

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3149

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DATE	D-PG	OFFICIAL STATUS
02/14/2022	4997	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1A bill for an act

1.2relating to public safety; establishing the crime of carjacking; making conforming

1.3changes; amending Minnesota Statutes 2020, sections 145A.061, subdivision 3;

1.4146A.08, subdivision 1; 245C.15, subdivision 2; 260B.171, subdivision 3;

1.5299A.296, subdivision 2; 299C.105, subdivision 1; 609.341, subdivision 22; 609.52,

1.6subdivision 3; 609.631, subdivision 4; 609.632, subdivision 4; 609.821, subdivision

1.73; 611A.031; 624.712, subdivision 5; Minnesota Statutes 2021 Supplement, sections

1.8245C.15, subdivisions 1, 4a; 245C.24, subdivision 3; 253B.02, subdivision 4e;

1.9253D.02, subdivision 8; 299C.67, subdivision 2; 609.1095, subdivision 1; 609.531,

1.10subdivision 1; 611A.036, subdivision 7; 611A.08, subdivision 6; proposing coding

1.11for new law in Minnesota Statutes, chapter 609.

1.12BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13ARTICLE 1

1.14CARJACKING

1.15Section 1. [609.247] CARJACKING.

1.16Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the

1.17meanings given.

1.18(b) "Carjacking" means taking a motor vehicle from the person or in the presence of

1.19another while having knowledge of not being entitled to the motor vehicle and using or

1.20threatening the imminent use of force against any person to overcome the person's resistance

1.21or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

1.22(c) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, clause (10).

1.23Subd. 2. **First degree.** Whoever, while committing a carjacking, is armed with a

1.24dangerous weapon or any article used or fashioned in a manner to lead the victim to

1.25reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is

guilty of carjacking in the first degree and 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.

Subd. 3. **Second degree.** Whoever, while committing a carjacking, implies, by word or act, possession of a dangerous weapon, is guilty of carjacking in the second degree and 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.

Subd. 4. **Third degree.** Whoever commits carjacking under any other circumstances is guilty of carjacking in the third degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

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

ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 2020, section 145A.061, subdivision 3, is amended to read:

Subd. 3. **Denial of service.** The commissioner may deny an application from any applicant who has been convicted of any of the following crimes:

Section 609.185 (murder in the first degree); section 609.19 (murder in the second degree); section 609.195 (murder in the third degree); section 609.20 (manslaughter in the first degree); section 609.205 (manslaughter in the second degree); section 609.25 (kidnapping); section 609.2661 (murder of an unborn child in the first degree); section 609.2662 (murder of an unborn child in the second degree); section 609.2663 (murder of an unborn child in the third degree); section 609.342 (criminal sexual conduct in the first degree); section 609.343 (criminal sexual conduct in the second degree); section 609.344 (criminal sexual conduct in the third degree); section 609.345 (criminal sexual conduct in the fourth degree); section 609.3451 (criminal sexual conduct in the fifth degree); section 609.3453 (criminal sexual predatory conduct); section 609.352 (solicitation of children to engage in sexual conduct); section 609.352 (communication of sexually explicit materials to children); section 609.365 (incest); section 609.377 (felony malicious punishment of a child); section 609.378 (felony neglect or endangerment of a child); section 609.561 (arson in the first degree); section 609.562 (arson in the second degree); section 609.563 (arson in the third degree); section 609.749, subdivision 3, 4, or 5 (felony harassment or stalking); section 152.021 (controlled substance crimes in the first degree); section 152.022 (controlled substance crimes in the second degree); section 152.023 (controlled substance crimes in the

third degree); section 152.024 (controlled substance crimes in the fourth degree); section 152.025 (controlled substance crimes in the fifth degree); section 243.166 (violation of predatory offender registration law); section 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); section 617.246 (use of minors in sexual performance); section 617.247 (possession of pornographic work involving minors); section 609.221 (assault in the first degree); section 609.222 (assault in the second degree); section 609.223 (assault in the third degree); section 609.2231 (assault in the fourth degree); section 609.224 (assault in the fifth degree); section 609.2242 (domestic assault); section 609.2247 (domestic assault by strangulation); section 609.228 (great bodily harm caused by distribution of drugs); section 609.23 (mistreatment of persons confined); section 609.231 (mistreatment of residents or patients); section 609.2325 (criminal abuse); section 609.233 (criminal neglect); section 609.2335 (financial exploitation of a vulnerable adult); section 609.234 (failure to report); section 609.24 (simple robbery); section 609.245 (aggravated robbery); section 609.247 (carjacking); section 609.255 (false imprisonment); section 609.322 (solicitation, inducement, and promotion of prostitution and sex trafficking); section 609.324, subdivision 1 (hiring or engaging minors in prostitution); section 609.465 (presenting false claims to a public officer or body); section 609.466 (medical assistance fraud); section 609.52 (felony theft); section 609.82 (felony fraud in obtaining credit); section 609.527 (felony identity theft); section 609.582 (felony burglary); section 609.611 (felony insurance fraud); section 609.625 (aggravated forgery); section 609.63 (forgery); section 609.631 (felony check forgery); section 609.66, subdivision 1e (felony drive-by shooting); section 609.71 (felony riot); section 609.713 (terroristic threats); section 609.72, subdivision 3 (disorderly conduct by a caregiver against a vulnerable adult); section 609.821 (felony financial transaction card fraud); section 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or aiding and abetting, attempting, or conspiring to commit any of the offenses in this subdivision.

