A bill for an act
relating to public safety; amending certain statutes regarding public safety, criminal
justice, and corrections; establishing new crimes and expanding existing ones;
modifying sentencing provisions; modifying fees; requiring reporting; authorizing
pilot projects; providing for grant programs; appropriating money for the judiciary,
public safety, public defenders, sentencing guidelines, and corrections; amending
Minnesota Statutes 2020, sections 13A.02, subdivisions 1, 2; 144.6586, subdivision
2; 152.01, by adding a subdivision; 152.021, subdivisions 1, 2; 152.022,
subdivisions 1, 2, 152.023, subdivision 2; 152.025, subdivision 4; 169A.44;
169A.51, subdivisions 3, 4, by adding a subdivision; 171.174; 171.177, subdivisions
1, 3, 4, 5, 8, 12, 14; 171.306, by adding a subdivision; 244.01, subdivision 8;
244.05, subdivisions 4, 5; 244.09, subdivisions 2, 11, by adding subdivisions;
244.101, subdivision 1; 244.14, subdivision 3; 244.171, subdivision 4; 299A.41,
subdivisions 3, 4, by adding a subdivision; 357.021, subdivision 2; 517.08,
subdivision 1c; 609.035, subdivision 1, by adding a subdivision; 609.106,
subdivision 2; 609.1095, subdivisions 2, 3, 4, by adding a subdivision; 609.11,
subdivision 8, by adding a subdivision; 609.115, subdivision 2a; 609.2231,
subdivisions 2, 3; 609.35; 609.487, subdivision 5, by adding a subdivision; 609.52,
subdivisions 3, 3a; 609.527, subdivision 1, by adding a subdivision; 609.582,
subdivisions 3, 4; 609B.205; 626.15; 626.8452, by adding subdivisions; Minnesota
Statutes 2021 Supplement, sections 357.021, subdivision 1a; 609.135, subdivision
2; 609.2325, subdivision 1; 609.5151; proposing coding for new law in Minnesota
Statutes, chapters 299A; 388; 609; 617; 626.

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

ARTICLE 1

APPROPRIATIONS AND RELATED PROVISIONS

Section 1. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are added to or, if shown in
parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter
11, article 1, to the agencies and for the purposes specified in this article. The appropriations
are from the general fund, or another named fund, and are available for the fiscal years
indicated for each purpose. The figures "2022" and "2023" used in this article mean that
the addition to or subtraction from the appropriation listed under them is available for the
fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal
year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions
to appropriations for the fiscal year ending June 30, 2022, are effective the day following
final enactment.

<table>
<thead>
<tr>
<th>APPROPRIATIONS</th>
<th>Available for the Year</th>
<th>Ending June 30</th>
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<tbody>
<tr>
<td></td>
<td>2022</td>
<td>2023</td>
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</table>

2.11 Sec. 2. SUPREME COURT $ -0- $ 2,304,000
2.12 Justices' compensation is increased by six percent.
2.14 Sec. 3. COURT OF APPEALS $ -0- $ 621,000
2.15 Judges' compensation is increased by six percent.
2.17 Sec. 4. DISTRICT COURTS $ -0- $ 14,803,000
2.18 Judges' compensation is increased by six percent.
2.20 Sec. 5. PUBLIC DEFENDERS $ -0- $ 50,000,000
2.21 Sec. 6. SENTENCING GUIDELINES $ -0- $ 838,000

(a) Searchable Public Database
2.22 $265,000 is to develop and maintain a publicly
searchable database pursuant to Minnesota
Statutes, section 244.09, subdivision 6a. The
base is $289,000 in fiscal year 2024 and
$87,000 in fiscal year 2025 and beyond.

(b) Recordings of Commission Meetings
2.28 $4,000 is to make visual and audio recordings
of commission meetings and to make the
recordings available to the public on the
commission's website. This is a onetime
appropriation.
3.1 (c) Reports on Dismissals by Prosecutors

3.2 $569,000 is to implement the reporting requirement in Minnesota Statutes, section 244.09, subdivision 15. The base for this is $145,000 in fiscal year 2024 and beyond.

3.6 Sec. 7. CORRECTIONS

3.7 Subdivision 1. Total Appropriation

<table>
<thead>
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<th></th>
<th>$</th>
<th>-0-$</th>
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<tr>
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<td>27,955,000</td>
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3.9 The amounts that may be spent for each purpose are specified in the following subdivisions.

3.12 Subd. 2. Incarceration and Prerelease Services

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>2,955,000</th>
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<tr>
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<td>-0-$</td>
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3.13 Interstate Adult Offender Transfer

3.14 Transportation Expenses

3.15 $250,000 is for reimbursement of transportation expenses related to the return of probationers to the state who are being held in custody under Minnesota Statutes, section 243.1605. Reimbursement shall be based on a fee schedule agreed to by the Department of Corrections and the Minnesota Sheriffs' Association. The required return to the state of a probationer in custody as a result of a nationwide warrant issued pursuant to the Interstate Compact for Adult Supervision must be arranged and supervised by the sheriff of the county in which the court proceedings are to be held and at the expense of the state as provided for in this subdivision. This expense offset is not applicable to the transport of individuals from pickup locations within 250 miles of the office of the sheriff arranging and supervising the offender's return to the state.
Subd. 3. Community Supervision and Postrelease Services

(a) Community Corrections Act

$16,250,000 is added to the Community Corrections Act subsidy under Minnesota Statutes, section 401.14.

(b) County Probation Officer Reimbursement

$5,000,000 is added to the county probation officer reimbursement program as described in Minnesota Statutes, section 244.19, subdivision 6.

(c) Department of Corrections Supervision Services

$3,750,000 is for the department's probation and supervised release services.

(d) Reporting Required

By January 1, 2023, each county receiving reimbursement under Minnesota Statutes, section 244.19, and each county or group of counties receiving funding under Minnesota Statutes, section 401.14, shall report to the commissioner of corrections how they spent the additional funds appropriated in this subdivision, including how many new probation officers or other supervisory staff were hired, and any new supervision programs initiated.

(e) Reporting Required

By February 1, 2023, the commissioner shall collate the information received under paragraph (d) and submit it to the chairs and ranking minority members of the legislative...
committees having jurisdiction over criminal justice policy and finance. The commissioner shall also report on how the additional funds appropriated in paragraph (c) to the Department of Corrections for probation and supervised release were spent, using the same statistical indexes and format.

Sec. 8. PUBLIC SAFETY

(a) Promoting Peace Officers

$1,000,000 is to implement, in coordination with the Peace Officer Standards and Training Board, a marketing and advertising campaign to publicly promote the importance of peace officers for the safety of Minnesotans and to recruit more persons into law enforcement careers. This is a onetime appropriation.

By January 15, 2024, the commissioner shall report to the chairs and ranking minority members of the legislative committees having jurisdiction over criminal justice policy and finance on the campaign required by this paragraph. The report must provide a detailed overview on how the appropriation was spent, including but not limited to information that itemizes how the campaign was conducted, the types of marketing and advertising activities conducted, and the types of media used. In addition, the report must address the level of success and efficacy of the campaign using objective and verifiable criteria.

(b) Pathway to Policing

$2,000,000 is for reimbursement grants to state and local law enforcement agencies that operate pathway to policing programs intended
to bring persons with nontraditional backgrounds into law enforcement. Applicants for reimbursement grants may receive up to 50 percent of the cost of compensating and training pathway to policing participants. Reimbursement grants must be proportionally allocated based on the number of grant applications approved by the commissioner.

By February 15 of each odd-numbered year, the commissioner shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety policy and finance on the pathway to policing grant program. At a minimum, the report must identify the agencies receiving the grants and the number of individuals recruited or hired based on the grants and the nature of the individual's nontraditional backgrounds, and include an evaluation of the success of the program in achieving its goals.

(c) Gunshot Detection System

$2,000,000 is for a grant to the Ramsey County Sheriff's Office to improve the detection of incidents involving gunfire and facilitate a rapid response to those incidents. This is a onetime appropriation.

This money may be used to:

(1) purchase technology systems, including portable devices, that detect outdoor audible gunfire within a specific coverage area using acoustic sensors that accurately pinpoint the location of the gunfire; and

(2) obtain and maintain software that allows peace officers to receive an alert on a mobile
computer, smartphone, or tablet indicating the
address of the gunfire, the time frame in which
shots were fired, the number of shots fired,
and any other available information.

The Ramsey County Sheriff's Office shall
place technology that detects outdoor audible
gunfire in areas in the county where there are
a disproportionately high number of gunfire
incidents.

(d) First Responders Mental Health

$1,000,000 is for a grant to a nonprofit
organization that provides nonmedical mental
health support to first responders who have
experienced traumatic events. The grant
recipient shall use the money to fund mental
health treatment for present and former law
enforcement officers and first responders
facing employment-related mental health
issues, utilizing interactive group activity and
other methods.

By February 15 of each odd-numbered year,
the commissioner shall report to the chairs and
ranking minority members of the legislative
committees with jurisdiction over public safety
policy and finance on the grant made under
this paragraph. The report must identify the
grantee and give detailed information on how
the money was used by the grantee and
provide an evaluation of the success of the
grantee in meeting the goals of the program.

(e) Violent Crime Enforcement Teams

$2,000,000 is for additional violent crime
enforcement teams.
(f) **Local Government Emergency Management**

$3,000,000 is to award grants in equal amounts to the emergency management organizations of the 87 counties, 11 federally recognized Tribes, and four cities of the first class for reimbursement of planning and preparedness activities, including capital purchases, that are eligible under federal emergency preparedness grant guidelines. Local emergency management organizations must make a request to Homeland Security and Emergency Management for these grants. Current local funding for emergency management and preparedness activities may not be supplanted by these additional state funds. Of this amount, up to one percent may be used for the department's administrative costs. This appropriation does not lapse and is available until expended. Unspent money may be redistributed to eligible local emergency management organizations.

By February 15 of each odd-numbered year, the commissioner shall submit a report on the grant awards to the chairs and ranking minority members of the legislative committees with jurisdiction over emergency management and preparedness activities. At a minimum, the report must identify grant recipients and give detailed information on how the grantees used the money received.

(g) **Youth Intervention Grants**

$5,000,000 is for youth intervention program grants under Minnesota Statutes, section 299A.73.
(h) School Safety Center

$250,000 is for two school safety specialists at the Minnesota School Safety Center.

(i) Prosecutorial Training

$100,000 is for a grant to the Minnesota County Attorneys Association to be used for prosecutorial and law enforcement training, including trial school training and train-the-trainers courses.

(j) Ramsey County Sheriff Violent Crime Initiative; Air Patrol

$2,400,000 is for a grant to the Ramsey County Sheriff's Office. In coordination with other sheriffs' offices, police departments, and Metro Transit, the Ramsey County sheriff shall use the funds to prevent and combat surging rates of violent crime, including murder, assault, carjacking, and other crimes against the person, in the seven-county metropolitan area with a concentration of efforts in areas that have experienced the largest increase in violent crimes since July 1, 2020. The Ramsey County sheriff may use these funds to reimburse or directly compensate peace officers from other jurisdictions who assist in crime prevention efforts coordinated by the sheriff. This is a onetime appropriation.

$600,000 is for the State Patrol's use of the air patrol, in coordination with the Ramsey County sheriff, to prevent and combat violent crime in the seven-county metropolitan area with a concentration of efforts in areas that have experienced the largest increase in...
violent crimes since July 1, 2020. This is a
onetime appropriation.

