

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4271

(SENATE AUTHORS: LATZ and Oumou Verbeten)		
DATE	D-PG	OFFICIAL STATUS
02/26/2024	11815	Introduction and first reading Referred to Judiciary and Public Safety
02/29/2024	11863	Author added Mathews
04/18/2024	13972a	Comm report: To pass as amended Joint rule 2.03, referred to Rules and Administration
	14378	Author stricken Mathews
04/30/2024	15579	Comm report: Adopt previous comm report Jt rule 2.03 suspended
	15582	Second reading
05/01/2024	15777	Author added Oumou Verbeten Referred to for comparison with HF3872
05/13/2024	16653a	Rule 45-amend, subst. General Orders HF3872, SF indefinitely postponed

1.1A bill for an act

1.2relating to state government; providing law for judiciary, public safety, law

1.3enforcement, corrections, crime, criminal justice, real property, trusts, guardianship,

1.4civil law, contracts for deed, and service of restraining and protection orders;

1.5requiring reports; providing criminal and civil penalties; amending Minnesota

1.6Statutes 2022, sections 5B.02; 5B.03, subdivision 3; 5B.04; 5B.05; 13.02,

1.7subdivision 3a; 13.045, subdivision 3; 13.84, subdivision 6; 13D.05, subdivision

1.83; 13D.06, subdivision 3; 117.042; 152.025, subdivision 4; 169A.03, by adding a

1.9subdivision; 169A.51, subdivision 3; 171.177, subdivisions 1, 3, 4, 5, 8, 12;

1.10171.182, subdivisions 2, 3; 241.021, subdivisions 1h, 4b; 241.75, subdivision 2;

1.11243.05, subdivision 1b; 243.166, subdivisions 1a, 3, 6, by adding a subdivision;

1.12243.167, subdivision 1; 243.52, subdivision 2; 244.052, subdivision 3; 253B.02,

1.13subdivision 4d; 253B.18, subdivision 5a; 253D.14, subdivision 1; 260B.007,

1.14subdivisions 6, 16; 260B.198, subdivision 7; 260C.007, subdivision 6; 272.12;

1.15480.15, subdivision 10c; 491A.01, subdivision 3a; 501C.0202; 501C.0204,

1.16subdivision 1; 507.071; 507.235, subdivisions 1a, 5; 513.73, subdivision 3;

1.17518B.01, subdivisions 2, 3a, 3b, 4, 5, 6a, 7, 8, 8a, 9, 9a, 11, by adding a subdivision;

1.18524.5-315; 524.5-317; 548.251, subdivision 2; 559.21, subdivisions 2a, 4, by

1.19adding subdivisions; 559.211, subdivision 1; 559.213; 563.01; 590.01, subdivision

1.204; 590.03; 593.50, subdivision 1; 604A.05, subdivision 1; 609.1056, by adding a

1.21subdivision; 609.14, subdivisions 2, 3, by adding a subdivision; 609.324,

1.22subdivision 1; 609.748, subdivisions 3a, 5, 5b, by adding a subdivision; 611A.06,

1.23subdivision 3a, by adding a subdivision; 611A.212, subdivision 1; 611A.73,

1.24subdivision 4; 626.5534; 626.8435, subdivision 1; 626.8457, subdivision 3; 629.72,

1.25subdivisions 1, 7; 629.725; 629.73, subdivision 1, by adding a subdivision;

1.26Minnesota Statutes 2023 Supplement, sections 146A.08, subdivision 1; 152.023,

1.27subdivision 2; 152.025, subdivision 2; 169A.51, subdivision 4; 214.10, subdivision

1.2810; 241.021, subdivision 1; 243.166, subdivision 1b; 244.05, subdivision 5; 244.17,

1.29subdivision 3; 244.21, subdivision 2; 325E.21, subdivisions 1b, 11; 401.01,

1.30subdivision 2; 515B.2-103; 515B.3-102; 524.5-313; 609.1095, subdivision 1;

1.31609.133, subdivision 4; 609.135, subdivision 2; 609.14, subdivision 1; 609.35;

1.32609A.015, subdivision 3, as amended; 609A.02, subdivision 3; 611.41, subdivision

1.337; 611.55, subdivision 1; 611.56, subdivisions 1, 6; 611.57, subdivisions 1, 4;

1.34611A.039, subdivision 1; 611A.52, subdivision 5; 629.292, subdivision 2; 638.12,

1.35subdivision 2; 638.15, subdivision 1; Laws 2023, chapter 52, article 4, section 24,

1.36subdivisions 3, 4, 7; proposing coding for new law in Minnesota Statutes, chapters

1.37500; 507; 554; 609; 626; 627; 634; proposing coding for new law as Minnesota

2.1 Statutes, chapter 559A; repealing Minnesota Statutes 2022, sections 554.01; 554.02;
2.2 554.03; 554.04; 554.045; 554.05; 554.06; 559.201; 559.202.

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

2.4 **ARTICLE 1**

2.5 **LAW ENFORCEMENT PROVISIONS**

2.6 Section 1. Minnesota Statutes 2023 Supplement, section 214.10, subdivision 10, is amended
2.7 to read:

2.8 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**
2.9 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the
2.10 executive director or any member of the Board of Peace Officer Standards and Training
2.11 produces or receives a written statement or complaint that alleges a violation of a statute or
2.12 rule that the board is empowered to enforce, the executive director ~~shall designate the~~
2.13 ~~appropriate law enforcement agency to investigate the complaint and~~ may order it an
2.14 appropriate law enforcement agency to conduct an inquiry into the complaint's allegations.
2.15 If directed to complete an investigation, the investigating agency must complete the inquiry
2.16 and submit a written summary of it to the executive director within 30 days of the order for
2.17 inquiry.

2.18 Sec. 2. **[626.223] ODOR OF CANNABIS; SEARCH PROHIBITED.**

2.19 A peace officer's perception of the odor of cannabis shall not serve as the sole basis to
2.20 search a motor vehicle, or to search the driver, passengers, or any of the contents of a motor
2.21 vehicle.

2.22 Sec. 3. Minnesota Statutes 2022, section 626.5534, is amended to read:

2.23 **626.5534 USE OF FORCE REPORTING; INDEPENDENT INVESTIGATIONS**
2.24 **REQUIRED.**

2.25 Subdivision 1. **Report required.** A chief law enforcement officer must provide the
2.26 information requested by the Federal Bureau of Investigation about each incident of law
2.27 enforcement use of force resulting in serious bodily injury or death, as those terms are
2.28 defined in the Federal Bureau of Investigation's reporting requirements, to the superintendent
2.29 of the Bureau of Criminal Apprehension. The superintendent shall adopt a reporting form
2.30 for use by law enforcement agencies in making the report required under this section. The
2.31 report must include for each incident all of the information requested by the Federal Bureau
2.32 of Investigation.

Subd. 2. **Use of information collected.** A chief law enforcement officer must file the report under subdivision 1 once a month in the form required by the superintendent. The superintendent must summarize and analyze the information received and submit an annual written report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety. The superintendent shall submit the information to the Federal Bureau of Investigation.

Subd. 3. **Independent investigations required.** (a) When an incident of law enforcement use of force results in death, an investigation of the incident must be undertaken by the Bureau of Criminal Apprehension's Independent Use of Force Investigations Unit established under section 299C.80. If a peace officer employed by the Bureau of Criminal Apprehension uses force in the incident the procedure outlined in section 299C.80 must be followed.

(b) A law enforcement agency must fully cooperate with and promptly respond to requests for information from the entity conducting an investigation mandated under paragraph (a).

(c) An entity that conducts an investigation under this subdivision must prepare a report detailing the entity's investigation and promptly deliver the report to the prosecutor for the county in which the incident occurred. Within six months of receiving a report under this paragraph, a prosecuting authority must release their findings to the public if a law enforcement officer involved in the incident is not charged with a crime. If a prosecuting authority determines that there is no basis to file charges against a peace officer involved in the incident prior to six months elapsing from the date of receiving the report, the prosecutor must publicly disclose the prosecutor's determination and simultaneously release the report to the public.

(d) The attorney general may petition a court for a writ of mandamus to compel an agency to comply with the requirements of this subdivision.

Sec. 4. Minnesota Statutes 2022, section 626.8435, subdivision 1, is amended to read:

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

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

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

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

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

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

(6) six community members, of which:

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

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

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

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

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

Sec. 5. Minnesota Statutes 2022, section 626.8457, subdivision 3, is amended to read:

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

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

(1) evaluate the effectiveness of statutorily required training;

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

(3) allow for the board, the ~~Ensuring Police Excellence and Improving Community Relations~~ Public Safety Advisory Council, and the board's complaint investigation committee

to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a board-mandated model policy.

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

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

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

Sec. 6. **ANOKA COUNTY; JAIL AND CRIMINAL JUSTICE CENTER.**

Subdivision 1. **Jail and criminal justice center.** Notwithstanding Minnesota Statutes, section 373.05, Anoka County may build a jail and criminal justice center in any city located within the county to replace the current jail located in the city of Anoka.

Subd. 2. **Sheriff's office.** Notwithstanding Minnesota Statutes, section 382.04, the sheriff of Anoka County may keep office in the jail and criminal justice center authorized under subdivision 1 instead of in the county seat.

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

ARTICLE 2

CORRECTIONS PROVISIONS

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

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

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

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

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

(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06. The data that may be released include only the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act.

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

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

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

~~or~~

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

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

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

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons confined or incarcerated therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum

standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons confined or incarcerated therein. These minimum standards shall include but are not limited to specific guidance pertaining to:

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

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

(3) suicide prevention plans and training;

(4) verification of medications in a timely manner;

(5) well-being checks;

(6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;

(7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;

(8) use of segregation and mental health checks;

(9) critical incident debriefings;

(10) clinical management of substance use disorders and opioid overdose emergency procedures;

(11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;

(12) a policy regarding the use of telehealth;

(13) self-auditing of compliance with minimum standards;

(14) information sharing with medical personnel and when medical assessment must be facilitated;

(15) a code of conduct policy for facility staff and annual training;

(16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and

(17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.18 ~~(6)~~ (7) two senators, one appointed by the senate majority leader and one appointed by
10.19 the minority leader; and

10.20 ~~(7)~~ (8) two representatives, one appointed by the speaker of the house and one appointed
10.21 by the minority leader of the house of representatives.

10.22 (b) ~~By January 1, 2022,~~ The ombudsperson or a designee shall chair the group. The
10.23 group shall establish security audit standards for state correctional facilities. In developing
10.24 the standards, the group, or individual members of the group, may gather information from
10.25 state correctional facilities and state correctional staff and inmates. The security audit group
10.26 must periodically review the standards and modify them as needed. The group must report
10.27 the standards to the chairs and ranking minority members of the house of representatives
10.28 and senate committees with jurisdiction over public safety policy and finance ~~by February~~
10.29 ~~15, 2022~~ whenever the standards are updated.

10.30 (c) The group shall meet twice a year to review facility audit reports submitted to the
10.31 group by the agency's inspection unit. Notwithstanding any law to the contrary, the group
10.32 is entitled to review the full audit reports including nonpublic security information and

11.1 corrections and detention confidential data. Within 60 days of ~~receiving an~~ meeting to review
 11.2 ~~audit report~~ reports from the department's inspection unit, the group must make
 11.3 recommendations to the commissioner. Within 45 days of receiving the group's
 11.4 recommendations, the commissioner must reply in writing to the group's findings and
 11.5 recommendations. The commissioner's response must explain whether the agency will
 11.6 implement the group's recommendations, the timeline for implementation of the changes,
 11.7 and, if not, why the commissioner will not or cannot implement the group's recommendations.

11.8 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
 11.9 recommendations based on each security audit and assessment of a state correctional facility
 11.10 and the commissioner's responses to the recommendations in the biennial report required
 11.11 under section 241.016, subdivision 1. The commissioner shall not include corrections and
 11.12 detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security
 11.13 information, as defined in section 13.37, subdivision 1, in the commissioner's report to the
 11.14 legislature.