Sec. 2. Minnesota Statutes 2020, section 146A.08, subdivision 1, is amended to read:

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

(b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices. Conviction, as used in this subdivision, includes a conviction of an offense which, if

committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) Violating any order issued by the commissioner.

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

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

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

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

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

Sec. 3. Minnesota Statutes 2021 Supplement, section 245C.15, subdivision 1, is amended to read:

Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) regardless of how much time has passed since the discharge of the sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of the level of the offense, the individual has committed any of the following offenses: sections 243.166 (violation of predatory offender registration law); 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); a felony offense under 609.221 or 609.222 (assault in the first or second degree); a felony offense under sections 609.2242 and 609.2243 (domestic assault), spousal abuse, child abuse or neglect, or a crime against children; 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.322 (solicitation, inducement, and promotion of prostitution); 609.324, subdivision 1 (other prohibited acts); 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 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); a felony offense under 609.377 (malicious punishment of a child); a felony offense under 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.66, subdivision 1e (drive-by shooting); 609.749, subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial representations of minors); or, for a child care background study subject, conviction of a crime that would make the individual ineligible for employment under United States Code, title 42, section 9858f, except for a felony drug conviction, regardless

of whether a period of disqualification under subdivisions 2 to 4, would apply if the individual were not a child care background study subject.

(b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes, permanently disqualifies the individual under section 245C.14.

(c) An individual's offense in any other state or country, where the elements of the offense are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies the individual under section 245C.14.

(d) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

(e) If the individual studied commits one of the offenses listed in paragraph (a) that is specified as a felony-level only offense, but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified, but the disqualification look-back period for the offense is the period applicable to gross misdemeanor or misdemeanor offenses.

(f) A child care background study subject shall be disqualified if the individual is registered, or required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry.

Sec. 4. Minnesota Statutes 2020, section 245C.15, subdivision 2, is amended to read:

Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a felony-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (fraud); 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.165 (felon ineligible to possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a

gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs; controlled substance); or Minnesota Statutes 2012, section 609.21; or a felony-level conviction involving alcohol or drug use.

(b) An individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than 15 years has passed since the termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or subdivision 3.

(d) An individual is disqualified under section 245C.14 if less than 15 years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses listed in paragraph (a).

(e) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is

disqualified but the disqualification look-back period for the offense is the period applicable to the gross misdemeanor or misdemeanor disposition.

(f) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

Sec. 5. Minnesota Statutes 2021 Supplement, section 245C.15, subdivision 4a, is amended to read:

Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, regardless of how much time has passed, an individual is disqualified under section 245C.14 if the individual committed an act that resulted in a felony-level conviction for sections: 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); 609.221 (assault in the first degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse); 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child in the first degree); 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); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution); 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 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary in the first degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial representations of minors).

(b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14, regardless of how much time has passed, if the individual:

(1) committed an action under paragraph (e) that resulted in death or involved sexual abuse, as defined in section 260E.03, subdivision 20;

(2) committed an act that resulted in a gross misdemeanor-level conviction for section 609.3451 (criminal sexual conduct in the fifth degree);

(3) committed an act against or involving a minor that resulted in a felony-level conviction for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree); or

(4) committed an act that resulted in a misdemeanor or gross misdemeanor-level conviction for section 617.293 (dissemination and display of harmful materials to minors).

(c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14 if fewer than 20 years have passed since the termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to involuntarily terminate parental rights. An individual is disqualified under section 245C.14 if fewer than 20 years have passed since the termination of the individual's parental rights in any other state or country, where the conditions for the individual's termination of parental rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph (b).