By February 1, 2024, the commissioner shall
report to the chairs and ranking minority
members of the legislative committees with
jurisdiction over criminal justice policy and
finance on how the appropriations in this
paragraph were used. The report must detail
the impact the appropriations had on reducing
violent criminal activity in the seven-county
metropolitan area and make recommendations
on how future state appropriations can be used
to reduce violent crime in the seven-county
metropolitan area. The report must provide
specific details on the number of arrests made
in whole or in part from the grant, the crimes
for which the arrests were made, the
convictions obtained, the number of resulting
forfeitures, and the specific uses to which the
air patrol was employed. In addition, the report
must identify instances in which a portion of
the appropriation was used to reimburse or
directly compensate peace officers from other
jurisdictions, specifying this by agency and
amount.

(k) Portable Recording Systems

$5,000,000 is to provide grants for portable
recording systems and portable recording
system data under Minnesota Statutes, section
299A.88, purchased or contracted for on or
after July 1, 2022.

(l) Use of Force Training; Reimbursement

$2,625,000 is for reimbursement grants, to be
made in consultation with the executive
director of the Peace Officer Standards and
Training Board, to postsecondary schools
certified to provide programs of professional
peace officer education for providing
in-service training programs on the use of
force, including deadly force, by peace
officers. This is a onetime appropriation and
is available until June 30, 2025.

To be eligible for reimbursement, training
offered by a postsecondary school must:

(1) satisfy the requirements of Minnesota
Statutes, section 626.8452, and be approved
by the Peace Officer Standards and Training
Board;

(2) utilize scenario-based training that
simulates real-world situations and involves
the use of real firearms that fire nonlethal
ammunition; and

(3) be offered to peace officers at no charge
to the peace officer or law enforcement
agency.

A postsecondary school that offers training
consistent with the requirements of this
paragraph may apply for reimbursement for
the costs of offering the training.

Reimbursement shall be made at a rate of $250
for each officer who participates in the
training. The postsecondary school shall
submit the name and peace officer license
number of the peace officer who received the
training.

As used in this paragraph:
(i) "law enforcement agency" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (f); and

(ii) "peace officer" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

(m) **Peace Officer Education Reimbursement**

$2,500,000 is for education reimbursement grants, to be made in consultation with the executive director of the Peace Officer Standards and Training Board, to eligible peace officers.

An eligible peace officer is a person who:

1. is a peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c);
2. began employment as a peace officer on or after July 1, 2021;
3. has been continuously employed as a peace officer for at least 12 months;
4. has not been found to be in violation of the standards of conduct set forth in Minnesota Rules, part 6700.1600; and
5. paid tuition or other fees to a postsecondary school to participate in a professional peace officer education program as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (g).

An eligible peace officer may receive reimbursement equal to the amount paid in tuition or other fees to a postsecondary school to participate in a professional peace officer program.
education program or $5,000, whichever is
less. An eligible peace officer may not receive
reimbursement for any amount paid by a third
party or reimbursed by any other entity, or any
amount of a loan that was forgiven or is
eligible to be forgiven from money borrowed
from a financial institution or other entity.

The commissioner, in consultation with the
executive director, shall establish the
requirements for an application for
reimbursement of education expenses. At a
minimum, the application must include:

(i) the name, date of birth, and peace officer
license number of the applicant;

(ii) the postsecondary school to which tuition
or other fees were paid and the amount paid;

(iii) the date of completion of a professional
peace officer education program;

(iv) the date on which the person began
employment as a peace officer;

(v) certification by a chief law enforcement
officer that the person is employed as a peace
officer at the time of application and has been
employed as a peace officer for at least the
previous 12 months; and

(vi) a statement signed by the applicant, under
penalty of perjury as provided in Minnesota
Statutes, section 609.48, attesting that the
applicant paid the tuition or fees being
claimed; the amount paid was not reimbursed
by any other entity or through any other
program; and the applicant is not claiming
reimbursement for any amount of a loan that
was forgiven or is eligible to be forgiven from
money borrowed from a financial institution or other entity.

The commissioner shall prepare and make forms available on its website for use by applicants and chief law enforcement officers.

By February 15 of each odd-numbered year, the commissioner shall report to the chairs and ranking minority members of the legislative committees having jurisdiction over public safety policy and finance on the grants made under this paragraph. At a minimum, the report must give details on the number of grants made, the amount of each grant, the postsecondary schools attended, and the law enforcement agency the peace officer is employed by.

(n) **Reimbursement Grants to Law Enforcement Agencies for New Peace Officer Hiring Bonuses**

$20,000,000 is for grants, to be made in consultation with the executive director of the Peace Officer Standards and Training Board, to law enforcement agencies under this paragraph. This is a onetime appropriation and is available until June 30, 2025.

The commissioner, in consultation with the executive director, may make reimbursement grants as provided in this paragraph to law enforcement agencies that have paid recruitment bonuses to newly hired peace officers. Agencies may apply for grants on forms and as directed by the commissioner. The maximum amount of a grant is $10,000 per officer hired. An agency may apply for

Article 1 Sec. 8.
multiple grants to cover multiple eligible
bonuses. Grants are awarded at the discretion
of the commissioner, in consultation with the
director, and are limited to the
amount appropriated for this purpose.

Law enforcement agencies may offer
recruitment bonuses to provide incentives to
individuals to become peace officers with the
agency. A reimbursement grant under this
paragraph may be made only if the peace
officer was hired after having received notice
of the availability of a recruitment bonus and
only after the agency has paid the bonus. An
officer is eligible for a bonus upon reaching
the officer's one year anniversary of starting
employment at the agency and only if the
officer is a member in good standing with the
agency. A grant may be awarded only for a
bonus paid to a newly licensed peace officer
hire. Grants may not reimburse bonuses paid
to officers moving laterally from other
jurisdictions within the state or officers who
previously served as correctional officers
within the state. If the demand for grants
exceeds the amount appropriated, the
commissioner, in consultation with the
executive director, shall award grants in a
manner that ensures that grants are distributed
to agencies in a geographically balanced
manner and also in a balanced manner in terms
of the size of the law enforcement agencies
receiving grants.

By January 15, 2025, the commissioner shall
report to the chairs and ranking minority
members of the legislative committees having
jurisdiction over criminal justice policy and
finance on the grant program. At a minimum,
the report must provide detailed information
on the grants awarded under this paragraph,
including the amount of each grant and the
recipient agency, and the number of new hires
made in whole or in part because of the grants.

(o) Peace Officer Bonus Program

$2,000,000 is for the bonus program described
in Minnesota Statutes, section 626.8415.

(p) Bonus Payments to Peace Officers

$47,000,000 is to distribute, in consultation
with the executive director of the Peace
Officer Standards and Training Board, a
onetime bonus payment to each peace officer,
as defined in Minnesota Statutes, section
626.84, subdivision 1, who is employed as of
July 1, 2022. The bonus payment must be
$3,000 for peace officers under the age of 50
as of July 1, 2022, and $10,000 for peace
officers aged 55 or over as of July 1, 2022.
For a peace officer aged 50 to 54 as of July 1,
2022, the bonus payment is $3,000. However,
the peace officer must be paid an additional
$7,000 bonus upon reaching 55 years of age
if the person is still employed as a peace
officer or upon working an additional two
years as a peace officer, whichever occurs
first. This is a onetime appropriation and is
available until June 30, 2025.

By February 1, 2026, the commissioner shall
report to the chairs and ranking minority
members of the legislative committees with
jurisdiction over public safety policy and
finance on the bonus payments made under this paragraph. At a minimum, the report must identify the number of grants made, the amount of each grant, the number of grants by category, and the number of grants made to peace officers aged 50 to 54 that were later supplemented upon the peace officer working two additional years or turning 55.

(q) Police Officer Skills Training and Provider Program Grants

$5,000,000 is to transfer to the Minnesota State Colleges and Universities Board of Trustees for grants to the nine Minnesota State Colleges and Universities police officer skills training and provider programs. The grants may be used for technological needs, including body cameras to enhance student learning through the use of real-time review; fleet vehicles and accessories such as automatic vehicle locators, light bars, and radio racks; a de-escalation simulation program; a 360-degree force continuum simulator; a tactical warehouse recording system; personal interaction replay equipment, such as electronic tablets for crime scene investigation scenarios; and other costs associated with operating a skills program.

The Board of Trustees shall award the grants based on the nine police officer skills training and provider program enrollment. This is a onetime appropriation.

(r) Racially Diverse Youth

$210,000 is for grants to organizations to address racial disparity of youth using shelter.
services in the Rochester and St. Cloud
regional areas. A grant recipient shall establish
and operate a pilot program connected to
shelter services to engage in community
intervention outreach, mobile case
management, family reunification, aftercare,
and follow up when family members are
released from shelter services. A pilot program
must specifically address the high number of
racially diverse youth that enter shelters in the
regions. This is a onetime appropriation.

(s) Administration Costs

Except as otherwise provided, up to 2.5
percent of the money appropriated in this
section may be used by the commissioner to
administer the grant programs described.

(t) Costs of Sexual Assault Medical
Examinations

$3,500,000 is to pay for the cost of medical
examinations for sexual assault victims in
accordance with Minnesota Statutes, section
609.35.

(u) Prohibition on Supplanting

Notwithstanding any contrary provision in
ordinance or contract, a local unit of
government may not use any money
appropriated or granted under this section to
supplant its funding of peace officer salaries,
salary ranges, or other compensation, or use
it in a manner that differs from the purposes
specified.

(v) Public Safety Officers; Benefits
$1,000,000 is for costs associated with the amendments to Minnesota Statutes, section 299A.41, made in sections 13 to 15.

Sec. 9. Minnesota Statutes 2020, section 144.6586, subdivision 2, is amended to read:

Subd. 2. Contents of notice. The commissioners of health and public safety, in consultation with sexual assault victim advocates and health care professionals, shall develop the notice required by subdivision 1. The notice must inform the victim, at a minimum, of:

(1) the obligation under section 609.35 of the county where the criminal sexual conduct occurred to pay for the examination performed for the purpose of gathering evidence, that payment is not contingent on the victim reporting the criminal sexual conduct to law enforcement, and that the victim may incur expenses for treatment of injuries;

(2) the victim's rights if the crime is reported to law enforcement, including the victim's right to apply for reparations under sections 611A.51 to 611A.68, information on how to apply for reparations, and information on how to obtain an order for protection or a harassment restraining order; and

(3) the opportunity under section 611A.27 to obtain status information about an unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1, paragraph (h).

EFFECTIVE DATE. This section is effective July 1, 2022, and applies to any examination that occurs on or after that date.

Sec. 10. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to read:

Subd. 6a. Publicly searchable database. (a) The commission shall maintain a public website with a searchable database that provides the public with information on criminal sentences stayed or imposed by the courts. The website must not include information that is not public data, as defined in section 13.02, subdivision 8a.

(b) The website required under paragraph (a) must contain all the information transmitted from the sentencing court to the commission including information in the sentencing worksheet transmitted pursuant to section 609.115, subdivision 2a, and the sentencing order and departure report, if any, sent pursuant to Rules of Criminal Procedure, rule 27.03. Data received by the commission must be entered into separate fields in the database.