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

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

11.17 (g) Except as otherwise provided in this paragraph, the terms, compensation, and removal
 11.18 of members of the group are governed by section 15.059. Members of the group serve
 11.19 without compensation but shall receive expense reimbursement. Notwithstanding section
 11.20 15.059, subdivision 6, the group does not expire.

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

11.22 Subd. 4b. **Health care peer review committee.** The commissioner of corrections shall
 11.23 establish a health care peer review committee. Sections 145.61 to 145.67 apply to the
 11.24 committee. The committee shall gather, review, and evaluate information relating to the
 11.25 on-site and off-site quality of care and treatment of offenders. The committee shall consist
 11.26 of:

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

11.28 ~~(2)~~ (1) the department medical director;

11.29 ~~(3)~~ (2) the regional medical director of the contracted health care vendor;

11.30 ~~(4)~~ (3) the department director of nursing or a designee;

11.31 ~~(5)~~ (4) a physician from the contracting hospital provider; ~~and~~

12.1 ~~(6)~~ (5) another physician who provides health care to offenders on site at a correctional
12.2 facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.5 (1) a choke hold;

13.6 (2) a prone restraint;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.8 (1) to an inmate serving a mandatory life sentence after the inmate has served the
14.9 minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision
14.10 1, paragraph (a);

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

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

14.15 (b) For cases ~~involving where an inmate is serving multiple sentences, the board must~~
14.16 ~~grant or deny supervised release as follows:~~

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

14.19 ~~(2) Notwithstanding any other law to the contrary, if an inmate who was under the age~~
14.20 ~~of 18 at the time of the commission of the relevant offenses and has served the minimum~~
14.21 ~~term of imprisonment specified in subdivision 4b is serving multiple sentences that are~~
14.22 ~~consecutive to one another, the board may must grant or deny supervised release on one or~~
14.23 ~~more all unexpired sentences.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 16.1 (7) the inmate's behavior while incarcerated;
- 16.2 (8) psychological or other diagnostic evaluations of the inmate;
- 16.3 (9) information on the inmate's rehabilitation while incarcerated;
- 16.4 (10) the inmate's criminal history;
- 16.5 (11) if the inmate was under 18 years of age at the time of the commission of the offense,
- 16.6 relevant science on the neurological development of juveniles and information on the inmate's
- 16.7 maturity and development while incarcerated; and
- 16.8 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.
- 16.9 (j) The board may not grant supervised release or parole to an inmate unless:
- 16.10 (1) while in prison:
- 16.11 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;
- 16.12 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
- 16.13 has successfully completed substance use disorder treatment; and
- 16.14 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
- 16.15 successfully completed mental health treatment; and
- 16.16 (2) a comprehensive individual release plan is in place for the inmate that:
- 16.17 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
- 16.18 aftercare and community-based treatment; and
- 16.19 (ii) includes a postprison employment or education plan for the inmate.
- 16.20 (k) Supervised release or parole must be granted with a majority vote of the quorum
- 16.21 required under section 244.049, subdivision 3. If there is a tie vote, supervised release or
- 16.22 parole is granted only if the commissioner votes in favor of granting supervised release or
- 16.23 parole.
- 16.24 (l) Within 30 days after a supervised release review hearing, the board must issue a
- 16.25 decision on granting release, including an explanation for the decision. If an inmate is serving
- 16.26 multiple sentences that are concurrent to one another, the board must grant or deny supervised
- 16.27 release on all sentences.
- 16.28 (m) If the board does not grant supervised release, the board shall conduct a subsequent
- 16.29 supervised release hearing within three years of the initial hearing. If release is denied at
- 16.30 the subsequent hearing, the board shall continue to hold hearings at least once every three
- 16.31 years. If the board denies an inmate's release under this paragraph, the explanation of that

17.1 decision must identify specific steps that the inmate can take to increase the likelihood that
17.2 release will be granted at a future hearing.

17.3 (n) When granting supervised release under this subdivision, the board must set prerelease
17.4 conditions to be followed by the inmate, if time permits, before their actual release or before
17.5 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
17.6 the commissioner may rescind the grant of supervised release without a hearing at any time
17.7 before the inmate's release or before constructive parole becomes effective. A grant of
17.8 constructive parole becomes effective once the inmate begins serving the consecutive
17.9 sentence.

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

17.11 (1) must set a release review date that occurs within 90 days of the commissioner's
17.12 rescission; and

17.13 (2) by majority vote, may set a new supervised release date or set another review date.

17.14 (p) If the commissioner revokes supervised release or parole for an inmate serving a life
17.15 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

17.16 (1) must set a release review date that occurs within one year of the commissioner's final
17.17 revocation decision; and

17.18 (2) by majority vote, may set a new supervised release date or set another review date.

17.19 (q) The board may, by a majority vote, grant a person on supervised release or parole
17.20 for a life or indeterminate sentence a final discharge from their sentence in accordance with
17.21 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
17.22 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
17.23 that term.

17.24 (r) For purposes of this subdivision:

17.25 (1) "board" means the ~~Indeterminate Sentence~~ Supervised Release Board under section
17.26 244.049;

17.27 (2) "constructive parole" means the status of an inmate who has been paroled from an
17.28 indeterminate sentence to begin serving a consecutive sentence in prison; and

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

17.30 **EFFECTIVE DATE.** The amendments to paragraph (g) of this section are effective
17.31 August 1, 2024. The remainder of this section is effective July 1, 2024, and applies to
17.32 inmates released on or after that date and retroactively to inmates eligible for early supervised

18.1 release under Minnesota Statutes, section 244.05, subdivision 4a, who had supervised release
18.2 review hearings conducted between July 1, 2023, and June 30, 2024.

18.3 Sec. 8. Minnesota Statutes 2023 Supplement, section 244.17, subdivision 3, is amended
18.4 to read:

18.5 Subd. 3. **Offenders not eligible.** (a) The following offenders are not eligible to be placed
18.6 in the challenge incarceration program:

18.7 (1) offenders who are committed to the commissioner's custody following a conviction
18.8 for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking,
18.9 arson, or any other offense involving death or intentional personal injury;

18.10 (2) offenders who were convicted within the preceding ten years of an offense described
18.11 in clause (1) and were committed to the custody of the commissioner;

18.12 (3) offenders who have been convicted or adjudicated delinquent within the past five
18.13 years for a violation of section 609.485;

18.14 (4) offenders who are committed to the commissioner's custody for an offense that
18.15 requires registration under section 243.166;

18.16 (5) offenders who are the subject of a current arrest warrant or detainer;

18.17 (6) offenders who have fewer than 180 days remaining until their supervised release
18.18 date;

18.19 (7) offenders who have had disciplinary confinement time added to their sentence or
18.20 who have been placed in segregation, unless 90 days have elapsed from the imposition of
18.21 the additional disciplinary confinement time or the last day of segregation;

18.22 (8) offenders who have received a suspended formal disciplinary sanction, unless the
18.23 suspension has expired; and

18.24 (9) offenders whose governing sentence is for an offense from another state or the United
18.25 States; and.

18.26 ~~(10) offenders who have a medical condition included on the list of ineligible conditions~~
18.27 ~~described in paragraph (b).~~

18.28 ~~(b) The commissioner of corrections shall develop a list of medical conditions that will~~
18.29 ~~disqualify an offender from participating in the challenge incarceration program. The~~
18.30 ~~commissioner shall submit the list and any changes to it to the chairs and ranking minority~~

19.1 ~~members of the senate and house committees having jurisdiction over criminal justice policy~~
19.2 ~~and funding.~~

19.3 Sec. 9. Minnesota Statutes 2023 Supplement, section 244.21, subdivision 2, is amended
19.4 to read:

19.5 Subd. 2. **Commissioner of corrections; report.** By ~~January 15~~ May 1 each year, the
19.6 commissioner must report to the chairs of the legislative committees with jurisdiction over
19.7 public safety policy and finance on ~~recommended methods of coordinating the exchange~~
19.8 ~~of~~ information collected on individuals on probation under subdivision 1:

19.9 ~~(1) between probation service providers; and~~

19.10 ~~(2) between probation service providers and the Department of Corrections.~~

19.11 Sec. 10. Minnesota Statutes 2023 Supplement, section 401.01, subdivision 2, is amended
19.12 to read:

19.13 Subd. 2. **Definitions.** (a) For purposes of this chapter, the terms defined in this subdivision
19.14 have the meanings given them.

19.15 (b) "CCA jurisdiction" means a county or Tribal Nation that participates in the
19.16 Community Corrections Act, the subsidy program under this chapter.

19.17 (c) "Commissioner" means the commissioner of corrections or a designee.

19.18 (d) "Conditional release" means:

19.19 (1) parole, supervised release, or conditional release as authorized by section 609.3455,
19.20 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota
19.21 Statutes 2004, section 609.109, subdivision 7;

19.22 (2) work release as authorized by sections 241.26, 244.065, and 631.425; and

19.23 (3) probation, furlough, and any other authorized temporary release from a correctional
19.24 facility.

19.25 (e) "Detain" means to take into actual custody, including custody within a local
19.26 correctional facility.

19.27 (f) "Joint board" means the board under section 471.59.

19.28 (g) "Local advisory board" means:

19.29 (1) for a CCA jurisdiction, a corrections advisory board as defined in section 401.08;

20.1 (2) for a non-CCA jurisdiction other than a Tribal Nation, a human services advisory
20.2 board as defined in section 402.02, or advisory committee or task force as defined in section
20.3 402.03; or

20.4 (3) for a Tribal Nation that is a non-CCA jurisdiction, a board with membership as
20.5 determined by the Tribal Nation.

20.6 ~~(g)~~ (h) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating
20.7 in the Community Corrections Act subsidy program and provides or receives probation
20.8 services according to section 244.19.

20.9 ~~(h)~~ (i) "Probation officer" means a county or Tribal probation officer under a CCA or
20.10 non-CCA jurisdiction appointed with the powers under section 244.19.

20.11 ~~(i)~~ (j) "Release" means to release from actual custody.

20.12 ~~(j)~~ (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
20.13 of the state of Minnesota.

20.14 Sec. 11. Minnesota Statutes 2023 Supplement, section 609.133, subdivision 4, is amended
20.15 to read:

20.16 Subd. 4. **Petition; contents; fee.** (a) A prosecutor's petition for sentence adjustment
20.17 shall be filed in the district court where the individual was convicted and include the
20.18 following:

20.19 (1) the full name of the individual on whose behalf the petition is being brought and, to
20.20 the extent possible, all other legal names or aliases by which the individual has been known
20.21 at any time;

20.22 (2) the individual's date of birth;

20.23 (3) the individual's address;

20.24 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
20.25 the individual;

20.26 (5) the details of the offense for which an adjustment is sought, including:

20.27 (i) the date and jurisdiction of the occurrence;

20.28 (ii) either the names of any victims or that there were no identifiable victims;

20.29 (iii) whether there is a current order for protection, restraining order, or other no contact
20.30 order prohibiting the individual from contacting the victims or whether there has ever been

21.1 a prior order for protection or restraining order prohibiting the individual from contacting
21.2 the victims;

21.3 (iv) the court file number; and

21.4 (v) the date of conviction;

21.5 (6) what steps the individual has taken since the time of the offense toward personal
21.6 rehabilitation, including treatment, work, good conduct within correctional facilities, or
21.7 other personal history that demonstrates rehabilitation;

21.8 (7) the individual's criminal conviction record indicating all convictions for
21.9 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
21.10 convictions in any other state, federal court, or foreign country, whether the convictions
21.11 occurred before or after the conviction for which an adjustment is sought;

21.12 (8) the individual's criminal charges record indicating all prior and pending criminal
21.13 charges against the individual in this state or another jurisdiction, including all criminal
21.14 charges that have been continued for dismissal, stayed for adjudication, or were the subject
21.15 of pretrial diversion; and

21.16 (9) to the extent known, all prior requests by the individual, whether for the present
21.17 offense or for any other offenses in this state or any other state or federal court, for pardon,
21.18 return of arrest records, or expungement or sealing of a criminal record, whether granted
21.19 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

21.20 (b) The filing fee for a petition brought under this section shall be waived.

