law enforcement or the agent  
6.5 but not considered by the committee under paragraph (e) which support the request for a  
6.6 reassessment. The request for reassessment by the law enforcement agency must occur  
6.7 within 30 days of receipt of the report indicating the offender's risk level assignment. The  
6.8 offender's corrections agent, in consultation with the chief law enforcement officer in the  
6.9 area where the offender resides or intends to reside, may request a review of a risk level at  
6.10 any time if substantial evidence exists that the offender's risk level should be reviewed by  
6.11 an end-of-confinement review committee. This evidence includes, but is not limited to,  
6.12 evidence of treatment failures or completions, evidence of exceptional crime-free community  
6.13 adjustment or lack of appropriate adjustment, evidence of substantial community need to  
6.14 know more about the offender or mitigating circumstances that would narrow the proposed  
6.15 scope of notification, or other practical situations articulated and based in evidence of the  
6.16 offender's behavior while under supervision. Upon review of the request, the  
6.17 end-of-confinement review committee may reassign an offender to a different risk level. If  
6.18 the offender is reassigned to a higher risk level, the offender has the right to seek review of  
6.19 the committee's determination under subdivision 6.

6.20 (i) An offender may request the end-of-confinement review committee to reassess the  
6.21 offender's assigned risk level after three years have elapsed since the committee's initial  
6.22 risk assessment and may renew the request once every two years following subsequent  
6.23 denials. In a request for reassessment, the offender shall list the facts and circumstances  
6.24 which demonstrate that the offender no longer poses the same degree of risk to the  
6.25 community. In order for a request for a risk level reduction to be granted, the offender must  
6.26 demonstrate full compliance with supervised release conditions, completion of required  
6.27 post-release treatment programming, and full compliance with all registration requirements  
6.28 as detailed in section 243.166. The offender must also not have been convicted of any felony,  
6.29 gross misdemeanor, or misdemeanor offenses subsequent to the assignment of the original  
6.30 risk level. The committee shall follow the process outlined in paragraphs (a) to (c) in the  
6.31 reassessment. An offender who is incarcerated may not request a reassessment under this  
6.32 paragraph.

6.33 (j) Offenders returned to prison as release violators shall not have a right to a subsequent  
6.34 risk reassessment by the end-of-confinement review committee unless substantial evidence  
6.35 indicates that the offender's risk to the public has increased.

7.1 (k) If the committee assigns a predatory offender to risk level III, the committee shall  
7.2 determine whether residency restrictions shall be included in the conditions of the offender's  
7.3 release based on the offender's pattern of offending behavior.

7.4 Sec. 3. Minnesota Statutes 2022, section 253B.18, subdivision 5a, is amended to read:

7.5 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)

7.6 As used in this subdivision:

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

7.12 (2) "victim" means a person who has incurred loss or harm as a result of a crime the  
7.13 behavior for which forms the basis for a commitment under this section or chapter 253D,  
7.14 and includes the family members, guardian, conservator, or custodian of a minor,  
7.15 incompetent, incapacitated, or deceased person; and

7.16 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision  
7.17 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal  
7.18 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in  
7.19 commitment cases under this section or chapter 253D that an act or acts constituting a crime  
7.20 occurred or were part of their course of harmful sexual conduct.

7.21 (b) A county attorney who files a petition to commit a person under this section or chapter  
7.22 253D shall make a reasonable effort to provide prompt notice of filing the petition to any  
7.23 victim of a crime for which the person was convicted. In addition, the county attorney shall  
7.24 make a reasonable effort to promptly notify the victim of the resolution of the petition and  
7.25 the process for requesting notification of an individual's change in status as provided in  
7.26 paragraph (c).

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

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

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

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

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

8.19 Sec. 4. Minnesota Statutes 2022, section 253D.14, subdivision 1, is amended to read:

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

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

8.26 (2) "victim" means a person who has incurred loss or harm as a result of a crime, the  
8.27 behavior for which forms the basis for a commitment under this chapter, and includes the  
8.28 family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated,  
8.29 or deceased person; and

8.30 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision  
8.31 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal  
8.32 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in

9.1 commitment cases under this section or section 253B.18, that an act or acts constituting a  
9.2 crime occurred.

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

9.4 Sec. 5. Minnesota Statutes 2022, section 518B.01, subdivision 2, is amended to read:

9.5 Subd. 2. **Definitions.** As used in this section, the following terms shall have the meanings  
9.6 given them:

9.7 (a) "Domestic abuse" means the following, if committed against a family or household  
9.8 member by a family or household member:

9.9 (1) physical harm, bodily injury, or assault;

9.10 (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or

9.11 (3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal  
9.12 sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or  
9.13 609.3451; sexual extortion within the meaning of section 609.3458; or interference with an  
9.14 emergency call within the meaning of section 609.78, subdivision 2.

9.15 (b) "Family or household members" means:

9.16 (1) spouses and former spouses;

9.17 (2) parents and children;

9.18 (3) persons related by blood;

9.19 (4) persons who are presently residing together or who have resided together in the past;

9.20 (5) persons who have a child in common regardless of whether they have been married  
9.21 or have lived together at any time;

9.22 (6) a man and woman if the woman is pregnant and the man is alleged to be the father,  
9.23 regardless of whether they have been married or have lived together at any time; and

9.24 (7) persons involved in a significant romantic or sexual relationship.

9.25 Issuance of an order for protection on the ground in clause (6) does not affect a  
9.26 determination of paternity under sections 257.51 to 257.74. In determining whether persons  
9.27 are or have been involved in a significant romantic or sexual relationship under clause (7),  
9.28 the court shall consider the length of time of the relationship; type of relationship; frequency  
9.29 of interaction between the parties; and, if the relationship has terminated, length of time  
9.30 since the termination.

10.1 (c) "Qualified domestic violence-related offense" has the meaning given in section  
10.2 609.02, subdivision 16.

10.3 (d) "Custodian" means any person other than the petitioner or respondent who is under  
10.4 a legal obligation to provide care and support for a minor child of a petitioner or who is in  
10.5 fact providing care and support for a minor child of a petitioner. Custodian does not include  
10.6 any person caring for a minor child if the petitioner's parental rights have been terminated.

10.7 Sec. 6. Minnesota Statutes 2022, section 518B.01, subdivision 3a, is amended to read:

10.8 Subd. 3a. **Filing fee.** The filing fees for an order for protection under this section are  
10.9 waived for the petitioner and respondent. ~~The court administrator, the sheriff of any county~~  
10.10 ~~in this state, and other law enforcement and corrections officers shall perform their duties~~  
10.11 ~~relating to service of process without charge to the petitioner. The court shall direct payment~~  
10.12 ~~of the reasonable costs of service of process if served by a private process server when the~~  
10.13 ~~sheriff or other law enforcement or corrections officer is unavailable or if service is made~~  
10.14 ~~by publication, without requiring the petitioner to make application under section 563.01.~~

10.15 Sec. 7. Minnesota Statutes 2022, section 518B.01, subdivision 3b, is amended to read:

10.16 Subd. 3b. **Information on petitioner's location or residence.** (a) Upon the petitioner's  
10.17 request, information maintained by the court regarding the petitioner's location or residence  
10.18 is not accessible to the public and may be disclosed only to court personnel or law  
10.19 enforcement for purposes of service of process, conducting an investigation, or enforcing  
10.20 an order.

10.21 (b) Upon request of the petitioner or a custodian of the petitioner's minor children,  
10.22 information maintained by the court regarding the location or residence of the petitioner's  
10.23 minor children is not accessible to the public and may be disclosed only to court personnel  
10.24 or law enforcement for purposes of service of process, conducting an investigation, or  
10.25 enforcing an order. If any custodian is a program participant as defined in section 5B.02,  
10.26 paragraph (g), the protections, limitations, and requirements in chapter 5B apply and  
10.27 information maintained by the court regarding the location or residence of the petitioner's  
10.28 minor children is not accessible to the public.

10.29 Sec. 8. Minnesota Statutes 2022, section 518B.01, subdivision 4, is amended to read:

10.30 Subd. 4. **Order for protection.** There shall exist an action known as a petition for an  
10.31 order for protection in cases of domestic abuse.

11.1 (a) A petition for relief under this section may be made by any family or household  
11.2 member personally or by a family or household member, a guardian as defined in section  
11.3 524.1-201, clause (27), or, if the court finds that it is in the best interests of the minor, by  
11.4 a reputable adult age 25 or older on behalf of minor family or household members. A minor  
11.5 age 16 or older may make a petition on the minor's own behalf against a spouse or former  
11.6 spouse, or a person with whom the minor has a child in common, if the court determines  
11.7 that the minor has sufficient maturity and judgment and that it is in the best interests of the  
11.8 minor.

11.9 (b) A petition for relief shall allege the existence of domestic abuse, and shall be  
11.10 accompanied by an affidavit made under oath stating the specific facts and circumstances  
11.11 from which relief is sought.

11.12 (c) A petition for relief must state whether the petitioner has ever had an order for  
11.13 protection in effect against the respondent.

11.14 (d) A petition for relief must state whether there is an existing order for protection in  
11.15 effect under this chapter governing both the parties and whether there is a pending lawsuit,  
11.16 complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B,  
11.17 or 518C. The court administrator shall verify the terms of any existing order governing the  
11.18 parties. The court may not delay granting relief because of the existence of a pending action  
11.19 between the parties or the necessity of verifying the terms of an existing order. A subsequent  
11.20 order in a separate action under this chapter may modify only the provision of an existing  
11.21 order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition  
11.22 for relief may be granted, regardless of whether there is a pending action between the parties.

11.23 (e) A petition for relief must state whether the petitioner has any minor children and, if  
11.24 so, must provide the name of any custodian of the minor children and must identify the  
11.25 location or residence of the custodian. If any custodian is a program participant as defined  
11.26 in section 5B.02, paragraph (g), the location or residence of the custodian is the address  
11.27 designated by the secretary of state as the address of the program participant. A petition  
11.28 must not be rejected or denied for failure to identify any custodian.

11.29 ~~(e)~~ (f) The court shall provide simplified forms and clerical assistance to help with the  
11.30 writing and filing of a petition under this section.

11.31 ~~(f)~~ (g) The court shall advise a petitioner under paragraph ~~(e)~~ (f) of the right to file a  
11.32 motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist  
11.33 with the writing and filing of the motion and affidavit.

12.1 ~~(g)~~ (h) The court shall advise a petitioner under paragraph ~~(e)~~ (f) of the right to serve  
12.2 the respondent by published notice under subdivision 5, paragraph (b), if the respondent is  
12.3 avoiding personal service by concealment or otherwise, and shall assist with the writing  
12.4 and filing of the affidavit.

12.5 ~~(h)~~ (i) The court shall advise the petitioner of the right to seek restitution under the  
12.6 petition for relief.

12.7 ~~(i)~~ (j) The court shall advise the petitioner of the right to request a hearing under  
12.8 subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall  
12.9 advise the petitioner that the respondent may request a hearing and that notice of the hearing  
12.10 date and time will be provided to the petitioner and the custodian of any of the petitioner's  
12.11 minor children by mail at least five days before the hearing.

12.12 ~~(j)~~ (k) The court shall advise the petitioner of the right to request supervised parenting  
12.13 time, as provided in section 518.175, subdivision 1a.

12.14 Sec. 9. Minnesota Statutes 2022, section 518B.01, subdivision 5, is amended to read:

12.15 Subd. 5. **Hearing on application; notice.** (a) Upon receipt of the petition, the court  
12.16 shall order a hearing which shall be held not later than 14 days from the date of the order  
12.17 for hearing unless an ex parte order is issued.

12.18 (b) If an ex parte order has been issued under subdivision 7 and the petitioner seeks only  
12.19 the relief under subdivision 7, paragraph (a), a hearing is not required unless:

12.20 (1) the court declines to order the requested relief; or

12.21 (2) one of the parties requests a hearing.

12.22 (c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief  
12.23 beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief  
12.24 requested by the petitioner, a hearing must be held within seven days. Personal service of  
12.25 the ex parte order may be made upon the respondent and any custodian at any time up to  
12.26 12 hours prior to the time set for the hearing, provided that the respondent at the hearing  
12.27 may request a continuance of up to five days if served fewer than five days prior to the  
12.28 hearing which continuance shall be granted unless there are compelling reasons not to.

12.29 (d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph  
12.30 (a), and the respondent requests a hearing, the hearing shall be held within ten days of the  
12.31 court's receipt of the respondent's request. Service of the notice of hearing must be made  
12.32 upon the petitioner and any custodian not less than five days prior to the hearing. The court

13.1 shall serve the notice of hearing upon the petitioner and any custodian by mail in the manner  
13.2 provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions  
13.3 and shall also mail notice of the date and time of the hearing to the respondent. In the event  
13.4 that service cannot be completed in time to give the respondent ~~or~~, petitioner, or any custodian  
13.5 the minimum notice required under this subdivision, the court may set a new hearing date  
13.6 no more than five days later.

13.7 (e) If for good cause shown either party is unable to proceed at the initial hearing and  
13.8 requests a continuance and the court finds that a continuance is appropriate, the hearing  
13.9 may be continued. Unless otherwise agreed by the parties and approved by the court, the  
13.10 continuance shall be for no more than five days. If the court grants the requested continuance,  
13.11 the court shall also issue a written order continuing all provisions of the ex parte order  
13.12 pending the issuance of an order after the hearing.

13.13 (f) Notwithstanding the preceding provisions of this subdivision, service on the respondent  
13.14 may be made by one week published notice, as provided under section 645.11, provided  
13.15 the petitioner files with the court an affidavit stating that an attempt at personal service  
13.16 made by a sheriff or other law enforcement or corrections officer was unsuccessful because  
13.17 the respondent is avoiding service by concealment or otherwise, and that a copy of the  
13.18 petition and notice of hearing has been mailed to the respondent at the respondent's residence  
13.19 or that the residence is not known to the petitioner. Service under this paragraph is complete  
13.20 seven days after publication. The court shall set a new hearing date if necessary to allow  
13.21 the respondent the five-day minimum notice required under paragraph (d).

13.22 Sec. 10. Minnesota Statutes 2022, section 518B.01, subdivision 6a, is amended to read:

13.23 Subd. 6a. **Subsequent orders and extensions.** (a) Upon application, notice to all parties,  
13.24 notice to any custodian, and hearing, the court may extend the relief granted in an existing  
13.25 order for protection or, if a petitioner's order for protection is no longer in effect when an  
13.26 application for subsequent relief is made, grant a new order. If the petitioner seeks only the  
13.27 relief under subdivision 7, paragraph (a), a hearing is not required unless the court declines  
13.28 to order the requested relief or the respondent requests a hearing. If a hearing is required,  
13.29 subdivisions 5 and 7 apply to service of the application, notice to the parties and any  
13.30 custodian, and time for the hearing.

13.31 (b) The court may extend the terms of an existing order or, if an order is no longer in  
13.32 effect, grant a new order upon a showing that:

13.33 (1) the respondent has violated a prior or existing order for protection;

14.1 (2) the petitioner is reasonably in fear of physical harm from the respondent;

14.2 (3) the respondent has engaged in the act of harassment within the meaning of section  
14.3 609.749, subdivision 2; or

14.4 (4) the respondent is incarcerated and about to be released, or has recently been released  
14.5 from incarceration.

14.6 A petitioner does not need to show that physical harm is imminent to obtain an extension  
14.7 or a subsequent order under this subdivision.

14.8 (c) Relief granted by the order for protection may be for a period of up to 50 years, if  
14.9 the court finds:

14.10 (1) the respondent has violated a prior or existing order for protection on two or more  
14.11 occasions; or

14.12 (2) the petitioner has had two or more orders for protection in effect against the same  
14.13 respondent.

14.14 An order issued under this paragraph may restrain the abusing party from committing  
14.15 acts of domestic abuse; or prohibit the abusing party from having any contact with the  
14.16 petitioner, whether in person, by telephone, mail or electronic mail or messaging, through  
14.17 electronic devices, through a third party, or by any other means.

14.18 Sec. 11. Minnesota Statutes 2022, section 518B.01, subdivision 7, is amended to read:

14.19 Subd. 7. **Ex parte order.** (a) Where an application under this section alleges an immediate  
14.20 and present danger of domestic abuse, the court may grant an ex parte order for protection  
14.21 and granting relief as the court deems proper, including an order:

14.22 (1) restraining the abusing party from committing acts of domestic abuse;

14.23 (2) excluding any party from the dwelling they share or from the residence of the other,  
14.24 including a reasonable area surrounding the dwelling or residence, which area shall be  
14.25 described specifically in the order, except by further order of the court;

14.26 (3) excluding the abusing party from the place of employment of the petitioner or  
14.27 otherwise limiting access to the petitioner by the abusing party at the petitioner's place of  
14.28 employment;

14.29 (4) ordering the abusing party to have no contact with the petitioner whether in person,  
14.30 by telephone, mail, email, through electronic devices, or through a third party;

15.1 (5) continuing all currently available insurance coverage without change in coverage or  
15.2 beneficiary designation;

15.3 (6) directing the care, possession, or control of a pet or companion animal owned,  
15.4 possessed, or kept by a party or a child of a party; and

15.5 (7) directing the respondent to refrain from physically abusing or injuring any pet or  
15.6 companion animal, without legal justification, known to be owned, possessed, kept, or held  
15.7 by either party or a minor child residing in the residence or household of either party as an  
15.8 indirect means of intentionally threatening the safety of such person.

15.9 (b) A finding by the court that there is a basis for issuing an ex parte order for protection  
15.10 constitutes a finding that sufficient reasons exist not to require notice under applicable court  
15.11 rules governing applications for ex parte relief.

15.12 (c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed  
15.13 period set by the court, as provided in subdivision 6, paragraph (b), or until modified or  
15.14 vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order  
15.15 becomes effective upon the referee's signature. Upon request, a hearing, as provided by this  
15.16 section, shall be set. Except as provided in paragraph (d), the respondent shall be personally  
15.17 served forthwith a copy of the ex parte order along with a copy of the petition and, if  
15.18 requested by the petitioner, notice of the date set for the hearing. Any custodian must be  
15.19 served with a copy of the ex parte order. Service on a custodian may be made by personal  
15.20 service or by certified mail. If the petitioner does not request a hearing, an order served on  
15.21 a respondent under this subdivision must include a notice advising the respondent of the  
15.22 right to request a hearing, must be accompanied by a form that can be used by the respondent  
15.23 to request a hearing and must include a conspicuous notice that a hearing will not be held  
15.24 unless requested by the respondent within five days of service of the order.

15.25 (d) Service of the ex parte order on the respondent may be made by published notice,  
15.26 as provided under subdivision 5, provided that the petitioner files the affidavit required  
15.27 under that subdivision. If personal service is not made or the affidavit is not filed within 14  
15.28 days of issuance of the ex parte order, the order expires. If the petitioner does not request  
15.29 a hearing, the petition mailed to the respondent's residence, if known, must be accompanied  
15.30 by the form for requesting a hearing and notice described in paragraph (c). Unless personal  
15.31 service is completed, if service by published notice is not completed within 28 days of  
15.32 issuance of the ex parte order, the order expires. Notice that an order has expired under this  
15.33 paragraph must be sent to any custodian.

16.1 (e) If the petitioner seeks relief under subdivision 6 other than the relief described in  
16.2 paragraph (a), the petitioner must request a hearing to obtain the additional relief.

16.3 (f) Nothing in this subdivision affects the right of a party to seek modification of an  
16.4 order under subdivision 11.

16.5 Sec. 12. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

16.6 Subd. 8. **Service; alternate service; publication; notice.** (a) The petition and any order  
16.7 issued under this section other than orders for dismissal shall be served on the respondent  
16.8 personally, or if the respondent appears remotely for a hearing and is notified at the hearing  
16.9 by the judicial officer that an order for protection will be issued, the order may be served  
16.10 on the respondent electronically or by first class mail, as ordered by the court. Orders for  
16.11 dismissal may be served on the respondent personally or by certified mail. In lieu of personal  
16.12 service of an order for protection, a law enforcement officer may serve a ~~person~~ respondent  
16.13 with a short-form notification as provided in subdivision 8a. The petition and any order  
16.14 issued under this section may be served on any custodian personally or by certified mail.

16.15 (b) When service is made out of this state and in the United States, it may be proved by  
16.16 the affidavit of the person making the service. When service is made outside the United  
16.17 States, it may be proved by the affidavit of the person making the service, taken before and  
16.18 certified by any United States minister, charge d'affaires, commissioner, consul, or  
16.19 commercial agent, or other consular or diplomatic officer of the United States appointed to  
16.20 reside in the other country, including all deputies or other representatives of the officer  
16.21 authorized to perform their duties; or before an office authorized to administer an oath with  
16.22 the certificate of an officer of a court of record of the country in which the affidavit is taken  
16.23 as to the identity and authority of the officer taking the affidavit.