(c) The searchable database must allow a user of the website to:
(1) search by individual fields, including but not limited to:

(i) case number;

(ii) defendant name;

(iii) date of offense;

(iv) judicial district where the sentence was stayed or imposed;

(v) county where the sentence was stayed or imposed;

(vi) year in which the sentence was stayed or imposed;

(vii) judge who stayed or imposed the sentence;

(viii) crime for which the sentence was stayed or imposed;

(ix) defendant's criminal history score;

(x) severity level of the offense for which a sentence was stayed or imposed;

(xi) executed sentences, including the length of sentence imposed and executed;

(xii) stayed sentences, including the length of probation ordered and, if applicable, the length of sentence imposed but not executed;

(xiii) whether the sentence was a departure from the Sentencing Guidelines and, if so, whether it was an aggravated durational, aggravated dispositional, mitigated durational, mitigated dispositional, or hybrid departure; and

(xiv) whether a departure from the Sentencing Guidelines was ordered with prosecutor agreement;

(2) perform a search using at least two fields;

(3) sort by each field;

(4) obtain information grouped or aggregated by each field, where groups or subtotals are feasible; and

(5) allow the user to download the data into a user-controlled database.

Sec. 11. Minnesota Statutes 2020, section 244.09, subdivision 11, is amended to read:

Subd. 11. Modification. The commission shall meet as necessary for the purpose of modifying and improving the guidelines. The commission shall allow members of the public to monitor each meeting electronically from a remote location and to comment from that location during the public comment period of each meeting. The commission shall make a
visual and audio recording of each meeting and make the recordings available to the public on the commission's website or through a link posted on the website. Any modification which amends the Sentencing Guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 15 of any year in which the commission wishes to make the change and shall be effective on August 1 of that year, unless the legislature by law provides otherwise. All other modifications shall take effect according to the procedural rules of the commission. On or before January 15 of each year, the commission shall submit a written report to the committees of the senate and the house of representatives with jurisdiction over criminal justice policy that identifies and explains all modifications made during the preceding 12 months and all proposed modifications that are being submitted to the legislature that year.

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

Sec. 12. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to read:

Subd. 15. **Report on dismissals with agreement of the prosecutor.** The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of reports received from county attorneys under section 388.052.

Sec. 13. Minnesota Statutes 2020, section 299A.41, subdivision 3, is amended to read:

Subd. 3. **Killed in the line of duty.** (a) "Killed in the line of duty" does not include deaths from natural causes, except as provided in this subdivision. In the case of a public safety officer, killed in the line of duty includes the death of a public safety officer caused by accidental means while the public safety officer is acting in the course and scope of duties as a public safety officer.

(b) Killed in the line of duty also means if a public safety officer dies as the direct and proximate result of a heart attack, stroke, or vascular rupture, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty if:

(1) that officer, while on duty:
(i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

(ii) participated in a training exercise, and that participation involved nonroutine stressful or strenuous physical activity;

(2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:

(i) while engaging or participating under clause (1);

(ii) while still on duty after engaging or participating under clause (1); or

(iii) not later than 24 hours after engaging or participating under clause (1); and

(3) the presumption is not overcome by competent medical evidence to the contrary.

(c) Killed in the line of duty also means if a public safety officer dies as a result of suicide when:

(1) a licensed mental health provider previously diagnosed the officer with post-traumatic stress disorder; and

(2) the officer’s mental health provider determined the post-traumatic stress disorder resulted from the officer’s work as a public safety officer.

As used in this paragraph, "public safety officer" includes only the individuals described in subdivision 4, clauses (1), (2), (3), (4), (6), (8), and (9).

EFFECTIVE DATE. This section is effective retroactively from January 1, 2017.

Sec. 14. Minnesota Statutes 2020, section 299A.41, is amended by adding a subdivision to read:

Subd. 3a. Post-traumatic stress disorder. "Post-traumatic stress disorder" means the condition as described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2017.

Sec. 15. Minnesota Statutes 2020, section 299A.41, subdivision 4, is amended to read:

Subd. 4. Public safety officer. Except as provided in subdivision 3, paragraph (c), "public safety officer" includes:

(1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);
(2) a correction officer employed at a correctional facility and charged with maintaining
the safety, security, discipline, and custody of inmates at the facility;

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

(i) firefighting;

(ii) emergency motor vehicle operation;

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

(iv) the provision of emergency medical services; or

(v) hazardous material responder;

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

(5) a good samaritan while complying with the request or direction of a public safety
officer to assist the officer;

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

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

(8) a first responder who is certified by the emergency medical services regulatory board
to perform basic emergency skills before the arrival of a licensed ambulance service and
who is a member of an organized service recognized by a local political subdivision to
respond to medical emergencies to provide initial medical care before the arrival of an
ambulance; and

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

EFFECTIVE DATE. This section is effective retroactively from January 1, 2017.

Sec. 16. [299A.88] PORTABLE RECORDING SYSTEMS.

Subdivision 1. Grants. The commissioner of public safety shall award grants to local
law enforcement agencies for the purchase, maintenance, support, and storage of portable
recording systems and portable recording system data. An applicant must provide a 25
percent match to be eligible to receive a grant. The commissioner shall give priority to law
enforcement agencies located outside of the seven-county metropolitan area that do not
have a portable recording system program. Grants under this section apply only to contracts
for portable recording systems and portable recording system data with a duration of five
years or less.

Subd. 2. Reporting. By February 15 of each odd-numbered year, the commissioner
shall report to the chairs and ranking minority members of the legislative committees with
jurisdiction over public safety policy and finance on the grants made pursuant to this section.
At a minimum, the report must specify the agencies receiving grants and how they used the
money, including whether it was used for new purchases or replacements; the number of
providers used to provide or support the systems, the length of the contracts for this, and
whether the contracts included other items; and what features were included with the systems.

Sec. 17. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is amended
to read:

Subd. 1a. Transmittal of fees to commissioner of management and budget. (a) Every
person, including the state of Minnesota and all bodies politic and corporate, who shall
transact any business in the district court, shall pay to the court administrator of said court
the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court
administrator shall transmit the fees monthly to the commissioner of management and budget
for deposit in the state treasury and credit to the general fund. §39 §60 of each fee collected
in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner
of management and budget in the special revenue fund and is appropriated to the
commissioner of employment and economic development for the Minnesota Family
Resiliency Partnership under section 116L.96.

(b) In a county which has a screener-collector position, fees paid by a county pursuant
to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the
fees first to reimburse the county for the amount of the salary paid for the screener-collector
position. The balance of the fees collected shall then be forwarded to the commissioner of
management and budget for deposit in the state treasury and credited to the general fund.
In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which
has a screener-collector position, the fees paid by a county shall be transmitted monthly to
the commissioner of management and budget for deposit in the state treasury and credited
to the general fund. A screener-collector position for purposes of this paragraph is an
employee whose function is to increase the collection of fines and to review the incomes
of potential clients of the public defender, in order to verify eligibility for that service.
(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

1. child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;
2. civil commitment under chapter 253B;
3. the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;
4. wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;
5. court relief under chapters 260, 260A, 260B, and 260C;
6. forfeiture of property under sections 169A.63 and 609.531 to 609.5317;
7. recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;
8. restitution under section 611A.04; or
9. actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

d) $20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and $35 from each fee shall be credited to the state general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

c) No fee is required under this section from any federally recognized Indian Tribe or its representative in an action for:

1. child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court or in a proceeding under section 484.702;
2. civil commitment under chapter 253B;
3. the appointment of a public conservator or public guardian or any other action under chapters 252A and 525; or
4. court relief under chapters 260, 260A, 260B, 260C, and 260D.
Sec. 18. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

1. In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of $285, except in marriage dissolution actions the fee is $315.

2. The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of $285, except in marriage dissolution actions the fee is $315. This subdivision does not apply to the filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

3. The party requesting a trial by jury shall pay $100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

2. (2) Certified copy of any instrument from a civil or criminal proceeding, $14, and $8 for an uncertified copy.

3. (3) Issuing a subpoena, $16 for each name.

4. (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, $75.

5. (5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, $55.

6. (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, $40.

7. (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, $5.
(8) Certificate as to existence or nonexistence of judgments docketed, $5 for each name certified to.

(9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, $5.

(10) For the filing of each partial, final, or annual account in all trusteeships, $55.

(11) For the deposit of a will, $27.

(12) For recording notary commission, $20.

(13) Filing a motion or response to a motion for modification of child support, a fee of $50.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(15) In addition to any other filing fees under this chapter, a surcharge in the amount of $75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers’ adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents. No fee may be charged for an uncertified copy of an instrument from a civil or criminal proceeding.

Sec. 19. [388.052] REPORT ON CRIMINAL CHARGES AND CASES DISMISSED.

(a) In each case where the defendant is charged with a felony, a county attorney who dismisses any part of a criminal action pursuant to Rules of Criminal Procedure, rule 30.01, shall record the following information in writing:

(1) the name of the defendant;

(2) the date of the offense;

(3) all crimes charged;

(4) any charges that were dismissed;

(5) the name of the assistant county attorney who authorized the dismissal;

(6) the date of dismissal; and

(7) any reason for the dismissal, including dismissals due to diversion, suppression or loss of evidence, lack of cooperation of a victim or witness, a plea agreement on a single
felony complaint with multiple felony counts, or a plea agreement involving more than one
separately charged felony complaint.

The county attorney may not record any information under this paragraph that indicates the cooperation of a defendant as a reason for a dismissal.

(b) The county attorney shall forward the information recorded under paragraph (a) to the Sentencing Guidelines Commission upon forms prescribed by the commission and must publish the information on the county attorney's publicly accessible website. Information forwarded to the Sentencing Guidelines Commission and posted on the county attorney's website must not include the identifying information of any victim.

EFFECTIVE DATE. This section is effective July 1, 2022, and applies to dismissals that take place on or after that date.

Sec. 20. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. Disposition of license fee. (a) Of the civil marriage license fee collected pursuant to subdivision 1b, paragraph (a), $25 must be retained by the county. The local registrar must pay $90 to the commissioner of management and budget to be deposited as follows:

(1) $25 in the general fund;

(2) $3 in the state government special revenue fund to be appropriated to the commissioner of public safety for parenting time centers under section 119A.37;

(3) $2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255;

(4) $25 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96; and

(5) $5 in the special revenue fund, which is appropriated to the Board of Regents of the University of Minnesota for the Minnesota couples on the brink project under section 137.32. (b) Of the $40 fee under subdivision 1b, paragraph (b), $25 must be retained by the county. The local registrar must pay $15 to the commissioner of management and budget to be deposited as follows:

(1) $5 as provided in paragraph (a), clauses (2) and (3); and
(2) $10 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96.

Sec. 21. Minnesota Statutes 2020, section 609.35, is amended to read:

**609.35 COSTS OF MEDICAL EXAMINATION.**

(a) Costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician or other licensed health care provider for the examination of a victim of criminal sexual conduct when the examination is performed for the purpose of gathering evidence shall be paid by the county in which the criminal sexual conduct occurred. These costs include, but are not limited to, the full cost of the rape kit examination; any associated tests and treatment relating to the complainant's sexually transmitted disease status, infection; and any associated tests relating to the victim's pregnancy status. A hospital, emergency medical facility, or health care provider shall submit the costs for the examination and any associated tests and necessary treatment to the Office of Justic Programs for payment. Upon receipt of the costs, the office shall provide payment to the facility or health care provider.

(b) Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private. However, a county the state may seek insurance reimbursement from the victim's insurer only if authorized by the victim. This authorization may only be sought after the examination is performed. When seeking this authorization, the county shall inform the victim that if the victim does not authorize this, the county is required by law to pay for the examination and that the victim is in no way liable for these costs or obligated to authorize the reimbursement.

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

**EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to any examination that occurs on or after that date.

Sec. 22. [626.8415] PEACE OFFICER BONUS PROGRAM.