21.21 (c) Notwithstanding chapter 13 or any other statute related to the classification of
21.22 government data, a supervising agent or the commissioner of corrections may provide private
21.23 or confidential data to a prosecutor for purposes of a petition for sentence adjustment.

21.24 Sec. 12. Minnesota Statutes 2022, section 611A.06, subdivision 3a, is amended to read:

21.25 Subd. 3a. **Offender location.** ~~(a) Upon the victim's written or electronic request and if~~
21.26 ~~the victim and offender have been household or family members as defined in section~~
21.27 ~~518B.01, subdivision 2, paragraph (b),~~ The commissioner of corrections or the
21.28 commissioner's designee ~~shall~~ may disclose to the victim of an offender ~~convicted of a~~
21.29 ~~qualified domestic violence-related offense as defined in section 609.02, subdivision 16,~~
21.30 notification of the city and five-digit zip code of the offender's residency upon release from
21.31 a Department of Corrections facility, unless:

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

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

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

22.6 ~~(b) All identifying information regarding the victim including, but not limited to, the~~
22.7 ~~notification provided by the commissioner or the commissioner's designee is classified as~~
22.8 ~~private data on individuals as defined in section 13.02, subdivision 12, and is accessible~~
22.9 ~~only to the victim.~~

22.10 ~~(c) This subdivision applies only where the offender is serving a prison term for a~~
22.11 ~~qualified domestic violence-related offense committed against the victim seeking notification.~~

22.12 Sec. 13. Minnesota Statutes 2023 Supplement, section 629.292, subdivision 2, is amended
22.13 to read:

22.14 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the
22.15 commissioner of corrections or other official designated by the commissioner having custody
22.16 of the prisoner, who shall forthwith:

22.17 (1) certify the term of commitment under which the prisoner is being held, the time
22.18 already served on the sentence, the time remaining to be served, the good time earned, the
22.19 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections
22.20 relating to the prisoner; and

22.21 (2) send by registered or certified mail, return receipt requested, one copy of the request
22.22 and certificate to the court and one copy to the prosecuting attorney to whom it is addressed;
22.23 and, or

22.24 ~~(3)~~ send by e-filing and e-serving the paperwork, one copy of the request to the court
22.25 and one copy to the prosecuting attorney to whom it is addressed.

22.26 Sec. 14. **RIGHT TO SUPERVISED RELEASE HEARING BEFORE SUPERVISED**
22.27 **RELEASE BOARD.**

22.28 An inmate who had a supervised release hearing conducted by the commissioner of
22.29 corrections during the period between May 19, 2023, and June 30, 2024, has the right to a
22.30 new hearing before the Supervised Release Board. The board must attempt to accommodate
22.31 any request for a hearing by an inmate under this section in a timely manner.

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

23.2 **ARTICLE 3**

23.3 **CRIMINAL PROVISIONS**

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

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

23.10 (b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt,
23.11 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,
23.12 reasonably related to engaging in complementary and alternative health care practices.
23.13 Conviction, as used in this subdivision, includes a conviction of an offense which, if
23.14 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,
23.15 without regard to its designation elsewhere, or a criminal proceeding where a finding or
23.16 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not
23.17 entered.

23.18 (c) Conviction of any crime against a person. For purposes of this chapter, a crime against
23.19 a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20;
23.20 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224;
23.21 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245;
23.22 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342;
23.23 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1 or 1b; 609.50, subdivision 1,
23.24 clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes
23.25 2012, section 609.21.

23.26 (d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision
23.27 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25.20 Sec. 2. Minnesota Statutes 2023 Supplement, section 152.023, subdivision 2, is amended
25.21 to read:

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

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

25.27 (2) on one or more occasions within a 90-day period the person unlawfully possesses
25.28 one or more mixtures of: (i) a total weight of three grams or more containing heroin; or (ii)
25.29 a total weight of five grams or more, or 25 dosage units or more, containing fentanyl;

25.30 (3) on one or more occasions within a 90-day period the person unlawfully possesses
25.31 one or more mixtures containing a narcotic drug other than heroin or fentanyl, it is packaged
25.32 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 more than a residual~~ amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine 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:

(i) more than ten kilograms of cannabis flower;

(ii) more than two kilograms of cannabis concentrate; or

(iii) edible cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those infused with more than 200 grams of tetrahydrocannabinol; or

(6) the person unlawfully possesses one or more mixtures of more than a residual amount 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 retroactively from August 1, 2023.

Sec. 3. Minnesota Statutes 2023 Supplement, section 152.025, subdivision 2, is amended to read:

Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products or a residual amount of one or more mixtures of controlled substances ~~contained in drug paraphernalia~~; or

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

27.1 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
27.2 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
27.3 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
27.4 obtaining a controlled substance.

27.5 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2023.

27.6 Sec. 4. Minnesota Statutes 2022, section 152.025, subdivision 4, is amended to read:

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

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

27.17 (c) If a peace officer encounters a person who is suspected of violating this section, the
27.18 peace officer may refer the person to a local service provider that can offer substance use
27.19 assistance to the person. Upon request at the time of initial contact, a peace officer must, if
27.20 practicable and available, provide a person suspected of violating this section with a referral
27.21 to local service providers. For purposes of this paragraph, "local service provider" includes
27.22 but is not limited to substance use disorder treatment and recovery providers, peer support
27.23 groups and systems, homeless shelters, detoxification centers, hospital systems, mental
27.24 health crisis centers, naloxone providers, syringe service providers, and harm reduction
27.25 programs.

27.26 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2023.

27.27 Sec. 5. Minnesota Statutes 2022, section 243.167, subdivision 1, is amended to read:

27.28 Subdivision 1. **Definition.** As used in this section, "crime against the person" means a
27.29 violation of any of the following or a similar law of another state or of the United States:
27.30 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
27.31 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;
27.32 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1

28.1 or 1b; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of
28.2 section 609.229; 609.377; 609.749; or 624.713.

28.3 Sec. 6. Minnesota Statutes 2022, section 609.1056, is amended by adding a subdivision
28.4 to read:

28.5 Subd. 3a. **Reporting.** (a) If the court imposes a deferred sentence under subdivision 2,
28.6 the court shall prepare a deferred sentence report containing the following information:

28.7 (1) the name of the defendant;

28.8 (2) the case number;

28.9 (3) the underlying charge or charges;

28.10 (4) the fact that proceedings have been deferred pursuant to this section;

28.11 (5) the length of the term of probation ordered by the court;

28.12 (6) the conditions of probation; and

28.13 (7) a copy of the sentencing worksheet prepared pursuant to section 609.115, if a
28.14 worksheet was prepared.

28.15 (b) If the defendant violates a condition of probation and the court enters an adjudication
28.16 of guilt as described in subdivision 2, paragraph (d), the court shall prepare a violation report
28.17 containing the following information:

28.18 (1) the name of the defendant;

28.19 (2) the case number;

28.20 (3) whether the violation was a technical violation as defined in section 244.195,
28.21 subdivision 15, or involved allegation of a subsequent criminal act; and

28.22 (4) the sentence announced by the court.

28.23 (c) The deferred sentence report prepared under paragraph (a) and any violation report
28.24 prepared under paragraph (b) must be forwarded to the Sentencing Guidelines Commission.
28.25 By January 15 of each year, the Sentencing Guidelines Commission shall provide a report
28.26 to the committees and divisions with jurisdiction over public safety finance and policy and
28.27 veterans and military affairs finance and policy that consists solely of summary data and
28.28 includes:

28.29 (1) the number of individuals who received a deferred sentence pursuant to subdivision
28.30 2 in the previous year, disaggregated by county;

29.1 (2) the number of individuals who received an adjudication of guilt as described in
29.2 subdivision 2, paragraph (d), in the previous year, disaggregated by county;

29.3 (3) for the individuals identified in clause (2), the number who committed a technical
29.4 violation of probation and the number alleged to have committed a subsequent criminal act;
29.5 and

29.6 (4) the number of proceedings dismissed pursuant to subdivision 3 in the previous year,
29.7 disaggregated by county.

29.8 (d) The report required under paragraph (c) may be submitted as a section of any other
29.9 annual report required to be submitted by the Sentencing Guidelines Commission.

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

29.12 Sec. 7. Minnesota Statutes 2023 Supplement, section 609.1095, subdivision 1, is amended
29.13 to read:

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

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

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

29.22 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
29.23 the following laws of this state or any similar laws of the United States or any other state:
29.24 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
29.25 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;
29.26 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
29.27 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1 or 1b; 609.561;
29.28 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision
29.29 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is
29.30 punishable by a felony penalty; or any provision of chapter 152 that is punishable by a
29.31 maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

30.1 Sec. 8. Minnesota Statutes 2023 Supplement, section 609.135, subdivision 2, is amended
30.2 to read:

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

30.6 (b) If the conviction is for a felony ~~described in~~ violation of, or a felony-level attempt
30.7 or conspiracy to violate, section 609.19; 609.195; 609.20; 609.2112; 609.2113, subdivision
30.8 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342; 609.343; 609.344; 609.345; 609.3451;
30.9 609.3458; or 609.749; or a felony-level attempt or conspiracy to violate section 609.185 or
30.10 609.2661, the stay shall be for not more than four years or the maximum period for which
30.11 the sentence of imprisonment might have been imposed, whichever is longer.

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

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

30.18 (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision
30.19 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision
30.20 1, in which the victim of the crime was a family or household member as defined in section
30.21 518B.01, the stay shall be for not more than two years. The court shall provide for
30.22 unsupervised probation for the second year of the stay unless the court finds that the
30.23 defendant needs supervised probation for all or part of the second year.

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

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

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

30.32 (1) the defendant has not paid court-ordered restitution in accordance with the payment
30.33 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.

(i) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (g), 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.

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

Sec. 9. Minnesota Statutes 2023 Supplement, section 609.14, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct ~~which that~~ warrants the ~~imposing~~ adjudication of guilt, or imposition or execution of sentence, the court may without notice revoke the stay and direct that the defendant be taken into immediate custody. Revocation shall only be used as a last resort when rehabilitation has failed.

(b) When it appears that the defendant violated any of the conditions of probation during the term of the stay, but the term of the stay has since expired, the defendant's probation officer or the prosecutor may ask the court to initiate probation revocation proceedings under the Rules of Criminal Procedure at any time within six months after the expiration of the stay. The court also may initiate proceedings under these circumstances on its own motion. If proceedings are initiated within this six-month period, the court may conduct a revocation hearing and take any action authorized under rule 27.04 at any time during or after the six-month period.

(c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after proceedings to revoke the stay have been initiated by a court order revoking the stay and directing either that the defendant be taken into custody or that a summons be issued in accordance with paragraph (a), the proceedings to revoke the stay may be concluded and the summary hearing provided by subdivision 2 may be conducted after the expiration of the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke the stay shall not be dismissed on the basis that the summary hearing is conducted after the term of the stay or after the six-month period. The ability or inability to locate or apprehend the defendant prior to the expiration of the stay or during or after the six-month period shall not preclude the court from conducting the summary hearing unless the defendant demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Sec. 10. Minnesota Statutes 2022, section 609.14, subdivision 2, is amended to read:

Subd. 2. **Notification of grounds for revocation.** The defendant shall thereupon be notified in writing and in such manner as the court directs of the grounds alleged to exist for revocation of the stay ~~of imposition or execution of sentence~~. If such grounds are brought in issue by the defendant, a summary hearing shall be held thereon at which the defendant is entitled to be heard and to be represented by counsel.