(d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14 if fewer than five years have passed since a felony-level violation for sections: 152.021 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023

11.1 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the
11.2 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing
11.3 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)
11.4 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision
11.5 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies
11.6 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;
11.7 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related
11.8 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while
11.9 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113
11.10 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn
11.11 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal
11.12 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal
11.13 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);
11.14 609.247, subdivision 4 (carjacking in the third degree); 609.322, subdivision 1a (solicitation,
11.15 inducement, and promotion of prostitution; sex trafficking in the second degree); 609.498,
11.16 subdivision 1 (tampering with a witness in the first degree); 609.498, subdivision 1b
11.17 (aggravated first-degree witness tampering); 609.562 (arson in the second degree); 609.563
11.18 (arson in the third degree); 609.582, subdivision 2 (burglary in the second degree); 609.66
11.19 (felony dangerous weapons); 609.687 (adulteration); 609.713 (terroristic threats); 609.749,
11.20 subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting
11.21 at or in a public transit vehicle or facility); or 624.713 (certain people not to possess firearms).

11.22 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a
11.23 background study affiliated with a licensed family child foster care license, an individual
11.24 is disqualified under section 245C.14 if fewer than five years have passed since:

11.25 (1) a felony-level violation for an act not against or involving a minor that constitutes:
11.26 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third
11.27 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the
11.28 fifth degree);

11.29 (2) a violation of an order for protection under section 518B.01, subdivision 14;

11.30 (3) a determination or disposition of the individual's failure to make required reports
11.31 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition
11.32 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment
11.33 was recurring or serious;

12.1 (4) a determination or disposition of the individual's substantiated serious or recurring
12.2 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or
12.3 serious or recurring maltreatment in any other state, the elements of which are substantially
12.4 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet
12.5 the definition of serious maltreatment or recurring maltreatment;

12.6 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in
12.7 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);
12.8 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
12.9 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

12.10 (6) committing an act against or involving a minor that resulted in a misdemeanor-level
12.11 violation of section 609.224, subdivision 1 (assault in the fifth degree).

12.12 (f) For purposes of this subdivision, the disqualification begins from:

12.13 (1) the date of the alleged violation, if the individual was not convicted;

12.14 (2) the date of conviction, if the individual was convicted of the violation but not
12.15 committed to the custody of the commissioner of corrections; or

12.16 (3) the date of release from prison, if the individual was convicted of the violation and
12.17 committed to the custody of the commissioner of corrections.

12.18 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation
12.19 of the individual's supervised release, the disqualification begins from the date of release
12.20 from the subsequent incarceration.

12.21 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the
12.22 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
12.23 Statutes, permanently disqualifies the individual under section 245C.14. An individual is
12.24 disqualified under section 245C.14 if fewer than five years have passed since the individual's
12.25 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs
12.26 (d) and (e).

12.27 (h) An individual's offense in any other state or country, where the elements of the
12.28 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),
12.29 permanently disqualifies the individual under section 245C.14. An individual is disqualified
12.30 under section 245C.14 if fewer than five years have passed since an offense in any other
12.31 state or country, the elements of which are substantially similar to the elements of any
12.32 offense listed in paragraphs (d) and (e).

13.1 Sec. 6. Minnesota Statutes 2021 Supplement, section 245C.24, subdivision 3, is amended
13.2 to read:

13.3 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set
13.4 aside the disqualification of an individual in connection with a license to provide family
13.5 child care for children or foster care or day care services for adults in the provider's home
13.6 if: (1) less than ten years has passed since the discharge of the sentence imposed, if any, for
13.7 the offense; or (2) when disqualified based on a preponderance of evidence determination
13.8 under section 245C.14, subdivision 1, paragraph (a), clause (2), or an admission under
13.9 section 245C.14, subdivision 1, paragraph (a), clause (1), and less than ten years has passed
13.10 since the individual committed the act or admitted to committing the act, whichever is later;
13.11 and (3) the individual has committed a violation of any of the following offenses: sections
13.12 609.165 (felon ineligible to possess firearm); criminal vehicular homicide or criminal
13.13 vehicular operation causing death under 609.2112, 609.2113, or 609.2114 (criminal vehicular
13.14 homicide or injury); 609.215 (aiding suicide or aiding attempted suicide); felony violations
13.15 under 609.223 or 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed
13.16 for benefit of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to
13.17 facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third
13.18 degree); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);
13.19 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a
13.20 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous
13.21 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);
13.22 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled
13.23 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or
13.24 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,
13.25 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);
13.26 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable
13.27 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or
13.28 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a
13.29 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure
13.30 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in
13.31 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,
13.32 second, or third degree); 609.268 (injury or death of an unborn child in the commission of
13.33 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or
13.34 displaying harmful material to minors); a felony-level conviction involving alcohol or drug
13.35 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a
13.36 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross

14.1 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision
14.2 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess
14.3 firearms); or Minnesota Statutes 2012, section 609.21.

14.4 (b) The commissioner may not set aside the disqualification of an individual if less than
14.5 ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to
14.6 commit any of the offenses listed in paragraph (a) as each of these offenses is defined in
14.7 Minnesota Statutes.