Subdivision 1. Program established. The commissioner of public safety, in consultation with the executive director of the Peace Officer Standards and Training Board, may issue bonus payments to peace officers employed by state or local law enforcement agencies as provided under this section. To be eligible for a bonus payment, the peace officer must have
been nominated by the chief law enforcement officer of the agency employing the peace
officer. The commissioner, in consultation with the executive director, shall develop
nomination forms and guidelines for bonus payment eligibility. The guidelines must describe
the process and criteria by which payments are to be awarded. Final decisions on the actual
awarding and amount of individual bonuses are at the discretion of the commissioner, in
consultation with the executive director, and are limited to funds appropriated for this
purpose.

Subd. 2. Types of bonuses. The commissioner, in consultation with the executive
director, may accept nominations and award bonuses for exemplary service that goes above
and beyond the call of duty, including but not limited to acts of heroism or valor. In addition,
the commissioner, in consultation with the executive director, may award bonuses for
recognition of meritorious service in which the recipient peace officer has served for a
minimum of five years without having any adverse disciplinary actions taken against the
peace officer. An individual bonus payment may not exceed $10,000.

Subd. 3. Report required. By January 15 of each year, the commissioner shall report
to the chairs and ranking minority members of the legislative committees having jurisdiction
over criminal justice policy and finance on the bonus program. At a minimum, the report
must provide detailed information on the bonuses awarded under this section, including the
amount of each bonus, the agency employing the recipient, and general information on the
reasons for the bonus.

Sec. 23. EXCEPTION TO TOLLING PERIOD.

Notwithstanding Minnesota Statutes, section 299A.47, a claim for benefits may be made
from the public safety officer's death benefit account by or on behalf of a survivor of a
public safety officer who died by suicide between January 1, 2017, and June 30, 2022,
within two years of the effective date of this act if the officer is considered killed in the line
of duty under the changes made in sections 13 to 15.

ARTICLE 2
CRIMINAL LAW AND SENTENCING CHANGES

Section 1. Minnesota Statutes 2020, section 13A.02, subdivision 1, is amended to read:

Subdivision 1. Access by government. Except as authorized by this chapter, no
government authority may have access to, or obtain copies of, or the information contained
in, the financial records of any customer from a financial institution unless the financial
records are reasonably described and:

Article 2 Section 1.
31.1 (1) the customer has authorized the disclosure;
31.2 (2) the financial records are disclosed in response to a search warrant;
31.3 (3) the financial records are disclosed in response to a judicial or administrative subpoena;
31.4 (4) the financial records are disclosed to law enforcement, a lead investigative agency
31.5 as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating
31.6 financial exploitation of a vulnerable adult in response to a judicial subpoena or
31.7 administrative subpoena under section 388.23; or
31.8 (5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other
31.9 statute or rule.
31.10 EFFECTIVE DATE. This section is effective August 1, 2022.

31.11 Sec. 2. Minnesota Statutes 2020, section 13A.02, subdivision 2, is amended to read:
31.12 Subd. 2. Release prohibited. No financial institution, or officer, employee, or agent of
31.13 a financial institution, may provide to any government authority access to, or copies of, or
31.14 the information contained in, the financial records of any customer except in accordance
31.15 with the provisions of this chapter.
31.16 Nothing in this chapter shall require a financial institution to inquire or determine that
31.17 those seeking disclosure have duly complied with the requirements of this chapter, provided
31.18 only that the customer authorization, search warrant, subpoena, or written certification
31.19 pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute
31.20 or rule, served on or delivered to a financial institution shows compliance on its face.
31.21 EFFECTIVE DATE. This section is effective August 1, 2022.

31.22 Sec. 3. Minnesota Statutes 2020, section 169A.44, is amended to read:
31.23 169A.44 CONDITIONAL RELEASE.
31.24 Subdivision 1. Nonfelony violations. (a) This subdivision applies to a person charged
31.25 with a nonfelony violation of section 169A.20 (driving while impaired) under circumstances
31.26 described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).
31.27 (b) Except as provided in subdivision 3, unless maximum bail is imposed under section
31.28 629.471, a person described in paragraph (a) may be released from detention only if the
31.29 person agrees to:
31.30 (1) abstain from alcohol; and
(2) submit to a program of electronic alcohol monitoring, involving at least daily
measurements of the person's alcohol concentration, pending resolution of the charge.
Clause (2) applies only when electronic alcohol-monitoring equipment is available to
the court. The court shall require partial or total reimbursement from the person for the cost
of the electronic alcohol-monitoring, to the extent the person is able to pay.
Subd. 2. Felony violations. (a) Except as provided in subdivision 3, a person charged
with violating section 169A.20 within ten years of the first of three or more qualified prior
impaired driving incidents may be released from detention only if the following conditions
are imposed:
(1) the conditions described in subdivision 1, paragraph (b), if applicable;
(2) the impoundment of the registration plates of the vehicle used to commit the violation,
unless already impounded;
(3) if the vehicle used to commit the violation was an off-road recreational vehicle or a
motorboat, the impoundment of the off-road recreational vehicle or motorboat;
(4) a requirement that the person report weekly to a probation agent;
(5) a requirement that the person abstain from consumption of alcohol and controlled
substances and submit to random alcohol tests or urine analyses at least weekly;
(6) a requirement that, if convicted, the person reimburse the court or county for the
total cost of these services; and
(7) any other conditions of release ordered by the court.
(b) In addition to setting forth conditions of release under paragraph (a), if required by
court rule, the court shall also fix the amount of money bail without other conditions upon
which the defendant may obtain release.
Subd. 3. Exception; ignition interlock program. A court is not required, either when
initially reviewing a person's release or when modifying the terms of the person's release,
to order a person charged with violating section 169A.24 (first-degree driving while
impaired), 169A.25 (second-degree driving while impaired), or 169A.26 (third-degree
driving while impaired) to submit to a program of electronic alcohol monitoring under
subdivision 1 or 2 if the person becomes a program participant in the ignition interlock
program under section 171.306. A judicial officer, county agency, or probation office may
not require or suggest that the person use a particular ignition interlock vendor when
complying with this subdivision but may provide the person with a list of all Minnesota
vendors of certified devices.

Sec. 4. Minnesota Statutes 2020, section 171.174, is amended to read:

171.174 REVOCATION; FLEEING PEACE OFFICER OFFENSE.

The commissioner of public safety shall revoke the license of a person upon receipt of
a certificate of conviction showing that the person has in a motor vehicle violated section
609.487, subdivision 3, 3a, or 4, or an ordinance in conformity with those subdivisions. The
commissioner shall revoke the license as follows:

(1) for the first offense under section 609.487, subdivision 3, for not less than one year;
(2) for the second offense or subsequent offenses under section 609.487, subdivision 3,
for not less than three years;
(3) for an offense under section 609.487, subdivision 3a, for not less than four years;
(4) for an offense under section 609.487, subdivision 4, clause (a), for not less than ten
years;
(5) for an offense under section 609.487, subdivision 4, clause (b), for not less than
seven years; and
(6) for an offense under section 609.487, subdivision 4, clause (c), for not less than
five years.

A limited license under section 171.30 may not be issued for one-half of the revocation
period specified in clauses (1) to (6) and after that period is over only upon and as
recommended by the adjudicating court.

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

Sec. 5. Minnesota Statutes 2020, section 171.306, is amended by adding a subdivision to
read:

Subd. 9. Choice of vendor. A judicial officer, county agency, or probation office may
not require or suggest that a person participating in the ignition interlock device program
under this section use a particular ignition interlock vendor but may provide the person with
a list of all Minnesota vendors of certified devices.
Sec. 6. Minnesota Statutes 2020, section 244.01, subdivision 8, is amended to read:

Subd. 8. Term of imprisonment. "Term of imprisonment," as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time. "Term of imprisonment," as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds three-fourths of the inmate's executed sentence.

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

Sec. 7. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:

Subd. 4. Minimum imprisonment, life sentence. (a) An inmate serving a mandatory life sentence under section 609.106 or 609.3455, subdivision 2, must not be given supervised release under this section.

(b) An inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); or 609.2661, clause (3); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised release under this section without having served a minimum term of 30 years.

(c) An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

(d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3 or 4, must not be given supervised release under this section without having served the minimum term of imprisonment specified by the court in its sentence.

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

Sec. 8. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

Subd. 5. Supervised release, life sentence. (a) The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); 609.2661, clause (3); 609.3455, subdivision 3 or 4; or 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.
(b) The commissioner shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The commissioner must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The commissioner may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

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

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.
36.1 (e) As used in this subdivision, "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

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

36.6 Sec. 9. Minnesota Statutes 2020, section 244.09, subdivision 2, is amended to read:

36.7 Subd. 2. Members. The Sentencing Guidelines Commission shall consist of the following:

36.9 (1) the chief justice of the supreme court or a designee;
36.10 (2) one judge of the court of appeals, appointed by the chief justice of the supreme court;
36.11 (3) one district court judge appointed by the chief justice of the supreme court;
36.12 (4) one public defender appointed by the governor upon recommendation of the state public defender;
36.14 (5) one county attorney appointed by the governor upon recommendation of the board of directors of the Minnesota County Attorneys Association;
36.16 (6) the commissioner of corrections or a designee;
36.17 (7) one peace officer as defined in section 626.84 appointed by the governor;
36.18 (8) one probation officer or parole officer appointed by the governor; and
36.19 (9) three public members appointed by the governor, one of whom shall be a victim of a crime defined as a felony.

When an appointing authority selects individuals for membership on the commission, the authority shall make reasonable efforts to appoint qualified members of protected groups, as defined in section 43A.02, subdivision 33.

36.24 One of the members shall be designated by the governor as chair of the commission.

36.25 The appointments of members described in clauses (4), (5), (7), (8), and (9) are to be made with the advice and consent of the senate. Section 15.066 applies to these appointments.

36.27 Sec. 10. Minnesota Statutes 2020, section 244.101, subdivision 1, is amended to read:

36.28 Subdivision 1. Executed sentences. When a felony offender is sentenced to a fixed executed sentence for an offense committed on or after August 1, 1993, the executed sentence
consists of two parts: (1) a specified minimum term of imprisonment that is equal to \( \frac{2}{3} \) or \( \frac{3}{4} \) of the executed sentence; and (2) a specified maximum supervised release term that is equal to \( \frac{1}{3} \) or \( \frac{1}{4} \) of the executed sentence. The amount of time the inmate actually serves in prison and on supervised release is subject to the provisions of section 244.05, subdivision 1b.

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

Sec. 11. Minnesota Statutes 2020, section 244.14, subdivision 3, is amended to read:

Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions for violating the conditions of an intensive community supervision program. The commissioner shall provide for revocation of intensive community supervision of an offender who:

1. commits a material violation of or repeatedly fails to follow the rules of the program;
2. commits any misdemeanor, gross misdemeanor, or felony offense; or
3. presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The revocation of intensive community supervision is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender whose intensive community supervision is revoked shall be imprisoned for a time period equal to the offender's term of imprisonment, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to \( \frac{2}{3} \) or \( \frac{3}{4} \) of the sentence originally executed by the sentencing court, minus jail credit, if any.

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

Sec. 12. Minnesota Statutes 2020, section 244.171, subdivision 4, is amended to read:

Subd. 4. **Sanctions.** The commissioner shall impose severe and meaningful sanctions for violating the conditions of the challenge incarceration program. The commissioner shall remove an offender from the challenge incarceration program if the offender:

1. commits a material violation of or repeatedly fails to follow the rules of the program;
2. commits any misdemeanor, gross misdemeanor, or felony offense; or
(3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The removal of an offender from the challenge incarceration program is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender who is removed from the challenge incarceration program shall be imprisoned for a time period equal to the offender's term of imprisonment, minus earned good time if any, but in no case for longer than the time remaining in the offender's sentence.