16.24 (c) If personal service cannot be made on a respondent, the court may order service of  
16.25 the petition and any order issued under this section by alternate means, or by publication,  
16.26 which publication must be made as in other actions. The application for alternate service  
16.27 must include the last known location of the respondent; the petitioner's most recent contacts  
16.28 with the respondent; the last known location of the respondent's employment; the names  
16.29 and locations of the respondent's parents, siblings, children, and other close relatives; the  
16.30 names and locations of other persons who are likely to know the respondent's whereabouts;  
16.31 and a description of efforts to locate those persons.

16.32 The court shall consider the length of time the respondent's location has been unknown,  
16.33 the likelihood that the respondent's location will become known, the nature of the relief  
16.34 sought, and the nature of efforts made to locate the respondent. The court shall order service

17.1 by first class mail, forwarding address requested, to any addresses where there is a reasonable  
17.2 possibility that mail or information will be forwarded or communicated to the respondent.

17.3 The court may also order publication, within or without the state, but only if it might  
17.4 reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed  
17.5 complete 14 days after mailing or 14 days after court-ordered publication.

17.6 (d) A petition and any order issued under this section, including the short-form  
17.7 notification, must include a notice to the respondent that if an order for protection is issued  
17.8 to protect the petitioner or a child of the parties, upon request of the petitioner in any  
17.9 parenting time proceeding, the court shall consider the order for protection in making a  
17.10 decision regarding parenting time.

17.11 Sec. 13. Minnesota Statutes 2022, section 518B.01, subdivision 8a, is amended to read:

17.12 Subd. 8a. **Short-form notification.** (a) In lieu of personal service of an order for  
17.13 protection under subdivision 8, a law enforcement officer may serve a ~~person~~ respondent  
17.14 with a short-form notification. The short-form notification must include the following  
17.15 clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's  
17.16 name; the names of other protected parties; the date and county in which the ex parte order  
17.17 for protection or order for protection was filed; the court file number; the hearing date and  
17.18 time, if known; the conditions that apply to the respondent, either in checklist form or  
17.19 handwritten; and the name of the judge who signed the order.

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

17.21 The order for protection is now enforceable. You must report to your nearest sheriff  
17.22 office or county court to obtain a copy of the order for protection. You are subject to arrest  
17.23 and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any  
17.24 of the terms of the order for protection or this short-form notification.

17.25 (b) Upon verification of the identity of the respondent and the existence of an unserved  
17.26 order for protection against the respondent, a law enforcement officer may detain the  
17.27 respondent for a reasonable time necessary to complete and serve the short-form notification.

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

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

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

18.3 (f) This section does not apply to service of an order for protection on any custodian.

18.4 Sec. 14. Minnesota Statutes 2022, section 518B.01, subdivision 9, is amended to read:

18.5 Subd. 9. **Assistance of sheriff in service or execution; possession of dwelling or**  
18.6 **residence.** When an order is issued under this section upon request of the petitioner, the  
18.7 court shall order the sheriff to accompany the petitioner and assist in placing the petitioner  
18.8 in possession of the dwelling or residence, ~~or otherwise assist in execution or service of the~~  
18.9 ~~order of protection. If the application for relief is brought in a county in which the respondent~~  
18.10 ~~is not present, the sheriff shall forward the pleadings necessary for service upon the~~  
18.11 ~~respondent to the sheriff of the county in which the respondent is present. This transmittal~~  
18.12 ~~must be expedited to allow for timely service.~~

18.13 Sec. 15. Minnesota Statutes 2022, section 518B.01, subdivision 9a, is amended to read:

18.14 Subd. 9a. **Personal service by others; procedures; cost; reasonable efforts and**  
18.15 **cooperation required.** (a) Where personal service is required under this section, service  
18.16 must comply with subdivision 8 and rule 4.03 of the Rules of Civil Procedure.

18.17 (b) Upon request of the petitioner or order of the court, the sheriff of any county in this  
18.18 state in which a respondent resides or is present must execute or serve any petition, ex parte  
18.19 order, notice of hearing, order for protection, and any other order of a court on the respondent.  
18.20 If the application for relief is brought in a county in which the respondent is not present,  
18.21 the sheriff of the county where the application for relief was brought shall forward the  
18.22 pleadings necessary for service upon the respondent to the sheriff of the county in which  
18.23 the respondent is present. This transmittal must be expedited to allow for timely service.

18.24 (c) Peace officers licensed by the state of Minnesota and corrections officers, including,  
18.25 but not limited to, probation officers, court services officers, parole officers, and employees  
18.26 of jails or correctional facilities, may serve an order for protection on a respondent or any  
18.27 custodian and must, to the extent possible, provide any sheriff, law enforcement officer, or  
18.28 other peace officer attempting to effectuate service with relevant information regarding  
18.29 where a respondent may be found, such as the respondent's residence, the respondent's place  
18.30 of employment or schooling, or other locations frequented by the respondent.

18.31 (d) The court administrator, the sheriff of any county in this state, and any other law  
18.32 enforcement officer, peace officer, or corrections officer shall perform the duties relating

19.1 to service of process without charge to the petitioner. The court shall direct payment of the  
19.2 reasonable costs of service of process if served by a private process server when the sheriff  
19.3 or other law enforcement officer, peace officer, or corrections officer is unavailable or if  
19.4 service is made by publication, without requiring the petitioner to make application under  
19.5 section 563.01.

19.6 (e) A sheriff, law enforcement officer, or any other peace officer must make reasonable  
19.7 efforts to locate a respondent to effectuate service. Reasonable efforts may include:

19.8 (1) a search of any information that is publicly available;

19.9 (2) a search of any government data in a database to which the sheriff, law enforcement  
19.10 officer, or other peace officer has access, provided the data is classified as public data on  
19.11 individuals as defined in section 13.02, subdivision 15, or is otherwise available to criminal  
19.12 justice agencies, as defined in section 13.02, subdivision 3a; and

19.13 (3) communication with any court administrator, the sheriff of any county in this state,  
19.14 and any other law enforcement officer, peace officer, or corrections officer.

19.15 (f) A sheriff, law enforcement officer, or any other peace officer who serves a respondent  
19.16 who the sheriff or officer knows is on supervised probation or supervised release with an  
19.17 ex parte order, order for protection, or short-form notification must provide a copy of the  
19.18 served order or notification to the respondent's probation officer, supervised release or  
19.19 conditional release agent, or parole officer.

19.20 Sec. 16. Minnesota Statutes 2022, section 518B.01, subdivision 11, is amended to read:

19.21 Subd. 11. **Modifying or vacating order.** (a) Upon application, notice to all parties,  
19.22 notice to any custodian, and hearing, the court may modify the terms of an existing order  
19.23 for protection.

19.24 (b) If the court orders relief under subdivision 6a, paragraph (c), the respondent named  
19.25 in the order for protection may request to have the order vacated or modified if the order  
19.26 has been in effect for at least five years and the respondent has not violated the order during  
19.27 that time. Application for relief under this subdivision must be made in the county in which  
19.28 the order for protection was issued. Upon receipt of the request, the court shall set a hearing  
19.29 date. Personal service must be made upon the petitioner named in the order for protection  
19.30 not less than 30 days before the date of the hearing. Notice of the request and hearing may  
19.31 be made on any custodian personally or by certified mail. At the hearing, the respondent  
19.32 named in the order for protection has the burden of proving by a preponderance of the  
19.33 evidence that there has been a material change in circumstances and that the reasons upon

20.1 which the court relied in granting or extending the order for protection no longer apply and  
20.2 are unlikely to occur. If the court finds that the respondent named in the order for protection  
20.3 has met the burden of proof, the court may vacate or modify the order. If the court finds  
20.4 that the respondent named in the order for protection has not met the burden of proof, the  
20.5 court shall deny the request and no request may be made to vacate or modify the order for  
20.6 protection until five years have elapsed from the date of denial. An order vacated or modified  
20.7 under this paragraph must be personally served on the petitioner named in the order for  
20.8 protection and may be served on any custodian personally or by certified mail.

20.9 Sec. 17. Minnesota Statutes 2022, section 518B.01, is amended by adding a subdivision  
20.10 to read:

20.11 Subd. 11a. **Notice to custodian; Safe at Home participants; failure not a bar to**  
20.12 **enforcement.** (a) A custodian who is a program participant as defined in section 5B.02,  
20.13 paragraph (g), may direct the court to use the address designated by the secretary of state  
20.14 as the address of the program participant. Section 5B.03, subdivision 1, clause (3), applies  
20.15 to service of any notice, order, or other document required to be served under this section.  
20.16 The protections, limitations, and requirements in chapter 5B apply to any information  
20.17 regarding a custodian who is a program participant.

20.18 (b) Failure to serve a custodian with a petition, order for protection, dismissal, or any  
20.19 other order must not prevent any order from taking effect or otherwise invalidate any order  
20.20 issued pursuant to this section. In the event that service of a notice of a hearing is not  
20.21 completed on any custodian at least 24 hours prior to the time set for the hearing, the court  
20.22 may set a new hearing date no more than five days later.

20.23 Sec. 18. Minnesota Statutes 2022, section 595.02, subdivision 1, is amended to read:

20.24 Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding,  
20.25 including a party, may testify in any action or proceeding, civil or criminal, in court or  
20.26 before any person who has authority to receive evidence, except as provided in this  
20.27 subdivision:

20.28 (a) A husband cannot be examined for or against his wife without her consent, nor a  
20.29 wife for or against her husband without his consent, nor can either, during the marriage or  
20.30 afterwards, without the consent of the other, be examined as to any communication made  
20.31 by one to the other during the marriage. This exception does not apply to a civil action or  
20.32 proceeding by one against the other, nor to a criminal action or proceeding for a crime  
20.33 committed by one against the other or against a child of either or against a child under the

21.1 care of either spouse, nor to a criminal action or proceeding in which one is charged with  
21.2 homicide or an attempt to commit homicide and the date of the marriage of the defendant  
21.3 is subsequent to the date of the offense, nor to an action or proceeding for nonsupport,  
21.4 neglect, dependency, or termination of parental rights.

21.5 (b) An attorney cannot, without the consent of the attorney's client, be examined as to  
21.6 any communication made by the client to the attorney or the attorney's advice given thereon  
21.7 in the course of professional duty; nor can any employee of the attorney be examined as to  
21.8 the communication or advice, without the client's consent.

21.9 (c) A member of the clergy or other minister of any religion shall not, without the consent  
21.10 of the party making the confession, be allowed to disclose a confession made to the member  
21.11 of the clergy or other minister in a professional character, in the course of discipline enjoined  
21.12 by the rules or practice of the religious body to which the member of the clergy or other  
21.13 minister belongs; nor shall a member of the clergy or other minister of any religion be  
21.14 examined as to any communication made to the member of the clergy or other minister by  
21.15 any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in  
21.16 the course of the member of the clergy's or other minister's professional character, without  
21.17 the consent of the person.

21.18 (d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent  
21.19 of the patient, be allowed to disclose any information or any opinion based thereon which  
21.20 the professional acquired in attending the patient in a professional capacity, and which was  
21.21 necessary to enable the professional to act in that capacity; after the decease of the patient,  
21.22 in an action to recover insurance benefits, where the insurance has been in existence two  
21.23 years or more, the beneficiaries shall be deemed to be the personal representatives of the  
21.24 deceased person for the purpose of waiving this privilege, and no oral or written waiver of  
21.25 the privilege shall have any binding force or effect except when made upon the trial or  
21.26 examination where the evidence is offered or received.

21.27 (e) A public officer shall not be allowed to disclose communications made to the officer  
21.28 in official confidence when the public interest would suffer by the disclosure.

21.29 (f) Persons of unsound mind and persons intoxicated at the time of their production for  
21.30 examination are not competent witnesses if they lack capacity to remember or to relate  
21.31 truthfully facts respecting which they are examined.

21.32 (g) A registered nurse, psychologist, consulting psychologist, or licensed social worker  
21.33 engaged in a psychological or social assessment or treatment of an individual at the  
21.34 individual's request shall not, without the consent of the professional's client, be allowed to

22.1 disclose any information or opinion based thereon which the professional has acquired in  
22.2 attending the client in a professional capacity, and which was necessary to enable the  
22.3 professional to act in that capacity. Nothing in this clause exempts licensed social workers  
22.4 from compliance with the provisions of section 626.557 and chapter 260E.

22.5 (h) An interpreter for a person disabled in communication shall not, without the consent  
22.6 of the person, be allowed to disclose any communication if the communication would, if  
22.7 the interpreter were not present, be privileged. For purposes of this section, a "person disabled  
22.8 in communication" means a person who, because of a hearing, speech or other communication  
22.9 disorder, or because of the inability to speak or comprehend the English language, is unable  
22.10 to understand the proceedings in which the person is required to participate. The presence  
22.11 of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

22.12 (i) Licensed chemical dependency counselors shall not disclose information or an opinion  
22.13 based on the information which they acquire from persons consulting them in their  
22.14 professional capacities, and which was necessary to enable them to act in that capacity,  
22.15 except that they may do so:

22.16 (1) when informed consent has been obtained in writing, except in those circumstances  
22.17 in which not to do so would violate the law or would result in clear and imminent danger  
22.18 to the client or others;

22.19 (2) when the communications reveal the contemplation or ongoing commission of a  
22.20 crime; or

22.21 (3) when the consulting person waives the privilege by bringing suit or filing charges  
22.22 against the licensed professional whom that person consulted.

22.23 (j) A parent or the parent's minor child may not be examined as to any communication  
22.24 made in confidence by the minor to the minor's parent. A communication is confidential if  
22.25 made out of the presence of persons not members of the child's immediate family living in  
22.26 the same household. This exception may be waived by express consent to disclosure by a  
22.27 parent entitled to claim the privilege or by the child who made the communication or by  
22.28 failure of the child or parent to object when the contents of a communication are demanded.  
22.29 This exception does not apply to a civil action or proceeding by one spouse against the other  
22.30 or by a parent or child against the other, nor to a proceeding to commit either the child or  
22.31 parent to whom the communication was made or to place the person or property or either  
22.32 under the control of another because of an alleged mental or physical condition, nor to a  
22.33 criminal action or proceeding in which the parent is charged with a crime committed against  
22.34 the person or property of the communicating child, the parent's spouse, or a child of either

23.1 the parent or the parent's spouse, or in which a child is charged with a crime or act of  
 23.2 delinquency committed against the person or property of a parent or a child of a parent, nor  
 23.3 to an action or proceeding for termination of parental rights, nor any other action or  
 23.4 proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport  
 23.5 by a parent.

23.6 (k) Sexual assault counselors may not be allowed to disclose any opinion or information  
 23.7 received from or about the victim without the consent of the victim. However, a counselor  
 23.8 may be compelled to identify or disclose information in investigations or proceedings related  
 23.9 to neglect or termination of parental rights if the court determines good cause exists. In  
 23.10 determining whether to compel disclosure, the court shall weigh the public interest and need  
 23.11 for disclosure against the effect on the victim, the treatment relationship, and the treatment  
 23.12 services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from  
 23.13 compliance with the provisions of section 626.557 and chapter 260E.

23.14 "Sexual assault counselor" for the purpose of this section means a person who has  
 23.15 undergone at least 40 hours of crisis counseling training and works under the direction of  
 23.16 a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or  
 23.17 assistance to victims of sexual assault.

23.18 (l) A domestic abuse advocate ~~may~~ shall not, without the consent of the victim, be  
 23.19 ~~compelled~~ allowed to disclose any opinion or information received from or about the victim  
 23.20 ~~without the consent of the victim unless ordered by the court~~ which the advocate acquired  
 23.21 in attending the victim in a professional capacity. ~~In determining whether to compel~~  
 23.22 ~~disclosure, the court shall weigh the public interest and need for disclosure against the effect~~  
 23.23 ~~on the victim, the relationship between the victim and domestic abuse advocate, and the~~  
 23.24 ~~services if disclosure occurs.~~ Nothing in this paragraph exempts domestic abuse advocates  
 23.25 from compliance with the provisions of section 626.557 and chapter 260E.

23.26 For the purposes of this section, "domestic abuse advocate" means an employee or  
 23.27 supervised volunteer from a community-based ~~battered women's shelter~~ and domestic abuse  
 23.28 program eligible to receive grants under section 611A.32; that provides information,  
 23.29 advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse  
 23.30 and who is not employed by or under the direct supervision of a law enforcement agency,  
 23.31 a prosecutor's office, or by a city, county, or state agency.

23.32 (m) A person cannot be examined as to any communication or document, including  
 23.33 work notes, made or used in the course of or because of mediation pursuant to an agreement  
 23.34 to mediate or a collaborative law process pursuant to an agreement to participate in

24.1 collaborative law. This does not apply to the parties in the dispute in an application to a  
24.2 court by a party to have a mediated settlement agreement or a stipulated agreement resulting  
24.3 from the collaborative law process set aside or reformed. A communication or document  
24.4 otherwise not privileged does not become privileged because of this paragraph. This  
24.5 paragraph is not intended to limit the privilege accorded to communication during mediation  
24.6 or collaborative law by the common law.

24.7 (n) A child under ten years of age is a competent witness unless the court finds that the  
24.8 child lacks the capacity to remember or to relate truthfully facts respecting which the child  
24.9 is examined. A child describing any act or event may use language appropriate for a child  
24.10 of that age.

24.11 (o) A communication assistant for a telecommunications relay system for persons who  
24.12 have communication disabilities shall not, without the consent of the person making the  
24.13 communication, be allowed to disclose communications made to the communication assistant  
24.14 for the purpose of relaying.

24.15 **EFFECTIVE DATE.** This section is effective July 1, 2024.

24.16 Sec. 19. Minnesota Statutes 2023 Supplement, section 609.35, is amended to read:

24.17 **609.35 COSTS OF MEDICAL EXAMINATION.**

24.18 (a) Costs incurred by a hospital or other emergency medical facility or by a physician,  
24.19 sexual assault nurse examiner, forensic nurse, or other licensed health care provider for the  
24.20 examination of a victim of criminal sexual conduct that occurred in the state shall be paid  
24.21 by the state. These costs include, but are not limited to, the cost of the medical forensic  
24.22 examination, associated tests and treatments relating to sexually transmitted infection, and  
24.23 pregnancy status, including emergency contraception. A hospital, emergency medical facility,  
24.24 or health care provider shall submit the costs for examination and any associated tests and  
24.25 treatment to the Office of Justice Programs for payment. Upon receipt of the costs, the  
24.26 commissioner shall provide payment to the facility or health care provider. Reimbursement  
24.27 for an examination and any associated test and treatments shall not exceed \$1,400. Beginning  
24.28 on January 1, 2024, the maximum amount of an award shall be adjusted annually by the  
24.29 inflation rate.

24.30 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or  
24.31 liabilities of any insurer, whether public or private. The hospital or other licensed health  
24.32 care provider performing the examination may seek insurance reimbursement from the  
24.33 victim's insurer only if authorized by the victim. This authorization may only be sought

25.1 after the examination is performed. When seeking this authorization, the hospital or other  
25.2 licensed health care provider shall inform the victim that if the victim does not authorize  
25.3 this, the state is required by law to pay for the examination and that the victim is in no way  
25.4 liable for these costs or obligated to authorize the reimbursement.

25.5 (c) The applicability of this section does not depend upon whether the victim reports  
25.6 the offense to law enforcement or the existence or status of any investigation or prosecution.

25.7 (d) Requests for reimbursement and supporting documents are private data on individuals  
25.8 as defined in section 13.02, subdivision 12.

25.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
25.10 applies to data requests received before that date if the responsible authority has not yet  
25.11 provided a response.

25.12 Sec. 20. Minnesota Statutes 2022, section 609.748, subdivision 3a, is amended to read:

25.13 Subd. 3a. ~~**Filing fee; cost of service.** The filing fees for a restraining order under this~~  
25.14 ~~section are waived for the petitioner and the respondent if the petition alleges acts that would~~  
25.15 ~~constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to~~  
25.16 ~~609.3451. The court administrator and any peace officer in this state shall perform their~~  
25.17 ~~duties relating to service of process without charge to the petitioner. The court shall direct~~  
25.18 ~~payment of the reasonable costs of service of process if served by a private process server~~  
25.19 ~~when a peace officer is unavailable or if service is made by publication.~~

25.20 Sec. 21. Minnesota Statutes 2022, section 609.748, subdivision 5, is amended to read:

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

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

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

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

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

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

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

26.1 A restraining order may be issued only against the respondent named in the petition; except  
26.2 that if the respondent is an organization, the order may be issued against and apply to all of  
26.3 the members of the organization. If the court finds that the petitioner has had two or more  
26.4 previous restraining orders in effect against the same respondent or the respondent has  
26.5 violated a prior or existing restraining order on two or more occasions, relief granted by the  
26.6 restraining order may be for a period of up to 50 years. In all other cases, relief granted by  
26.7 the restraining order must be for a fixed period of not more than two years. When a referee  
26.8 presides at the hearing on the petition, the restraining order becomes effective upon the  
26.9 referee's signature.