14.8 (c) The commissioner may not set aside the disqualification of an individual if less than
14.9 ten years have passed since the discharge of the sentence imposed for an offense in any
14.10 other state or country, the elements of which are substantially similar to the elements of any
14.11 of the offenses listed in paragraph (a).

14.12 Sec. 7. Minnesota Statutes 2021 Supplement, section 253B.02, subdivision 4e, is amended
14.13 to read:

14.14 Subd. 4e. **Crime against the person.** "Crime against the person" means a violation of
14.15 or attempt to violate any of the following provisions: sections 609.185 (murder in the first
14.16 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20
14.17 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112,
14.18 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.221
14.19 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the
14.20 third degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.23
14.21 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325
14.22 (criminal abuse); 609.233 (criminal neglect); 609.2335 (financial exploitation of a vulnerable
14.23 adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245
14.24 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false
14.25 imprisonment); 609.265 (abduction); 609.27, subdivision 1, clause (1) or (2) (coercion);
14.26 609.28 (interfering with religious observance) if violence or threats of violence were used;
14.27 609.322, subdivision 1, paragraph (a), clause (2) (solicitation); 609.342 (criminal sexual
14.28 conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344
14.29 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth
14.30 degree); 609.3458 (sexual extortion); 609.365 (incest); 609.498, subdivision 1 (tampering
14.31 with a witness); 609.50, clause (1) (obstructing legal process, arrest, and firefighting);
14.32 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.595 (damage
14.33 to property); and 609.72, subdivision 3 (disorderly conduct by a caregiver); and Minnesota
14.34 Statutes 2012, section 609.21.

15.1 Sec. 8. Minnesota Statutes 2021 Supplement, section 253D.02, subdivision 8, is amended
15.2 to read:

15.3 Subd. 8. **Harmful sexual conduct.** (a) "Harmful sexual conduct" means sexual conduct
15.4 that creates a substantial likelihood of serious physical or emotional harm to another.

15.5 (b) There is a rebuttable presumption that conduct described in the following provisions
15.6 creates a substantial likelihood that a victim will suffer serious physical or emotional harm:
15.7 section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual
15.8 conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345
15.9 (criminal sexual conduct in the fourth degree), or 609.3458 (sexual extortion). If the conduct
15.10 was motivated by the person's sexual impulses or was part of a pattern of behavior that had
15.11 criminal sexual conduct as a goal, the presumption also applies to conduct described in
15.12 section 609.185 (murder in the first degree), 609.19 (murder in the second degree), 609.195
15.13 (murder in the third degree), 609.20 (manslaughter in the first degree), 609.205 (manslaughter
15.14 in the second degree), 609.221 (assault in the first degree), 609.222 (assault in the second
15.15 degree), 609.223 (assault in the third degree), 609.24 (simple robbery), 609.245 (aggravated
15.16 robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.365
15.17 (incest), 609.498 (tampering with a witness), 609.561 (arson in the first degree), 609.582,
15.18 subdivision 1 (burglary in the first degree), 609.713 (terroristic threats), or 609.749,
15.19 subdivision 3 or 5 (harassment or stalking).

15.20 Sec. 9. Minnesota Statutes 2020, section 260B.171, subdivision 3, is amended to read:

15.21 Subd. 3. **Disposition order; copy to school.** (a) If a juvenile is enrolled in school, the
15.22 juvenile's probation officer shall ensure that either a mailed notice or an electronic copy of
15.23 the court's disposition order be transmitted to the superintendent of the juvenile's school
15.24 district or the chief administrative officer of the juvenile's school if the juvenile has been
15.25 adjudicated delinquent for committing an act on the school's property or an act:

15.26 (1) that would be a violation of section 609.185 (first-degree murder); 609.19
15.27 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter);
15.28 609.205 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular
15.29 homicide or injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223
15.30 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault);
15.31 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery);
15.32 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342
15.33 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct);
15.34 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual

16.1 conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a
16.2 witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713
16.3 (terroristic threats); or 609.749 (harassment or stalking), if committed by an adult; or
16.4 Minnesota Statutes 2012, section 609.21;

16.5 (2) that would be a violation of section 152.021 (first-degree controlled substance crime);
16.6 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled
16.7 substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree
16.8 controlled substance crime); 152.0261 (importing a controlled substance); 152.0262
16.9 (possession of substances with intent to manufacture methamphetamine); or 152.027 (other
16.10 controlled substance offenses), if committed by an adult; or

16.11 (3) that involved the possession or use of a dangerous weapon as defined in section
16.12 609.02, subdivision 6.

16.13 When a disposition order is transmitted under this subdivision, the probation officer
16.14 shall notify the juvenile's parent or legal guardian that the disposition order has been shared
16.15 with the juvenile's school.