Sec. 11. Minnesota Statutes 2022, section 609.14, subdivision 3, is amended to read:

Subd. 3. **Sentence.** If any of such grounds are found to exist the court may:

(1) if imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation or order intermediate sanctions pursuant to section 609.135, or impose sentence and order execution thereof; ~~or~~

(2) if sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation or order intermediate sanctions in accordance with the provisions of section 609.135, or order execution of the sentence previously imposed; or

(3) if adjudication was stayed or prosecution was deferred, continue the stay without intermediate sanctions, continue it with intermediate sanctions, or adjudicate guilt and proceed as otherwise provided, including, in the event of a felony conviction, as provided in section 244.10.

33.1 Sec. 12. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
33.2 read:

33.3 Subd. 5. **Definition.** For the purposes of this section, "stay" means a stay of adjudication,
33.4 a stay of imposition, a stay of execution, or a deferred prosecution.

33.5 Sec. 13. Minnesota Statutes 2022, section 609.324, subdivision 1, is amended to read:

33.6 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**
33.7 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be
33.8 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more
33.9 than \$40,000, or both:

33.10 (1) engages in prostitution with an individual under the age of 14 years;

33.11 (2) hires or offers or agrees to hire an individual under the age of 14 years to engage in
33.12 sexual penetration or sexual contact; or

33.13 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
33.14 be under the age of 14 years to engage in sexual penetration or sexual contact.

33.15 (b) Whoever intentionally does any of the following may be sentenced to imprisonment
33.16 for not more than ten years or to payment of a fine of not more than \$20,000, or both:

33.17 (1) engages in prostitution with an individual under the age of 16 years but at least 14
33.18 years;

33.19 (2) hires or offers or agrees to hire an individual under the age of 16 years but at least
33.20 14 years to engage in sexual penetration or sexual contact; or

33.21 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to
33.22 be under the age of 16 years but at least ~~13~~ 14 years to engage in sexual penetration or sexual
33.23 contact.

33.24 (c) Whoever intentionally does any of the following may be sentenced to imprisonment
33.25 for not more than five years or to payment of a fine of not more than \$10,000, or both:

33.26 (1) engages in prostitution with an individual under the age of 18 years but at least 16
33.27 years;

33.28 (2) hires or offers or agrees to hire an individual under the age of 18 years but at least
33.29 16 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

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

Sec. 14. **[609.84] SALE OF CALCIFIED HUMAN REMAINS.**

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

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

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

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

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

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

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

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

(2) to a law enforcement agency, search and rescue unit, or local organization for emergency management to conduct search and rescue training or to train dogs to locate dead human bodies; or

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

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

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

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

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

ARTICLE 4

PUBLIC SAFETY PROVISIONS

Section 1. Minnesota Statutes 2022, section 169A.03, is amended by adding a subdivision to read:

Subd. 23a. **Search warrant.** As used in this section, "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. 2. Minnesota Statutes 2022, 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. 3. Minnesota Statutes 2023 Supplement, 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; an intoxicating substance; or cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, or tetrahydrocannabinols 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 cannabis flower, a cannabis product, a lower-potency hemp edible, a hemp-derived consumer product, artificially derived cannabinoids, 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. 4. Minnesota Statutes 2022, 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 2022, 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

37.1 upon probable cause of a violation of section 169A.20, the peace officer acting under sections
37.2 626.13 to 626.17 shall certify to the commissioner of public safety:

37.3 (1) when a person refuses to comply with the execution of the search warrant; or

37.4 (2) if a person submits to the test and the test results indicate:

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

37.6 (ii) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in
37.7 physical control of a commercial motor vehicle at the time of the violation; or

37.8 (iii) the presence of a controlled substance listed in Schedule I or II or its metabolite,
37.9 other than marijuana or tetrahydrocannabinols.

37.10 Sec. 6. Minnesota Statutes 2022, section 171.177, subdivision 4, is amended to read:

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

37.18 (1) for a person with no qualified prior impaired driving incidents within the past ten
37.19 years, for a period of not less than one year;

37.20 (2) for a person under the age of 21 years and with no qualified prior impaired driving
37.21 incidents within the past ten years, for a period of not less than one year;

37.22 (3) for a person with one qualified prior impaired driving incident within the past ten
37.23 years or two qualified prior impaired driving incidents, for a period of not less than two
37.24 years;

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

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

37.30 (6) for a person with four or more qualified prior impaired driving incidents, for a period
37.31 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 2022, 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 2022, 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

(3) send the notification of this action to the commissioner along with the certificate required by subdivision 4 or 5.

Sec. 9. Minnesota Statutes 2022, 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?

(9) 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?

(10) 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?

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

(12) Did the person prove the defense of necessity?

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

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

(d) 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.

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

(f) 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.

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

(h) 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 2022, section 243.05, subdivision 1b, is amended to read:

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

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

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

42.9 Sec. 11. Minnesota Statutes 2022, section 243.166, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12. Minnesota Statutes 2023 Supplement, section 243.166, subdivision 1b, is amended to read:

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

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

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

(ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to an offense or involving similar circumstances to an offense described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

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

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

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

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for

the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.

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

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

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

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

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

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

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

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

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

Sec. 13. Minnesota Statutes 2022, section 243.166, subdivision 3, is amended to read:

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

(b) Except as provided in subdivision 3a, at least five days before the person starts living at a new primary address, including living in another state, the person shall give written notice of the new primary address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. A person required to register under this section shall also give written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction in the area of the person's primary address that the person is no longer living or staying at an address, immediately after the person is no longer living or staying at that address. The written notice required by this paragraph must be provided in person. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau. The bureau shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau shall notify the registration authority in the new state of the new address. The person's registration requirements under this section are suspended after the person begins living in the new state and the bureau has confirmed the address in the other state through the annual verification process on at least one occasion. The bureau may also attempt to confirm the person's address in the other state by the following methods:

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

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

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

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

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

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

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

Sec. 14. Minnesota Statutes 2022, section 243.166, is amended by adding a subdivision to read:

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

Sec. 15. Minnesota Statutes 2022, section 243.166, subdivision 6, is amended to read:

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to

register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18, Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period does not include the period of commitment.

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

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

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

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state or a federal offense similar to an offense described in subdivision 1b;

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

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or (h); 609.343, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or (h); 609.344, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or 609.345, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or

49.1 a statute from another state or the United States similar to the offenses described in this
49.2 clause; or

49.3 (4) if the person is required to register under subdivision 1b, paragraph (c), following
49.4 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
49.5 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
49.6 another state or the United States.

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

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

49.14 Sec. 16. Minnesota Statutes 2022, section 244.052, subdivision 3, is amended to read:

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

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

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

49.24 (2) a law enforcement officer;

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

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

49.27 (5) a victim's services professional.

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

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

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

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

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

(4) private criminal history data under section 13.87.

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

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

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

(iii) If the offender is subject to a mandatory life sentence under section 609.3455, subdivision 3 or 4, the commissioner of corrections shall convene the appropriate

51.1 end-of-confinement review committee at least nine months before the offender's minimum
51.2 term of imprisonment has been served. If the offender is received for confinement in a
51.3 facility with less than nine months remaining before the offender's minimum term of
51.4 imprisonment has been served, the committee shall conform its procedures to those outlined
51.5 in item (ii) to the extent practicable.

51.6 (iv) If the offender is granted supervised release, the commissioner of corrections shall
51.7 notify the appropriate end-of-confinement review committee that it needs to review the
51.8 offender's previously determined risk level at its next regularly scheduled meeting. The
51.9 commissioner shall make reasonable efforts to ensure that the offender's earlier risk level
51.10 determination is reviewed and the risk level is confirmed or reassigned at least 60 days
51.11 before the offender's release date. The committee shall give the report to the offender and
51.12 to the law enforcement agency, and the commissioner shall provide notice of the risk level
51.13 assignment to the victim, if requested, at least 60 days before an offender is released from
51.14 confinement.

51.15 (e) The committee shall assign to risk level I a predatory offender whose risk assessment
51.16 score indicates a low risk of reoffense. The committee shall assign to risk level II an offender
51.17 whose risk assessment score indicates a moderate risk of reoffense. The committee shall
51.18 assign to risk level III an offender whose risk assessment score indicates a high risk of
51.19 reoffense.

51.20 (f) Before the predatory offender is released from confinement, the committee shall
51.21 prepare a risk assessment report which specifies the risk level to which the offender has
51.22 been assigned and the reasons underlying the committee's risk assessment decision. Except
51.23 for an offender subject to a mandatory life sentence under section 609.3455, subdivision 3
51.24 or 4, who has not been granted supervised release, the committee shall give the report to
51.25 the offender and to the law enforcement agency, and the commissioner shall provide notice
51.26 of the risk level assignment to the victim, if requested, at least 60 days before an offender
51.27 is released from confinement. If the offender is subject to a mandatory life sentence and
51.28 has not yet served the entire minimum term of imprisonment, the committee shall give the
51.29 report to the offender and to the commissioner at least six months before the offender is
51.30 first eligible for release. If the risk assessment is performed under the circumstances described
51.31 in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement
51.32 agency as soon as it is available. The committee also shall inform the offender of the
51.33 availability of review under subdivision 6.

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

- 52.1 (1) the seriousness of the offense should the offender reoffend. This factor includes
52.2 consideration of the following:
- 52.3 (i) the degree of likely force or harm;
- 52.4 (ii) the degree of likely physical contact; and
- 52.5 (iii) the age of the likely victim;
- 52.6 (2) the offender's prior offense history. This factor includes consideration of the following:
- 52.7 (i) the relationship of prior victims to the offender;
- 52.8 (ii) the number of prior offenses or victims;
- 52.9 (iii) the duration of the offender's prior offense history;
- 52.10 (iv) the length of time since the offender's last prior offense while the offender was at
52.11 risk to commit offenses; and
- 52.12 (v) the offender's prior history of other antisocial acts;
- 52.13 (3) the offender's characteristics. This factor includes consideration of the following:
- 52.14 (i) the offender's response to prior treatment efforts; and
- 52.15 (ii) the offender's history of substance abuse;
- 52.16 (4) the availability of community supports to the offender. This factor includes
52.17 consideration of the following:
- 52.18 (i) the availability and likelihood that the offender will be involved in therapeutic
52.19 treatment;
- 52.20 (ii) the availability of residential supports to the offender, such as a stable and supervised
52.21 living arrangement in an appropriate location;
- 52.22 (iii) the offender's familial and social relationships, including the nature and length of
52.23 these relationships and the level of support that the offender may receive from these persons;
52.24 and
- 52.25 (iv) the offender's lack of education or employment stability;
- 52.26 (5) whether the offender has indicated or credible evidence in the record indicates that
52.27 the offender will reoffend if released into the community; and
- 52.28 (6) whether the offender demonstrates a physical condition that minimizes the risk of
52.29 reoffense, including but not limited to, advanced age or a debilitating illness or physical
52.30 condition.

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

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

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

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

Sec. 17. Minnesota Statutes 2022, section 253B.18, subdivision 5a, is amended to read:

Subd. 5a. Victim notification of petition and release; right to submit statement. (a) As used in this subdivision:

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

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

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

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

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

promptly forward the request to the executive director of the treatment facility in which the individual is confined.

(d) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a state-operated treatment program or treatment facility, the head of the state-operated treatment program or head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. These notices shall only be provided to victims who have submitted a written request for notification as provided in paragraph (c).

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

Sec. 18. Minnesota Statutes 2022, section 253D.14, subdivision 1, is amended to read:

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

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

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

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

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

56.3 Sec. 19. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

56.4 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not
56.5 inimical to public safety and when the child has admitted the allegations contained in the
56.6 petition before the judge or referee, or when a hearing has been held as provided for in
56.7 section 260B.163 and the allegations contained in the petition have been duly proven but,
56.8 in either case, before a finding of delinquency has been entered, the court may continue the
56.9 case for a period not to exceed 180 days on any one order. Except as otherwise provided in
56.10 paragraph (c), the continuance may be extended for one additional successive period not to
56.11 exceed 180 days, but only with the consent of the prosecutor and only after the court has
56.12 reviewed the case and entered its order for the additional continuance without a finding of
56.13 delinquency. During a continuance the court may enter an order in accordance with the
56.14 provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention
56.15 for a period not to exceed 15 days on any one order for the purpose of completing any
56.16 consideration, or any investigation or examination ordered in accordance with the provisions
56.17 of section 260B.157.