26.10 (c) An order issued under this subdivision must be personally served upon the respondent,  
26.11 or if the respondent appears remotely for a hearing and is notified at the hearing by the  
26.12 judicial officer that a restraining order will be issued, the order may be served on the  
26.13 respondent electronically or by first class mail, as ordered by the court.

26.14 (d) If the court orders relief for a period of up to 50 years under paragraph (a), the  
26.15 respondent named in the restraining order may request to have the restraining order vacated  
26.16 or modified if the order has been in effect for at least five years and the respondent has not  
26.17 violated the order. Application for relief under this paragraph must be made in the county  
26.18 in which the restraining order was issued. Upon receipt of the request, the court shall set a  
26.19 hearing date. Personal service must be made upon the petitioner named in the restraining  
26.20 order not less than 30 days before the date of the hearing. At the hearing, the respondent  
26.21 named in the restraining order has the burden of proving by a preponderance of the evidence  
26.22 that there has been a material change in circumstances and that the reasons upon which the  
26.23 court relied in granting the restraining order no longer apply and are unlikely to occur. If  
26.24 the court finds that the respondent named in the restraining order has met the burden of  
26.25 proof, the court may vacate or modify the order. If the court finds that the respondent named  
26.26 in the restraining order has not met the burden of proof, the court shall deny the request and  
26.27 no request may be made to vacate or modify the restraining order until five years have  
26.28 elapsed from the date of denial. An order vacated or modified under this paragraph must  
26.29 be personally served on the petitioner named in the restraining order.

26.30 Sec. 22. Minnesota Statutes 2022, section 609.748, subdivision 5b, is amended to read:

26.31 Subd. 5b. **Personal service by others; procedures; cost; reasonable efforts and**  
26.32 **cooperation required.** (a) Where personal service is required under this section, service  
26.33 must comply with rule 4.03 of the Rules of Civil Procedure.

27.1 (b) In addition to peace officers, corrections officers, including but not limited to  
27.2 probation officers, court services officers, parole officers, and employees of jails or  
27.3 correctional facilities, may serve a temporary restraining order or restraining order and must,  
27.4 to the extent possible, provide any sheriff, law enforcement officer, or other peace officer  
27.5 attempting to effectuate service with relevant information regarding where a respondent  
27.6 may be found, such as the respondent's residence, the respondent's place of employment or  
27.7 schooling, or other locations frequented by the respondent.

27.8 (c) The court administrator and any peace officer in this state shall perform their duties  
27.9 relating to service of process without charge to the petitioner. The court shall direct payment  
27.10 of the reasonable costs of service of process if served by a private process server when a  
27.11 peace officer is unavailable or if service is made by publication.

27.12 (d) A sheriff, law enforcement officer, or any other peace officer must make reasonable  
27.13 efforts to locate a respondent to effectuate service. Reasonable efforts may include:

27.14 (1) a search of any information that is publicly available;

27.15 (2) a search of any government data in a database to which the sheriff, law enforcement  
27.16 officer, or other peace officer has access, provided the data is classified as public data on  
27.17 individuals as defined in section 13.02, subdivision 15, or is otherwise available to criminal  
27.18 justice agencies, as defined in section 13.02, subdivision 3a; and

27.19 (3) communication with any court administrator, the sheriff of any county in this state,  
27.20 and any other law enforcement officer, peace officer, or corrections officer.

27.21 (e) A sheriff, law enforcement officer, or any other peace officer who serves a respondent  
27.22 who the sheriff or officer knows is on supervised probation or supervised release with a  
27.23 temporary restraining order, restraining order, or short-form notification must provide a  
27.24 copy of the served order or notification to the respondent's probation officer, supervised  
27.25 release or conditional release agent, or parole officer.

27.26 Sec. 23. Minnesota Statutes 2022, section 609.748, is amended by adding a subdivision  
27.27 to read:

27.28 Subd. 5c. **Dismissals.** Orders for dismissal of a temporary restraining order or a  
27.29 restraining order may be served personally or by certified mail.

28.1 Sec. 24. Minnesota Statutes 2023 Supplement, section 611A.039, subdivision 1, is amended  
28.2 to read:

28.3 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,  
28.4 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which  
28.5 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts  
28.6 to provide to each affected crime victim oral or written notice of the final disposition of the  
28.7 case and of the victim rights under section 611A.06. When the court is considering modifying  
28.8 the sentence for a felony or a crime of violence or an attempted crime of violence, the  
28.9 prosecutor shall make a reasonable and good faith effort to notify the victim of the crime.  
28.10 ~~If the victim is incapacitated or deceased, notice must be given to the victim's family. If the~~  
28.11 ~~victim is a minor, notice must be given to the victim's parent or guardian.~~ The notice must  
28.12 include:

28.13 (1) the date and approximate time of the review;

28.14 (2) the location where the review will occur;

28.15 (3) the name and telephone number of a person to contact for additional information;

28.16 and

28.17 (4) a statement that the victim ~~and victim's family~~ may provide input to the court  
28.18 concerning the sentence modification.

28.19 (b) The Office of Justice Programs in the Department of Public Safety shall develop and  
28.20 update a model notice of postconviction rights under this subdivision and section 611A.06.

28.21 (c) As used in this section;

28.22 (1) "crime of violence" has the meaning given in section 624.712, subdivision 5, and  
28.23 also includes violations of section 609.3458, gross misdemeanor violations of section  
28.24 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and  
28.25 609.749.; and

28.26 (2) "victim" has the meaning given in section 611A.01, paragraph (b).

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

28.28 Sec. 25. Minnesota Statutes 2022, section 611A.06, is amended by adding a subdivision  
28.29 to read:

28.30 **Subd. 2a. Notice of end-of-confinement review committee process and opportunity**  
28.31 **to provide input.** If an individual scheduled to be released from imprisonment is subject  
28.32 to an end-of-confinement review under section 244.052, the commissioner of corrections

29.1 shall make a good faith effort to notify the victim of the end-of-confinement review process  
29.2 and that the victim has a right to submit written input for consideration at the  
29.3 end-of-confinement review hearing. The victim has a continuing right to submit input if the  
29.4 end-of-confinement review committee receives a request to reassess the individual's assigned  
29.5 risk level. These notices shall only be provided to victims who have submitted a written  
29.6 request for this notice to the commissioner of corrections or an electronic request through  
29.7 the Department of Corrections electronic victim notification system. The good faith effort  
29.8 to notify the victim must occur before the offender's end-of-confinement review hearing  
29.9 and provide sufficient time for the input to be considered in the end-of-confinement  
29.10 determination.

29.11 Sec. 26. Minnesota Statutes 2022, section 611A.212, subdivision 1, is amended to read:

29.12 Subdivision 1. **Grants.** The commissioner of public safety shall award grants for  
29.13 statewide organizations to provide subgrants, support, resources, and technical assistance  
29.14 to sexual assault programs that provide sexual assault primary prevention services to prevent  
29.15 initial perpetration or victimization of sexual assault.

29.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

29.17 Sec. 27. Minnesota Statutes 2023 Supplement, section 611A.52, subdivision 5, is amended  
29.18 to read:

29.19 Subd. 5. **Collateral source.** "Collateral source" means a source of benefits or advantages  
29.20 for economic loss otherwise reimbursable under sections 611A.51 to 611A.68 which the  
29.21 victim or claimant has received, or which is readily available to the victim, from:

29.22 (1) the offender;

29.23 (2) the government of the United States or any agency thereof, a state or any of its  
29.24 political subdivisions, or an instrumentality of two or more states, unless the law providing  
29.25 for the benefits or advantages makes them excess or secondary to benefits under sections  
29.26 611A.51 to 611A.68;

29.27 (3) Social Security, Medicare, and Medicaid;

29.28 (4) state required temporary nonoccupational disability insurance;

29.29 (5) workers' compensation;

29.30 (6) wage continuation programs of any employer;

30.1 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained  
30.2 because of the crime;

30.3 (8) a contract providing prepaid hospital and other health care services, or benefits for  
30.4 disability; or

30.5 ~~(9) any private source as a voluntary donation or gift; or~~

30.6 ~~(10)~~ (9) proceeds of a lawsuit brought as a result of the crime.

30.7 The term does not include a life insurance contract or benefits from any private source  
30.8 provided as a voluntary donation or gift.

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

30.10 Sec. 28. Minnesota Statutes 2022, section 611A.73, subdivision 4, is amended to read:

30.11 Subd. 4. **Victim.** "Victim" ~~refers to anyone or the next of kin of anyone who has been~~  
30.12 ~~or purports to have been subjected to a criminal act, whether a felony, a gross misdemeanor,~~  
30.13 ~~or misdemeanor~~ has the meaning given in section 611A.01, paragraph (b).

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

30.15 Sec. 29. Minnesota Statutes 2022, section 629.72, subdivision 1, is amended to read:

30.16 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
30.17 the meanings given them.

30.18 (b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

30.19 (c) "Harass" and "stalking" have the meanings given in section 609.749.

30.20 (d) "Violation of a domestic abuse no contact order" has the meaning given in section  
30.21 629.75.

30.22 (e) "Violation of an order for protection" has the meaning given in section 518B.01,  
30.23 subdivision 14.

30.24 (f) "Victim" has the meaning in section 611A.01, paragraph (b).

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

30.26 Sec. 30. Minnesota Statutes 2022, section 629.72, subdivision 7, is amended to read:

30.27 Subd. 7. **Notice to victim regarding bail hearing.** (a) When a person arrested for or a  
30.28 juvenile detained for domestic assault or harassing or stalking is scheduled to be reviewed

31.1 under subdivision 2 for release from pretrial detention, the court shall make a reasonable  
31.2 good faith effort to notify:

31.3 ~~(1) the victim of the alleged crime;~~

31.4 ~~(2) if the victim is incapacitated or deceased, the victim's family; and~~

31.5 ~~(3) if the victim is a minor, the victim's parent or guardian.~~

31.6 (b) The notification must include:

31.7 (1) the date and approximate time of the review;

31.8 (2) the location where the review will occur;

31.9 (3) the name and telephone number of a person that can be contacted for additional  
31.10 information; and

31.11 (4) a statement that the victim ~~and the victim's family~~ may attend the review.

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

31.13 Sec. 31. Minnesota Statutes 2022, section 629.725, is amended to read:

31.14 **629.725 NOTICE TO VICTIM REGARDING BAIL HEARING OF ARRESTED**  
31.15 **OR DETAINED PERSON.**

31.16 (a) When a person arrested or a juvenile detained for a crime of violence or an attempted  
31.17 crime of violence is scheduled to be reviewed under section 629.715 for release from pretrial  
31.18 detention, the court shall make a reasonable and good faith effort to notify the victim of the  
31.19 alleged crime. ~~If the victim is incapacitated or deceased, notice must be given to the victim's~~  
31.20 ~~family. If the victim is a minor, notice must be given to the victim's parent or guardian.~~ The  
31.21 notification must include:

31.22 (1) the date and approximate time of the review;

31.23 (2) the location where the review will occur;

31.24 (3) the name and telephone number of a person that can be contacted for additional  
31.25 information; and

31.26 (4) a statement that the victim and the victim's family may attend the review.

31.27 (b) As used in this section:

31.28 (1) "crime of violence" has the meaning given it in section 624.712, subdivision 5, and  
31.29 also includes:

32.1 ~~(1)~~ (i) sections 609.2112, 609.2113, 609.2114, and 609.3458;

32.2 ~~(2)~~ (ii) gross misdemeanor violations of section 609.224;

32.3 ~~(3)~~ (iii) nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and  
32.4 609.749; ~~and~~

32.5 ~~(4)~~ (iv) Minnesota Statutes 2012, section 609.21; and

32.6 (2) "victim" has the meaning given in section 611A.01, paragraph (b).

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

32.8 Sec. 32. Minnesota Statutes 2022, section 629.73, subdivision 1, is amended to read:

32.9 Subdivision 1. **Oral notice.** When a person arrested or a juvenile detained for a crime  
32.10 of violence or an attempted crime of violence is about to be released from pretrial detention,  
32.11 the agency having custody of the arrested or detained person or its designee shall make a  
32.12 reasonable and good faith effort before release to inform orally the victim ~~or, if the victim~~  
32.13 ~~is incapacitated, the same or next of kin, or if the victim is a minor, the victim's parent or~~  
32.14 ~~guardian~~ of the following matters:

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

32.16 (2) the time of release;

32.17 (3) the time, date, and place of the next scheduled court appearance of the arrested or  
32.18 detained person and, where applicable, the victim's right to be present at the court appearance;  
32.19 and

32.20 (4) the location and telephone number of at least one area crime victim service provider  
32.21 as designated by the Office of Justice Programs in the Department of Public Safety.

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

32.23 Sec. 33. Minnesota Statutes 2022, section 629.73, is amended by adding a subdivision to  
32.24 read:

32.25 Subd. 4. **Definition.** As used in this section, "victim" has the meaning given in section  
32.26 611A.01, paragraph (b).

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

## ARTICLE 2

## CRIMINAL JUSTICE REFORM

Section 1. [260B.009] DNA COLLECTION; PARENTAL CONSENT, COURT ORDER, OR WARRANT REQUIRED.

(a) As used in this section, "DNA analysis" has the meaning given in section 299C.155.

(b) A biological specimen for the purpose of DNA analysis must not be taken from a minor without the consent of the minor's parent or custodian, a court order, or a warrant.

(c) A minor whose biological specimen is collected in violation of paragraph (b) may move the court to suppress the use, as evidence, of the results of the DNA analysis and for destruction of the biological specimen.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to biological specimens collected on or after that date.

Sec. 2. Minnesota Statutes 2023 Supplement, section 299C.105, subdivision 1, is amended to read:

Subdivision 1. **Required collection of biological specimen for DNA testing.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken biological specimens for the purpose of DNA analysis as defined in section 299C.155, of the following:

(1) ~~persons who have appeared in court and have had a judicial probable cause determination on a charge of committing,~~ or persons having been convicted of or attempting to commit; any of the following:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24, aggravated robbery under section 609.245, or carjacking under section 609.247;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453;

- 34.1 (viii) incest under section 609.365;
- 34.2 (ix) burglary under section 609.582, subdivision 1; or
- 34.3 (x) indecent exposure under section 617.23, subdivision 3;
- 34.4 (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision
- 34.5 3a; or
- 34.6 (3) ~~juveniles who have appeared in court and have had a judicial probable cause~~
- 34.7 ~~determination on a charge of committing~~, or juveniles having been adjudicated delinquent
- 34.8 for committing or attempting to commit; any of the following:
- 34.9 (i) murder under section 609.185, 609.19, or 609.195;
- 34.10 (ii) manslaughter under section 609.20 or 609.205;
- 34.11 (iii) assault under section 609.221, 609.222, or 609.223;
- 34.12 (iv) robbery under section 609.24, aggravated robbery under section 609.245, or
- 34.13 carjacking under section 609.247;
- 34.14 (v) kidnapping under section 609.25;
- 34.15 (vi) false imprisonment under section 609.255;
- 34.16 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
- 34.17 609.3451, subdivision 3, or 609.3453;
- 34.18 (viii) incest under section 609.365;
- 34.19 (ix) burglary under section 609.582, subdivision 1; or
- 34.20 (x) indecent exposure under section 617.23, subdivision 3.
- 34.21 (b) Unless the superintendent of the bureau requires a shorter period, within 72 hours
- 34.22 the biological specimen required under paragraph (a) must be forwarded to the bureau in
- 34.23 such a manner as may be prescribed by the superintendent.
- 34.24 (c) Prosecutors, courts, and probation officers shall attempt to ensure that the biological
- 34.25 specimen is taken on a person described in paragraph (a).
- 34.26 Sec. 3. Minnesota Statutes 2022, section 590.01, subdivision 4, is amended to read:
- 34.27 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
- 34.28 two years after the later of:
- 34.29 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

35.1 (2) an appellate court's disposition of petitioner's direct appeal.

35.2 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief  
35.3 if:

35.4 (1) the petitioner establishes that a physical disability or mental disease precluded a  
35.5 timely assertion of the claim;

35.6 (2) the petitioner alleges the existence of newly discovered evidence, including scientific  
35.7 evidence, that provides facts necessary to sustain one or more legally cognizable claims for  
35.8 postconviction relief, if such evidence could not have been ascertained by the exercise of  
35.9 due diligence by the petitioner or petitioner's attorney within the two-year time period for  
35.10 filing a postconviction petition, and the evidence is not cumulative to evidence presented  
35.11 at trial, and is not for impeachment purposes, and establishes by a clear and convincing  
35.12 standard that the petitioner is innocent of the offense or offenses for which the petitioner  
35.13 was convicted;

35.14 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory  
35.15 law by either the United States Supreme Court or a Minnesota appellate court and the  
35.16 petitioner establishes that this interpretation is retroactively applicable to the petitioner's  
35.17 case;

35.18 (4) the petition is brought pursuant to subdivision 3; or

35.19 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous  
35.20 and is in the interests of justice.

35.21 (c) Any petition invoking an exception provided in paragraph (b) must be filed within  
35.22 two years of the date the claim arises.

35.23 Sec. 4. Minnesota Statutes 2022, section 590.03, is amended to read:

35.24 **590.03 PLEADINGS AND PRACTICE AFTER FILING A POSTCONVICTION**  
35.25 **PETITION.**

35.26 Within ~~20~~ 45 days after the filing of the petition pursuant to section 590.01 or within  
35.27 such time as the judge to whom the matter has been assigned may fix, the county attorney,  
35.28 or the attorney general, on behalf of the state, shall respond to the petition by answer or  
35.29 motion which shall be filed with the court administrator of district court and served on the  
35.30 petitioner if unrepresented or on the petitioner's attorney. No further pleadings are necessary  
35.31 except as the court may order. The court may at any time prior to its decision on the merits  
35.32 permit a withdrawal of the petition, may permit amendments thereto, and to the answer.

36.1 The court shall liberally construe the petition and any amendments thereto and shall look  
36.2 to the substance thereof and waive any irregularities or defects in form.

36.3 Sec. 5. Minnesota Statutes 2022, section 604A.05, subdivision 1, is amended to read:

36.4 Subdivision 1. **Person seeking medical providing assistance; immunity from**  
36.5 **prosecution.** A person acting in good faith who seeks medical assistance for or acts in  
36.6 concert with a person seeking medical assistance for another person who is experiencing a  
36.7 drug-related overdose may not be charged or prosecuted for the possession, sharing, or use  
36.8 of a controlled substance under section 152.023, subdivision 2, ~~clauses (4) and (6),~~ 152.024,  
36.9 or 152.025, ~~or possession of drug paraphernalia.~~ A person qualifies for the immunities  
36.10 provided in this subdivision only if:

36.11 (1) the evidence for the charge or prosecution was obtained as a result of the person's  
36.12 seeking medical assistance for or acting in concert with a person seeking medical assistance  
36.13 for another person; and

36.14 (2) the person seeks medical assistance for or acts in concert with a person seeking  
36.15 medical assistance for another person who is in need of medical assistance for an immediate  
36.16 health or safety concern, provided that the person ~~who seeks the medical assistance is the~~  
36.17 first person to seek the assistance, provides a name and contact information, remains on the  
36.18 scene until assistance arrives or is provided, and cooperates with the authorities.

36.19 Good faith does not include seeking medical assistance during the course of the execution  
36.20 of an arrest warrant or search warrant or a lawful search.

36.21 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to acts  
36.22 committed on or after that date.

36.23 Sec. 6. Minnesota Statutes 2023 Supplement, section 609.135, subdivision 2, is amended  
36.24 to read:

36.25 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),  
36.26 if the conviction is for a felony, the stay shall be for not more than five years or the maximum  
36.27 period for which the sentence of imprisonment might have been imposed, whichever is less.

36.28 (b) If the conviction is for a felony ~~described in~~ violation of, or a felony-level attempt  
36.29 or conspiracy to violate, section 609.19; 609.195; 609.20; 609.2112; 609.2113, subdivision  
36.30 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342; 609.343; 609.344; 609.345; 609.3451;  
36.31 609.3458; or 609.749; or a felony-level attempt or conspiracy to violate section 609.185 or

37.1 609.2661, the stay shall be for not more than four years or the maximum period for which  
37.2 the sentence of imprisonment might have been imposed, whichever is longer.