16.16 (b) In addition, the juvenile's probation officer may transmit a copy of the court's
16.17 disposition order to the superintendent of the juvenile's school district or the chief
16.18 administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent
16.19 for offenses not listed in paragraph (a) and placed on probation. The probation officer shall
16.20 notify the superintendent or chief administrative officer when the juvenile is discharged
16.21 from probation.

16.22 (c) The disposition order must be accompanied by a notice to the school that the school
16.23 may obtain additional information from the juvenile's probation officer with the consent of
16.24 the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained,
16.25 shared, or released only as provided in section 121A.75.

16.26 (d) The juvenile's probation officer shall maintain a record of disposition orders released
16.27 under this subdivision and the basis for the release.

16.28 (e) No later than September 1, 2002, the criminal and juvenile justice information policy
16.29 group, in consultation with representatives of probation officers and educators, shall prepare
16.30 standard forms for use by juvenile probation officers in forwarding information to schools
16.31 under this subdivision and in maintaining a record of the information that is released. The
16.32 group shall provide a copy of any forms or procedures developed under this paragraph to
16.33 the legislature by January 15, 2003.

17.1 (f) As used in this subdivision, "school" means a charter school or a school as defined
17.2 in section 120A.22, subdivision 4, except a home school.

17.3 Sec. 10. Minnesota Statutes 2020, section 299A.296, subdivision 2, is amended to read:

17.4 Subd. 2. **Grant procedure.** (a) A local unit of government or a nonprofit
17.5 community-based entity may apply for a grant by submitting an application with the
17.6 commissioner. The applicant shall specify the following in its application:

17.7 (1) a description of each program for which funding is sought;

17.8 (2) outcomes and performance indicators for the program;

17.9 (3) a description of the planning process that identifies local community needs, surveys
17.10 existing programs, provides for coordination with existing programs, and involves all affected
17.11 sectors of the community;

17.12 (4) the geographical area to be served by the program;

17.13 (5) statistical information as to the number of arrests in the geographical area for violent
17.14 crimes and for crimes involving Schedule I and II controlled substances. "Violent crime"
17.15 includes a violation of or an attempt or conspiracy to violate any of the following laws:
17.16 sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221;
17.17 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.2661;
17.18 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343;
17.19 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1;
17.20 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater
17.21 than ten years; or Minnesota Statutes 2012, section 609.21; and

17.22 (6) the number of economically disadvantaged youth in the geographical areas to be
17.23 served by the program.

17.24 (b) The commissioner shall give priority to funding community-based collaboratives,
17.25 programs that demonstrate substantial involvement by members of the community served
17.26 by the program and programs that either serve the geographical areas that have the highest
17.27 crime rates, as measured by the data supplied under paragraph (a), clause (5), or serve
17.28 geographical areas that have the largest concentrations of economically disadvantaged youth.
17.29 Up to 2.5 percent of the appropriation may be used by the commissioner to administer the
17.30 program.

18.1 Sec. 11. Minnesota Statutes 2020, section 299C.105, subdivision 1, is amended to read:

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

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

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

18.10 (ii) manslaughter under section 609.20 or 609.205;

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

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

18.14 (v) kidnapping under section 609.25;

18.15 (vi) false imprisonment under section 609.255;

18.16 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
18.17 609.3451, subdivision 3, or 609.3453;

18.18 (viii) incest under section 609.365;

18.19 (ix) burglary under section 609.582, subdivision 1; or

18.20 (x) indecent exposure under section 617.23, subdivision 3;

18.21 (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision
18.22 3a; or

18.23 (3) juveniles who have appeared in court and have had a judicial probable cause
18.24 determination on a charge of committing, or juveniles having been adjudicated delinquent
18.25 for committing or attempting to commit, any of the following:

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

18.27 (ii) manslaughter under section 609.20 or 609.205;

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

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

19.1 (v) kidnapping under section 609.25;

19.2 (vi) false imprisonment under section 609.255;

19.3 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
19.4 609.3451, subdivision 3, or 609.3453;

19.5 (viii) incest under section 609.365;

19.6 (ix) burglary under section 609.582, subdivision 1; or

19.7 (x) indecent exposure under section 617.23, subdivision 3.

19.8 (b) Unless the superintendent of the bureau requires a shorter period, within 72 hours
19.9 the biological specimen required under paragraph (a) must be forwarded to the bureau in
19.10 such a manner as may be prescribed by the superintendent.

19.11 (c) Prosecutors, courts, and probation officers shall attempt to ensure that the biological
19.12 specimen is taken on a person described in paragraph (a).