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

56.21 (c) A continuance granted under paragraph (a) for a violation of section 609.342; 609.343;
56.22 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23 or another offense
56.23 arising out of a delinquency petition based on one or more of those sections that would
56.24 require the child to register as a predatory offender under section 243.166, may be extended
56.25 for additional successive periods not to exceed a total of 24 months so the offender can
56.26 receive sex offender treatment, but only with the consent of the prosecutor and only after
56.27 the court has reviewed the case and entered its order for the additional continuance without
56.28 a finding of delinquency.

56.29 Sec. 20. Minnesota Statutes 2023 Supplement, section 325E.21, subdivision 1b, is amended
56.30 to read:

56.31 Subd. 1b. **Purchase or acquisition record required.** (a) Every scrap metal dealer,
56.32 including an agent, employee, or representative of the dealer, shall create a ~~permanent~~ record

written in English, using an electronic record program at the time of each purchase or acquisition of scrap metal or a motor vehicle. The record must include:

(1) a complete and accurate account or description, including the weight if customarily purchased by weight, of the scrap metal or motor vehicle purchased or acquired;

(2) the date, time, and place of the receipt of the scrap metal or motor vehicle purchased or acquired and a unique transaction identifier;

(3) a photocopy or electronic scan of the seller's proof of identification including the identification number;

(4) the amount paid and the number of the check or electronic transfer used to purchase or acquire the scrap metal or motor vehicle;

(5) the license plate number and description of the vehicle used by the person when delivering the scrap metal or motor vehicle, including the vehicle make and model, and any identifying marks on the vehicle, such as a business name, decals, or markings, if applicable;

(6) a statement signed by the seller, under penalty of perjury as provided in section 609.48, attesting that the scrap metal or motor vehicle is not stolen and is free of any liens or encumbrances and the seller has the right to sell it;

(7) a copy of the receipt, which must include at least the following information: the name and address of the dealer, the date and time the scrap metal or motor vehicle was received by the dealer, an accurate description of the scrap metal or motor vehicle, and the amount paid for the scrap metal or motor vehicle; and

~~(8) in order to purchase or acquire a detached catalytic converter, the vehicle identification number of the car it was removed from or, as an alternative, any numbers, bar codes, stickers, or other unique markings, whether resulting from the pilot project created under subdivision 2b or some other source. The alternative number must be under a numbering system that can be immediately linked to the vehicle identification number by law enforcement; and~~

~~(9)~~ (8) the identity or identifier of the employee completing the transaction.

(b) The record, as well as the scrap metal or motor vehicle purchased or acquired, shall at all reasonable times be open to the inspection of any properly identified law enforcement officer.

(c) Except for the purchase or acquisition of detached catalytic converters or motor vehicles, no record is required for property purchased or acquired from merchants, manufacturers, salvage pools, insurance companies, rental car companies, financial

institutions, charities, dealers licensed under section 168.27, or wholesale dealers, having an established place of business, or of any goods purchased or acquired at open sale from any bankrupt stock, but a receipt as required under paragraph (a), clause (7), shall be obtained and kept by the person, which must be shown upon demand to any properly identified law enforcement officer.

(d) The dealer must provide a copy of the receipt required under paragraph (a), clause (7), to the seller in every transaction.

(e) The commissioner of public safety and law enforcement agencies in the jurisdiction where a dealer is located may conduct inspections and audits as necessary to ensure compliance, refer violations to the city or county attorney for criminal prosecution, and notify the registrar of motor vehicles.

(f) Except as otherwise provided in this section, a scrap metal dealer or the dealer's agent, employee, or representative may not disclose personal information concerning a customer without the customer's consent unless the disclosure is required by law or made in response to a request from a law enforcement agency. A scrap metal dealer must implement reasonable safeguards to protect the security of the personal information and prevent unauthorized access to or disclosure of the information. For purposes of this paragraph, "personal information" is any individually identifiable information gathered in connection with a record under paragraph (a).

Sec. 21. Minnesota Statutes 2023 Supplement, section 325E.21, subdivision 11, is amended to read:

Subd. 11. **Prohibition on possessing catalytic converters; exception.** (a) It is unlawful for a person to possess a used catalytic converter that is not attached to a motor vehicle except when:

(1) the converter is marked with the date the converter was removed from the vehicle and the identification number of the vehicle from which the converter was removed or ~~an alternative number to the vehicle identification number~~, as an alternative to the vehicle identification number, any numbers, bar codes, stickers, or other unique markings, whether resulting from the pilot project created under subdivision 2b or some other source; or

(2) the converter has been EPA certified for reuse as a replacement part.

(b) If an alternative number to the vehicle identification number is used, it must be under a numbering system that can be immediately linked to the vehicle identification number by law enforcement. The marking of the vehicle identification or alternative number may be

made in any permanent manner, including but not limited to an engraving or use of permanent ink. The marking must clearly and legibly indicate the date removed and the vehicle identification number or the alternative number and the method by which law enforcement can link the converter to the vehicle identification number.

Sec. 22. Minnesota Statutes 2023 Supplement, section 609.35, is amended to read:

609.35 COSTS OF MEDICAL EXAMINATION.

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

(b) Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private. The hospital or other licensed health care provider performing the examination 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 hospital or other licensed health care provider shall inform the victim that if the victim does not authorize this, the state 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.

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

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

Sec. 23. Minnesota Statutes 2023 Supplement, section 611A.039, subdivision 1, is amended to read:

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

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

(2) the location where the review will occur;

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

and

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

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

(c) As used in this section:

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

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

Sec. 24. Minnesota Statutes 2022, section 611A.06, is amended by adding a subdivision to read:

Subd. 2a. **Notice of end-of-confinement review committee process and opportunity to provide input.** If an individual scheduled to be released from imprisonment is subject to an end-of-confinement review under section 244.052, the commissioner of corrections shall make a good faith effort to notify the victim of the end-of-confinement review process

61.1 and that the victim has a right to submit written input for consideration at the
61.2 end-of-confinement review hearing. The victim has a continuing right to submit input if the
61.3 end-of-confinement review committee receives a request to reassess the individual's assigned
61.4 risk level. These notices shall only be provided to victims who have submitted a written
61.5 request for this notice to the commissioner of corrections or an electronic request through
61.6 the Department of Corrections electronic victim notification system. The good faith effort
61.7 to notify the victim must occur before the offender's end-of-confinement review hearing
61.8 and provide sufficient time for the input to be considered in the end-of-confinement
61.9 determination.

61.10 Sec. 25. Minnesota Statutes 2022, section 611A.212, subdivision 1, is amended to read:

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

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

61.16 Sec. 26. Minnesota Statutes 2023 Supplement, section 611A.52, subdivision 5, is amended
61.17 to read:

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

61.21 (1) the offender;

61.22 (2) the government of the United States or any agency thereof, a state or any of its
61.23 political subdivisions, or an instrumentality of two or more states, unless the law providing
61.24 for the benefits or advantages makes them excess or secondary to benefits under sections
61.25 611A.51 to 611A.68;

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

61.27 (4) state required temporary nonoccupational disability insurance;

61.28 (5) workers' compensation;

61.29 (6) wage continuation programs of any employer;

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

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

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

62.4 ~~(10)~~ (9) proceeds of a lawsuit brought as a result of the crime.

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

62.7 Sec. 27. Minnesota Statutes 2022, section 611A.73, subdivision 4, is amended to read:

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

62.11 Sec. 28. Minnesota Statutes 2022, section 629.72, subdivision 1, is amended to read:

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

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

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

62.16 (d) "Violation of a domestic abuse no contact order" has the meaning given in section
62.17 629.75.

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

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

62.21 Sec. 29. Minnesota Statutes 2022, section 629.72, subdivision 7, is amended to read:

62.22 Subd. 7. **Notice to victim regarding bail hearing.** (a) When a person arrested for or a
62.23 juvenile detained for domestic assault or harassing or stalking is scheduled to be reviewed
62.24 under subdivision 2 for release from pretrial detention, the court shall make a reasonable
62.25 good faith effort to notify:

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

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

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

62.29 (b) The notification must include:

- 63.1 (1) the date and approximate time of the review;
- 63.2 (2) the location where the review will occur;
- 63.3 (3) the name and telephone number of a person that can be contacted for additional
- 63.4 information; and
- 63.5 (4) a statement that the victim ~~and the victim's family~~ may attend the review.

63.6 Sec. 30. Minnesota Statutes 2022, section 629.725, is amended to read:

63.7 **629.725 NOTICE TO VICTIM REGARDING BAIL HEARING OF ARRESTED**

63.8 **OR DETAINED PERSON.**

63.9 (a) When a person arrested or a juvenile detained for a crime of violence or an attempted

63.10 crime of violence is scheduled to be reviewed under section 629.715 for release from pretrial

63.11 detention, the court shall make a reasonable and good faith effort to notify the victim of the

63.12 alleged crime. ~~If the victim is incapacitated or deceased, notice must be given to the victim's~~

63.13 ~~family. If the victim is a minor, notice must be given to the victim's parent or guardian.~~ The

63.14 notification must include:

- 63.15 (1) the date and approximate time of the review;
- 63.16 (2) the location where the review will occur;
- 63.17 (3) the name and telephone number of a person that can be contacted for additional
- 63.18 information; and
- 63.19 (4) a statement that the victim and the victim's family may attend the review.

63.20 (b) As used in this section;

63.21 (1) "crime of violence" has the meaning given it in section 624.712, subdivision 5, and

63.22 also includes:

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

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

63.25 ~~(3)~~ (iii) nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and

63.26 609.749; and

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

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

Sec. 31. Minnesota Statutes 2022, section 629.73, subdivision 1, is amended to read:

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

(1) the conditions of release, if any;

(2) the time of release;

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

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

Sec. 32. Minnesota Statutes 2022, section 629.73, is amended by adding a subdivision to read:

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

Sec. 33. **GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA TRIBE; COAST GUARD SERVICES; GRANT PURPOSES EXPANSION.**

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

ARTICLE 5

MISCELLANEOUS CRIMINAL JUSTICE PROVISIONS

Section 1. Minnesota Statutes 2022, section 13.02, subdivision 3a, is amended to read:

Subd. 3a. **Criminal justice agencies.** "Criminal justice agencies" means all state and local prosecution authorities, all state and local law enforcement agencies, the Sentencing Guidelines Commission, the Bureau of Criminal Apprehension, the Department of

65.1 Corrections, the Minnesota National Guard, and all probation officers who are not part of
65.2 the judiciary.

65.3 Sec. 2. Minnesota Statutes 2022, section 260B.007, subdivision 6, is amended to read:

65.4 Subd. 6. **Delinquent child.** (a) Except as otherwise provided in paragraphs (b), ~~and~~ (c),
65.5 and (d), "delinquent child" means a child:

65.6 (1) who has violated any state or local law, except as provided in section 260B.225,
65.7 subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

65.8 (2) who has violated a federal law or a law of another state and whose case has been
65.9 referred to the juvenile court if the violation would be an act of delinquency if committed
65.10 in this state or a crime or offense if committed by an adult;

65.11 (3) who has escaped from confinement to a state juvenile correctional facility after being
65.12 committed to the custody of the commissioner of corrections; or

65.13 (4) who has escaped from confinement to a local juvenile correctional facility after being
65.14 committed to the facility by the court.

65.15 (b) The term delinquent child does not include a child alleged to have committed murder
65.16 in the first degree after becoming 16 years of age, but the term delinquent child does include
65.17 a child alleged to have committed attempted murder in the first degree.

65.18 (c) The term delinquent child does not include a child alleged to have engaged in conduct
65.19 which would, if committed by an adult, violate any federal, state, or local law relating to
65.20 being hired, offering to be hired, or agreeing to be hired by another individual to engage in
65.21 sexual penetration or sexual conduct.