37.3 (c) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113,  
37.4 subdivision 3, or 609.3451, the stay shall be for not more than four years. The court shall  
37.5 provide for unsupervised probation for the last year of the stay unless the court finds that  
37.6 the defendant needs supervised probation for all or part of the last year.

37.7 (d) If the conviction is for a gross misdemeanor not specified in paragraph (c), the stay  
37.8 shall be for not more than two years.

37.9 (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision  
37.10 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision  
37.11 1, in which the victim of the crime was a family or household member as defined in section  
37.12 518B.01, the stay shall be for not more than two years. The court shall provide for  
37.13 unsupervised probation for the second year of the stay unless the court finds that the  
37.14 defendant needs supervised probation for all or part of the second year.

37.15 (f) If the conviction is for a misdemeanor not specified in paragraph (e), the stay shall  
37.16 be for not more than one year.

37.17 (g) The defendant shall be discharged six months after the term of the stay expires, unless  
37.18 the stay has been revoked or extended under paragraph (h), or the defendant has already  
37.19 been discharged.

37.20 (h) Notwithstanding the maximum periods specified for stays of sentences under  
37.21 paragraphs (a) to (g), a court may extend a defendant's term of probation for up to one year  
37.22 if it finds, at a hearing conducted under subdivision 1a, that:

37.23 (1) the defendant has not paid court-ordered restitution in accordance with the payment  
37.24 schedule or structure; and

37.25 (2) the defendant is likely to not pay the restitution the defendant owes before the term  
37.26 of probation expires.

37.27 This one-year extension of probation for failure to pay restitution may be extended by the  
37.28 court for up to one additional year if the court finds, at another hearing conducted under  
37.29 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the  
37.30 defendant owes.

37.31 Nothing in this subdivision limits the court's ability to refer the case to collections under  
37.32 section 609.104.

38.1 (i) Notwithstanding the maximum periods specified for stays of sentences under  
38.2 paragraphs (a) to (g), a court may extend a defendant's term of probation for up to three  
38.3 years if it finds, at a hearing conducted under subdivision 1c, that:

38.4 (1) the defendant has failed to complete court-ordered treatment successfully; and

38.5 (2) the defendant is likely not to complete court-ordered treatment before the term of  
38.6 probation expires.

38.7 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to sentences  
38.8 announced on or after that date.

38.9 Sec. 7. Minnesota Statutes 2023 Supplement, section 609.3455, subdivision 5, is amended  
38.10 to read:

38.11 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing  
38.12 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based  
38.13 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be  
38.14 served before the offender may be considered for supervised release. If the offender was  
38.15 under 18 years of age at the time of the commission of the offense, the minimum term of  
38.16 imprisonment specified by the court shall not exceed the applicable minimum term of  
38.17 imprisonment described in section 244.05, subdivision 4b.

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

38.19 Sec. 8. Minnesota Statutes 2023 Supplement, section 609A.015, subdivision 3, is amended  
38.20 to read:

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

38.23 (1) was convicted of a qualifying offense;

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

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

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

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

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

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

39.7 (2) any misdemeanor offense other than:

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

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

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

39.12 (iv) section 609.2242 (domestic assault);

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

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

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

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

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

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

39.19 (3) any gross misdemeanor offense other than:

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

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

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

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

39.25 ~~(iv)~~ (v) section 609.2113, subdivision 3 (criminal vehicular operation);

39.26 ~~(v)~~ (vi) section 609.2231 (assault in the fourth degree);

39.27 ~~(vi)~~ (vii) section 609.224 (assault in the fifth degree);

39.28 ~~(vii)~~ (viii) section 609.2242 (domestic assault);

- 40.1 ~~(viii)~~ (ix) section 609.233 (criminal neglect);
- 40.2 ~~(ix)~~ (x) section 609.3451 (criminal sexual conduct in the fifth degree);
- 40.3 ~~(x)~~ (xi) section 609.377 (malicious punishment of child);
- 40.4 ~~(xi)~~ (xii) section 609.485 (escape from custody);
- 40.5 ~~(xii)~~ (xiii) section 609.498 (tampering with witness);
- 40.6 ~~(xiii)~~ (xiv) section 609.582, subdivision 4 (burglary in the fourth degree);
- 40.7 ~~(xiv)~~ (xv) section 609.746 (interference with privacy);
- 40.8 ~~(xv)~~ (xvi) section 609.748 (violation of a harassment restraining order);
- 40.9 ~~(xvi)~~ (xvii) section 609.749 (harassment; stalking);
- 40.10 ~~(xvii)~~ (xviii) section 609.78 (interference with emergency call);
- 40.11 ~~(xviii)~~ (xix) section 617.23 (indecent exposure);
- 40.12 ~~(xix)~~ (xx) section 617.261 (nonconsensual dissemination of private sexual images); or
- 40.13 ~~(xx)~~ (xxi) section 629.75 (violation of domestic abuse no contact order); or
- 40.14 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 40.15 than:
- 40.16 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 40.17 degree);
- 40.18 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 40.19 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 40.20 commitment for mental illness); ~~or~~
- 40.21 (iv) section 609.582, subdivision 3, paragraph (a) (burglary in the third degree; other
- 40.22 than trespass); or
- 40.23 (v) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
- 40.24 subsequent violation or minor victim).
- 40.25 (c) As used in this subdivision, "applicable waiting period" means:
- 40.26 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;
- 40.27 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
- 40.28 crime;

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

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

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

41.7 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to  
41.8 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross  
41.9 misdemeanor offenses ineligible for a grant of expungement under this section remain  
41.10 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

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

41.13 (f) An expungement order does not apply to records held by the commissioners of health  
41.14 and human services.

41.15 **EFFECTIVE DATE.** This section is effective January 1, 2025.

41.16 Sec. 9. Minnesota Statutes 2023 Supplement, section 609A.02, subdivision 3, is amended  
41.17 to read:

41.18 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section  
41.19 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict  
41.20 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

41.21 (1) all pending actions or proceedings were resolved in favor of the petitioner. For  
41.22 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution  
41.23 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved  
41.24 in favor of the petitioner, if the petitioner received an order under section 590.11 determining  
41.25 that the petitioner is eligible for compensation based on exoneration;

41.26 (2) the petitioner has successfully completed the terms of a diversion program or stay  
41.27 of adjudication and has not been charged with a new crime for at least one year since  
41.28 completion of the diversion program or stay of adjudication;

41.29 (3) the petitioner was convicted of a petty misdemeanor or misdemeanor or the sentence  
41.30 imposed was within the limits provided by law for a misdemeanor and the petitioner has  
41.31 not been convicted of a new crime for at least two years since discharge of the sentence for  
41.32 the crime;

42.1 (4) the petitioner was convicted of a gross misdemeanor or the sentence imposed was  
42.2 within the limits provided by law for a gross misdemeanor and the petitioner has not been  
42.3 convicted of a new crime for at least three years since discharge of the sentence for the  
42.4 crime;

42.5 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a  
42.6 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted  
42.7 of a new crime for at least three years since discharge of the sentence for the crime;

42.8 (6) the petitioner was convicted of a felony violation of section 152.025 and has not  
42.9 been convicted of a new crime for at least four years since discharge of the sentence for the  
42.10 crime;

42.11 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor  
42.12 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been  
42.13 convicted of a new crime for at least:

42.14 (i) four years since discharge of the sentence for the crime if the conviction was for an  
42.15 offense listed in paragraph (b); or

42.16 (ii) five years since discharge of the sentence for the crime if the conviction was for any  
42.17 other offense; or

42.18 (8) the petitioner was convicted of a felony violation of an offense listed in paragraph  
42.19 (b), and has not been convicted of a new crime for at least four years since discharge of the  
42.20 sentence for the crime.

42.21 (b) Paragraph (a), clause ~~(7)~~ (8), applies to the following offenses:

42.22 (1) section 35.824 (altering livestock certificate);

42.23 (2) section 62A.41 (insurance regulations);

42.24 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

42.25 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third  
42.26 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);  
42.27 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled  
42.28 substance);

42.29 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,  
42.30 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

42.31 (6) chapter 201; 203B; or 204C (voting violations);

- 43.1 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 43.2 (8) section 256.984 (false declaration in assistance application);
- 43.3 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 43.4 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 43.5 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 43.6 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices  
43.7 and solicitations);
- 43.8 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 43.9 (14) section 349.2127; or 349.22 (gambling regulations);
- 43.10 (15) section 588.20 (contempt);
- 43.11 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 43.12 (17) section 609.31 (leaving state to evade establishment of paternity);
- 43.13 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
43.14 commitment for mental illness);
- 43.15 (19) section 609.49 (failure to appear in court);
- 43.16 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,  
43.17 subdivision 3, clause (3)(a) (theft of \$5,000 or less) or 609.52, subdivision 3a, clause (1)  
43.18 (theft of \$1,000 or less with risk of bodily harm); or any other offense sentenced pursuant  
43.19 to section 609.52, subdivision 3, clause (3)(a);
- 43.20 (21) section 609.521 (possession of shoplifting gear);
- 43.21 (22) section 609.525 (bringing stolen goods into state);
- 43.22 (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 43.23 (24) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);  
43.24 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or  
43.25 609.529 (mail theft);
- 43.26 (25) section 609.53 (receiving stolen goods);
- 43.27 (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over  
43.28 \$500);
- 43.29 (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);

- 44.1 (28) section 609.551 (rustling and livestock theft);
- 44.2 (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 44.3 (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 44.4 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 44.5 (32) section 609.59 (possession of burglary or theft tools);
- 44.6 (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
- 44.7 (a) (criminal damage to property);
- 44.8 (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 44.9 (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
- 44.10 clause (3)(a) (check forgery and offering forged check, \$2,500 or less); 609.635 (obtaining
- 44.11 signature by false pretense); 609.64 (recording, filing forged instrument); or 609.645
- 44.12 (fraudulent statements);
- 44.13 (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 44.14 4, paragraph (a) (lottery fraud);
- 44.15 (37) section 609.652 (fraudulent driver's license and identification card);
- 44.16 (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
- 44.17 609.66, subdivision 1b (furnishing firearm to minor);
- 44.18 (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 44.19 (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 44.20 (41) section 609.746, subdivision 1, paragraph (g) (interference with privacy; subsequent
- 44.21 violation or minor victim);
- 44.22 (42) section 609.80, subdivision 2 (interference with cable communications system);
- 44.23 (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 44.24 (44) section 609.822 (residential mortgage fraud);
- 44.25 (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 44.26 (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
- 44.27 operator);
- 44.28 (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 44.29 (48) section 609.893, subdivision 2 (telecommunications and information services fraud);

- 45.1 (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 45.2 (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual  
45.3 property);
- 45.4 (51) section 609.896 (movie pirating);
- 45.5 (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,  
45.6 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2  
45.7 (transfer of pistol to ineligible person); or
- 45.8 (53) section 624.7181 (rifle or shotgun in public by minor).

45.9 Sec. 10. **[627.16] CRIMINAL SEXUAL CONDUCT; MENTALLY**  
45.10 **INCAPACITATED; ASLEEP OR NOT CONSCIOUS.**

45.11 A criminal action arising out of an incident of alleged criminal sexual conduct may be  
45.12 prosecuted either in the county where any element of the alleged sexual penetration or sexual  
45.13 contact was committed or the county where the complainant is found when the complainant  
45.14 is:

- 45.15 (1) mentally incapacitated, as defined in section 609.341, subdivision 7; or
- 45.16 (2) physically helpless, as defined in section 609.341, subdivision 9, as the result of  
45.17 being asleep or not conscious.

45.18 Sec. 11. **REPEALER.**

45.19 Minnesota Statutes 2022, section 299C.105, subdivision 3, is repealed.

45.20 **ARTICLE 3**  
45.21 **PUBLIC SAFETY POLICY**

45.22 Section 1. Minnesota Statutes 2023 Supplement, section 146A.08, subdivision 1, is  
45.23 amended to read:

45.24 Subdivision 1. **Prohibited conduct.** (a) The commissioner may impose disciplinary  
45.25 action as described in section 146A.09 against any unlicensed complementary and alternative  
45.26 health care practitioner. The following conduct is prohibited and is grounds for disciplinary  
45.27 action:

45.28 (b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt,  
45.29 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,  
45.30 reasonably related to engaging in complementary and alternative health care practices.

46.1 Conviction, as used in this subdivision, includes a conviction of an offense which, if  
46.2 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,  
46.3 without regard to its designation elsewhere, or a criminal proceeding where a finding or  
46.4 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not  
46.5 entered.

46.6 (c) Conviction of any crime against a person. For purposes of this chapter, a crime against  
46.7 a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20;  
46.8 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224;  
46.9 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245;  
46.10 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342;  
46.11 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1 or 1b; 609.50, subdivision 1,  
46.12 clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes  
46.13 2012, section 609.21.

46.14 (d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision  
46.15 7.

46.16 (e) Engaging in sexual contact with a complementary and alternative health care client,  
46.17 engaging in contact that may be reasonably interpreted by a client as sexual, engaging in  
46.18 any verbal behavior that is seductive or sexually demeaning to the client, or engaging in  
46.19 sexual exploitation of a client or former client.

46.20 (f) Advertising that is false, fraudulent, deceptive, or misleading.

46.21 (g) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or  
46.22 careless disregard for the health, welfare, or safety of a complementary and alternative  
46.23 health care client; or any other practice that may create danger to any client's life, health,  
46.24 or safety, in any of which cases, proof of actual injury need not be established.

46.25 (h) Adjudication as mentally incompetent or as a person who is dangerous to self or  
46.26 adjudication pursuant to chapter 253B as chemically dependent, mentally ill, developmentally  
46.27 disabled, mentally ill and dangerous to the public, or as a sexual psychopathic personality  
46.28 or sexually dangerous person.

46.29 (i) Inability to engage in complementary and alternative health care practices with  
46.30 reasonable safety to complementary and alternative health care clients.

46.31 (j) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

47.1 (k) Improper or unauthorized personal or other use of any legend drugs as defined in  
47.2 chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined  
47.3 in chapter 152.

47.4 (l) Revealing a communication from, or relating to, a complementary and alternative  
47.5 health care client except when otherwise required or permitted by law.

47.6 (m) Failure to comply with a complementary and alternative health care client's request  
47.7 made under sections 144.291 to 144.298 or to furnish a complementary and alternative  
47.8 health care client record or report required by law.

47.9 (n) Splitting fees or promising to pay a portion of a fee to any other professional other  
47.10 than for services rendered by the other professional to the complementary and alternative  
47.11 health care client.

47.12 (o) Engaging in abusive or fraudulent billing practices, including violations of the federal  
47.13 Medicare and Medicaid laws or state medical assistance laws.

47.14 (p) Failure to make reports as required by section 146A.03 or cooperate with an  
47.15 investigation of the office.

47.16 (q) Obtaining money, property, or services from a complementary and alternative health  
47.17 care client, other than reasonable fees for services provided to the client, through the use  
47.18 of undue influence, harassment, duress, deception, or fraud.

47.19 (r) Failure to provide a complementary and alternative health care client with a copy of  
47.20 the client bill of rights or violation of any provision of the client bill of rights.

47.21 (s) Violating any order issued by the commissioner.

47.22 (t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules  
47.23 adopted under those sections.

47.24 (u) Failure to comply with any additional disciplinary grounds established by the  
47.25 commissioner by rule.

47.26 (v) Revocation, suspension, restriction, limitation, or other disciplinary action against  
47.27 any health care license, certificate, registration, or right to practice of the unlicensed  
47.28 complementary and alternative health care practitioner in this or another state or jurisdiction  
47.29 for offenses that would be subject to disciplinary action in this state or failure to report to  
47.30 the office that charges regarding the practitioner's license, certificate, registration, or right  
47.31 of practice have been brought in this or another state or jurisdiction.

48.1 (w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any  
48.2 other words, letters, or insignia to describe the complementary and alternative health care  
48.3 practices the practitioner provides.

48.4 (x) Failure to provide a complementary and alternative health care client with a  
48.5 recommendation that the client see a health care provider who is licensed or registered by  
48.6 a health-related licensing board or the commissioner of health, if there is a reasonable  
48.7 likelihood that the client needs to be seen by a licensed or registered health care provider.

48.8 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to violations  
48.9 that occur on or after that date.

48.10 Sec. 2. Minnesota Statutes 2023 Supplement, section 214.10, subdivision 10, is amended  
48.11 to read:

48.12 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**  
48.13 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the  
48.14 executive director or any member of the Board of Peace Officer Standards and Training  
48.15 produces or receives a written statement or complaint that alleges a violation of a statute or  
48.16 rule that the board is empowered to enforce, the executive director ~~shall designate the~~  
48.17 ~~appropriate law enforcement agency to investigate the complaint and may order it an~~  
48.18 appropriate law enforcement agency to conduct an inquiry into the complaint's allegations.  
48.19 If directed to complete an investigation, the investigating agency must complete the inquiry  
48.20 and submit a written summary of it to the executive director within 30 days of the order for  
48.21 inquiry.

48.22 Sec. 3. [219.995] RAILROAD PEACE OFFICERS.

48.23 Subdivision 1. Chief law enforcement officer. A railroad that intends to employ railroad  
48.24 peace officers as defined in section 626.84, subdivision 1, paragraph (h), shall appoint a  
48.25 chief law enforcement officer to oversee and take responsibility for all railroad peace officers  
48.26 employed by the railroad. The chief law enforcement officer of a railroad company must  
48.27 be a Minnesota-licensed peace officer. Before appointing a railroad chief law enforcement  
48.28 officer, the railroad must submit a request for license for a license-eligible applicant, or a  
48.29 notice of appointment for an officer already licensed in Minnesota, to the Board of Peace  
48.30 Officer Standards and Training attesting that the appointee has met all education, training,  
48.31 and minimum selection standards in Minnesota Rules, chapter 6700. The appointee may  
48.32 not exercise peace officer powers until the request for license or notification form is received  
48.33 and approved by the board.

49.1 Subd. 2. **Railroad; employment of peace officers.** After appointing a railroad chief  
49.2 law enforcement officer, a railroad may employ railroad peace officers to aid and supplement  
49.3 law enforcement agencies in the protection of property owned by or in the care, custody,  
49.4 or control of a railroad and to protect the persons and property of railroad passengers and  
49.5 employees.

49.6 Subd. 3. **Responsibilities of railroad company.** A railroad company that employs  
49.7 railroad peace officers must cooperate with the Board of Peace Officer Standards and  
49.8 Training with respect to the board's authority to oversee peace officer licensing. Upon  
49.9 request by the board, a railroad company that employs railroad peace officers must share  
49.10 or produce any public, private, or confidential data that the board has the authority to request  
49.11 from other state and local law enforcement agencies. Failure by the railroad company to  
49.12 comply with the board's exercise of its regulatory and oversight authority may result in  
49.13 implementation of sanctions as described in subdivision 7.

49.14 Subd. 4. **Duties of railroad chief law enforcement officer.** A railroad chief law  
49.15 enforcement officer has the same duties and responsibilities as the chief law enforcement  
49.16 officer of any state or local law enforcement agency, including but not limited to appointing  
49.17 and supervising peace officers, ensuring ongoing continuing education of peace officers,  
49.18 maintaining agency and peace officer records, reporting misconduct and policy compliance,  
49.19 and any other duty or responsibility described in chapter 626 or Minnesota Rules, chapter  
49.20 6700.

49.21 Subd. 5. **Authority; limitation.** (a) Except as otherwise provided by this section, a  
49.22 railroad peace officer has all powers and privileges of a licensed peace officer in this state  
49.23 in connection with the prevention, investigation, arrest, or prosecution of an offense occurring  
49.24 on railroad property and involving injury to passengers or employees of a railroad or  
49.25 involving an offense against property owned by or in the care, custody, or control of a  
49.26 railroad. A railroad peace officer's law enforcement powers shall apply only on railroad  
49.27 property, except that an officer may exercise the authority given to peace officers under  
49.28 section 629.40, subdivisions 2 and 4. If a search warrant is obtained by a railroad peace  
49.29 officer, the officer shall notify the chief of police of an organized full-time police department  
49.30 of the municipality or, if there is no local chief of police, the sheriff or a deputy sheriff of  
49.31 the county in which service of the warrant is to be made, prior to execution.