"Term of imprisonment" means a time period equal to two-thirds three-fourths of the sentence originally executed by the sentencing court, minus jail credit, if any.

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

Sec. 13. Minnesota Statutes 2020, section 609.035, subdivision 1, is amended to read:

Subdivision 1. **Conduct; multiple crimes; chargeable for one offense.** Except as provided in subdivisions 2, 3, 4, and 5, 6, and 7, and in sections 609.2114, subdivision 3, 609.251, 609.2691, 609.486, 609.494, 609.585, and 609.856, and Minnesota Statutes 2012, section 609.21, subdivision 1b, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

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

Sec. 14. Minnesota Statutes 2020, section 609.035, is amended by adding a subdivision to read:

Subd. 7. **Exception; certain theft offenses.** Notwithstanding section 609.04, a prosecution or conviction for violating section 609.52, subdivision 3a, paragraph (b), is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes committed on or after that date.
Sec. 15. Minnesota Statutes 2020, section 609.106, subdivision 2, is amended to read:

Subd. 2. Life without release. The court shall sentence a person to life imprisonment without possibility of release under the following circumstances:

1. the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (1), (2), (4), or (7);
2. the person is convicted of committing first-degree murder in the course of a kidnapping under section 609.185, paragraph (a), clause (3); or
3. the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (3), (5), or (6), or 609.2661, clause (3), and the court determines on the record at the time of sentencing that the person has one or more previous convictions for a heinous crime; or
4. the person is convicted of first-degree murder of an unborn child under section 609.2661, clause (1) or (2).

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

Sec. 16. Minnesota Statutes 2020, section 609.1095, subdivision 2, is amended to read:

Subd. 2. Increased sentences for dangerous offender who commits third violent crime. Whenever a person is convicted of a violent crime that is a felony, and the judge presumption under the Sentencing Guidelines is imposing an executed sentence based on a Sentencing Guidelines presumptive imprisonment sentence of imprisonment, the judge may shall impose and execute a prison sentence with an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum sentence if:

1. the offender was at least 18 years old at the time the felony was committed, and;
2. (2) the court determines on the record at the time of sentencing that the offender has two or more prior convictions for violent crimes; and
3. (3) the fact finder determines that the offender is a danger to public safety. The fact finder may base its determination that the offender is a danger to public safety on the following factors:
   i. the offender's past criminal behavior, such as the offender's high frequency rate of criminal activity or juvenile adjudications, or long involvement in criminal activity including juvenile adjudications; or
(ii) the fact that the present offense of conviction involved an aggravating factor that would justify a durational departure under the Sentencing Guidelines.

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

Sec. 17. Minnesota Statutes 2020, section 609.1095, subdivision 3, is amended to read:

Subd. 3. Mandatory sentence for dangerous offender who commits third violent felony. (a) Unless a longer mandatory minimum sentence is otherwise required by law or the court imposes and executes a longer aggravated durational departure under subdivision 2 or 4, a person who is convicted of a violent crime that is a felony must shall be committed to the commissioner of corrections for a mandatory sentence of at least the length of the presumptive sentence under the Sentencing Guidelines if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. The court shall impose and execute the prison sentence regardless of whether the guidelines presume an executed prison sentence.

Any person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or work release, until that person has served the full term of imprisonment imposed by the court, notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

(b) For purposes of this subdivision, "violent crime" does not include a violation of section 152.023 or 152.024.

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

Sec. 18. Minnesota Statutes 2020, section 609.1095, subdivision 4, is amended to read:

Subd. 4. Increased sentence for offender who commits sixth felony. Whenever a person is convicted of a felony, and the judge presumption under the Sentencing Guidelines is imposing an executed sentence based on a Sentencing Guidelines presumptive imprisonment sentence of imprisonment, the judge may shall impose and execute a prison sentence with an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the factfinder fact finder determines that the offender has five or more prior felony convictions and that the present offense is a felony that was committed as part of a pattern of criminal conduct.
41.1 EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

41.2 Sec. 19. Minnesota Statutes 2020, section 609.1095, is amended by adding a subdivision to read:

Subd. 5. Consecutive sentences; release. (a) Any person convicted and sentenced as required by this section must serve any imposed sentences consecutively to any unexpired portion of a previously imposed sentence unless the total time to serve in prison would be longer if a concurrent sentence were imposed.

(b) Notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135, any person convicted and sentenced as required by this section is not eligible for probation, parole, discharge, or work release until that person has served the full term of imprisonment imposed by the court.

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

41.15 Sec. 20. Minnesota Statutes 2020, section 609.11, subdivision 8, is amended to read:

Subd. 8. Motion by prosecutor; dangerous weapons cases. (a) Except as otherwise provided in paragraphs paragraph (b) and (c), prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentences established by this section in subdivision 4. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the defendant without regard to the mandatory minimum sentences established by this section in subdivision 4 if the court finds substantial and compelling reasons to do so. A sentence imposed under this subdivision is a departure from the Sentencing Guidelines.

(b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences established by this section in subdivision 4 if the defendant previously has been convicted of an offense listed in subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

(c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences established by subdivision 5, if the defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022, subdivision 1, and the person or an accomplice possessed on their person or within immediate
42.1 reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

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

42.5 Sec. 21. Minnesota Statutes 2020, section 609.11, is amended by adding a subdivision to read:

**Subd. 8a. Motion by prosecutor; firearms cases.** (a) Except as otherwise provided in paragraphs (c) and (d), prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established in subdivision 5 for a case in which the basis for the mandatory sentence is that the defendant's accomplice had a firearm in possession at the time of the offense. The motion may be made only if the defendant was unaware that the accomplice possessed the firearm.

No motion to sentence a defendant without regard to the mandatory sentence applicable in subdivision 5 may be made or granted for any other reason or in any other situation.

(b) The motion under paragraph (a) shall be accompanied by a statement on the record of the reasons for the motion. When presented with the motion, or on its own motion, the court may sentence the defendant without regard to the mandatory minimum sentence established in subdivision 5 if the court finds that the criteria in paragraph (a) have been met and there are substantial and compelling reasons to do so. A sentence imposed under this subdivision is a departure from the Sentencing Guidelines.

(c) The court may not, on its own motion or the prosecutor's motion, sentence a defendant described in paragraph (a) without regard to the mandatory minimum sentence established in subdivision 5 if the defendant previously had been convicted of an offense listed in subdivision 9 in which the defendant used or possessed a firearm or other dangerous weapon.

(d) The court may not, on its own motion or the prosecutor's motion, sentence a defendant described in paragraph (a) without regard to the mandatory minimum sentence established by subdivision 5 if the defendant was convicted of a crime under section 152.021, subdivision 1, or 152.022, subdivision 1, and the person or an accomplice possessed on their person or within immediate reach, or used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes committed on or after that date.
Sec. 22. Minnesota Statutes 2020, section 609.115, subdivision 2a, is amended to read:

Subd. 2a. **Sentencing worksheet; sentencing guidelines commission.** If the defendant has been convicted of a felony, including a felony for which a mandatory life sentence is required by law, the court shall cause a sentencing worksheet as provided in subdivision 1 to be completed and forwarded to the Sentencing Guidelines Commission.

For the purpose of this section, "mandatory life sentence" means a sentence under section 609.106, subdivision 2; 609.185; 609.2661; 609.3455; or 609.385, subdivision 2; or Minnesota Statutes 2004, section 609.109, subdivision 3, and governed by section 244.05.

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

Sec. 23. Minnesota Statutes 2021 Supplement, section 609.135, subdivision 2, is amended to read:

Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other than section 609.2113, subdivision 1 or 2, 609.2114, subdivision 2, or section 609.3451, subdivision 1 or 1a, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113, subdivision 1 or 2, 609.2114, subdivision 2, or 609.3451, subdivision 1 or 1a, the stay shall be for not more than six years. The court shall provide for unsupervised probation for the last year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last year.

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

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

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

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

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

1. the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and
2. the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

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

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

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

1. the defendant has failed to complete court-ordered treatment successfully; and
2. the defendant is likely not to complete court-ordered treatment before the term of probation expires.

(i) Notwithstanding any law or provision of the Sentencing Guidelines to the contrary, when ordering a stay of imposition or execution of sentence for a felony offense described in this paragraph, the maximum length of the stay and the process for pronouncing it are governed exclusively by this section. This paragraph applies to violations of the following:

sections 152.021 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023, subdivision 1 (controlled substance crime in the third degree, sales); 152.024, subdivision 1 (controlled substance crime in the fourth degree, sales); 152.0261 (importing controlled substances across state borders); 152.0262 (possession of substances with intent to manufacture methamphetamine); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112 (criminal vehicular...
homicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree);
609.229 (crimes committed for the benefit of a gang); 609.24 (simple robbery); 609.245
(agrivated robbery); 609.2456 (carjacking); 609.25 (kidnapping); 609.2662 (murder of an
unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree);
609.2664 (manslaughter of an unborn child in the first degree); 609.268 (death or injury of
an unborn child in the commission of a crime); 609.322 (solicitation, inducement, and
promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first
degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual
conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
609.3451, subdivision 3 (felony criminal sexual conduct in the fifth degree); 609.377,
subdivision 6 (malicious punishment of a child, great bodily harm); 609.52 (involving theft
of a firearm and theft involving the theft of a controlled substance, an explosive, or an
incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree);
609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision
1c, paragraph (b) (drive-by shooting at or toward a person or occupied building); 609.71,
subdivision 1 (riot in the first degree); and 609.749, subdivisions 3, paragraph (b), 4,
paragraph (b), and 5, paragraph (a) (certain harassment crimes); and an attempt or conspiracy
to commit any of these offenses where the maximum penalty applicable for the attempt or
conspiracy is longer than five years imprisonment.

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

Sec. 24. Minnesota Statutes 2020, section 609.2231, subdivision 2, is amended to read:

**Subd. 2. Firefighters and, emergency medical personnel, and other health care professionals.** Whoever assaults any of the following persons and inflicts demonstrable
bodily harm on or intentionally throws or otherwise transfers bodily fluids or feces at or
onto any of the following persons is guilty of a felony and may be sentenced to imprisonment
for not more than two years or to payment of a fine of not more than $4,000, or both:

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

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

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
committed on or after that date.
Sec. 25. Minnesota Statutes 2020, section 609.2231, subdivision 3, is amended to read:

Subd. 3. Correctional employees; prosecuting attorneys; judges; probation officers. Whoever commits either of the following acts against a correctional employee of a correctional facility as defined in section 241.021, subdivision 1, paragraph (f), subdivision 6, against a prosecuting attorney as defined in section 609.221, subdivision 2, paragraph (e), clause (4), against a judge as defined in section 609.221, subdivision 2, paragraph (e), clause (5), or against a probation officer or other qualified person employed in supervising offenders while the person is engaged in the performance of a duty imposed by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both:

1. (1) assaults the person and inflicts demonstrable bodily harm; or
2. (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

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

Sec. 26. Minnesota Statutes 2021 Supplement, section 609.2325, subdivision 1, is amended to read:

Subdivision 1. Crimes. A caregiver who, with intent to produce physical or mental pain or injury to a vulnerable adult, (1) subjects a vulnerable adult to any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, or (2) intentionally administers a controlled substance to a vulnerable adult without a valid prescription or administers the controlled substance in a manner inconsistent with the terms of a valid prescription, is guilty of criminal abuse and may be sentenced as provided in subdivision 3.