65.22 (d) Effective August 1, 2026, and applied to acts committed on or after that date, the
65.23 term delinquent child does not include a child alleged to have committed a delinquent act
65.24 before becoming 13 years old.

65.25 Sec. 3. Minnesota Statutes 2022, section 260B.007, subdivision 16, is amended to read:

65.26 Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense"
65.27 includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of
65.28 section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct
65.29 by a child under the age of 18 years which would be lawful conduct if committed by an
65.30 adult.

(b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes an offense that would be a misdemeanor if committed by an adult.

(c) "Juvenile petty offense" does not include any of the following:

(1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242, 609.324, subdivision 2 or 3, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or 617.23;

(2) a major traffic offense or an adult court traffic offense, as described in section 260B.225;

(3) a misdemeanor-level offense committed by a child whom the juvenile court previously has found to have committed a misdemeanor, gross misdemeanor, or felony offense; or

(4) a misdemeanor-level offense committed by a child whom the juvenile court has found to have committed a misdemeanor-level juvenile petty offense on two or more prior occasions, unless the county attorney designates the child on the petition as a juvenile petty offender notwithstanding this prior record. As used in this clause, "misdemeanor-level juvenile petty offense" includes a misdemeanor-level offense that would have been a juvenile petty offense if it had been committed on or after July 1, 1995.

(d) A child who commits a juvenile petty offense is a "juvenile petty offender." The term juvenile petty offender does not include a child alleged to have violated any law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct which, if committed by an adult, would be a misdemeanor.

(e) Effective August 1, 2026, and applied to acts committed on or after that date, notwithstanding any contrary provision in paragraphs (a) to (d), a juvenile petty offender does not include a child who is alleged to have committed a juvenile petty offense before reaching the age of 13 years.

Sec. 4. Minnesota Statutes 2022, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03, subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or

67.1 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
67.2 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
67.3 defined in subdivision 15;

67.4 (3) is without necessary food, clothing, shelter, education, or other required care for the
67.5 child's physical or mental health or morals because the child's parent, guardian, or custodian
67.6 is unable or unwilling to provide that care;

67.7 (4) is without the special care made necessary by a physical, mental, or emotional
67.8 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
67.9 that care;

67.10 (5) is medically neglected, which includes, but is not limited to, the withholding of
67.11 medically indicated treatment from an infant with a disability with a life-threatening
67.12 condition. The term "withholding of medically indicated treatment" means the failure to
67.13 respond to the infant's life-threatening conditions by providing treatment, including
67.14 appropriate nutrition, hydration, and medication which, in the treating physician's, advanced
67.15 practice registered nurse's, or physician assistant's reasonable medical judgment, will be
67.16 most likely to be effective in ameliorating or correcting all conditions, except that the term
67.17 does not include the failure to provide treatment other than appropriate nutrition, hydration,
67.18 or medication to an infant when, in the treating physician's, advanced practice registered
67.19 nurse's, or physician assistant's reasonable medical judgment:

67.20 (i) the infant is chronically and irreversibly comatose;

67.21 (ii) the provision of the treatment would merely prolong dying, not be effective in
67.22 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
67.23 futile in terms of the survival of the infant; or

67.24 (iii) the provision of the treatment would be virtually futile in terms of the survival of
67.25 the infant and the treatment itself under the circumstances would be inhumane;

67.26 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
67.27 of the child's care and custody, including a child who entered foster care under a voluntary
67.28 placement agreement between the parent and the responsible social services agency under
67.29 section 260C.227;

67.30 (7) has been placed for adoption or care in violation of law;

67.31 (8) is without proper parental care because of the emotional, mental, or physical disability,
67.32 or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;

(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;

(11) is a sexually exploited youth;

(12) has committed a delinquent act or a juvenile petty offense before becoming ten years old. This clause expires July 31, 2026;

(13) is a runaway;

(14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; ~~or~~

(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.503, subdivision 2, is not in the best interests of the child; or

(17) effective August 1, 2026, has committed a delinquent act or a juvenile petty offense before becoming 13 years old.

Sec. 5. Minnesota Statutes 2022, section 590.01, subdivision 4, is amended to read:

Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than two years after the later of:

(1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

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

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

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

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

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

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

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

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

(d) Notwithstanding paragraph (a), (b), or (c), a court may hear a petition for postconviction relief regardless of when it is filed if the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice.

Sec. 6. Minnesota Statutes 2022, section 590.03, is amended to read:

590.03 PLEADINGS AND PRACTICE AFTER FILING A POSTCONVICTION PETITION.

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

Sec. 7. Minnesota Statutes 2022, section 604A.05, subdivision 1, is amended to read:

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

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

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

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

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

Sec. 8. Minnesota Statutes 2023 Supplement, section 609A.015, subdivision 3, as amended by Laws 2024, chapter 80, article 8, section 63, is amended to read:

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

(1) was convicted of a qualifying offense;

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

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

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

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

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

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

71.7 (2) any misdemeanor offense other than:

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

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

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

71.12 (iv) section 609.2242 (domestic assault);

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

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

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

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

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

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

71.19 (3) any gross misdemeanor offense other than:

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

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

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

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

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

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

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

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

- 72.1 ~~(viii)~~ (ix) section 609.233 (criminal neglect);
- 72.2 ~~(ix)~~ (x) section 609.3451 (criminal sexual conduct in the fifth degree);
- 72.3 ~~(x)~~ (xi) section 609.377 (malicious punishment of child);
- 72.4 ~~(xi)~~ (xii) section 609.485 (escape from custody);
- 72.5 ~~(xii)~~ (xiii) section 609.498 (tampering with witness);
- 72.6 ~~(xiii)~~ (xiv) section 609.582, subdivision 4 (burglary in the fourth degree);
- 72.7 ~~(xiv)~~ (xv) section 609.746 (interference with privacy);
- 72.8 ~~(xv)~~ (xvi) section 609.748 (violation of a harassment restraining order);
- 72.9 ~~(xvi)~~ (xvii) section 609.749 (harassment; stalking);
- 72.10 ~~(xvii)~~ (xviii) section 609.78 (interference with emergency call);
- 72.11 ~~(xviii)~~ (xix) section 617.23 (indecent exposure);
- 72.12 ~~(xix)~~ (xx) section 617.261 (nonconsensual dissemination of private sexual images); or
- 72.13 ~~(xx)~~ (xxi) section 629.75 (violation of domestic abuse no contact order); or
- 72.14 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 72.15 than:
- 72.16 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 72.17 degree);
- 72.18 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
- 72.19 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 72.20 commitment for mental illness); ~~or~~
- 72.21 (iv) section 609.582, subdivision 3, paragraph (a) (burglary in the third degree; other
- 72.22 than trespass); or
- 72.23 (v) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
- 72.24 subsequent violation or minor victim).
- 72.25 (c) As used in this subdivision, "applicable waiting period" means:
- 72.26 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;
- 72.27 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
- 72.28 crime;

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

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

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

73.7 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
73.8 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
73.9 misdemeanor offenses ineligible for a grant of expungement under this section remain
73.10 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

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

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

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

73.17 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
73.18 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
73.19 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

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

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

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

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

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

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

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

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

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

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

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

(1) section 35.824 (altering livestock certificate);

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

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

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

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

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

- 75.1 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 75.2 (8) section 256.984 (false declaration in assistance application);
- 75.3 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 75.4 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 75.5 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 75.6 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
- 75.7 and solicitations);
- 75.8 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 75.9 (14) section 349.2127; or 349.22 (gambling regulations);
- 75.10 (15) section 588.20 (contempt);
- 75.11 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 75.12 (17) section 609.31 (leaving state to evade establishment of paternity);
- 75.13 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 75.14 commitment for mental illness);
- 75.15 (19) section 609.49 (failure to appear in court);
- 75.16 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
- 75.17 subdivision 3, clause (3)(a) (theft of \$5,000 or less) or 609.52, subdivision 3a, clause (1)
- 75.18 (theft of \$1,000 or less with risk of bodily harm); or any other offense sentenced pursuant
- 75.19 to section 609.52, subdivision 3, clause (3)(a);
- 75.20 (21) section 609.521 (possession of shoplifting gear);
- 75.21 (22) section 609.525 (bringing stolen goods into state);
- 75.22 (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 75.23 (24) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);
- 75.24 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or
- 75.25 609.529 (mail theft);
- 75.26 (25) section 609.53 (receiving stolen goods);
- 75.27 (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over
- 75.28 \$500);
- 75.29 (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);

- 76.1 (28) section 609.551 (rustling and livestock theft);
- 76.2 (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 76.3 (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 76.4 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 76.5 (32) section 609.59 (possession of burglary or theft tools);
- 76.6 (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
- 76.7 (a) (criminal damage to property);
- 76.8 (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 76.9 (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
- 76.10 clause (3)(a) (check forgery and offering forged check, \$2,500 or less); 609.635 (obtaining
- 76.11 signature by false pretense); 609.64 (recording, filing forged instrument); or 609.645
- 76.12 (fraudulent statements);
- 76.13 (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 76.14 4, paragraph (a) (lottery fraud);
- 76.15 (37) section 609.652 (fraudulent driver's license and identification card);
- 76.16 (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
- 76.17 609.66, subdivision 1b (furnishing firearm to minor);
- 76.18 (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 76.19 (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 76.20 (41) section 609.746, subdivision 1, paragraph (g) (interference with privacy; subsequent
- 76.21 violation or minor victim);
- 76.22 (42) section 609.80, subdivision 2 (interference with cable communications system);
- 76.23 (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 76.24 (44) section 609.822 (residential mortgage fraud);
- 76.25 (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 76.26 (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
- 76.27 operator);
- 76.28 (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 76.29 (48) section 609.893, subdivision 2 (telecommunications and information services fraud);

77.1 (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

77.2 (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
77.3 property);

77.4 (51) section 609.896 (movie pirating);

77.5 (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,
77.6 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2
77.7 (transfer of pistol to ineligible person); or

77.8 (53) section 624.7181 (rifle or shotgun in public by minor).

77.9 Sec. 10. Minnesota Statutes 2023 Supplement, section 611.55, subdivision 1, is amended
77.10 to read:

77.11 Subdivision 1. **Definition.** As used in this section, "board" means the ~~State~~ Minnesota
77.12 Competency Attainment Board established in section 611.56.

77.13 Sec. 11. Minnesota Statutes 2023 Supplement, section 611.56, subdivision 1, is amended
77.14 to read:

77.15 Subdivision 1. **Establishment; membership.** (a) The ~~State~~ Minnesota Competency
77.16 Attainment Board is established in the judicial branch. The board is not subject to the
77.17 administrative control of the judiciary. The board shall consist of seven members, including:

77.18 (1) three members appointed by the supreme court, at least one of whom must be a
77.19 defense attorney, one a county attorney, and one public member; and

77.20 (2) four members appointed by the governor, at least one of whom must be a mental
77.21 health professional with experience in competency attainment.

77.22 (b) The appointing authorities may not appoint an active judge to be a member of the
77.23 board, but may appoint a retired judge.

77.24 (c) All members must demonstrate an interest in maintaining a high quality, independent
77.25 forensic navigator program and a thorough process for certification of competency attainment
77.26 programs. Members shall be familiar with the Minnesota Rules of Criminal Procedure,
77.27 particularly rule 20; chapter 253B; and sections 611.40 to 611.59. Following the initial
77.28 terms of appointment, at least one member appointed by the supreme court must have
77.29 previous experience working as a forensic navigator. At least three members of the board
77.30 shall live outside the First, Second, Fourth, and Tenth Judicial Districts. The terms,

78.1 compensation, and removal of members shall be as provided in section 15.0575. The members
78.2 shall elect the chair from among the membership for a term of two years.