19.13 Sec. 12. Minnesota Statutes 2021 Supplement, section 299C.67, subdivision 2, is amended
19.14 to read:

19.15 Subd. 2. **Background check crime.** "Background check crime" means:

19.16 (a)(1) a felony violation of section 609.185 (first-degree murder); 609.19 (second-degree
19.17 murder); 609.20 (first-degree manslaughter); 609.221 (first-degree assault); 609.222
19.18 (second-degree assault); 609.223 (third-degree assault); 609.25 (kidnapping); 609.342
19.19 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct);
19.20 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual
19.21 conduct); 609.3458 (sexual extortion); 609.561 (first-degree arson); or 609.749 (harassment
19.22 or stalking);

19.23 (2) an attempt to commit a crime in clause (1); or

19.24 (3) a conviction for a crime in another jurisdiction that would be a violation under clause
19.25 (1) or an attempt under clause (2) in this state; or

19.26 (b)(1) a felony violation of section 609.195 (third-degree murder); 609.205
19.27 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide
19.28 or injury); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple
19.29 robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.255 (false imprisonment);
19.30 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a

20.1 nonfelony violation of section 609.749 (harassment); or Minnesota Statutes 2012, section
20.2 609.21;

20.3 (2) an attempt to commit a crime in clause (1); or

20.4 (3) a conviction for a crime in another jurisdiction that would be a violation under clause
20.5 (1) or an attempt under clause (2) in this state.

20.6 Sec. 13. Minnesota Statutes 2021 Supplement, section 609.1095, subdivision 1, is amended
20.7 to read:

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

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

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

20.16 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
20.17 the following laws of this state or any similar laws of the United States or any other state:
20.18 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
20.19 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;
20.20 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
20.21 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562;
20.22 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any
20.23 provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable
20.24 by a felony penalty; or any provision of chapter 152 that is punishable by a maximum
20.25 sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

20.26 Sec. 14. Minnesota Statutes 2020, section 609.341, subdivision 22, is amended to read:

20.27 Subd. 22. **Predatory crime.** "Predatory crime" means a felony violation of section
20.28 609.185 (first-degree murder), 609.19 (second-degree murder), 609.195 (third-degree
20.29 murder), 609.20 (first-degree manslaughter), 609.205 (second-degree manslaughter), 609.221
20.30 (first-degree assault), 609.222 (second-degree assault), 609.223 (third-degree assault),
20.31 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25

21.1 (kidnapping), 609.255 (false imprisonment), 609.498 (tampering with a witness), 609.561
21.2 (first-degree arson), or 609.582, subdivision 1 (first-degree burglary).

21.3 Sec. 15. Minnesota Statutes 2020, section 609.52, subdivision 3, is amended to read:

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

21.5 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
21.6 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
21.7 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
21.8 (15), (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

21.9 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
21.10 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
21.11 property stolen was an article representing a trade secret, an explosive or incendiary device,
21.12 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
21.13 exception of marijuana; or

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

21.16 (a) the value of the property or services stolen is more than \$1,000 but not more than
21.17 \$5,000; or

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

21.20 (c) the value of the property or services stolen is more than \$500 but not more than
21.21 \$1,000 and the person has been convicted within the preceding five years for an offense
21.22 under this section, section 256.98; 268.182; 609.24; 609.245; 609.247; 609.53; 609.582,
21.23 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state,
21.24 the United States, or a foreign jurisdiction, in conformity with any of those sections, and
21.25 the person received a felony or gross misdemeanor sentence for the offense, or a sentence
21.26 that was stayed under section 609.135 if the offense to which a plea was entered would
21.27 allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

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

22.9 (4) to imprisonment for not more than one year or to payment of a fine of not more than
22.10 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
22.11 more than \$1,000; or

22.12 (5) in all other cases where the value of the property or services stolen is \$500 or less,
22.13 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
22.14 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
22.15 (4), (13), and (19), the value of the money or property or services received by the defendant
22.16 in violation of any one or more of the above provisions within any six-month period may
22.17 be aggregated and the defendant charged accordingly in applying the provisions of this
22.18 subdivision; provided that when two or more offenses are committed by the same person
22.19 in two or more counties, the accused may be prosecuted in any county in which one of the
22.20 offenses was committed for all of the offenses aggregated under this paragraph.

22.21 Sec. 16. Minnesota Statutes 2021 Supplement, section 609.531, subdivision 1, is amended
22.22 to read:

22.23 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the
22.24 following terms have the meanings given them.

22.25 (a) "Conveyance device" means a device used for transportation and includes, but is not
22.26 limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment
22.27 attached to it. The term "conveyance device" does not include property which is, in fact,
22.28 itself stolen or taken in violation of the law.

22.29 (b) "Weapon used" means a dangerous weapon as defined under section 609.02,
22.30 subdivision 6, that the actor used or had in possession in furtherance of a crime.