This subdivision does not apply to therapeutic conduct.

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

Sec. 27. [609.2456] CARJACKING.

Subdivision 1. Crime described. A person who commits simple robbery as described in section 609.24, or aggravated robbery as described in section 609.245, where the personal property taken is a motor vehicle as defined in section 609.487, subdivision 2a, is guilty of carjacking and may be punished as provided in subdivision 2.
Subd. 2. Penalties. (a) A person who violates subdivision 1 through the commission of
simple robbery as described in section 609.24 may be sentenced to imprisonment for not
more than 15 years or to payment of a fine of not more than $30,000, or both.

(b) A person who violates subdivision 1 through the commission of aggravated robbery
as described in section 609.245, subdivision 2, may be sentenced to imprisonment for not
more than 20 years or to payment of a fine of not more than $35,000, or both.

(c) A person who violates subdivision 1 through the commission of aggravated robbery
as described in section 609.245, subdivision 1, may be sentenced to imprisonment for not
more than 25 years or to payment of a fine of not more than $40,000, or both.

Subd. 3. Mandatory minimum sentences. (a) A person convicted of carjacking shall
be committed to the custody of the commissioner of corrections for not less than:

1. two years, nor more than 15 years, for a violation of subdivision 2, paragraph (a);
2. four years, nor more than 20 years, for a violation of subdivision 2, paragraph (b);

or

3. six years, nor more than 25 years, for a violation of subdivision 2, paragraph (c).

(b) Notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12,
and 609.135, a defendant convicted and sentenced as required by this subdivision is not
eligible for probation, parole, discharge, work release, or supervised release until that person
has served the full term of imprisonment as provided by law. Notwithstanding section
609.135, the court may not stay the imposition or execution of this sentence.

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

Sec. 28. Minnesota Statutes 2020, section 609.487, is amended by adding a subdivision
to read:

Subd. 3a. Fleeing an officer; motor vehicle; culpable negligence. Whoever, by means
of a motor vehicle, flees or attempts to flee a peace officer who is acting in the lawful
discharge of an official duty, and the perpetrator knows or should reasonably know the same
to be a peace officer, and who in the course of fleeing operates the vehicle in a culpably
negligent manner whereby the perpetrator creates an unreasonable risk and consciously
takes chances of causing death or great bodily harm to another, is guilty of a felony and
may be sentenced to imprisonment for not more than four years or to payment of a fine of
not more than $8,000, or both.
EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 29. Minnesota Statutes 2020, section 609.487, subdivision 5, is amended to read:

Subd. 5. Revocation; fleeing peace officer offense. When a person is convicted of operating a motor vehicle in violation of subdivision 3, 3a, or 4, or an ordinance in conformity with those subdivisions, the court shall notify the commissioner of public safety and order the commissioner to revoke the driver's license of the person.

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

Sec. 30. Minnesota Statutes 2021 Supplement, section 609.5151, is amended to read:

609.5151 DISSEMINATION OF PERSONAL INFORMATION ABOUT LAW ENFORCEMENT CRIMINAL JUSTICE OFFICIALS PROHIBITED; PENALTY.

Subd. 1. Definitions. As used in this section:

(1) "criminal justice official" includes a peace officer as defined in section 626.84, subdivision 1; a prosecuting attorney as defined in section 609.221, subdivision 6; a judge as defined in section 609.221, subdivision 6; a person employed as a public defender or a criminal defense attorney; a correctional employee as defined in section 609.221, subdivision 6; and other persons employed by or in the same office as those officials;

(2) "family or household member" has the meaning given in section 518B.01, subdivision 2; and

(2) "law enforcement official" means both peace officers as defined in section 626.84, subdivision 1, and persons employed by a law enforcement agency; and

(3) "personal information" means a home address, directions to a home, or photographs of a home.

Subd. 2. Crime described. (a) It is a misdemeanor for a person to knowingly and without consent make publicly available, including but not limited to through the Internet, personal information about a law enforcement criminal justice official or an official's family or household member, if:

(1) the dissemination poses an imminent and serious threat to the official's safety or the safety of an official's family or household member; and
(2) the person making the information publicly available knows or reasonably should know of the imminent and serious threat.

(b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and a law enforcement criminal justice official or an official's family or household member suffers great bodily harm or death as a result of the violation.

(c) A person who is convicted of a second or subsequent violation of this section is guilty of a gross misdemeanor.

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

Sec. 31. Minnesota Statutes 2020, section 609.52, subdivision 3, is amended to read:

Subd. 3. Sentence. Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than $100,000, or both, if the property is a firearm, or the value of the property or services stolen is more than $35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the value of the property or services stolen exceeds $5,000, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the exception of marijuana; or

(3) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if any of the following circumstances exist:

(a) the value of the property or services stolen is more than $1,000 but not more than $5,000; or

(b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant to section 152.02; or

(c) the value of the property or services stolen is more than $500 but not more than $1,000 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.522; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence...
that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(d) the value of the property or services stolen is not more than $1,000, and any of the following circumstances exist:

(i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(iii) the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(v) the property stolen is a motor vehicle; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both, if the value of the property or services stolen is more than $500 but not more than $1,000; or

(5) in all other cases where the value of the property or services stolen is $500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), (13), and (19), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

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

Sec. 32. Minnesota Statutes 2020, section 609.52, subdivision 3a, is amended to read:

Subd. 3a. **Enhanced penalty.** (a) If a violation of this section creates a reasonably foreseeable risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as follows:
(1) if the penalty is a misdemeanor or a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both; and

(2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent longer than for the underlying crime.

(b) Notwithstanding the maximum penalty otherwise provided in subdivision 3, a person who violates subdivision 2 where the property stolen is a motor vehicle, and where the person uses the vehicle in furtherance of a crime of violence within seven days of the theft, is guilty of a felony and may be sentenced:

(1) to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both, if the value of the stolen vehicle exceeds $5,000; and

(2) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the value of the stolen vehicle is $5,000 or less.

(c) For the purposes of paragraph (b), "crime of violence" means:

(1) felony convictions of the following offenses: sections 152.021 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023, subdivision 1 (controlled substance crime in the third degree, sales crimes); 152.024, subdivision 1 (controlled substance crimes in the fourth degree, sales crimes); 152.025, subdivision 1 (controlled substance crimes in the fifth degree, sales crimes); 152.026 (importing controlled substances across state borders); 152.0262 (possession of substances with intent to manufacture methamphetamine); 152.027, subdivision 6, paragraph (b) (sale of synthetic cannabinoid for remuneration); 152.096 (conspiracy to commit a violation of chapter 152); 152.097 (simulated controlled substances); 152.136, subdivision 4 (illegal activities relating to anhydrous ammonia); 152.137 (certain methamphetamine-related crimes); 152.33, subdivision 1, 2, or 4 (certain violations related to medical cannabis); 609.165 (possession of firearm or ammunition by an ineligible person); 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112 (criminal vehicular homicide); 609.2113 (criminal vehicular operation); 609.2114 (criminal vehicular operation, unborn child); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm by distribution of drugs); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple murder in the first degree).
(1) convictions regardless of the penalty level of the following offenses: sections 518B.01
(domestic abuse orders for protection); 609.2231 (assault in the fourth degree); 609.224
(assault in the fifth degree); 609.2242 (domestic assault); 609.3451 (criminal sexual conduct
in the fifth degree); 609.487 (fleeing a peace officer); 609.66 (dangerous weapons); 609.749
(harassment); 609.75 (domestic abuse no contact orders); and 624.713 (certain persons not
to possess firearms); and

(2) convictions regardless of the penalty level of the following offenses: sections 518B.01
(domestic abuse orders for protection); 609.2231 (assault in the fourth degree); 609.224
(assault in the fifth degree); 609.2242 (domestic assault); 609.3451 (criminal sexual conduct
in the fifth degree); 609.487 (fleeing a peace officer); 609.66 (dangerous weapons); 609.749
(harassment); 609.75 (domestic abuse no contact orders); and 624.713 (certain persons not
to possess firearms); and

(3) an attempt to commit any of these offenses described in clause (1) or (2).

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

Sec. 33. [609.522] ORGANIZED RETAIL THEFT.

Subdivision 1. Definitions. (a) As used in this section, the terms in this subdivision have
the meanings given.
"Article surveillance system" means any electronic device or other security device that is designed to detect or prevent the unauthorized removal of retail merchandise from a retailer.

"Retailer" means a person or entity that sells retail merchandise.

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

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

**Subd. 2.** **Organized retail theft.** (a) Whoever steals or fraudulently obtains retail merchandise from a retailer commits organized retail theft and may be sentenced as provided in subdivision 3 if the actor:

(1) resells or intends to resell the retail merchandise;

(2) advertises or displays any item of the retail merchandise for sale;

(3) returns any item of the retail merchandise to a retailer for anything of value; or

(4) steals retail merchandise within five years of a conviction under this section.

(b) Whoever receives, purchases, or possesses retail merchandise knowing or having reason to know the retail merchandise was stolen from a retailer and with the intent to resell that merchandise may be sentenced as provided in subdivision 3.

(c) Whoever possesses any device, gear, or instrument designed to assist in shoplifting or defeating an electronic article surveillance system with intent to use the same to shoplift and thereby commit theft may be sentenced pursuant to subdivision 3, clause (3).

**Subd. 3. Sentence.** Whoever commits organized retail theft may be sentenced as follows:

(1) to imprisonment for not more than 15 years or to payment of a fine of not more than $35,000, or both, if the value of the property stolen exceeds $5,000;

(2) to imprisonment for not more than seven years or to payment of a fine of not more than $14,000, or both, if either of the following circumstances exist:

(i) the value of the property stolen is more than $1,000 but not more than $5,000; or

(ii) the person commits the offense within ten years of the first of two or more convictions under this section;
(3) to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both, if either of the following circumstances exist:

(i) the value of the property stolen is more than $500 but not more than $1,000; or

(ii) the person commits the offense within ten years of a previous conviction under this section; or

(4) to imprisonment of not more than one year or to payment of a fine of not more than $3,000, or both, if the value of the property stolen is $500 or less.

Subd. 4. Aggregation. The value of the retail merchandise received by the defendant in violation of this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Subd. 5. Enhanced penalty. If a violation of this section creates a reasonably foreseeable risk of bodily harm to another, the penalties described in subdivision 3 are enhanced as follows:

(1) if the penalty is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both; and

(2) if the penalty is a felony, the statutory maximum sentence for the offense is 50 percent longer than for the underlying crime.

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

Sec. 34. Minnesota Statutes 2020, section 609.527, subdivision 1, is amended to read:

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given them in this subdivision.

(b) "Direct victim" means any person or entity described in section 611A.01, paragraph (b), whose identity has been transferred, used, or possessed in violation of this section.

(c) "False pretense" means any false, fictitious, misleading, or fraudulent information or pretense or pretext depicting or including or deceptively similar to the name, logo, website address, e-mail address, postal address, telephone number, or any other identifying
information of a for-profit or not-for-profit business or organization or of a government
agency, to which the user has no legitimate claim of right.

(d) "Financial institution" has the meaning given in section 13A.01, subdivision 2.