78.3 Sec. 12. Minnesota Statutes 2023 Supplement, section 611.56, subdivision 6, is amended
78.4 to read:

78.5 Subd. 6. **Fees and costs; civil actions on contested case.** Sections 15.039 and 15.471
78.6 to 15.474 apply to the ~~State~~ Minnesota Competency Attainment Board.

78.7 Sec. 13. Minnesota Statutes 2023 Supplement, section 611.57, subdivision 1, is amended
78.8 to read:

78.9 Subdivision 1. **Establishment.** The Certification Advisory Committee is established to
78.10 provide the ~~State~~ Minnesota Competency Attainment Board with advice and expertise
78.11 related to the certification of competency attainment programs, including jail-based programs.

78.12 Sec. 14. Minnesota Statutes 2023 Supplement, section 611.57, subdivision 4, is amended
78.13 to read:

78.14 Subd. 4. **Duties.** The Certification Advisory Committee shall consult with the Department
78.15 of Human Services, the Department of Health, and the Department of Corrections; make
78.16 recommendations to the ~~State~~ Minnesota Competency Attainment Board regarding
78.17 competency attainment curriculum, certification requirements for competency attainment
78.18 programs including jail-based programs, and certification of individuals to provide
78.19 competency attainment services; and provide information and recommendations on other
78.20 issues relevant to competency attainment as requested by the board.

78.21 Sec. 15. **[627.16] CRIMINAL SEXUAL CONDUCT; MENTALLY**
78.22 **INCAPACITATED; ASLEEP OR NOT CONSCIOUS.**

78.23 A criminal action arising out of an incident of alleged criminal sexual conduct may be
78.24 prosecuted either in the county where any element of the alleged sexual penetration or sexual
78.25 contact was committed or the county where the complainant is found when the complainant
78.26 was, at the time of the act:

78.27 (1) mentally incapacitated, as defined in section 609.341, subdivision 7; or

78.28 (2) physically helpless, as defined in section 609.341, subdivision 9, as the result of
78.29 being asleep or not conscious.

79.1 Sec. 16. **[634.025] CONFESSION; INADMISSIBLE WHEN DECEPTION IS USED.**

79.2 (a) Any admission, confession, or statement, whether written or oral, made by any person
79.3 during a custodial interrogation by a law enforcement agency official or their agent, is
79.4 presumed involuntarily made and inadmissible in any proceeding if, during the interrogation,
79.5 a law enforcement agency official or their agent knowingly:

79.6 (1) communicated false facts about the existence or nature of evidence to the extent such
79.7 evidence would be material to assessing any suspected or alleged criminal conduct on behalf
79.8 of the individual being interrogated; or

79.9 (2) communicated unauthorized statements regarding leniency.

79.10 (b) The presumption that any such admission, confession, or statement, or any portion
79.11 thereof, is involuntarily made and inadmissible may be overcome if the state proves by a
79.12 preponderance of the evidence that the admission, confession, or statement, or the given
79.13 portion thereof, was voluntary, reliable, and not induced by any act described in paragraph
79.14 (a).

79.15 (c) The presumption of inadmissibility set forth in paragraph (a) shall not apply to any
79.16 portion of an admission, confession, or statement that occurs prior to the first instance in
79.17 which one of the acts described in paragraph (a) occurs.

79.18 (d) That an admission, confession, or statement is deemed inadmissible under this section
79.19 shall have no effect on the admissibility of evidence obtained as a result of the admission,
79.20 confession, or statement if the evidence would have been discovered through independent
79.21 lawful means or if knowledge of the evidence was acquired through an independent source.

79.22 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to admission,
79.23 confession, or statement, whether written or oral, made on or after that date.

79.24 Sec. 17. Minnesota Statutes 2023 Supplement, section 638.12, subdivision 2, is amended
79.25 to read:

79.26 Subd. 2. **Pardon eligibility; waiver.** (a) Except as provided in paragraphs (b) and (c),
79.27 an individual convicted of a crime in a court of this state may apply for a pardon of the
79.28 individual's conviction on or after five years from the sentence's expiration or discharge
79.29 date.

79.30 (b) An individual convicted before August 1, 2023, of a violation of section 609.19,
79.31 subdivision 1, clause (1), under the theory of liability for crimes of another may apply for
79.32 a pardon upon the sentence's expiration or discharge date if the individual:

80.1 (1) was charged with a violation of section 609.185, paragraph (a), clause (3), and:

80.2 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

80.3 (ii) did not cause the death of a human being; and

80.4 (iii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure

80.5 another with the intent to cause the death of a human being; or

80.6 (2) was charged with a violation of section 609.19, subdivision 2, and:

80.7 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

80.8 (ii) did not cause the death of a human being; and

80.9 (iii) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph

80.10 (c), in the underlying felony ~~and~~ or did not act with extreme indifference to human life.

80.11 (c) An individual may request the board to waive the waiting period if there is a showing

80.12 of unusual circumstances and special need.

80.13 (d) The commission must review a waiver request and recommend to the board whether

80.14 to grant the request. When considering a waiver request, the commission is exempt from

80.15 the meeting requirements under section 638.14 and chapter 13D.

80.16 (e) The board must grant a waiver request unless the governor or a board majority opposes

80.17 the waiver.

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

80.19 Sec. 18. Minnesota Statutes 2023 Supplement, section 638.15, subdivision 1, is amended

80.20 to read:

80.21 Subdivision 1. **Grounds for recommending clemency.** (a) When recommending whether

80.22 to grant clemency, the commission must consider any factors that the commission deems

80.23 appropriate, including but not limited to:

80.24 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's

80.25 age at the time of the crime; and the time that has elapsed between the crime and the

80.26 application;

80.27 (2) the successful completion or revocation of previous probation, parole, supervised

80.28 release, or conditional release;

80.29 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

- 81.1 (4) the extent to which the applicant has demonstrated rehabilitation through
81.2 postconviction conduct, character, and reputation;
- 81.3 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
81.4 and made restitution to victims;
- 81.5 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal
81.6 history and any sentence received by an accomplice and with due regard given to:
- 81.7 (i) any plea agreement;
- 81.8 (ii) the sentencing judge's views; and
- 81.9 (iii) the sentencing ranges established by law;
- 81.10 (7) whether the applicant was convicted before August 1, 2023, of a violation of section
81.11 609.19, subdivision 1, clause (1), under the theory of liability for crimes of another and, if
81.12 so, whether the applicant:
- 81.13 (i) was charged with a violation of section 609.185, paragraph (a), clause (3), and:
- 81.14 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);
- 81.15 (B) did not cause the death of a human being; and
- 81.16 (C) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
81.17 another with the intent to cause the death of a human being; or
- 81.18 (ii) was charged with a violation of section 609.19, subdivision 2, and:
- 81.19 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);
- 81.20 (B) did not cause the death of a human being; and
- 81.21 (C) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph
81.22 (c), in the underlying felony ~~and~~ or did not act with extreme indifference to human life;
- 81.23 (8) whether the applicant's age or medical status indicates that it is in the best interest
81.24 of society that the applicant receive clemency;
- 81.25 (9) the applicant's asserted need for clemency, including family needs and barriers to
81.26 housing or employment created by the conviction;
- 81.27 (10) for an applicant under the department's custody, the adequacy of the applicant's
81.28 reentry plan;
- 81.29 (11) the amount of time already served by the applicant and the availability of other
81.30 forms of judicial or administrative relief;

82.1 (12) the extent to which there is credible evidence indicating that the applicant is or may
82.2 be innocent of the crime for which they were convicted; and

82.3 (13) if provided by the applicant, the applicant's demographic information, including
82.4 race, ethnicity, gender, disability status, and age.

82.5 (b) Unless an applicant knowingly omitted past criminal convictions on the application,
82.6 the commission or the board must not prejudice an applicant for failing to identify past
82.7 criminal convictions.

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

82.9 Sec. 19. Laws 2023, chapter 52, article 4, section 24, subdivision 3, is amended to read:

82.10 Subd. 3. **Notification.** (a) By ~~December~~ July 1, 2023 2024, the commissioner of
82.11 corrections shall notify individuals convicted for a violation of Minnesota Statutes, section
82.12 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file
82.13 a preliminary application for relief if:

82.14 (1) the person was convicted for a violation of Minnesota Statutes, section 609.185,
82.15 paragraph (a), clause (3), and the person:

82.16 (i) did not cause the death of a human being; and

82.17 (ii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
82.18 another with the intent to cause the death of a human being; or

82.19 (2) the person was convicted for a violation of Minnesota Statutes, section 609.19,
82.20 subdivision 2, clause (1), and the person:

82.21 (i) did not cause the death of a human being; and

82.22 (ii) was not a major participant in the underlying felony ~~and~~ or did not act with extreme
82.23 indifference to human life.

82.24 (b) The notice shall include the address of the Ramsey County District Court court
82.25 administration.

82.26 (c) The commissioner of corrections may coordinate with the judicial branch to establish
82.27 a standardized notification form.

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

83.1 Sec. 20. Laws 2023, chapter 52, article 4, section 24, subdivision 4, is amended to read:

83.2 Subd. 4. **Preliminary application.** (a) An applicant shall submit a preliminary application
83.3 to the Ramsey County District Court. The preliminary application must contain:

83.4 (1) the applicant's name and, if different, the name under which the person was convicted;

83.5 (2) the applicant's date of birth;

83.6 (3) the district court case number of the case for which the person is seeking relief;

83.7 (4) a statement as to whether the applicant was convicted following a trial or pursuant
83.8 to a plea;

83.9 (5) a statement as to whether the person filed a direct appeal from the conviction, a
83.10 petition for postconviction relief, or both;

83.11 (6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled
83.12 to relief under this section from a conviction for the death of a human being caused by
83.13 another; and

83.14 (7) the name and address of any attorney representing the applicant.

83.15 (b) The preliminary application may contain:

83.16 (1) the name, date of birth, and district court case number of any other person charged
83.17 with, or convicted of, a crime arising from the same set of circumstances for which the
83.18 applicant was convicted; and

83.19 (2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence
83.20 investigation or life imprisonment report, describing the facts of the case for which the
83.21 applicant was convicted.

83.22 (c) The judicial branch may establish a standardized preliminary application form, but
83.23 shall not reject a preliminary application for failure to use a standardized form.

83.24 (d) Any person seeking relief under this section must submit a preliminary application
83.25 no later than October 1, ~~2025~~ 2026. Submission is complete upon mailing.

83.26 (e) Submission of a preliminary application shall be without costs or any fees charged
83.27 to the applicant.

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

84.1 Sec. 21. Laws 2023, chapter 52, article 4, section 24, subdivision 7, is amended to read:

84.2 Subd. 7. **Determination; order; resentencing.** (a) A petitioner who was convicted of
84.3 a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to
84.4 relief if the petitioner shows by a preponderance of the evidence that the petitioner:

84.5 (1) did not cause the death of a human being; and

84.6 (2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure
84.7 another with the intent to cause the death of a human being.

84.8 (b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19,
84.9 subdivision 2, clause (1), is entitled to relief if the petitioner shows by a preponderance of
84.10 the evidence that the petitioner:

84.11 (1) did not cause the death of a human being; and

84.12 (2) was not a major participant in the underlying felony ~~and~~ or did not act with extreme
84.13 indifference to human life.

84.14 (c) If the court determines that the petitioner does not qualify for relief, the court shall
84.15 issue an order denying the petition. If the court determines that the petitioner is entitled to
84.16 relief, the court shall issue an order vacating the conviction for a violation of Minnesota
84.17 Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1),
84.18 and either:

84.19 (1) resentence the petitioner for the most serious remaining offense for which the
84.20 petitioner was convicted; or

84.21 (2) enter a conviction and impose a sentence for any other predicate felony arising out
84.22 of the course of conduct that served as the factual basis for the conviction vacated by the
84.23 court.

84.24 (d) The new sentence announced by the court under this section must be for the most
84.25 serious predicate felony unless the most serious remaining offense for which the petitioner
84.26 was convicted is that offense or a more serious offense.