22.31 (c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

22.32 (d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District Department of Public Safety, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.642 or 299A.681.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152 or 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.247; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, or subdivision 1a, clauses (a) to (f) and (i); 609.343, subdivision 1, or subdivision 1a, clauses (a) to (f) and (i); 609.344, subdivision 1, or subdivision 1a, clauses (a) to (e), (h), or (i); 609.345, subdivision 1, or subdivision 1a, clauses (a) to (e), (h), and (i); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of, or a felony-level attempt or conspiracy to violate, Minnesota Statutes 2012, section 609.21.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(h) "Prosecuting authority" means the attorney who is responsible for prosecuting an offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

(i) "Asserting person" means a person, other than the driver alleged to have used a vehicle in the transportation or exchange of a controlled substance intended for distribution or sale, claiming an ownership interest in a vehicle that has been seized or restrained under this section.

24.1 Sec. 17. Minnesota Statutes 2020, section 609.631, subdivision 4, is amended to read:

24.2 Subd. 4. **Sentencing.** A person who is convicted under subdivision 2 or 3 may be
24.3 sentenced as follows:

24.4 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
24.5 \$100,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,
24.6 property or services of more than \$35,000 or the aggregate amount of the forged check or
24.7 checks is more than \$35,000;

24.8 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
24.9 \$20,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,
24.10 property or services of more than \$2,500 or the aggregate amount of the forged check or
24.11 checks is more than \$2,500;

24.12 (3) to imprisonment for not more than five years or to payment of a fine of not more
24.13 than \$10,000, or both, if:

24.14 (a) the forged check or checks are used to obtain or in an attempt to obtain, property or
24.15 services of more than \$250 but not more than \$2,500, or the aggregate face amount of the
24.16 forged check or checks is more than \$250 but not more than \$2,500; or

24.17 (b) the forged check or checks are used to obtain or in an attempt to obtain, property or
24.18 services of no more than \$250, or have an aggregate face value of no more than \$250, and
24.19 the person has been convicted within the preceding five years for an offense under this
24.20 section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582, subdivision 1, 2, or 3;
24.21 609.625; 609.63; or 609.821, or a statute from another state in conformity with any of those
24.22 sections, and the person received a felony or gross misdemeanor sentence for the offense,
24.23 or a sentence that was stayed under section 609.135 if the offense to which a plea was
24.24 entered would allow imposition of a felony or gross misdemeanor sentence; and

24.25 (4) to imprisonment for not more than one year or to payment of a fine of not more than
24.26 \$3,000, or both, if the forged check or checks are used to obtain or in an attempt to obtain,
24.27 property or services of no more than \$250, or the aggregate face amount of the forged check
24.28 or checks is no more than \$250.

24.29 In any prosecution under this subdivision, the value of the checks forged or offered by
24.30 the defendant in violation of this subdivision within any six-month period may be aggregated
24.31 and the defendant charged accordingly in applying the provisions of this section. When two
24.32 or more offenses are committed by the same person in two or more counties, the accused

25.1 may be prosecuted in any county in which one of the checks was forged or offered for all
25.2 of the offenses aggregated under this paragraph.

25.3 Sec. 18. Minnesota Statutes 2020, section 609.632, subdivision 4, is amended to read:

25.4 Subd. 4. **Penalty.** (a) A person who is convicted of violating subdivision 1 or 2 may be
25.5 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more
25.6 than \$100,000, or both.

25.7 (b) A person who is convicted of violating subdivision 3 may be sentenced as follows:

25.8 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
25.9 \$100,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain
25.10 property or services having a value of more than \$35,000, or the aggregate face value of
25.11 the counterfeited item is more than \$35,000;

25.12 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
25.13 \$20,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property
25.14 or services having a value of more than \$5,000, or the aggregate face value of the
25.15 counterfeited item is more than \$5,000;

25.16 (3) to imprisonment for not more than five years or to payment of a fine of not more
25.17 than \$10,000, or both, if:

25.18 (i) the counterfeited item is used to obtain or in an attempt to obtain property or services
25.19 having a value of more than \$1,000 or the aggregate face value of the counterfeited item is
25.20 more than \$1,000; or

25.21 (ii) the counterfeited item is used to obtain or in an attempt to obtain property or services
25.22 having a value of no more than \$1,000, or the aggregate face value of the counterfeited item
25.23 is no more than \$1,000, and the person has been convicted within the preceding five years
25.24 for an offense under this section, section 609.24; 609.245; 609.247; 609.52; 609.53; 609.582,
25.25 subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state or the
25.26 United States in conformity with any of those sections, and the person received a felony or
25.27 gross misdemeanor sentence for the offense, or a sentence that was stayed under section
25.28 609.135 if the offense to which a plea was entered would allow the imposition of a felony
25.29 or gross misdemeanor sentence; or

25.30 (4) to imprisonment for not more than one year or to payment of a fine of not more than
25.31 \$3,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property
25.32 or services having a value of no more than \$1,000, or the aggregate face value of the
25.33 counterfeited item is no more than \$1,000.