49.32 (b) A railroad must not direct, require, or allow a railroad peace officer to enforce a  
49.33 railroad's rules, policies, or procedures that are unrelated to the commission of a criminal  
49.34 offense, or investigate any matter involving civil litigation by or against a railroad. A railroad  
49.35 company that employs railroad peace officers must adopt or update any applicable policy

50.1 to be consistent with this paragraph and must provide a copy of the policy to the  
50.2 representatives of any labor organization that represents employees of the railroad, including  
50.3 but not limited to any labor organization subject to the Federal Railway Labor Act.  
50.4 Notwithstanding any law to the contrary, a railroad peace officer who makes a representation  
50.5 of being a peace officer and performs or attempts to perform any of those acts is subject to  
50.6 discipline as if the peace officer violated the standards of conduct set forth in Minnesota  
50.7 Rules, chapter 6700.

50.8 Subd. 6. **Licensing.** The Board of Peace Officer Standards and Training shall license  
50.9 railroad peace officers appointed by the railroad's chief law enforcement officer under  
50.10 subdivision 1 who meet the board's standards for peace officer licensure under chapter 626  
50.11 and Minnesota Rules, chapter 6700. Except as otherwise provided in this section, railroad  
50.12 peace officers are subject to all of the provisions applicable to peace officers under chapter  
50.13 626 and Minnesota Rules, chapter 6700.

50.14 Subd. 7. **Immediate suspension of authority.** At the sole discretion of the Board of  
50.15 Peace Officer Standards and Training, the board may immediately suspend or revoke the  
50.16 license of the chief law enforcement officer of a railroad company for any reason within  
50.17 the board's jurisdiction. If the board suspends or revokes the license of the chief law  
50.18 enforcement officer, the railroad's law enforcement agency shall be deemed disbanded and  
50.19 the licenses of all peace officers on the railroad agency roster will be placed in inactive  
50.20 status. The requirement to place a peace officer's license in inactive status does not apply  
50.21 to a railroad peace officer who also works as a licensed peace officer for a different law  
50.22 enforcement agency in Minnesota, but such an officer must no longer be designated a railroad  
50.23 peace officer. Except as noted in this section, the licenses of railroad peace officers are  
50.24 subject to the requirements, restrictions, and disciplinary procedures that apply to any other  
50.25 licensed peace officer.

50.26 Subd. 8. **Compensation; benefits; fees.** (a) A railroad peace officer shall be compensated  
50.27 by the railroad by which the officer is employed.

50.28 (b) A railroad peace officer is not entitled to receive any compensation, benefits, or other  
50.29 remuneration provided or required to be provided to other licensed peace officers by this  
50.30 state or any political subdivision or agency of this state.

50.31 (c) A railroad peace officer may attend any training course offered to peace officers of  
50.32 this state, provided that railroad peace officers pay reasonable tuition and costs.

50.33 Subd. 9. **Railroad liability.** A railroad company employing a railroad peace officer in  
50.34 this state is liable for all acts, errors, and omissions of a railroad peace officer occurring in

51.1 the course and scope of the peace officer's employment by the railroad and shall indemnify  
51.2 its peace officers for civil damages, penalties, or fines claimed or levied against the officer  
51.3 according to section 181.970. Neither this state nor any political subdivision or agency of  
51.4 the state is liable for any act, error, or omission of a railroad peace officer.

51.5 Subd. 10. **Construction.** Nothing in this section shall be construed to limit or in any  
51.6 way restrict the rights, powers, or privileges granted to a peace officer in this state who is  
51.7 not a railroad peace officer.

51.8 Sec. 4. Minnesota Statutes 2022, section 243.167, subdivision 1, is amended to read:

51.9 Subdivision 1. **Definition.** As used in this section, "crime against the person" means a  
51.10 violation of any of the following or a similar law of another state or of the United States:  
51.11 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;  
51.12 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;  
51.13 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1  
51.14 or 1b; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of  
51.15 section 609.229; 609.377; 609.749; or 624.713.

51.16 Sec. 5. Minnesota Statutes 2023 Supplement, section 299C.10, subdivision 1, is amended  
51.17 to read:

51.18 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community  
51.19 corrections agencies operating secure juvenile detention facilities shall take or cause to be  
51.20 taken immediately fingerprints and thumbprints, photographs, distinctive physical mark  
51.21 identification data, information on any known aliases or street names, and other identification  
51.22 data requested or required by the superintendent of the bureau, of the following:

51.23 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross  
51.24 misdemeanor, or targeted misdemeanor;

51.25 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,  
51.26 or alleged to have committed felonies or gross misdemeanors as distinguished from those  
51.27 committed by adult offenders;

51.28 (3) adults and juveniles admitted to jails or detention facilities;

51.29 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

51.30 (5) persons in whose possession, when arrested, are found concealed firearms or other  
51.31 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,

52.1 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer  
52.2 to be intended for such purposes;

52.3 (6) juveniles referred by a law enforcement agency to a diversion program for a felony  
52.4 or gross misdemeanor offense; and

52.5 (7) persons currently involved in the criminal justice process, on probation, on parole,  
52.6 or in custody for any offense whom the superintendent of the bureau identifies as being the  
52.7 subject of a court disposition record which cannot be linked to an arrest record, and whose  
52.8 fingerprints are necessary to reduce the number of suspense files, or to comply with the  
52.9 mandates of section 299C.111, relating to the reduction of the number of suspense files.  
52.10 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau  
52.11 shall include the requirement that fingerprints be taken in post-arrest interviews, while  
52.12 making court appearances, while in custody, or while on any form of probation, diversion,  
52.13 or supervised release.

52.14 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours  
52.15 of taking the fingerprints and data, the fingerprint records and other identification data  
52.16 specified under paragraph (a) must be electronically entered into a bureau-managed  
52.17 searchable database in a manner as may be prescribed by the superintendent.

52.18 (c) Prosecutors, courts, and probation officers and their agents, employees, and  
52.19 subordinates shall attempt to ensure that the required identification data is taken on a person  
52.20 described in paragraph (a). Law enforcement may take fingerprints of an individual who is  
52.21 presently on probation.

52.22 (d) Fingerprints and thumbprints must be obtained no later than:

52.23 (1) release from booking; or

52.24 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

52.25 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb  
52.26 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger  
52.27 and thumb prints have not been successfully received by the bureau, an individual may,  
52.28 upon order of the court, be taken into custody for no more than eight hours so that the taking  
52.29 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time  
52.30 period may be extended upon a showing that additional time in custody is essential for the  
52.31 successful taking of prints.

52.32 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of  
52.33 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224

53.1 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),  
53.2 609.748 (harassment or restraining order violation), ~~609.749~~ 609.79 (obscene or harassing  
53.3 telephone calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

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

53.5 Sec. 6. Minnesota Statutes 2022, section 326.338, subdivision 4, is amended to read:

53.6 Subd. 4. **Protective agent.** A person who for a fee, reward, or other valuable consideration  
53.7 undertakes any of the following acts is considered to be engaged in the business of protective  
53.8 agent:

53.9 (1) providing guards, private patrol, or other security personnel to protect persons or  
53.10 their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or  
53.11 to prevent the misappropriation or concealment of goods, merchandise, money, or other  
53.12 valuable things, or to procure the return of those things;

53.13 (2) physically responding to any alarm signal device, burglar alarm, television camera,  
53.14 still camera, or a mechanical or electronic device installed or used to prevent or detect  
53.15 burglary, theft, shoplifting, pilferage, losses, or other security measures;

53.16 (3) providing armored car services for the protection of persons or property;

53.17 (4) controlling motor traffic on public streets, roads, and highways for the purpose of  
53.18 escorting a funeral procession and oversized loads; ~~or~~

53.19 (5) providing management and control of crowds for the purpose of safety and protection;  
53.20 or

53.21 (6) providing guards or other security personnel to transport prisoners or any other person  
53.22 arrested on a warrant, except that this does not apply to the transport or escort of offenders  
53.23 by staff of the Department of Corrections; the transport of a person by the sheriff of a county  
53.24 to the appropriate adult or juvenile correctional facility as designated by the commissioner  
53.25 of corrections or to and from court in connection with postconviction, habeas corpus, or  
53.26 intrastate mandatory disposition of detainers proceedings; the transfer of a person by  
53.27 emergency medical services personnel; or the transfer of a person by a peace officer as  
53.28 defined in section 626.84, subdivision 1, paragraph (c).

53.29 A person covered by this subdivision may perform the traffic-control duties in clause  
53.30 (4) in place of a police officer when a special permit is required, provided that the protective  
53.31 agent is first-aid qualified.

54.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 326.3387, subdivision 1, is amended  
54.2 to read:

54.3 Subdivision 1. **Basis for action.** (a) The board may revoke or suspend or refuse to issue  
54.4 or reissue a private detective or protective agent license if:

54.5 (1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted  
54.6 under those sections;

54.7 (2) the license holder has engaged in fraud, deceit, or misrepresentation while in the  
54.8 business of private detective or protective agent;

54.9 (3) the license holder has made a false statement in an application submitted to the board  
54.10 or in a document required to be submitted to the board;

54.11 (4) the license holder violates an order of the board; or

54.12 (5) the individual or entity previously operated without a license.

54.13 (b) The board must revoke or suspend or refuse to issue or reissue a protective agent  
54.14 license if the license holder provides guards or other security personnel to transport prisoners  
54.15 or any other person arrested on a warrant and the board determines that the license holder  
54.16 or any employee or agent of the license holder committed an act in any place that, if  
54.17 committed in Minnesota, would constitute criminal sexual conduct against a person being  
54.18 transported or committed an act in any place that involved the unreasonable use of force on  
54.19 a person being transported.

54.20 Sec. 8. Minnesota Statutes 2022, section 326.3388, is amended to read:

54.21 **326.3388 ADMINISTRATIVE PENALTIES.**

54.22 The board shall, by rule, establish a graduated schedule of administrative penalties for  
54.23 violations of sections 326.32 to 326.339 or the board's rules. The schedule must include  
54.24 minimum and maximum penalties for each violation and be based on and reflect the  
54.25 culpability, frequency, and severity of the violator's actions. The minimum penalty for an  
54.26 act described in section 326.3387, subdivision 1, paragraph (b), must be \$10,000 for each  
54.27 act. The board may impose a penalty from the schedule on a license holder for a violation  
54.28 of sections 326.32 to 326.339 or the rules of the board. The penalty is in addition to any  
54.29 criminal penalty imposed for the same violation. Administrative penalties imposed by the  
54.30 board must be paid to the general fund.

55.1 Sec. 9. Minnesota Statutes 2023 Supplement, section 609.1095, subdivision 1, is amended  
55.2 to read:

55.3 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
55.4 meanings given.

55.5 (b) "Conviction" means any of the following accepted and recorded by the court: a plea  
55.6 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes  
55.7 a conviction by any court in Minnesota or another jurisdiction.

55.8 (c) "Prior conviction" means a conviction that occurred before the offender committed  
55.9 the next felony resulting in a conviction and before the offense for which the offender is  
55.10 being sentenced under this section.

55.11 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of  
55.12 the following laws of this state or any similar laws of the United States or any other state:  
55.13 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;  
55.14 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;  
55.15 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;  
55.16 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1 or 1b; 609.561;  
55.17 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision  
55.18 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is  
55.19 punishable by a felony penalty; or any provision of chapter 152 that is punishable by a  
55.20 maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

55.21 Sec. 10. Minnesota Statutes 2023 Supplement, section 609.522, subdivision 1, is amended  
55.22 to read:

55.23 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the  
55.24 meanings given.

55.25 (b) "Pattern of retail theft" means acts committed or directed by the defendant on at least  
55.26 two separate occasions in the preceding six months that would constitute a violation of:

55.27 (1) section 609.52, subdivision 2, paragraph (a), ~~clauses~~ clause (1), (3), ~~and~~ or (4),  
55.28 involving retail merchandise;

55.29 (2) section 609.521;

55.30 (3) section 609.53, subdivision 1, involving retail merchandise;

55.31 (4) section 609.582 when the building was a retail establishment; or

55.32 (5) section 609.59.

56.1 (c) "Retail establishment" means the building where a retailer sells retail merchandise.

56.2 (d) "Retail merchandise" means all forms of tangible property, without limitation, held  
56.3 out for sale by a retailer.

56.4 (e) "Retail theft enterprise" means a group of two or more individuals with a shared goal  
56.5 involving the unauthorized removal of retail merchandise from a retailer. Retail theft  
56.6 enterprise does not require the membership of the enterprise to remain the same or that the  
56.7 same individuals participate in each offense committed by the enterprise.

56.8 (f) "Retailer" means a person or entity that sells retail merchandise.

56.9 (g) "Value" means the retail market value at the time of the theft or, if the retail market  
56.10 value cannot be ascertained, the cost of replacement of the property within a reasonable  
56.11 time after the theft.

56.12 Sec. 11. Minnesota Statutes 2023 Supplement, section 609.522, subdivision 2, is amended  
56.13 to read:

56.14 Subd. 2. **Organized retail theft.** A person is guilty of organized retail theft if:

56.15 (1) the person is employed by or associated with a retail theft enterprise;

56.16 (2) the person has previously engaged in a pattern of retail theft and intentionally commits  
56.17 an act or directs another member of the retail theft enterprise to commit an act involving  
56.18 retail merchandise that would constitute a violation of:

56.19 (i) section 609.52, subdivision 2, paragraph (a), ~~clauses~~ clause (1), (3), ~~and~~ or (4); or

56.20 (ii) section 609.53, subdivision 1; and

56.21 (3) the person or another member of the retail theft enterprise:

56.22 (i) resells or intends to resell the stolen retail merchandise;

56.23 (ii) advertises or displays any item of the stolen retail merchandise for sale; or

56.24 (iii) returns any item of the stolen retail merchandise to a retailer for anything of value.

56.25 Sec. 12. **[609.84] SALE OF CALCIFIED HUMAN REMAINS.**

56.26 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
56.27 the meanings given.

56.28 (b) "Human remains" means the calcified portion of a dead human body, not including  
56.29 isolated teeth; the cremated remains of a dead human body deposited in a container or

57.1 discrete feature; or the hydrolyzed remains of a dead human body deposited in a container  
57.2 or discrete feature.

57.3 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,  
57.4 paragraph (f).

57.5 (d) "Local organization for emergency management" has the meaning given in section  
57.6 12.03, subdivision 6.

57.7 (e) "Search and rescue unit" means an organization, team, or individual authorized by  
57.8 the state or federal government, a Tribal government, or by a county, city, town, or a  
57.9 metropolitan airports commission organized and existing under sections 473.601 to 473.679  
57.10 whose mission is to locate lost, missing, or trapped persons, victims of natural or other  
57.11 disasters, and human bodies.

57.12 **Subd. 2. Sale of calcified human remains prohibited; donation and**  
57.13 **reimbursement. (a) Except as provided in paragraph (b), a person is prohibited from selling**  
57.14 **calcified human remains or offering calcified human remains for sale.**

57.15 (b) Paragraph (a) shall not be construed to limit the donation of human remains:

57.16 (1) to a licensed health care provider, an individual employed by or under contract with  
57.17 a licensed health care provider, a public or private postsecondary educational institution,  
57.18 or an individual employed by or under contract with a public or private postsecondary  
57.19 educational institution, for legitimate medical or scientific purposes or for educational  
57.20 purposes;

57.21 (2) to a company registered with the United States Food and Drug Administration or an  
57.22 individual, company, or entity employed by or under contract with a company registered  
57.23 with the United States Food and Drug Administration for legitimate medical or scientific  
57.24 purposes, including but not limited to the development, manufacturing, and research of  
57.25 medical products; or

57.26 (3) to a law enforcement agency, search and rescue unit, or local organization for  
57.27 emergency management to conduct search and rescue training or to train dogs to locate  
57.28 dead human bodies.

57.29 (c) Paragraph (a) does not apply to the sale or offer for sale of human remains that is  
57.30 incidental to the sale of real property, including undisturbed burial plots, cemeteries, crypts,  
57.31 or other burial features.

58.1 (d) Nothing in this section shall be construed to prohibit a person from recovering  
58.2 reasonable expenses for the processing, preservation, quality control, storage, transportation,  
58.3 or final disposition of human remains for the legitimate purposes as described in this section.

58.4 Subd. 3. **Penalty.** A person who violates this section is guilty of a felony.

58.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
58.6 applies to crimes committed on or after that date.

58.7 Sec. 13. Minnesota Statutes 2022, section 626.05, subdivision 2, is amended to read:

58.8 Subd. 2. **Peace officer.** The term "peace officer," as used in sections 626.04 to 626.17,  
58.9 means a person who is licensed as a peace officer in accordance with section 626.84,  
58.10 subdivision 1, and who serves as a sheriff, deputy sheriff, police officer, conservation officer,  
58.11 agent of the Bureau of Criminal Apprehension, agent of the Division of Alcohol and  
58.12 Gambling Enforcement, peace officer of the Commerce Fraud Bureau, University of  
58.13 Minnesota peace officer, Metropolitan Transit police officer, Minnesota Department of  
58.14 Corrections Fugitive Apprehension Unit member, ~~or~~ State Patrol trooper as authorized by  
58.15 section 299D.03, or railroad peace officer as authorized by section 219.995 and United  
58.16 States Code, title 49, section 28101.

58.17 Sec. 14. Minnesota Statutes 2022, section 626.84, subdivision 1, is amended to read:

58.18 Subdivision 1. **Definitions.** For purposes of sections 626.84 to 626.863, the following  
58.19 terms have the meanings given them:

58.20 (a) "Board" means the Board of Peace Officer Standards and Training.

58.21 (b) "Director" means the executive director of the board.

58.22 (c) "Peace officer" means:

58.23 (1) an employee or an elected or appointed official of a political subdivision or law  
58.24 enforcement agency who is licensed by the board, charged with the prevention and detection  
58.25 of crime and the enforcement of the general criminal laws of the state and who has the full  
58.26 power of arrest, and shall also include the Minnesota State Patrol, agents of the Division of  
58.27 Alcohol and Gambling Enforcement, state conservation officers, Metropolitan Transit police  
58.28 officers, Department of Corrections Fugitive Apprehension Unit officers, ~~and~~ Department  
58.29 of Commerce Fraud Bureau Unit officers, ~~and~~ the statewide coordinator of the Violent  
58.30 Crime Coordinating Council, and railroad peace officers as authorized by section 219.995  
58.31 and United States Code, title 49, section 28101; and

59.1 (2) a peace officer who is employed by a law enforcement agency of a federally  
59.2 recognized tribe, as defined in United States Code, title 25, section 450b(e), and who is  
59.3 licensed by the board.

59.4 (d) "Part-time peace officer" means an individual licensed by the board whose services  
59.5 are utilized by law enforcement agencies no more than an average of 20 hours per week,  
59.6 not including time spent on call when no call to active duty is received, calculated on an  
59.7 annual basis, who has either full powers of arrest or authorization to carry a firearm while  
59.8 on active duty. The term shall apply even though the individual receives no compensation  
59.9 for time spent on active duty, and shall apply irrespective of the title conferred upon the  
59.10 individual by any law enforcement agency.

59.11 (e) "Reserve officer" means an individual whose services are utilized by a law  
59.12 enforcement agency to provide supplementary assistance at special events, traffic or crowd  
59.13 control, and administrative or clerical assistance, and shall include reserve deputies, special  
59.14 deputies, mounted or unmounted patrols, and all other employees or volunteers performing  
59.15 reserve officer functions. A reserve officer's duties do not include enforcement of the general  
59.16 criminal laws of the state, and the officer does not have full powers of arrest or authorization  
59.17 to carry a firearm on duty.

59.18 (f) "Law enforcement agency" means:

59.19 (1) a unit of state or local government that is authorized by law to grant full powers of  
59.20 arrest and to charge a person with the duties of preventing and detecting crime and enforcing  
59.21 the general criminal laws of the state; ~~and~~

59.22 (2) subject to the limitations in section 626.93, a law enforcement agency of a federally  
59.23 recognized tribe, as defined in United States Code, title 25, section 450b(e); and

59.24 (3) subject to the limitation of section 219.995, a railroad company.

59.25 (g) "Professional peace officer education" means a postsecondary degree program, or a  
59.26 nondegree program for persons who already have a college degree, that is offered by a  
59.27 college or university in Minnesota, designed for persons seeking licensure as a peace officer,  
59.28 and approved by the board.

59.29 (h) "Railroad peace officer" means an individual as authorized under United States Code,  
59.30 title 49, section 28101:

59.31 (1) employed by a railroad for the purpose of aiding and supplementing law enforcement  
59.32 agencies in the protection of property owned by or in the care, custody, or control of a  
59.33 railroad and to protect the persons and property of railroad passengers and employees; and

60.1 (2) licensed by the board.