(e) "Identity" means any name, number, or data transmission that may be used, alone or
in conjunction with any other information, to identify a specific individual or entity, including
any of the following:

(1) a name, Social Security number, date of birth, official government-issued driver's
license or identification number, government passport number, or employer or taxpayer
identification number;

(2) unique electronic identification number, address, account number, or routing code;

or

(3) telecommunication identification information or access device.

(f) "Indirect victim" means any person or entity described in section 611A.01,
paragraph (b), other than a direct victim.

(g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause
(3), and expenses incurred by a direct or indirect victim as a result of a violation of this
section.

(h) "Unlawful activity" means:

(1) any felony violation of the laws of this state or any felony violation of a similar law
of another state or the United States; and

(2) any nonfelony violation of the laws of this state involving theft, theft by swindle,
forgery, fraud, or giving false information to a public official, or any nonfelony violation
of a similar law of another state or the United States.

(i) "Scanning device" means a scanner, reader, or any other electronic device that is
used to access, read, scan, obtain, memorize, or store, temporarily or permanently,
information encoded on a computer chip or magnetic strip or stripe of a payment card,
driver's license, or state-issued identification card.

(j) "Reencoder" means an electronic device that places encoded information from the
computer chip or magnetic strip or stripe of a payment card, driver's license, or state-issued
identification card, onto the computer chip or magnetic strip or stripe of a different payment
card, driver's license, or state-issued identification card, or any electronic medium that
allows an authorized transaction to occur.
56.1 (k) "Payment card" means a credit card, charge card, debit card, or any other card that:

56.2 (1) is issued to an authorized card user; and

56.3 (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or anything of value.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 35. Minnesota Statutes 2020, section 609.527, is amended by adding a subdivision to read:

Subd. 8. Release of limited account information to law enforcement authorities. (a) A financial institution may release the information described in paragraph (b) to a law enforcement or prosecuting authority that certifies in writing that it is investigating or prosecuting a crime of identity theft under this section. The certification must describe with reasonable specificity the nature of the suspected identity theft that is being investigated or prosecuted, including the dates of the suspected criminal activity.

(b) This subdivision applies to requests for the following information relating to a potential victim's account:

(1) the name of the account holder or holders; and

(2) the last known home address and telephone numbers of the account holder or holders.

(c) A financial institution may release the information requested under this subdivision that it possesses within a reasonable time after the request. The financial institution may not impose a fee for furnishing the information.

(d) A financial institution is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

(e) Release of limited account information to a law enforcement agency under this subdivision is criminal investigative data under section 13.82, subdivision 7.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 36. Minnesota Statutes 2020, section 609.582, subdivision 3, is amended to read:

Subd. 3. Burglary in the third degree. (a) Except as otherwise provided in this section, whoever enters a building without consent and with intent to steal or commit any felony or gross misdemeanor while in the building, or enters a building without consent and steals or

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commits a felony or gross misdemeanor while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

(b) Whoever enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if:

(1) the person enters the building within one year after being told to leave the building and not return; and

(2) the person has been convicted within the preceding five years for an offense under this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.522, 609.53, 609.625, 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony sentence for the offense or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony sentence.

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

Sec. 37. Minnesota Statutes 2020, section 609.582, subdivision 4, is amended to read:

Subd. 4. Burglary in the fourth degree. (a) Whoever enters a building without consent and with intent to commit a misdemeanor other than to steal, or enters a building without consent and commits a misdemeanor other than to steal while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

(b) Whoever enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building that is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both, if the person enters the building within one year after being told to leave the building and not return.
EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 38. Minnesota Statutes 2020, section 609B.205, is amended to read:

609B.205 FLEEING PEACE OFFICER; REVOCATION.

A person's driver's license is revoked under section 171.174 if that person is convicted of fleeing a peace officer under section 609.487, subdivision 3, 3a, or 4. The periods of revocation vary depending upon the offense of conviction and whether the offense of conviction is a second or subsequent offense.

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

Sec. 39. [617.2471] CONDITIONS OF PROBATION.

When sentencing a person convicted of violating any provision of section 617.246 or 617.247, where the court is not committing the person to the custody of the commissioner of corrections, the court shall consider the following for inclusion as a condition of probation:

(1) incarceration in a local jail;

(2) completion of an appropriate sex offender or psycho-sexual offender evaluation, with the requirement that all recommendations be successfully completed; and

(3) prohibition on the person having contact with minors, including a complete prohibition, a prohibition on unsupervised contact, or a prohibition on contact that has not been approved in advance by the person's probation officer.

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

Sec. 40. Minnesota Statutes 2020, section 626.15, is amended to read:

626.15 EXECUTION AND RETURN OF WARRANT; TIME.

(a) Except as provided in paragraph (b) (c), a search warrant must be executed and returned to the court which issued it within ten days after its date. After the expiration of this time, the warrant is void unless previously executed.

(b) A search warrant on a financial institution for financial records is valid for 30 days.

(c) A district court judge may grant an extension of a the warrant on a financial institution for financial records upon an application under oath stating that the financial institution has
59.1 not produced the requested financial records within ten days the 30-day period and that an
59.2 extension is necessary to achieve the purposes for which the search warrant was granted.
59.3 Each extension may not exceed 30 days.
59.4 (d) For the purposes of this paragraph section, "financial institution" has the meaning
given in section 13A.01, subdivision 2, and "financial records" has the meaning given in
section 13A.01, subdivision 3.
59.5 **EFFECTIVE DATE.** This section is effective August 1, 2022.

Sec. 41. [626.5535] CARJACKING; REPORTING REQUIRED.
59.9 Subdivision 1. Definition. For purposes of this section, "carjacking" has the meaning
given in section 609.2456.
59.11 Subd. 2. Use of information collected. (a) The head of a local law enforcement agency
or state law enforcement department that employs peace officers, as defined in section
626.84, subdivision 1, paragraph (c), must forward the following carjacking information
from the agency's or department's jurisdiction to the commissioner of public safety at least
quarterly each year:
59.16 (1) the number of carjacking attempts;
59.17 (2) the number of carjackings;
59.18 (3) the number of persons injured in each offense;
59.19 (4) the number of persons killed in each offense; and
59.20 (5) weapons used in each offense, if any.
59.21 (b) The commissioner of public safety must include the data received under paragraph
59.22 (a) in a separate carjacking category in the department's annual uniform crime report.
59.23 **EFFECTIVE DATE.** This section is effective August 1, 2022.

Sec. 42. Minnesota Statutes 2020, section 626.8452, is amended by adding a subdivision
59.24 to read:
59.26 Subd. 1b. Prohibition against retaliation; employers. (a) An employer or supervisor
shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize
a peace officer regarding the officer's compensation, terms, conditions, location, or privileges
59.29 of employment because the officer interceded or made a report in compliance with section
626.8475 or a policy adopted under subdivision 1a regarding another employee or peace
officer who used excessive force.

(b) A court may order the employer or supervisor to pay back wages and offer job
reinstatement to any officer discharged from employment in violation of paragraph (a).

(c) In addition to any remedies otherwise provided by law, a peace officer injured by a
violation of paragraph (a) may bring a civil action for recovery of damages together with
costs and disbursements, including reasonable attorney fees, and may receive injunctive
and other equitable relief, including reinstatement, as determined by the court.

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to causes
of action accruing on or after that date.

Sec. 43. Minnesota Statutes 2020, section 626.8452, is amended by adding a subdivision
to read:

Subd. 1c. **Prohibition against retaliation; fellow officers.** (a) A peace officer or
employee of a law enforcement agency may not threaten, harass, retaliate, or otherwise
discriminate against a peace officer because the officer interceded or made a report in
compliance with section 626.8475 or a policy adopted under subdivision 1a regarding
another employee or peace officer who used excessive force.

(b) A person who violates paragraph (a) is subject to disciplinary action as determined
by the chief law enforcement officer of the agency employing the person.

(c) A peace officer who is the victim of conduct prohibited in paragraph (a) may bring
a civil action for recovery of damages together with costs and disbursements, including
reasonable attorney fees, and may receive injunctive and other equitable relief as determined
by the court.

**EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to causes
of action accruing on or after that date.

Sec. 44. [626.8477] **REQUIRED RETENTION OF RECORDINGS OF DETAINED
PERSONS.**

Each chief law enforcement officer of a law enforcement agency shall ensure that any
video or audio recording made of a person during a custodial interview, booking, or implied
consent or breath testing proceeding is retained for 60 days from the date of recording or
until all criminal proceedings relating to the person recorded are complete, whichever period
is longer.
Sec. 45. DWI CONTROLLED SUBSTANCE ROADSIDE TESTING INSTRUMENT

PILOT PROJECT; REPORT REQUIRED.

(a) The commissioner of public safety shall design, plan, and implement a pilot project to study oral fluid roadside testing instruments to determine the presence of a controlled substance or intoxicating substance in individuals stopped or arrested for driving while impaired offenses. The pilot project shall determine the practicality, accuracy, and efficacy of these testing instruments and determine and make recommendations on the best instrument or instruments to pursue in the future.

(b) The pilot project must begin on September 1, 2022, and continue until August 31, 2023.

(c) The commissioner shall consult with law enforcement officials, prosecutors, criminal defense attorneys, and other interested and knowledgeable parties when designing, implementing, and evaluating the pilot project.

(d) All oral fluid samples obtained for the purpose of this pilot project shall be obtained by a certified drug recognition evaluator and may only be collected with the express voluntary consent of the person stopped or arrested for suspicion of driving while impaired. Results of tests conducted under the pilot project are to be used for the purpose of analyzing the practicality, accuracy, and efficacy of the instrument. Results may not be used to decide whether an arrest should be made and are not admissible in any legal proceeding.

(e) By February 1, 2024, the commissioner shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety on the results of the pilot project. At a minimum, the report must include information on how accurate the instruments were when tested against laboratory results, how often participants were found to have controlled substances or intoxicating substances in their systems, how often there was commingling of controlled substances or intoxicating substances with alcohol, the types of controlled substances or intoxicating substances found in participants' systems and which types were most common, and the number of participants in the project. In addition, the report must assess the practicality and reliability of using the instruments in the field and make recommendations on continuing the project permanently.

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

Sec. 46. REVISOR INSTRUCTION.

(a) The revisor of statutes shall insert a cross-reference to Minnesota Statutes, section 609.2456, in the following statutory sections: Minnesota Statutes, sections 145A.061,
subdivision 3; 146A.08, subdivision 1, paragraph (c); 253B.02, subdivision 4e; 253D.02,
subdivision 8, paragraph (b); 260B.171, subdivision 3, paragraph (a), clause (1); 299A.296,
subdivision 2, paragraph (a), clause (5); 299C.105, subdivision 1, paragraph (a), clause (1),
item (iv), and clause (3), item (iv); 299C.67, subdivision 2, paragraph (b), clause (1);
609.1095, subdivision 1, paragraph (d); 609.11, subdivision 9; 609.341, subdivision 22;
609.52, subdivision 3, clause (3), paragraph (c); 609.531, subdivision 1, paragraph (f),
clause (3); 609.631, subdivision 4, clause (3), paragraph (b); 609.632, subdivision 4,
paragraph (b), clause (3), item (ii); 609.821, subdivision 3, paragraph (a), clause (1), item
(iv); 611A.031; 611A.036, subdivision 7; 611A.08, subdivision 6; and 624.712, subdivision

(b) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
subdivision 2, paragraph (a), in the following statutory sections: Minnesota Statutes, sections
245C.15, subdivision 2, paragraph (a), and subdivision 4a, paragraph (d); and 245C.24,
subdivision 3, paragraph (a).

(c) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
subdivision 2, paragraph (c), in Minnesota Statutes, section 243.167, subdivision 1.