26.1 Sec. 19. Minnesota Statutes 2020, section 609.821, subdivision 3, is amended to read:

26.2 Subd. 3. **Sentence.** (a) A person who commits financial transaction card fraud may be
26.3 sentenced as follows:

26.4 (1) for a violation of subdivision 2, clause (1), (2), (5), (8), or (9):

26.5 (i) to imprisonment for not more than 20 years or to payment of a fine of not more than
26.6 \$100,000, or both, if the value of the property the person obtained or attempted to obtain
26.7 was more than \$35,000, or the aggregate amount of the transactions under this subdivision
26.8 was more than \$35,000; or

26.9 (ii) to imprisonment for not more than ten years or to payment of a fine of not more than
26.10 \$20,000, or both, if the value of the property the person obtained or attempted to obtain was
26.11 more than \$2,500, or the aggregate amount of the transactions under this subdivision was
26.12 more than \$2,500; or

26.13 (iii) to imprisonment for not more than five years or to payment of a fine of not more
26.14 than \$10,000, or both, if the value of the property the person obtained or attempted to obtain
26.15 was more than \$250 but not more than \$2,500, or the aggregate amount of the transactions
26.16 under this subdivision was more than \$250 but not more than \$2,500; or

26.17 (iv) to imprisonment for not more than five years or to payment of a fine of not more
26.18 than \$10,000, or both, if the value of the property the person obtained or attempted to obtain
26.19 was not more than \$250, or the aggregate amount of the transactions under this subdivision
26.20 was not more than \$250, and the person has previously been convicted within the preceding
26.21 five years for an offense under this section, section 609.24; 609.245; 609.247; 609.52;
26.22 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.631, or a statute from
26.23 another state in conformity with any of those sections, and the person received a felony or
26.24 gross misdemeanor sentence for the offense, or a sentence that was stayed under section
26.25 609.135 if the offense to which a plea was entered would allow imposition of a felony or
26.26 gross misdemeanor sentence; or

26.27 (v) to imprisonment for not more than one year or to payment of a fine of not more than
26.28 \$3,000, or both, if the value of the property the person obtained or attempted to obtain was
26.29 not more than \$250, or the aggregate amount of the transactions under this subdivision was
26.30 not more than \$250;

26.31 (2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more than
26.32 three years or to payment of a fine of not more than \$5,000, or both; or

26.33 (3) for a violation of subdivision 2, clause (6) or (7):

(i) if no property, other than a financial transaction card, has been obtained by the defendant by means of the false statement or false report, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or

(ii) if property, other than a financial transaction card, is so obtained, in the manner provided in clause (1).

(b) In any prosecution under paragraph (a), clause (1), the value of the transactions made or attempted within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. 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 card transactions occurred for all of the transactions aggregated under this paragraph.

Sec. 20. Minnesota Statutes 2020, section 611A.031, is amended to read:

611A.031 VICTIM INPUT REGARDING PRETRIAL DIVERSION.

A prosecutor shall make every reasonable effort to notify and seek input from the victim prior to referring a person into a pretrial diversion program in lieu of prosecution for a violation of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.224, 609.2242, 609.24, 609.245, 609.247, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.365, 609.498, 609.561, 609.582, subdivision 1, 609.687, 609.713, and 609.749.

Sec. 21. Minnesota Statutes 2021 Supplement, section 611A.036, subdivision 7, is amended to read:

Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt to violate any of the following: section 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, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child

in the first degree); 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); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking); 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 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1 (arson in the first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c) (burglary in the first degree; occupied dwelling or involving an assault); 609.66, subdivision 1e, paragraph (b) (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle); or 609.749, subdivision 2 (harassment); or Minnesota Statutes 2012, section 609.21.

Sec. 22. Minnesota Statutes 2021 Supplement, section 611A.08, subdivision 6, is amended to read:

Subd. 6. **Violent crime; definition.** For purposes of this section, "violent crime" means an offense named in sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.247; 609.25; 609.255; 609.342; 609.343; 609.344; 609.345; 609.3458; 609.561; 609.562; 609.563; and 609.582, or an attempt to commit any of these offenses. "Violent crime" includes crimes in other states or jurisdictions which would have been within the definition set forth in this subdivision if they had been committed in this state.

Sec. 23. Minnesota Statutes 2020, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 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); 609.215 (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); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic

29.1 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235
29.2 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
29.3 robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322
29.4 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal
29.5 sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree);
29.6 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in
29.7 the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or
29.8 endangerment of a child); 609.486 (commission of crime while wearing or possessing a
29.9 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a
29.10 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first
29.11 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the
29.12 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully
29.13 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
29.14 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a
29.15 public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an
29.16 attempt to commit any of these offenses.

29.17 Sec. 24. **EFFECTIVE DATE.**

29.18 This article is effective August 1, 2022.