60.2 Sec. 15. Minnesota Statutes 2022, section 626.8435, subdivision 1, is amended to read:

60.3 Subdivision 1. **Establishment and membership.** The ~~Ensuring Police Excellence and~~  
60.4 ~~Improving Community Relations~~ Public Safety Advisory Council is established under the  
60.5 Peace Officer Standards and Training Board. The council consists of the following 15  
60.6 members:

60.7 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

60.8 (2) the executive director of the Peace Officer Standards and Training Board, or a  
60.9 designee;

60.10 (3) the executive director of the Minnesota Police and Peace Officers Association, or a  
60.11 designee;

60.12 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

60.13 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

60.14 (6) six community members, of which:

60.15 (i) four members shall represent the community-specific boards established under sections  
60.16 15.0145 and 3.922, reflecting one appointment made by each board;

60.17 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota  
60.18 chapter of the National Alliance on Mental Illness; and

60.19 (iii) one member shall be an advocate for victims and shall be appointed by Violence  
60.20 Free Minnesota; and

60.21 (7) four members appointed by the legislature, of which one shall be appointed by the  
60.22 speaker of the house, one by the house minority leader, one by the senate majority leader,  
60.23 and one by the senate minority leader.

60.24 The appointing authorities shall make their appointments by September 15, 2020, and  
60.25 shall ensure geographical balance when making appointments.

60.26 Sec. 16. [626.8437] TRAINING IN EXCITED DELIRIUM AND SIMILAR TERMS  
60.27 PROHIBITED.

60.28 Subdivision 1. Definition. For the purposes of this chapter, "excited delirium" means a  
60.29 description of a person's state of agitation, excitability, paranoia, extreme aggression, physical  
60.30 violence, and apparent immunity to pain that is not listed in the most current version of the

61.1 Diagnostic and Statistical Manual of Mental Disorders, or for which there is insufficient  
61.2 scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited  
61.3 delirium includes excited delirium syndrome, hyperactive delirium, agitated delirium,  
61.4 exhaustive mania, and similar terms.

61.5 Subd. 2. **No continuing education credits or tuition reimbursement.** (a) The board  
61.6 may not certify a continuing education course that includes training on the detection or use  
61.7 of the term excited delirium.

61.8 (b) The board may not grant continuing education credit to a peace officer for a course  
61.9 that includes training on the detection or use of the term excited delirium.

61.10 (c) The board may not reimburse a law enforcement agency or a peace officer for a  
61.11 course that includes training on the detection or use of the term excited delirium.

61.12 Subd. 3. **Training prohibited.** A law enforcement agency may not provide, directly or  
61.13 through a third party, to a peace officer any course that includes training on the detection  
61.14 or use of excited delirium. This section does not prohibit peace officer training in responding  
61.15 to and the proper care of a person in crisis.

61.16 Sec. 17. Minnesota Statutes 2022, section 626.8457, subdivision 3, is amended to read:

61.17 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement  
61.18 officer shall report annually to the board summary data regarding the investigation and  
61.19 disposition of cases involving alleged misconduct, indicating the total number of  
61.20 investigations, the total number by each subject matter, the number dismissed as unfounded,  
61.21 and the number dismissed on grounds that the allegation was unsubstantiated.

61.22 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit  
61.23 individual peace officer data classified as public data on individuals, as defined by section  
61.24 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision  
61.25 12, and submitted using encrypted data that the board determines is necessary to:

61.26 (1) evaluate the effectiveness of statutorily required training;

61.27 (2) assist the ~~Ensuring Police Excellence and Improving Community Relations~~ Public  
61.28 Safety Advisory Council in accomplishing the council's duties; and

61.29 (3) allow for the board, the ~~Ensuring Police Excellence and Improving Community~~  
61.30 Relations Public Safety Advisory Council, and the board's complaint investigation committee  
61.31 to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a  
61.32 board-mandated model policy.

62.1 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer  
62.2 must update data within 30 days of final disposition of a complaint or investigation.

62.3 (d) Law enforcement agencies and political subdivisions are prohibited from entering  
62.4 into a confidentiality agreement that would prevent disclosure of the data identified in  
62.5 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements  
62.6 of this section.

62.7 (e) By February 1 of each year, the board shall prepare a report that contains summary  
62.8 data provided under paragraph (b). The board must post the report on its publicly accessible  
62.9 website and provide a copy to the chairs and ranking minority members of the senate and  
62.10 house of representatives committees and divisions having jurisdiction over criminal justice  
62.11 policy.

62.12 **Sec. 18. GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA TRIBE;**  
62.13 **COAST GUARD SERVICES; GRANT PURPOSES EXPANSION.**

62.14 In addition to the uses specified in Laws 2023, chapter 52, article 2, section 3, subdivision  
62.15 3, paragraph (d), the Grand Portage Band of Lake Superior Chippewa may use the grant  
62.16 awarded for equipment, personnel, patrolling, and other related costs of providing coast  
62.17 guard services off the north shore of Lake Superior.

62.18 **ARTICLE 4**

62.19 **PREDATORY OFFENDERS**

62.20 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1a, is amended to read:

62.21 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates  
62.22 otherwise, the following terms have the meanings given them.

62.23 (b) "Bureau" means the Bureau of Criminal Apprehension.

62.24 (c) "Conservator" has the meaning given in chapter 524.

62.25 ~~(e)~~ (d) "Corrections agent" means a county or state probation agent or other corrections  
62.26 employee. The term also includes United States Probation and Pretrial Services System  
62.27 employees who work with a person subject to this section.

62.28 ~~(d)~~ (e) "Dwelling" means the building where the person lives under a formal or informal  
62.29 agreement to do so. However, dwelling does not include a supervised publicly or privately  
62.30 operated shelter or facility designed to provide temporary living accommodations for  
62.31 homeless individuals as defined in section 116L.361, subdivision 5.

63.1 (f) "Guardian" has the meaning given in chapter 524.

63.2 ~~(e)~~ (g) "Incarceration" and "confinement" do not include electronic home monitoring.

63.3 ~~(f)~~ (h) "Law enforcement authority" or "authority" means the chief of police of a home  
63.4 rule charter or statutory city and the county sheriff of an unincorporated area in that county.  
63.5 An authority must be located in Minnesota.

63.6 ~~(g)~~ (i) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

63.7 (j) "Power of attorney" has the meaning given in chapter 523.

63.8 ~~(h)~~ (k) "Primary address" means the mailing address of the person's dwelling. If the  
63.9 mailing address is different from the actual location of the dwelling, primary address also  
63.10 includes the physical location of the dwelling described with as much specificity as possible.

63.11 ~~(i)~~ (l) "School" includes any public or private educational institution, including any  
63.12 secondary school, trade, or professional institution, or institution of higher education, that  
63.13 the person is enrolled in on a full-time or part-time basis.

63.14 ~~(j)~~ (m) "Secondary address" means the mailing address of any place where the person  
63.15 regularly or occasionally stays overnight when not staying at the person's primary address.  
63.16 If the mailing address is different from the actual location of the place, secondary address  
63.17 also includes the physical location of the place described with as much specificity as possible.  
63.18 However, the location of a supervised publicly or privately operated shelter or facility  
63.19 designated to provide temporary living accommodations for homeless individuals as defined  
63.20 in section 116L.361, subdivision 5, does not constitute a secondary address.

63.21 ~~(k)~~ (n) "Treatment facility" means a residential facility, as defined in section 244.052,  
63.22 subdivision 1, and residential substance use disorder treatment programs and halfway houses  
63.23 licensed under chapter 245A, including, but not limited to, those facilities directly or  
63.24 indirectly assisted by any department or agency of the United States.

63.25 ~~(l)~~ (o) "Work" includes employment that is full time or part time for a period of time  
63.26 exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar  
63.27 year, whether financially compensated, volunteered, or for the purpose of government or  
63.28 educational benefit.

63.29 Sec. 2. Minnesota Statutes 2023 Supplement, section 243.166, subdivision 1b, is amended  
63.30 to read:

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

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

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

64.6 (ii) kidnapping under section 609.25;

64.7 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,  
64.8 subdivision 3, paragraph (b); or 609.3453;

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

64.10 (v) surreptitious intrusion under the circumstances described in section 609.746,  
64.11 subdivision 1, paragraph (h);

64.12 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or  
64.13 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated  
64.14 delinquent for that offense or another offense arising out of the same set of circumstances:

64.15 (i) criminal abuse in violation of Minnesota Statutes 2020, section 609.2325, subdivision  
64.16 1, paragraph (b);

64.17 ~~(ii) false imprisonment in violation of section 609.255, subdivision 2;~~

64.18 ~~(iii)~~ (ii) solicitation, inducement, or promotion of the prostitution of a minor or engaging  
64.19 in the sex trafficking of a minor in violation of section 609.322;

64.20 ~~(iv)~~ (iii) a prostitution offense in violation of section 609.324, subdivision 1, paragraph  
64.21 (a);

64.22 ~~(v)~~ (iv) soliciting a minor to engage in sexual conduct in violation of section 609.352,  
64.23 subdivision 2 or 2a, clause (1);

64.24 ~~(vi)~~ (v) using a minor in a sexual performance in violation of section 617.246; or

64.25 ~~(vii)~~ (vi) possessing or disseminating a pornographic work involving a minor in violation  
64.26 of section 617.247;

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

64.29 (4) the person was charged with or petitioned for, including pursuant to a court martial,  
64.30 violating a law of the United States, including the Uniform Code of Military Justice, similar  
64.31 to an offense or involving similar circumstances to an offense described in clause (1), (2),

65.1 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising  
65.2 out of the same set of circumstances.

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

65.4 (1) the person was charged with or petitioned for an offense in another state similar to  
65.5 an offense or involving similar circumstances to an offense described in paragraph (a),  
65.6 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another  
65.7 offense arising out of the same set of circumstances;

65.8 (2) the person enters this state to reside, work, or attend school, or enters this state and  
65.9 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during  
65.10 any calendar year; and

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

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

65.20 (c) A person also shall register under this section if the person was committed pursuant  
65.21 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter  
65.22 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the  
65.23 United States, regardless of whether the person was convicted of any offense.

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

65.25 (1) the person was charged with or petitioned for a felony violation or attempt to violate  
65.26 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or  
65.27 the United States, or the person was charged with or petitioned for a violation of any of the  
65.28 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United  
65.29 States;

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

66.1 (3) the person was committed pursuant to a court commitment order under section  
66.2 253B.18 or a similar law of another state or the United States.

66.3 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to:

66.4 (1) convictions and delinquency adjudications for a violation of Minnesota Statutes,  
66.5 section 609.255, subdivision 2, or another offense arising out of the same set of circumstances  
66.6 that occur on or after that date and to convictions and delinquency adjudications for such  
66.7 an offense that are not yet final on that date; and

66.8 (2) convictions and delinquency adjudications for disseminating a pornographic work  
66.9 involving a minor in violation of Minnesota Statutes, section 617.247, or another offense  
66.10 arising out of the same set of circumstances that occur on or after that date and to convictions  
66.11 and delinquency adjudications for such an offense that occurred before that date if the court  
66.12 told the person of the duty to register.

66.13 Sec. 3. Minnesota Statutes 2022, section 243.166, subdivision 3, is amended to read:

66.14 Subd. 3. **Registration procedure.** (a) Except as provided in subdivision 3a, a person  
66.15 required to register under this section shall register with the corrections agent as soon as  
66.16 the agent is assigned to the person. If the person does not have an assigned corrections agent  
66.17 or is unable to locate the assigned corrections agent, the person shall register with the law  
66.18 enforcement authority that has jurisdiction in the area of the person's primary address.

66.19 (b) Except as provided in subdivision 3a, at least five days before the person starts living  
66.20 at a new primary address, including living in another state, the person shall give written  
66.21 notice of the new primary address to the assigned corrections agent or to the law enforcement  
66.22 authority with which the person currently is registered. If the person will be living in a new  
66.23 state and that state has a registration requirement, the person shall also give written notice  
66.24 of the new address to the designated registration agency in the new state. A person required  
66.25 to register under this section shall also give written notice to the assigned corrections agent  
66.26 or to the law enforcement authority that has jurisdiction in the area of the person's primary  
66.27 address that the person is no longer living or staying at an address, immediately after the  
66.28 person is no longer living or staying at that address. The written notice required by this  
66.29 paragraph must be provided in person. The corrections agent or law enforcement authority  
66.30 shall, within two business days after receipt of this information, forward it to the bureau.  
66.31 The bureau shall, if it has not already been done, notify the law enforcement authority having  
66.32 primary jurisdiction in the community where the person will live of the new address. If the  
66.33 person is leaving the state, the bureau shall notify the registration authority in the new state  
66.34 of the new address. The person's registration requirements under this section are suspended

67.1 after the person begins living in the new state and the bureau has confirmed the address in  
67.2 the other state through the annual verification process on at least one occasion. The bureau  
67.3 may also attempt to confirm the person's address in the other state by the following methods:

67.4 (1) receipt of a verification letter from the law enforcement authority having primary  
67.5 jurisdiction in the community where the person is now living, acknowledging the person's  
67.6 address;

67.7 (2) receipt of a written communication or verification letter from a criminal justice  
67.8 agency confirming the person's location;

67.9 (3) confirmation of the individual's compliance with registration requirements or  
67.10 incarceration status in the new state via an online registry or website, if applicable; or

67.11 (4) confirmation of the individual's motor vehicle records under United States Code,  
67.12 title 18, section 2721, in the new state via the new state's documentation.

67.13 The bureau is the sole determinant as to whether the information provided by any of the  
67.14 methods in clauses (1) to (3) is sufficient for verification purposes and may use more than  
67.15 one of these methods to satisfy the verification requirement. For purposes of this subdivision,  
67.16 "criminal justice agency" means an agency of a state, a political subdivision, a federally  
67.17 recognized Tribe, a United States territory, or the federal government charged with detection,  
67.18 enforcement, prosecution, adjudication, or incarceration with respect to federal or state  
67.19 criminal laws. The person's registration requirements under this section are reactivated if  
67.20 the person resumes living in Minnesota and the registration time period described in  
67.21 subdivision 6 has not expired.

67.22 (c) A person required to register under subdivision 1b, paragraph (b), because the person  
67.23 is working or attending school in Minnesota shall register with the law enforcement authority  
67.24 that has jurisdiction in the area where the person works or attends school. In addition to  
67.25 other information required by this section, the person shall provide the address of the school  
67.26 or of the location where the person is employed. A person shall comply with this paragraph  
67.27 within five days of beginning employment or school. A person's obligation to register under  
67.28 this paragraph terminates when the person is no longer working or attending school in  
67.29 Minnesota.

67.30 (d) A person required to register under this section who works or attends school outside  
67.31 of Minnesota shall register as a predatory offender in the state where the person works or  
67.32 attends school. The person's corrections agent, or if the person does not have an assigned  
67.33 corrections agent, the law enforcement authority that has jurisdiction in the area of the  
67.34 person's primary address shall notify the person of this requirement.

68.1 Sec. 4. Minnesota Statutes 2022, section 243.166, is amended by adding a subdivision to  
68.2 read:

68.3 Subd. 4d. **Guardians, conservators, and power of attorney.** Guardians and conservators  
68.4 of persons required to register shall have the authority to complete all verification and  
68.5 registration paperwork under this section and section 243.167 on the person's behalf. A  
68.6 validly executed power of attorney under chapter 523 grants the attorney in fact the authority  
68.7 to complete all verification and registration paperwork under this section and section 243.167  
68.8 on behalf of a person required to register.

68.9 Sec. 5. Minnesota Statutes 2022, section 243.166, subdivision 6, is amended to read:

68.10 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,  
68.11 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to  
68.12 register under this section shall continue to comply with this section until ten years have  
68.13 elapsed since the person initially registered in connection with the offense, or until the  
68.14 probation, supervised release, or conditional release period expires, whichever occurs later.  
68.15 For a person required to register under this section who is committed under section 253B.18,  
68.16 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period  
68.17 does not include the period of commitment.

68.18 (b) If a person required to register under this section fails to provide the person's primary  
68.19 address as required by subdivision 3, paragraph (b), fails to comply with the requirements  
68.20 of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to  
68.21 return the verification form referenced in subdivision 4 within ten days, the commissioner  
68.22 of public safety shall require the person to continue to register for an additional period of  
68.23 five years. This five-year period is added to the end of the offender's registration period.

68.24 (c) If a person required to register under this section is incarcerated due to a conviction  
68.25 for a new offense that requires registration under this section or section 243.167 or following  
68.26 a revocation of probation, supervised release, or conditional release for ~~any~~ an offense that  
68.27 requires registration under this section or section 243.167, the person shall continue to  
68.28 register until ten years have elapsed since the person was last released from incarceration  
68.29 or until the person's probation, supervised release, or conditional release period expires,  
68.30 whichever occurs later.

68.31 (d) A person shall continue to comply with this section for the life of that person:

68.32 (1) if the person is convicted of or adjudicated delinquent for any offense for which  
68.33 registration is required under subdivision 1b, or any offense from another state or any federal

69.1 offense similar to the offenses described in subdivision 1b, and the person has a prior  
69.2 conviction or adjudication for an offense for which registration was or would have been  
69.3 required under subdivision 1b, or an offense from another state or a federal offense similar  
69.4 to an offense described in subdivision 1b;

69.5 (2) if the person is required to register based upon a conviction or delinquency  
69.6 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar  
69.7 statute from another state or the United States;

69.8 (3) if the person is required to register based upon a conviction for an offense under  
69.9 section 609.342, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e)  
69.10 or (h); 609.343, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or  
69.11 (h); 609.344, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h);  
69.12 or 609.345, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or  
69.13 a statute from another state or the United States similar to the offenses described in this  
69.14 clause; or

69.15 (4) if the person is required to register under subdivision 1b, paragraph (c), following  
69.16 commitment pursuant to a court commitment under Minnesota Statutes 2012, section  
69.17 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of  
69.18 another state or the United States.

69.19 (e) A person described in subdivision 1b, paragraph (b), who is required to register under  
69.20 the laws of a state in which the person has been previously convicted or adjudicated  
69.21 delinquent, shall register under this section for the time period required by the state of  
69.22 conviction or adjudication unless a longer time period is required elsewhere in this section.

69.23 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to convictions  
69.24 and revocations of probation, supervised release, or conditional release that occur on or  
69.25 after that date and to convictions that are not yet final on that date.

69.26 Sec. 6. Minnesota Statutes 2022, section 244.052, subdivision 4, is amended to read:

69.27 Subd. 4. **Law enforcement agency; disclosure of information to public.** (a) The law  
69.28 enforcement agency in the area where the predatory offender resides, expects to reside, is  
69.29 employed, or is regularly found, shall disclose to the public any information regarding the  
69.30 offender contained in the report forwarded to the agency under subdivision 3, paragraph  
69.31 (f), that is relevant and necessary to protect the public and to counteract the offender's  
69.32 dangerousness, consistent with the guidelines in paragraph (b). The extent of the information  
69.33 disclosed and the community to whom disclosure is made must relate to the level of danger

70.1 posed by the offender, to the offender's pattern of offending behavior, and to the need of  
70.2 community members for information to enhance their individual and collective safety.

70.3 (b) The law enforcement agency shall employ the following guidelines in determining  
70.4 the scope of disclosure made under this subdivision:

70.5 (1) if the offender is assigned to risk level I, the agency may maintain information  
70.6 regarding the offender within the agency and may disclose it to other law enforcement  
70.7 agencies. Additionally, the agency may disclose the information to any victims of or  
70.8 witnesses to the offense committed by the offender. The agency shall disclose the information  
70.9 to victims of the offense committed by the offender who have requested disclosure and to  
70.10 adult members of the offender's immediate household;

70.11 (2) if the offender is assigned to risk level II, the agency also may disclose the information  
70.12 to agencies and groups that the offender is likely to encounter for the purpose of securing  
70.13 those institutions and protecting individuals in their care while they are on or near the  
70.14 premises of the institution. These agencies and groups include the staff members of public  
70.15 and private educational institutions, day care establishments, and establishments and  
70.16 organizations that primarily serve individuals likely to be victimized by the offender. The  
70.17 agency also may disclose the information to individuals the agency believes are likely to  
70.18 be victimized by the offender. The agency's belief shall be based on the offender's pattern  
70.19 of offending or victim preference as documented in the information provided by the  
70.20 department of corrections or human services. The agency may disclose the information to  
70.21 property assessors, property inspectors, code enforcement officials, and child protection  
70.22 officials who are likely to visit the offender's home in the course of their duties;

70.23 (3) if the offender is assigned to risk level III, the agency shall disclose the information  
70.24 to the persons and entities described in clauses (1) and (2) and to other members of the  
70.25 community whom the offender is likely to encounter, unless the law enforcement agency  
70.26 determines that public safety would be compromised by the disclosure or that a more limited  
70.27 disclosure is necessary to protect the identity of the victim.