(d) The revisor shall insert a cross-reference to Minnesota Statutes, section 609.2456,
subdivision 2, paragraphs (b) and (c), in the following statutory sections: Minnesota Statutes,
sections 245C.15, subdivision 1, paragraph (a), and subdivision 4a, paragraph (a); 609.902,
subdivision 4; and 626A.05, subdivision 2, clause (1).

(e) Consistent with paragraphs (a) to (d), the revisor may make technical and other
necessary changes to language, grammar, and sentence structure in the statutory sections
listed in this section to preserve the meaning of the text.

ARTICLE 3

DRIVING WHILE IMPAIRED SEARCH WARRANT CHANGES

Section 1. Minnesota Statutes 2020, section 169A.51, subdivision 3, is amended to read:

Subd. 3. Blood or urine tests; search warrant required. (a) Notwithstanding any
contrary provisions in sections 169A.51 to 169A.53, a blood or urine test may be conducted
only pursuant to a search warrant under sections 626.04 to 626.18, or a judicially recognized
exception to the search warrant requirement. In addition, blood and urine tests may be
conducted only as provided in sections 169A.51 to 169A.53 and 171.177.
(b) When, under the provisions of section 169A.20, 169A.51, or 171.177, a search warrant is required for a blood or urine test, that requirement is met if a judicially recognized exception to the warrant requirement is applicable.

Sec. 2. Minnesota Statutes 2020, section 169A.51, subdivision 4, is amended to read:

Subd. 4. Requirement of urine or blood test. A blood or urine test may be required pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has been administered if there is probable cause to believe that:

1. there is impairment by a controlled substance or an intoxicating substance that is not subject to testing by a breath test;
2. a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
3. the person is unconscious or incapacitated to the point that the peace officer providing a breath test advisory, administering a breath test, or serving the search warrant has a good-faith belief that the person is mentally or physically unable to comprehend the breath test advisory or otherwise voluntarily submit to chemical tests.

Action may be taken against a person who refuses to take a blood test under this subdivision only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered. This limitation does not apply to an unconscious person under the circumstances described in clause (3).

Sec. 3. Minnesota Statutes 2020, section 169A.51, is amended by adding a subdivision to read:

Subd. 8. Definition. As used in this section, a "search warrant" means a judicially approved search warrant obtained pursuant to the requirements in sections 626.04 to 626.18 or conforming statutes in an adjacent state.

Sec. 4. Minnesota Statutes 2020, section 171.177, subdivision 1, is amended to read:

Subdivision 1. Search warrant-required testing advisory. At the time a blood or urine test is directed pursuant to a search warrant under sections 626.04 to 626.18, the person must be informed that refusal to submit to a blood or urine test is a crime.
Sec. 5. Minnesota Statutes 2020, section 171.177, subdivision 3, is amended to read:

**Subd. 3. License revocation pursuant to search warrant.** After executing a search warrant under sections 626.04 to 626.18 for the collection of a blood or urine sample based upon probable cause of a violation of section 169A.20, the peace officer acting under sections 626.13 to 626.17 shall certify to the commissioner of public safety:

1. when a person refuses to comply with the execution of the search warrant; or
2. if a person submits to the test and the test results indicate:
   i. an alcohol concentration of 0.08 or more;
   ii. an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or
   iii. the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols.

Sec. 6. Minnesota Statutes 2020, section 171.177, subdivision 4, is amended to read:

**Subd. 4. Test refusal; license revocation.** (a) Upon certification under subdivision 3 that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20, and that the person refused to comply with the execution of the search warrant under sections 626.04 to 626.18, the commissioner shall revoke the person's license or permit to drive or nonresident operating privilege. The commissioner shall revoke the license, permit, or nonresident operating privilege:

1. for a person with no qualified prior impaired driving incidents within the past ten years, for a period of not less than one year;
2. for a person under the age of 21 years and with no qualified prior impaired driving incidents within the past ten years, for a period of not less than one year;
3. for a person with one qualified prior impaired driving incident within the past ten years or two qualified prior impaired driving incidents, for a period of not less than two years;
4. for a person with two qualified prior impaired driving incidents within the past ten years or three qualified prior impaired driving incidents, for a period of not less than three years;
(5) for a person with three qualified prior impaired driving incidents within the past ten years, for a period of not less than four years; or

(6) for a person with four or more qualified prior impaired driving incidents, for a period of not less than six years.

(b) When a person who had been driving, operating, or in physical control of a commercial motor vehicle refuses to comply with the search warrant and permit testing, the commissioner shall disqualify the person from operating a commercial motor vehicle and shall revoke the person's license or permit to drive or nonresident operating privilege according to the federal regulations adopted by reference in section 171.165, subdivision 2.

Sec. 7. Minnesota Statutes 2020, section 171.177, subdivision 5, is amended to read:

Subd. 5. Test failure; license revocation. (a) Upon certification under subdivision 3, pursuant to a search warrant under sections 626.04 to 626.18, that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20, and that the person submitted to a test and the test results indicate an alcohol concentration of 0.08 or more or the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols, the commissioner shall revoke the person's license or permit to drive or nonresident operating privilege:

(1) for a period of 90 days or, if the test results indicate an alcohol concentration of twice the legal limit or more, not less than one year;

(2) if the person is under the age of 21 years, for a period of not less than 180 days or, if the test results indicate an alcohol concentration of twice the legal limit or more, not less than one year;

(3) for a person with one qualified prior impaired driving incident within the past ten years or two qualified prior impaired driving incidents, for a period of not less than one year or, if the test results indicate an alcohol concentration of twice the legal limit or more, not less than two years;

(4) for a person with two qualified prior impaired driving incidents within the past ten years or three qualified prior impaired driving incidents, for a period of not less than three years;

(5) for a person with three qualified prior impaired driving incidents within the past ten years, for a period of not less than four years; or
(6) for a person with four or more qualified prior impaired driving incidents, for a period of not less than six years.

(b) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the person from operating a commercial motor vehicle under section 171.165.

(c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of Criminal Apprehension or authorized by the bureau to conduct the analysis of a blood or urine sample, the laboratory may directly certify to the commissioner the test results, and the peace officer shall certify to the commissioner that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20, and that the person submitted to a test. Upon receipt of both certifications, the commissioner shall undertake the license actions described in paragraphs (a) and (b).

Sec. 8. Minnesota Statutes 2020, section 171.177, subdivision 8, is amended to read:

Subd. 8. Test refusal; driving privilege lost. (a) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test pursuant to a search warrant under sections 626.04 to 626.18 shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test, the results of which indicate an alcohol concentration of 0.08 or more.

(b) On behalf of the commissioner, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle pursuant to a search warrant under sections 626.04 to 626.18 shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test or on a person who submits to a test, the results of which indicate an alcohol concentration of 0.04 or more.

(c) The officer shall:

(1) invalidate the person's driver's license or permit card by clipping the upper corner of the card in such a way that no identifying information including the photo is destroyed, and immediately return the card to the person;

(2) issue the person a temporary license effective for only seven days; and
Sec. 9. Minnesota Statutes 2020, section 171.177, subdivision 12, is amended to read:

Subd. 12. Judicial hearing; issues, order, appeal. (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20, if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing is limited to the issues in clauses (1) to (13):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20?

(2) Was the person lawfully placed under arrest for violation of section 169A.20?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did a licensed peace officer apply for a search warrant in accordance with the requirements set forth in sections 626.04 to 626.18 or conforming statutes in an adjacent state?

(5) Did a neutral magistrate review the application for a search warrant and determine there was probable cause to believe that the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20?

(6) Was the search warrant and the process by which it was obtained valid?

(7) At the time of directing the person to take the test, did the peace officer inform the person that refusing the test was a crime as required by subdivision 1?

(8) Did the person refuse to permit the test?
If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of 0.08 or more; or

(ii) the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols?

If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

Was the testing method used valid and reliable and were the test results accurately evaluated?

Did the person prove the defense of necessity?

Did the person prove the defense of controlled substance use in accordance with a prescription?

certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Appellate Procedure.

The civil hearing under this section shall not give rise to an estoppel on any issues arising from the same set of circumstances in any criminal prosecution.

It is an affirmative defense for the petitioner to prove a necessity.

It is an affirmative defense to the presence of a Schedule I or II controlled substance that the person used the controlled substance according to the terms of a prescription issued for the person according to sections 152.11 and 152.12, unless the court finds by a preponderance of the evidence that the use of the controlled substance impaired the person's ability to operate a motor vehicle.
Sec. 10. Minnesota Statutes 2020, section 171.177, subdivision 14, is amended to read:

Subd. 14. Definitions. (a) The definitions in section 169A.03 apply to this section.

(b) For purposes of this section, a "search warrant" means a judicially approved search warrant obtained pursuant to the requirements of sections 626.04 to 626.18 or conforming statutes in an adjacent state.

ARTICLE 4
FENTANYL-RELATED CHANGES

Section 1. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to read:

Subd. 25. Fentanyl. As used in sections 152.021 to 152.025, "fentanyl" includes fentanyl, carfentanil, and any fentanyl analogs and fentanyl-related substances listed in section 152.02, subdivisions 2 and 3.

Sec. 2. Minnesota Statutes 2020, section 152.021, subdivision 1, is amended to read:

Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing heroin or fentanyl;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;
(5) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units; or

(6) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols.

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

Sec. 3. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

Subd. 2. Possession crimes. (a) A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and:

   (i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

   (ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing heroin or fentanyl;

(4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or more marijuana plants.
(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
not be considered in measuring the weight of a mixture except in cases where the mixture
contains four or more fluid ounces of fluid.

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

Sec. 4. Minnesota Statutes 2020, section 152.022, subdivision 1, is amended to read:

Subdivision 1. Sale crimes. A person is guilty of controlled substance crime in the
second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of ten grams or more containing a narcotic drug other than
heroin or fentanyl;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of three grams or more containing cocaine or
methamphetamine and:

   (i) the person or an accomplice possesses on their person or within immediate reach, or
uses, whether by brandishing, displaying, threatening with, or otherwise employing, a
firearm; or

   (ii) the offense involves three aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of three grams or more containing heroin or fentanyl;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of ten grams or more containing amphetamine, phencyclidine,
or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or
more dosage units;

(5) on one or more occasions within a 90-day period the person unlawfully sells one or
more mixtures of a total weight of ten kilograms or more containing marijuana or
Tetrahydrocannabinols;

(6) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a person
under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully
sell the substance; or

(7) the person unlawfully sells any of the following in a school zone, a park zone, a
public housing zone, or a drug treatment facility:
(i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
3,4-methylenedioxymethylamphetamine; or
(ii) one or more mixtures containing methamphetamine or amphetamine; or
(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

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

Sec. 5. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

Subd. 2. Possession crimes. (a) A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more containing heroin or fentanyl;

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.
EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

Subd. 2. Possession crimes. (a) A person is guilty of controlled substance crime in the third degree if:

(1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin or fentanyl;

(2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing heroin or fentanyl;

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxyamphetamine, or 3,4-methylenedioxyethylamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.
Sec. 7. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

Subd. 4. Penalty. (a) A person convicted under the provisions of subdivision 2, clause (1), who has not been previously convicted of a violation of this chapter or a similar offense in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled substance possessed, other than heroin or fentanyl, is less than 0.25 grams or one dosage unit or less if the controlled substance was possessed in dosage units; or (2) the controlled substance possessed is heroin or fentanyl and the amount possessed is less than 0.05 grams.

(b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1), unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

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