70.28 Notwithstanding the assignment of a predatory offender to risk level II or III, a law  
70.29 enforcement agency may not make the disclosures permitted or required by clause (2) or  
70.30 (3), if: the offender is placed or resides in a residential facility. However, if an offender is  
70.31 placed or resides in a residential facility, the offender and the head of the facility shall  
70.32 designate the offender's likely residence upon release from the facility and the head of the  
70.33 facility shall notify the commissioner of corrections or the commissioner of human services  
70.34 of the offender's likely residence at least 14 days before the offender's scheduled release

71.1 date. The commissioner shall give this information to the law enforcement agency having  
71.2 jurisdiction over the offender's likely residence. The head of the residential facility also  
71.3 shall notify the commissioner of corrections or human services within 48 hours after  
71.4 finalizing the offender's approved relocation plan to a permanent residence. Within five  
71.5 days after receiving this notification, the appropriate commissioner shall give to the  
71.6 appropriate law enforcement agency all relevant information the commissioner has  
71.7 concerning the offender, including information on the risk factors in the offender's history  
71.8 and the risk level to which the offender was assigned. After receiving this information, the  
71.9 law enforcement agency shall make the disclosures permitted or required by clause (2) or  
71.10 (3), as appropriate.

71.11 (c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

71.12 (1) the organizations or community members are in a location or in close proximity to  
71.13 a location where the offender lives or is employed, or which the offender visits or is likely  
71.14 to visit on a regular basis, other than the location of the offender's outpatient treatment  
71.15 program; and

71.16 (2) the types of interaction which ordinarily occur at that location and other circumstances  
71.17 indicate that contact with the offender is reasonably certain.

71.18 (d) A law enforcement agency or official who discloses information under this subdivision  
71.19 shall make a good faith effort to make the notification within 14 days of receipt of a  
71.20 confirmed address from the Department of Corrections indicating that the offender will be,  
71.21 or has been, released from confinement, or accepted for supervision, or has moved to a new  
71.22 address and will reside at the address indicated. If a change occurs in the release plan, this  
71.23 notification provision does not require an extension of the release date.

71.24 (e) A law enforcement agency or official who discloses information under this subdivision  
71.25 shall not disclose the identity or any identifying characteristics of the victims of or witnesses  
71.26 to the offender's offenses.

71.27 (f) A law enforcement agency shall continue to disclose information on an offender as  
71.28 required by this subdivision for as long as the offender is required to register under section  
71.29 243.166. This requirement on a law enforcement agency to continue to disclose information  
71.30 also applies to an offender who lacks a primary address and is registering under section  
71.31 243.166, subdivision 3a.

71.32 (g) A law enforcement agency that is disclosing information on an offender assigned to  
71.33 risk level III to the public under this subdivision shall inform the commissioner of corrections  
71.34 what information is being disclosed and forward this information to the commissioner within

72.1 two days of the agency's determination. The commissioner shall post this information on  
72.2 the Internet as required in subdivision 4b.

72.3 (h) A city council may adopt a policy that addresses when information disclosed under  
72.4 this subdivision must be presented in languages in addition to English. The policy may  
72.5 address when information must be presented orally, in writing, or both in additional languages  
72.6 by the law enforcement agency disclosing the information. The policy may provide for  
72.7 different approaches based on the prevalence of non-English languages in different  
72.8 neighborhoods.

72.9 (i) An offender who is the subject of a community notification meeting held pursuant  
72.10 to this section may not attend the meeting.

72.11 (j) When a school, day care facility, or other entity or program that primarily educates  
72.12 or serves children receives notice under paragraph (b), clause (3), that a level III predatory  
72.13 offender resides or works in the surrounding community, notice to parents must be made  
72.14 as provided in this paragraph. If the predatory offender identified in the notice is participating  
72.15 in programs offered by the facility that require or allow the person to interact with children  
72.16 other than the person's children, the principal or head of the entity must notify parents with  
72.17 children at the facility of the contents of the notice received pursuant to this section. The  
72.18 immunity provisions of subdivision 7 apply to persons disclosing information under this  
72.19 paragraph.

72.20 (k) When an offender for whom notification was made under this subdivision no longer  
72.21 resides, is employed, or is regularly found in the area, and the law enforcement agency that  
72.22 made the notification is aware of this, the agency shall inform the entities and individuals  
72.23 initially notified of the change in the offender's status. If notification was made under  
72.24 paragraph (b), clause (3), the agency shall provide the updated information required under  
72.25 this paragraph in a manner designed to ensure a similar scope of dissemination. However,  
72.26 the agency is not required to hold a public meeting to do so.

72.27 Sec. 7. Minnesota Statutes 2022, section 244.052, subdivision 4a, is amended to read:

72.28 Subd. 4a. **Level III offenders; location of residence.** (a) When an offender assigned  
72.29 to risk level III is released from confinement or a residential facility to reside in the  
72.30 community or changes residence while on supervised or conditional release, the agency  
72.31 responsible for the offender's supervision shall:

72.32 (1) take into consideration the proximity of the offender's residence to that of other level  
72.33 III offenders ~~and~~ if the proximity presents a risk of reoffending;

73.1 (2) take into consideration the proximity to of the offender's residence to the following  
73.2 locations if the locations present a risk of reoffending:

73.3 (i) schools;

73.4 (ii) child care facilities or family or group family day care programs;

73.5 (iii) licensed residences for vulnerable adults;

73.6 (iv) attractions within public parks that are regularly used by minors, including but not  
73.7 limited to playgrounds or athletic fields; and

73.8 (v) community centers and recreation centers that are regularly used in youth athletic  
73.9 activities or offer regularly scheduled indoor playtimes or access to gymnasiums and other  
73.10 facilities that are restricted to minors; and;

73.11 (3) to the greatest extent feasible, shall mitigate the concentration of level III offenders  
73.12 and concentration of level III offenders near schools the locations listed in clause (2) when  
73.13 the concentration presents a risk of reoffending.

73.14 (b) If the owner or property manager of a hotel, motel, lodging establishment, or  
73.15 apartment building has an agreement with an agency that arranges or provides shelter for  
73.16 victims of domestic abuse, the owner or property manager may not knowingly rent rooms  
73.17 to both level III offenders and victims of domestic abuse at the same time. If the owner or  
73.18 property manager has an agreement with an agency to provide housing to domestic abuse  
73.19 victims and discovers or is informed that a tenant is a level III offender after signing a lease  
73.20 or otherwise renting to the offender, the owner or property manager may evict the offender.

73.21 Sec. 8. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

73.22 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not  
73.23 inimical to public safety and when the child has admitted the allegations contained in the  
73.24 petition before the judge or referee, or when a hearing has been held as provided for in  
73.25 section 260B.163 and the allegations contained in the petition have been duly proven but,  
73.26 in either case, before a finding of delinquency has been entered, the court may continue the  
73.27 case for a period not to exceed 180 days on any one order. Except as otherwise provided in  
73.28 paragraph (c), the continuance may be extended for one additional successive period not to  
73.29 exceed 180 days, but only with the consent of the prosecutor and only after the court has  
73.30 reviewed the case and entered its order for the additional continuance without a finding of  
73.31 delinquency. During a continuance the court may enter an order in accordance with the  
73.32 provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention  
73.33 for a period not to exceed 15 days on any one order for the purpose of completing any

74.1 consideration, or any investigation or examination ordered in accordance with the provisions  
74.2 of section 260B.157.

74.3 (b) A prosecutor may appeal a continuance ordered in contravention of this subdivision.  
74.4 This subdivision does not extend the court's jurisdiction under section 260B.193 and does  
74.5 not apply to an extended jurisdiction juvenile proceeding.

74.6 (c) A continuance granted under paragraph (a) for a violation of section 609.342; 609.343;  
74.7 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23 or another offense  
74.8 arising out of a delinquency petition based on one or more of those sections that would  
74.9 require the child to register as a predatory offender under section 243.166 may be extended  
74.10 for additional successive periods not to exceed a total of 24 months so the offender can  
74.11 receive sex offender treatment, but only with the consent of the prosecutor and only after  
74.12 the court has reviewed the case and entered its order for the additional continuance without  
74.13 a finding of delinquency.

## 74.14 ARTICLE 5

### 74.15 CORRECTIONS POLICY

74.16 Section 1. Minnesota Statutes 2022, section 13.84, subdivision 6, is amended to read:

74.17 Subd. 6. **Public benefit data.** (a) The responsible authority or its designee of a parole  
74.18 or probation authority or correctional agency may release private or confidential court  
74.19 services data related to:

74.20 (1) criminal acts to any law enforcement agency, if necessary for law enforcement  
74.21 purposes; and

74.22 (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the  
74.23 extent that the data are necessary for the victim to assert the victim's legal right to restitution.

74.24 (b) A parole or probation authority, a correctional agency, or agencies that provide  
74.25 correctional services under contract to a correctional agency may release to a law enforcement  
74.26 agency the following data on defendants, parolees, or probationers: current address, dates  
74.27 of entrance to and departure from agency programs, and dates and times of any absences,  
74.28 both authorized and unauthorized, from a correctional program.

74.29 (c) The responsible authority or its designee of a juvenile correctional agency may release  
74.30 private or confidential court services data to a victim of a delinquent act to the extent the  
74.31 data are necessary to enable the victim to assert the victim's right to request notice of release  
74.32 under section 611A.06. The data that may be released include only the name, home address,

75.1 and placement site of a juvenile who has been placed in a juvenile correctional facility as  
75.2 a result of a delinquent act.

75.3 ~~(d) Upon the victim's written or electronic request and, if the victim and offender have~~  
75.4 ~~been household or family members as defined in section 518B.01, subdivision 2, paragraph~~  
75.5 ~~(b);~~ The commissioner of corrections or the commissioner's designee may disclose to the  
75.6 victim of an offender ~~convicted of a qualified domestic violence-related offense as defined~~  
75.7 ~~in section 609.02, subdivision 16,~~ notification of the city and five-digit zip code of the  
75.8 offender's residency upon or after release from a Department of Corrections facility, unless:

75.9 ~~(1) the offender is not under correctional supervision at the time of the victim's request;~~

75.10 ~~(2) the commissioner or the commissioner's designee does not have the city or zip code;~~

75.11 ~~or~~

75.12 ~~(3)~~ the commissioner or the commissioner's designee reasonably believes that disclosure  
75.13 of the city or zip code of the offender's residency creates a risk to the victim, offender, or  
75.14 public safety.

75.15 ~~(e) Paragraph (d) applies only where the offender is serving a prison term for a qualified~~  
75.16 ~~domestic violence-related offense committed against the victim seeking notification.~~

75.17 Sec. 2. Minnesota Statutes 2023 Supplement, section 241.021, subdivision 1, is amended  
75.18 to read:

75.19 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided  
75.20 in paragraph (b), the commissioner of corrections shall inspect and license all correctional  
75.21 facilities throughout the state, whether public or private, established and operated for the  
75.22 detention and confinement of persons confined or incarcerated therein according to law  
75.23 except to the extent that they are inspected or licensed by other state regulating agencies.  
75.24 The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum  
75.25 standards for these facilities with respect to their management, operation, physical condition,  
75.26 and the security, safety, health, treatment, and discipline of persons confined or incarcerated  
75.27 therein. These minimum standards shall include but are not limited to specific guidance  
75.28 pertaining to:

75.29 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated  
75.30 in correctional facilities with mental illness or substance use disorders;

75.31 (2) a policy on the involuntary administration of medications;

75.32 (3) suicide prevention plans and training;

- 76.1 (4) verification of medications in a timely manner;
- 76.2 (5) well-being checks;
- 76.3 (6) discharge planning, including providing prescribed medications to persons confined  
76.4 or incarcerated in correctional facilities upon release;
- 76.5 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional  
76.6 institution;
- 76.7 (8) use of segregation and mental health checks;
- 76.8 (9) critical incident debriefings;
- 76.9 (10) clinical management of substance use disorders and opioid overdose emergency  
76.10 procedures;
- 76.11 (11) a policy regarding identification of persons with special needs confined or  
76.12 incarcerated in correctional facilities;
- 76.13 (12) a policy regarding the use of telehealth;
- 76.14 (13) self-auditing of compliance with minimum standards;
- 76.15 (14) information sharing with medical personnel and when medical assessment must be  
76.16 facilitated;
- 76.17 (15) a code of conduct policy for facility staff and annual training;
- 76.18 (16) a policy on death review of all circumstances surrounding the death of an individual  
76.19 committed to the custody of the facility; and
- 76.20 (17) dissemination of a rights statement made available to persons confined or  
76.21 incarcerated in licensed correctional facilities.

76.22 No individual, corporation, partnership, voluntary association, or other private  
76.23 organization legally responsible for the operation of a correctional facility may operate the  
76.24 facility unless it possesses a current license from the commissioner of corrections. Private  
76.25 adult correctional facilities shall have the authority of section 624.714, subdivision 13, if  
76.26 the Department of Corrections licenses the facility with the authority and the facility meets  
76.27 requirements of section 243.52.

76.28 The commissioner shall review the correctional facilities described in this subdivision  
76.29 at least once every two years, except as otherwise provided, to determine compliance with  
76.30 the minimum standards established according to this subdivision or other Minnesota statute  
76.31 related to minimum standards and conditions of confinement.

77.1 The commissioner shall grant a license to any facility found to conform to minimum  
77.2 standards or to any facility which, in the commissioner's judgment, is making satisfactory  
77.3 progress toward substantial conformity and the standards not being met do not impact the  
77.4 interests and well-being of the persons confined or incarcerated in the facility. A limited  
77.5 license under subdivision 1a may be issued for purposes of effectuating a facility closure.  
77.6 The commissioner may grant licensure up to two years. Unless otherwise specified by  
77.7 statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the  
77.8 expiration date stated on the license.

77.9 The commissioner shall have access to the buildings, grounds, books, records, staff, and  
77.10 to persons confined or incarcerated in these facilities. The commissioner may require the  
77.11 officers in charge of these facilities to furnish all information and statistics the commissioner  
77.12 deems necessary, at a time and place designated by the commissioner. Notwithstanding  
77.13 chapter 13 or any other state law classifying or restricting access to data, the officers in  
77.14 charge of these facilities must furnish all data available to the facility that the commissioner  
77.15 deems necessary to conduct a review of any emergency or unusual occurrence at the facility.  
77.16 Failure to provide or grant access to relevant information or statistics necessary to fulfill  
77.17 inspection or emergency or unusual occurrence reviews, as requested by the commissioner,  
77.18 may be grounds for the commissioner to take action against a correctional facility's license  
77.19 under subdivision 1a, 1b, or 1c.

77.20 All facility administrators of correctional facilities are required to report all deaths of  
77.21 individuals who died while committed to the custody of the facility, regardless of whether  
77.22 the death occurred at the facility or after removal from the facility for medical care stemming  
77.23 from an incident or need for medical care at the correctional facility, as soon as practicable,  
77.24 but no later than 24 hours of receiving knowledge of the death, including any demographic  
77.25 information as required by the commissioner.

77.26 All facility administrators of correctional facilities are required to report all other  
77.27 emergency or unusual occurrences as defined by rule, including uses of force by facility  
77.28 staff that result in substantial bodily harm or suicide attempts, to the commissioner of  
77.29 corrections within ten days from the occurrence, including any demographic information  
77.30 as required by the commissioner. The commissioner of corrections shall consult with the  
77.31 Minnesota Sheriffs' Association and a representative from the Minnesota Association of  
77.32 Community Corrections Act Counties who is responsible for the operations of an adult  
77.33 correctional facility to define "use of force" that results in substantial bodily harm for  
77.34 reporting purposes.

78.1 The commissioner may require that any or all such information be provided through the  
78.2 Department of Corrections detention information system. The commissioner shall post each  
78.3 inspection report publicly and on the department's website within 30 days of completing  
78.4 the inspection. The education program offered in a correctional facility for the confinement  
78.5 or incarceration of juvenile offenders must be approved by the commissioner of education  
78.6 before the commissioner of corrections may grant a license to the facility.

78.7 (b) For juvenile facilities licensed by the commissioner of human services, the  
78.8 commissioner may inspect and certify programs based on certification standards set forth  
78.9 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given  
78.10 it in section 245A.02.

78.11 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional  
78.12 facilities shall, insofar as is possible, ensure that the minimum standards it requires are  
78.13 substantially the same as those required by other state agencies which regulate, inspect, or  
78.14 license the same aspects of similar types of correctional facilities, although at different  
78.15 correctional facilities.

78.16 (d) Nothing in this section shall be construed to limit the commissioner of corrections'  
78.17 authority to promulgate rules establishing standards of eligibility for counties to receive  
78.18 funds under chapter 401, or to require counties to comply with operating standards the  
78.19 commissioner establishes as a condition precedent for counties to receive that funding.

78.20 (e) The department's inspection unit must report directly to a division head outside of  
78.21 the correctional institutions division.

78.22 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 1h, is amended to read:

78.23 Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal  
78.24 year 2022, the commissioner shall form a state correctional facilities security audit group.  
78.25 The group must consist of the following members:

78.26 (1) a Department of Corrections employee who is not assigned to the correctional  
78.27 institutions division, appointed by the commissioner;

78.28 (2) the ombudsperson for corrections or a designee;

78.29 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association and  
78.30 appointed by the commissioner;

78.31 ~~(4) a physical plant safety consultant, appointed by the governor;~~

79.1 ~~(5) a private security consultant with expertise in correctional facility security, appointed~~  
79.2 ~~by the governor;~~

79.3 (4) an individual with expertise in security related to infrastructure and operational  
79.4 logistics of correctional facilities who is not required to reside in Minnesota, appointed by  
79.5 the governor;

79.6 (5) the commissioner of health or a designee;

79.7 (6) the commissioner of administration or a designee;

79.8 ~~(6)~~ (7) two senators, one appointed by the senate majority leader and one appointed by  
79.9 the minority leader; and

79.10 ~~(7)~~ (8) two representatives, one appointed by the speaker of the house and one appointed  
79.11 by the minority leader of the house of representatives.

79.12 (b) ~~By January 1, 2022,~~ The ombudsperson or a designee shall chair the group. The  
79.13 group shall establish security audit standards for state correctional facilities. In developing  
79.14 the standards, the group, or individual members of the group, may gather information from  
79.15 state correctional facilities and state correctional staff and inmates. The security audit group  
79.16 must periodically review the standards and modify them as needed. The group must report  
79.17 the standards to the chairs and ranking minority members of the house of representatives  
79.18 and senate committees with jurisdiction over public safety policy and finance ~~by February~~  
79.19 ~~15, 2022~~ whenever the standards are updated.

79.20 (c) The group shall meet twice a year to review facility audit reports submitted to the  
79.21 group by the agency's inspection unit. Notwithstanding any law to the contrary, the group  
79.22 is entitled to review the full audit reports including nonpublic security information and  
79.23 corrections and detention confidential data. Within 60 days of ~~receiving an~~ meeting to review  
79.24 ~~audit report~~ reports from the department's inspection unit, the group must make  
79.25 recommendations to the commissioner. Within 45 days of receiving the group's  
79.26 recommendations, the commissioner must reply in writing to the group's findings and  
79.27 recommendations. The commissioner's response must explain whether the agency will  
79.28 implement the group's recommendations, the timeline for implementation of the changes,  
79.29 and, if not, why the commissioner will not or cannot implement the group's recommendations.

79.30 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's  
79.31 recommendations based on each security audit and assessment of a state correctional facility  
79.32 and the commissioner's responses to the recommendations in the biennial report required  
79.33 under section 241.016, subdivision 1. The commissioner shall not include corrections and

80.1 detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security  
 80.2 information, as defined in section 13.37, subdivision 1, in the commissioner's report to the  
 80.3 legislature.

80.4 (e) The commissioner shall provide staffing and administrative support to the group.

80.5 (f) The state correctional facilities security audit group is not subject to chapter 13D.

80.6 (g) Except as otherwise provided in this paragraph, the terms, compensation, and removal  
 80.7 of members of the group are governed by section 15.059. Members of the group serve  
 80.8 without compensation but shall receive expense reimbursement. Notwithstanding section  
 80.9 15.059, subdivision 6, the group does not expire.

80.10 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 4b, is amended to read:

80.11 Subd. 4b. **Health care peer review committee.** The commissioner of corrections shall  
 80.12 establish a health care peer review committee. Sections 145.61 to 145.67 apply to the  
 80.13 committee. The committee shall gather, review, and evaluate information relating to the  
 80.14 on-site and off-site quality of care and treatment of offenders. The committee shall consist  
 80.15 of:

80.16 ~~(1) the director of health services;~~

80.17 ~~(2) (1) the department medical director;~~

80.18 ~~(3) (2) the regional medical director of the contracted health care vendor;~~

80.19 ~~(4) (3) the department director of nursing or a designee;~~

80.20 ~~(5) (4) a physician from the contracting hospital provider; and~~

80.21 ~~(6) (5) another physician who provides health care to offenders on site at a correctional~~  
 80.22 ~~facility;~~

80.23 (6) one or more licensed physicians or nurse practitioners from the community, in person  
 80.24 or by telephone, with expertise in the most appropriate clinical area;

80.25 (7) the director of psychiatry of the contracted vendor;

80.26 (8) the pharmacist liaison of the contracted vendor's pharmacy vendor;

80.27 (9) the clinical pharmacist of the contracted vendor;

80.28 (10) in cases of suicide or unanticipated death, a representative from the Office of Special  
 80.29 Investigations; and

81.1 (11) other ad hoc members as indicated at the discretion of the Department of Corrections  
81.2 medical director or chief medical officer.

81.3 Sec. 5. Minnesota Statutes 2022, section 241.75, subdivision 2, is amended to read:

81.4 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections,  
81.5 or the medical director's designee, who must be a physician licensed under chapter 147,  
81.6 may make a health care decision for an inmate incarcerated in a state correctional facility  
81.7 or placed in an outside facility on conditional medical release if the inmate's attending  
81.8 physician determines that the inmate lacks decision-making capacity and:

81.9 (1) there is not a documented health care agent designated by the inmate or the health  
81.10 care agent is not reasonably available to make the health care decision;

81.11 (2) if there is a documented health care directive, the decision is consistent with that  
81.12 directive;

81.13 (3) the decision is consistent with reasonable medical practice and other applicable law;  
81.14 and

81.15 (4) the medical director has made a good faith attempt to consult with the inmate's next  
81.16 of kin or emergency contact person in making the decision, to the extent those persons are  
81.17 reasonably available.

81.18 Sec. 6. Minnesota Statutes 2022, section 243.52, subdivision 2, is amended to read:

81.19 Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically  
81.20 for the purpose of causing harm to a confined or incarcerated person.

81.21 (b) Unless the use of deadly force is justified in this section, a correctional officer working  
81.22 in an adult correctional facility either under the control of the commissioner of corrections  
81.23 or licensed by the commissioner under section 241.021 may not use any of the following  
81.24 restraints:

81.25 (1) a choke hold;

81.26 (2) a prone restraint;

81.27 (3) tying all of a person's limbs together behind the person's back to render the person  
81.28 immobile; or

81.29 (4) securing a person in any way that results in transporting the person face down in a  
81.30 vehicle, except as directed by a medical professional.

82.1 (c) For the purposes of this subdivision, the following terms have the meanings given  
82.2 them:

82.3 (1) "choke hold" means a method by which a person applies sufficient pressure to a  
82.4 person to make breathing difficult or impossible, and includes but is not limited to any  
82.5 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce  
82.6 intake of air. Choke hold also means applying pressure to a person's neck on either side of  
82.7 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the  
82.8 carotid arteries;

82.9 (2) "prone restraint" means the use of manual restraint that places a person in a face-down  
82.10 position; and

82.11 (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

82.12 (d) Use of deadly force is justified only if an objectively reasonable correctional officer  
82.13 would believe, based on the totality of the circumstances known to the officer at the time  
82.14 and without the benefit of hindsight, that deadly force is necessary:

82.15 (1) to protect the correctional officer or another from death or great bodily harm, provided  
82.16 that the threat:

82.17 (i) can be articulated with specificity ~~by the correctional officer;~~

82.18 (ii) is reasonably likely to occur absent action by the correctional officer; and

82.19 (iii) must be addressed through the use of deadly force without unreasonable delay; or

82.20 (2) to effect the capture or prevent the escape of a person when the officer reasonably  
82.21 believes that the person will cause death or great bodily harm to another person under the  
82.22 threat criteria in clause (1), unless immediately apprehended.

82.23 Sec. 7. Minnesota Statutes 2023 Supplement, section 244.05, subdivision 5, is amended  
82.24 to read:

82.25 Subd. 5. **Supervised release, life and indeterminate sentences.** (a) The board may,  
82.26 under rules adopted by the commissioner, grant supervised release or parole as follows:

82.27 (1) to an inmate serving a mandatory life sentence after the inmate has served the  
82.28 minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision  
82.29 1, paragraph (a);

82.30 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime  
82.31 committed on or before April 30, 1980; or

83.1 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate  
83.2 has served the minimum term of imprisonment.

83.3 (b) For cases involving multiple sentences, the board must grant or deny supervised  
83.4 release as follows:

83.5 (1) if an inmate is serving multiple sentences that are concurrent to one another, the  
83.6 board must grant or deny supervised release on all unexpired sentences; and

83.7 (2) notwithstanding any other law to the contrary, if an inmate who was under the age  
83.8 of 18 at the time of the commission of the relevant offenses and has served the minimum  
83.9 term of imprisonment specified in subdivision 4b is serving multiple sentences that are  
83.10 consecutive to one another, the board may grant or deny supervised release on one or more  
83.11 sentences.

83.12 (c) No less than three years before an inmate has served the applicable minimum term  
83.13 of imprisonment, the board must assess the inmate's status and make programming  
83.14 recommendations relevant to the inmate's release review. The commissioner must ensure  
83.15 that any board programming recommendations are followed and implemented.

83.16 (d) The board must conduct a supervised release review hearing as soon as practicable  
83.17 before an inmate has served the applicable minimum term of imprisonment.

83.18 (e) The board shall require the preparation of a community investigation report. The  
83.19 report shall:

83.20 (1) reflect the sentiment of the various elements of the community toward the inmate,  
83.21 both at the time of the offense and at the present time;

83.22 (2) include the views of the sentencing judge, the prosecutor, any law enforcement  
83.23 personnel who may have been involved in the case, and any successors to these individuals  
83.24 who may have information relevant to the supervised release decision; and

83.25 (3) include the views of the victim and the victim's family unless the victim or the victim's  
83.26 family chooses not to participate.

83.27 (f) The board shall require the preparation of a development report when making a  
83.28 supervised release decision regarding an inmate who was under 18 years of age at the time  
83.29 of the commission of the offense. The report must be prepared by a mental health professional  
83.30 qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to  
83.31 (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The  
83.32 board may use a previous report that was prepared within 12 months immediately preceding  
83.33 the hearing.

84.1 (g) The board shall make reasonable efforts to notify the victim, in advance, of the time  
84.2 and place of the inmate's release review hearing. The victim has a right to submit an oral  
84.3 or written statement at the review hearing. Notwithstanding chapter 13D, the board may  
84.4 meet in closed session to receive and review a victim's statement, at the request of the victim.  
84.5 The statement may summarize the harm suffered by the victim as a result of the crime and  
84.6 give the victim's recommendation on whether the inmate should be given supervised release  
84.7 at this time.

84.8 (h) The board shall permit a prosecutor from the office that prosecuted the case to submit  
84.9 a written statement in advance of the review hearing.

84.10 (i) When considering whether to grant supervised release or parole to an inmate serving  
84.11 a life sentence or indeterminate sentence, the board shall consider, at a minimum, the  
84.12 following:

84.13 (1) the report prepared pursuant to paragraph (e);

84.14 (2) the report prepared pursuant to paragraph (f), if applicable;

84.15 (3) a victim statement under paragraph (g), if submitted;

84.16 (4) the statement of a prosecutor under paragraph (h), if submitted;

84.17 (5) the risk the inmate poses to the community if released;

84.18 (6) the inmate's progress in treatment, if applicable;

84.19 (7) the inmate's behavior while incarcerated;

84.20 (8) psychological or other diagnostic evaluations of the inmate;

84.21 (9) information on the inmate's rehabilitation while incarcerated;

84.22 (10) the inmate's criminal history;

84.23 (11) if the inmate was under 18 years of age at the time of the commission of the offense,  
84.24 relevant science on the neurological development of juveniles and information on the inmate's  
84.25 maturity and development while incarcerated; and

84.26 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.

84.27 (j) The board may not grant supervised release or parole to an inmate unless:

84.28 (1) while in prison:

84.29 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

85.1 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,  
85.2 has successfully completed substance use disorder treatment; and

85.3 (iii) the inmate has been assessed for mental health needs and, if appropriate, has  
85.4 successfully completed mental health treatment; and

85.5 (2) a comprehensive individual release plan is in place for the inmate that:

85.6 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate  
85.7 aftercare and community-based treatment; and

85.8 (ii) includes a postprison employment or education plan for the inmate.

85.9 (k) Supervised release or parole must be granted with a majority vote of the quorum  
85.10 required under section 244.049, subdivision 3. If there is a tie vote, supervised release or  
85.11 parole is granted only if the commissioner votes in favor of granting supervised release or  
85.12 parole.

85.13 (l) Within 30 days after a supervised release review hearing, the board must issue a  
85.14 decision on granting release, including an explanation for the decision. If an inmate is serving  
85.15 multiple sentences that are concurrent to one another, the board must grant or deny supervised  
85.16 release on all sentences.

85.17 (m) If the board does not grant supervised release, the explanation of that decision must  
85.18 identify specific steps that the inmate can take to increase the likelihood that release will  
85.19 be granted at a future hearing.

85.20 (n) When granting supervised release under this subdivision, the board must set prerelease  
85.21 conditions to be followed by the inmate, if time permits, before their actual release or before  
85.22 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,  
85.23 the commissioner may rescind the grant of supervised release without a hearing at any time  
85.24 before the inmate's release or before constructive parole becomes effective. A grant of  
85.25 constructive parole becomes effective once the inmate begins serving the consecutive  
85.26 sentence.

85.27 (o) If the commissioner rescinds a grant of supervised release or parole, the board:

85.28 (1) must set a release review date that occurs within 90 days of the commissioner's  
85.29 rescission; and

85.30 (2) by majority vote, may set a new supervised release date or set another review date.

85.31 (p) If the commissioner revokes supervised release or parole for an inmate serving a life  
85.32 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

86.1 (1) must set a release review date that occurs within one year of the commissioner's final  
86.2 revocation decision; and

86.3 (2) by majority vote, may set a new supervised release date or set another review date.

86.4 (q) The board may, by a majority vote, grant a person on supervised release or parole  
86.5 for a life or indeterminate sentence a final discharge from their sentence in accordance with  
86.6 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory  
86.7 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from  
86.8 that term.

86.9 (r) For purposes of this subdivision:

86.10 (1) "board" means the ~~Indeterminate Sentence~~ Supervised Release Board under section  
86.11 244.049;

86.12 (2) "constructive parole" means the status of an inmate who has been paroled from an  
86.13 indeterminate sentence to begin serving a consecutive sentence in prison; and

86.14 (3) "victim" has the meaning given in section 611A.01, paragraph (b).

86.15 Sec. 8. Minnesota Statutes 2023 Supplement, section 244.17, subdivision 3, is amended  
86.16 to read:

86.17 Subd. 3. **Offenders not eligible.** ~~(a)~~ The following offenders are not eligible to be placed  
86.18 in the challenge incarceration program:

86.19 (1) offenders who are committed to the commissioner's custody following a conviction  
86.20 for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking,  
86.21 arson, or any other offense involving death or intentional personal injury;

86.22 (2) offenders who were convicted within the preceding ten years of an offense described  
86.23 in clause (1) and were committed to the custody of the commissioner;

86.24 (3) offenders who have been convicted or adjudicated delinquent within the past five  
86.25 years for a violation of section 609.485;

86.26 (4) offenders who are committed to the commissioner's custody for an offense that  
86.27 requires registration under section 243.166;

86.28 (5) offenders who are the subject of a current arrest warrant or detainer;

86.29 (6) offenders who have fewer than 180 days remaining until their supervised release  
86.30 date;

87.1 (7) offenders who have had disciplinary confinement time added to their sentence or  
 87.2 who have been placed in segregation, unless 90 days have elapsed from the imposition of  
 87.3 the additional disciplinary confinement time or the last day of segregation;

87.4 (8) offenders who have received a suspended formal disciplinary sanction, unless the  
 87.5 suspension has expired; and

87.6 (9) offenders whose governing sentence is for an offense from another state or the United  
 87.7 States; and.

87.8 ~~(10) offenders who have a medical condition included on the list of ineligible conditions~~  
 87.9 ~~described in paragraph (b).~~

87.10 ~~(b) The commissioner of corrections shall develop a list of medical conditions that will~~  
 87.11 ~~disqualify an offender from participating in the challenge incarceration program. The~~  
 87.12 ~~commissioner shall submit the list and any changes to it to the chairs and ranking minority~~  
 87.13 ~~members of the senate and house committees having jurisdiction over criminal justice policy~~  
 87.14 ~~and funding.~~

87.15 Sec. 9. Minnesota Statutes 2023 Supplement, section 244.21, subdivision 2, is amended  
 87.16 to read:

87.17 Subd. 2. **Commissioner of corrections; report.** By ~~January 15~~ May 1 each year, the  
 87.18 commissioner must report to the chairs of the legislative committees with jurisdiction over  
 87.19 public safety policy and finance on ~~recommended methods of coordinating the exchange~~  
 87.20 ~~of~~ information collected on individuals on probation under subdivision 1:

87.21 ~~(1) between probation service providers; and~~

87.22 ~~(2) between probation service providers and the Department of Corrections.~~

87.23 Sec. 10. Minnesota Statutes 2023 Supplement, section 401.01, subdivision 2, is amended  
 87.24 to read:

87.25 Subd. 2. **Definitions.** (a) For purposes of this chapter, the terms defined in this subdivision  
 87.26 have the meanings given them.

87.27 (b) "CCA jurisdiction" means a county or Tribal Nation that participates in the  
 87.28 Community Corrections Act, the subsidy program under this chapter.

87.29 (c) "Commissioner" means the commissioner of corrections or a designee.

87.30 (d) "Conditional release" means:

88.1 (1) parole, supervised release, or conditional release as authorized by section 609.3455,  
88.2 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota  
88.3 Statutes 2004, section 609.109, subdivision 7;

88.4 (2) work release as authorized by sections 241.26, 244.065, and 631.425; and

88.5 (3) probation, furlough, and any other authorized temporary release from a correctional  
88.6 facility.

88.7 (e) "Detain" means to take into actual custody, including custody within a local  
88.8 correctional facility.

88.9 (f) "Joint board" means the board under section 471.59.

88.10 (g) "Local advisory board" means:

88.11 (1) for a CCA jurisdiction, a corrections advisory board as defined in section 401.08;

88.12 (2) for a non-CCA jurisdiction other than a Tribal Nation, a human services advisory  
88.13 board as defined in section 402.02, or advisory committee or task force as defined in section  
88.14 402.03; or

88.15 (3) for a Tribal Nation that is a non-CCA jurisdiction, a board with membership as  
88.16 determined by the Tribal Nation.

88.17 ~~(g)~~ (h) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating  
88.18 in the Community Corrections Act subsidy program and provides or receives probation  
88.19 services according to section 244.19.

88.20 ~~(h)~~ (i) "Probation officer" means a county or Tribal probation officer under a CCA or  
88.21 non-CCA jurisdiction appointed with the powers under section 244.19.

88.22 ~~(i)~~ (j) "Release" means to release from actual custody.

88.23 ~~(j)~~ (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries  
88.24 of the state of Minnesota.

88.25 Sec. 11. Minnesota Statutes 2023 Supplement, section 609.133, subdivision 4, is amended  
88.26 to read:

88.27 Subd. 4. **Petition; contents; fee.** (a) A prosecutor's petition for sentence adjustment  
88.28 shall be filed in the district court where the individual was convicted and include the  
88.29 following:

89.1 (1) the full name of the individual on whose behalf the petition is being brought and, to  
89.2 the extent possible, all other legal names or aliases by which the individual has been known  
89.3 at any time;

89.4 (2) the individual's date of birth;

89.5 (3) the individual's address;

89.6 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for  
89.7 the individual;

89.8 (5) the details of the offense for which an adjustment is sought, including:

89.9 (i) the date and jurisdiction of the occurrence;

89.10 (ii) either the names of any victims or that there were no identifiable victims;

89.11 (iii) whether there is a current order for protection, restraining order, or other no contact  
89.12 order prohibiting the individual from contacting the victims or whether there has ever been  
89.13 a prior order for protection or restraining order prohibiting the individual from contacting  
89.14 the victims;

89.15 (iv) the court file number; and

89.16 (v) the date of conviction;

89.17 (6) what steps the individual has taken since the time of the offense toward personal  
89.18 rehabilitation, including treatment, work, good conduct within correctional facilities, or  
89.19 other personal history that demonstrates rehabilitation;

89.20 (7) the individual's criminal conviction record indicating all convictions for  
89.21 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable  
89.22 convictions in any other state, federal court, or foreign country, whether the convictions  
89.23 occurred before or after the conviction for which an adjustment is sought;

89.24 (8) the individual's criminal charges record indicating all prior and pending criminal  
89.25 charges against the individual in this state or another jurisdiction, including all criminal  
89.26 charges that have been continued for dismissal, stayed for adjudication, or were the subject  
89.27 of pretrial diversion; and

89.28 (9) to the extent known, all prior requests by the individual, whether for the present  
89.29 offense or for any other offenses in this state or any other state or federal court, for pardon,  
89.30 return of arrest records, or expungement or sealing of a criminal record, whether granted  
89.31 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

90.1 (b) The filing fee for a petition brought under this section shall be waived.

90.2 (c) Notwithstanding chapter 13 or any other statute related to the classification of  
 90.3 government data, a supervising agent or the commissioner of corrections may provide private  
 90.4 or confidential data to a prosecutor for purposes of a petition for sentence adjustment.

90.5 Sec. 12. Minnesota Statutes 2022, section 611A.06, subdivision 3a, is amended to read:

90.6 Subd. 3a. **Offender location.** ~~(a) Upon the victim's written or electronic request and if~~  
 90.7 ~~the victim and offender have been household or family members as defined in section~~  
 90.8 ~~518B.01, subdivision 2, paragraph (b),~~ The commissioner of corrections or the  
 90.9 commissioner's designee ~~shall~~ may disclose to the victim of an offender ~~convicted of a~~  
 90.10 ~~qualified domestic violence-related offense as defined in section 609.02, subdivision 16,~~  
 90.11 notification of the city and five-digit zip code of the offender's residency upon release from  
 90.12 a Department of Corrections facility, unless:

90.13 ~~(1) the offender is not under correctional supervision at the time of the victim's request;~~

90.14 ~~(2) the commissioner or the commissioner's designee does not have the city or zip code;~~

90.15 ~~or~~

90.16 ~~(3) the commissioner or the commissioner's designee reasonably believes that disclosure~~  
 90.17 ~~of the city or zip code of the offender's residency creates a risk to the victim, offender, or~~  
 90.18 ~~public safety.~~

90.19 ~~(b) All identifying information regarding the victim including, but not limited to, the~~  
 90.20 ~~notification provided by the commissioner or the commissioner's designee is classified as~~  
 90.21 ~~private data on individuals as defined in section 13.02, subdivision 12, and is accessible~~  
 90.22 ~~only to the victim.~~

90.23 ~~(c) This subdivision applies only where the offender is serving a prison term for a~~  
 90.24 ~~qualified domestic violence-related offense committed against the victim seeking notification.~~

90.25 Sec. 13. Minnesota Statutes 2023 Supplement, section 629.292, subdivision 2, is amended  
 90.26 to read:

90.27 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the  
 90.28 commissioner of corrections or other official designated by the commissioner having custody  
 90.29 of the prisoner, who shall forthwith:

90.30 (1) certify the term of commitment under which the prisoner is being held, the time  
 90.31 already served on the sentence, the time remaining to be served, the good time earned, the

91.1 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections  
91.2 relating to the prisoner; and

91.3 (2) send by registered or certified mail, return receipt requested, one copy of the request  
91.4 and certificate to the court and one copy to the prosecuting attorney to whom it is addressed;  
91.5 ~~and~~, or

91.6 (3) send by e-filing and e-serving the paperwork, one copy of the request to the court  
91.7 and one copy to the prosecuting attorney to whom it is addressed.

**299C.105 DNA DATA REQUIRED.**

Subd. 3. **Bureau duty.** (a) The bureau shall destroy the biological specimen and return all records to a person who submitted a biological specimen under subdivision 1 but who was found not guilty of a felony. Upon the request of a person who submitted a biological specimen under subdivision 1 but where the charge against the person was later dismissed, the bureau shall destroy the person's biological specimen and return all records to the individual.

(b) If the bureau destroys a biological specimen under paragraph (a), the bureau shall also remove the person's information from the bureau's combined DNA index system and return all related records and all copies or duplicates of them.