84.27 (e) If, pursuant to paragraph (c), the court either resentsences a petitioner or imposes a
84.28 sentence, the court shall also resentence the petitioner for any other offense if the sentence
84.29 was announced by a district court of the same county, the sentence was either ordered to
84.30 be served consecutively to the vacated conviction or the criminal history calculation for
84.31 that sentence included the vacated sentence, and the changes made pursuant to paragraph

85.1 (c) would have resulted in a different criminal history score being used at the time of
85.2 sentencing.

85.3 (f) The court shall state in writing or on the record the reasons for its decision on the
85.4 petition.

85.5 (g) If the court intends to resentence a petitioner or impose a sentence on a petitioner,
85.6 the court must hold the hearing at a time that allows any victim an opportunity to submit a
85.7 statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make
85.8 a good faith and reasonable effort to notify any person determined to be a victim of the
85.9 hearing and the right to submit or make a statement. A sentence imposed under this
85.10 subdivision shall not increase the petitioner's total period of confinement or, if the petitioner
85.11 was serving a stayed sentence, increase the period of supervision. The court may increase
85.12 the period of confinement for a sentence that was ordered to be served consecutively to the
85.13 vacated conviction based on a change in the appropriate criminal history score provided the
85.14 court does not increase the petitioner's total period of confinement. A person resentenced
85.15 under this paragraph is entitled to credit for time served in connection with the vacated
85.16 offense.

85.17 (h) Relief granted under this section shall not be treated as an exoneration for purposes
85.18 of the Incarceration and Exoneration Remedies Act.

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

85.20 Sec. 22. **ADDITIONAL REQUIREMENTS.**

85.21 (a) An individual who was denied relief under Laws 2023, chapter 52, article 4, section
85.22 24, for a conviction under Minnesota Statutes, section 609.19, subdivision 2, clause (1),
85.23 due to a determination that the individual was not a major participant in the underlying
85.24 felony and did not act with extreme indifference to human life, and who is now eligible for
85.25 relief under the charges made in this act, may reapply for relief.

85.26 (b) By July 1, 2024, the commissioner of corrections shall notify individuals to whom
85.27 notice was previously provided under Laws 2023, chapter 52, article 4, section 24,
85.28 subdivision 3, paragraph (a), clause (2), about the changes to law made in this act. The
85.29 notice must inform the individual that the individual may apply or reapply for relief under
85.30 Laws 2023, chapter 52, article 4, section 24, if eligible based on the changes made in this
85.31 act.

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

ARTICLE 6**JUDICIAL BRANCH POLICY**

Section 1. Minnesota Statutes 2022, section 117.042, is amended to read:

117.042 POSSESSION.

Whenever the petitioner shall require title and possession of all or part of the owner's property prior to the filing of an award by the court appointed commissioners, the petitioner shall, at least 90 days prior to the date on which possession is to be taken, notify the owner of the intent to possess by notice served by certified mail and before taking title and possession shall pay to the owner or deposit with the court an amount equal to petitioner's approved appraisal of value. Amounts deposited with the court shall be paid out under the direction of the court. If it is deemed necessary to deposit the above amount with the court the petitioner may apply to the court for an order transferring title and possession of the property or properties involved from the owner to the petitioner. In all other cases, petitioner has the right to the title and possession after the filing of the award by the court appointed commissioners as follows:

(1) if appeal is waived by the parties upon payment of the award;

(2) if appeal is not waived by the parties upon payment or deposit of three-fourths of the award to be deposited with the court administrator. The amount deposited If the amount exceeds \$10,000, it shall be deposited by the court administrator in an interest bearing account no later than the five business day days next following the day on which the amount was deposited with the court. All interest credited to the amount deposited from the date of deposit shall be paid to the ultimate recipient of the amount deposited.

Nothing in this section shall limit rights granted in section 117.155.

Sec. 2. Minnesota Statutes 2022, section 171.182, subdivision 2, is amended to read:

Subd. 2. **Copy of judgment to commissioner.** If a person fails within 30 days to satisfy a judgment, the court administrator, upon affidavit of the judgment creditor that the judgment has not been satisfied, shall immediately ~~forward to~~ notify the commissioner ~~a certified copy of the judgment and affidavit of identification~~ that the judgment has not been satisfied.

If the judgment debtor named in a ~~certified copy of a judgment~~ reported to the commissioner is a nonresident, the commissioner shall ~~transmit a certified copy of the judgment to~~ notify the official in charge of the issuance of drivers' licenses of the state of which the judgment debtor is a resident.

87.1 Sec. 3. Minnesota Statutes 2022, section 171.182, subdivision 3, is amended to read:

87.2 Subd. 3. **Conditions.** (a) The commissioner, upon ~~receipt of a certified copy~~ notification
87.3 of a judgment, shall suspend the license or the nonresident's operating privilege of the person
87.4 against whom judgment was rendered if:

87.5 (1) at the time of the accident the person did not maintain the reparation security required
87.6 by section 65B.48; and

87.7 (2) the judgment has not been satisfied.

87.8 (b) Suspensions under this section are subject to the notice requirements of section
87.9 171.18, subdivision 2.

87.10 Sec. 4. Minnesota Statutes 2022, section 253B.02, subdivision 4d, is amended to read:

87.11 Subd. 4d. **Court examiner.** "Court examiner" means a person appointed to serve the
87.12 court, and who is a physician or ~~licensed~~ psychologist who has a doctoral degree in
87.13 psychology, and is either licensed in Minnesota or who holds current authority to practice
87.14 in Minnesota under an approved interstate compact.

87.15 Sec. 5. Minnesota Statutes 2022, section 480.15, subdivision 10c, is amended to read:

87.16 Subd. 10c. **Uniform collections policies and procedures for courts.** (a) The state court
87.17 administrator under the direction of the Judicial Council may promulgate uniform collections
87.18 policies and procedures for the courts and may contract with credit bureaus, public and
87.19 private collection agencies, the Department of Revenue, and other public or private entities
87.20 providing collection services as necessary for the collection of court debts. The court
87.21 collection process and procedures are not subject to section 16A.1285. Court debts referred
87.22 to the Department of Revenue for collection are not subject to section 16D.07. Court debts
87.23 referred to the Department of Revenue for revenue recapture are not subject to section
87.24 270A.08 or 270A.09.

87.25 (b) Court debt means an amount owed to the state directly or through the judicial branch
87.26 on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge, court
87.27 cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement, liability
87.28 owed, an assignment to the judicial branch, recovery of costs incurred by the judicial branch,
87.29 or any other source of indebtedness to the judicial branch as well as amounts owed to other
87.30 public or private entities for which the judicial branch acts in providing collection services,
87.31 or any other amount owed to the judicial branch.

(c) The courts must pay for the collection services of public or private collection entities as well as the cost of one or more court employees to provide collection interface services between the Department of Revenue, the courts, and one or more collection entities from the money collected. The portion of the money collected which must be paid to the collection entity as collection fees and costs and the portion of the money collected which must be paid to the courts or Department of Revenue for collection services are appropriated from the fund to which the collected money is due.

(d) As determined by the state court administrator, collection costs shall be added to the debts referred to a public or private collection entity for collection.

Collection costs shall include the fees of the collection entity, and may include, if separately provided, skip tracing fees, credit bureau reporting charges, fees assessed by any public entity for obtaining information necessary for debt collection, or other collection-related costs. Collection costs shall also include the costs of one or more court employees employed by the state court administrator to provide a collection interface between the collection entity, the Department of Revenue, and the courts.

If the collection entity collects an amount less than the total due, the payment is applied proportionally to collection costs and the underlying debt. Collection costs in excess of collection agency fees and court employee collection interface costs must be deposited in the general fund as nondedicated receipts.

Sec. 6. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

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

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer

authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

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

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

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

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

Sec. 7. Minnesota Statutes 2022, section 593.50, subdivision 1, is amended to read:

Subdivision 1. **Juror protection.** An employer shall not deprive an employee of employment, or threaten or otherwise coerce the employee with respect ~~thereto~~ to employment status, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service. An employer must release an employee from the employee's regular work schedule, including any shift work, to permit the employee to attend court for prospective jury service. An employer must not require an employee to work an alternative shift on any day the juror is required to report to the courthouse for jury service. Nothing in this section shall prevent an employee from voluntarily requesting to work an alternative work schedule on any day the juror is required to report to the courthouse

90.1 for jury service, as long as the employer does not encourage, prompt, or ask for the employee
90.2 to make such a request.

90.3 Sec. 8. Minnesota Statutes 2022, section 609.748, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

90.28 (d) If the court orders relief for a period of up to 50 years under paragraph (a), the
90.29 respondent named in the restraining order may request to have the restraining order vacated
90.30 or modified if the order has been in effect for at least five years and the respondent has not
90.31 violated the order. Application for relief under this paragraph must be made in the county
90.32 in which the restraining order was issued. Upon receipt of the request, the court shall set a

hearing date. Personal service must be made upon the petitioner named in the restraining order not less than 30 days before the date of the hearing. At the hearing, the respondent named in the restraining order has the burden of proving by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting the restraining order no longer apply and are unlikely to occur. If the court finds that the respondent named in the restraining order has met the burden of proof, the court may vacate or modify the order. If the court finds that the respondent named in the restraining order has not met the burden of proof, the court shall deny the request and no request may be made to vacate or modify the restraining order until five years have elapsed from the date of denial. An order vacated or modified under this paragraph must be personally served on the petitioner named in the restraining order.

Sec. 9. Minnesota Statutes 2023 Supplement, section 611.41, subdivision 7, is amended to read:

Subd. 7. **Court examiner.** "Court examiner" means a person appointed to serve the court ~~by examining a defendant whose competency is at issue~~ and who is a physician or ~~licensed~~ psychologist who has a doctoral degree in psychology, and is either licensed in Minnesota or who holds current authority to practice in Minnesota under an approved interstate compact.

ARTICLE 7

REAL PROPERTY, TRUSTS, AND GUARDIANSHIP

Section 1. [500.217] RESTRICTIONS ON CHILD CARE PROHIBITIONS.

(a) Except as otherwise provided in this section and notwithstanding any covenant, restriction, or condition contained in a deed, security instrument, homeowners association document, or any other instrument affecting the transfer, sale of, or an interest in real property, a private entity must not prohibit or refuse to permit the owner of a dwelling from providing child care under a family and group family child care provider license under chapter 245A, and Minnesota Rules, chapter 9502.

(b) A private entity may require an owner or occupant who is seeking licensure or who is a license holder to indemnify, hold harmless, or defend the private entity against all claims, including costs and attorney fees, related to the operation of a family or group family child care program. The private entity may require each parent, guardian, or caretaker of the child being cared for in the program to sign a waiver of claims for liability, provided that the waiver is reasonable, consistent with industry standards, and does not require notarization.

92.1 (c) The homeowners association is not required to amend the homeowners association
92.2 documents to meet a licensing requirement, except when the homeowners association
92.3 documents are inconsistent with the requirements of this section. Nothing in this section
92.4 prevents an owner or occupant from using provided or legal remedies to amend the
92.5 homeowners association documents or from requesting a variance from those requirements.

92.6 (d) A license holder who is an owner occupant and all invitees are subject to the rules
92.7 and regulations contained in the homeowners association documents of the private entity
92.8 except where those rules and regulations conflict with this section.

92.9 (e) For the purposes of this section, the following terms have the meanings given:

92.10 (1) "private entity" means a homeowners association, community association, or other
92.11 association that is subject to a homeowners association document; and

92.12 (2) "homeowners association document" means a document containing the declaration,
92.13 articles of incorporation, bylaws, or rules and regulations of a common interest community,
92.14 as defined in section 515B.1-103, regardless of whether the common interest community
92.15 is subject to chapter 515B, or a residential community that is not a common interest
92.16 community.

92.17 (f) This section only applies to:

92.18 (1) a single-family detached dwelling whose owner is the sole owner of the entire building
92.19 in which the dwelling is located and who is solely responsible for the maintenance, repair,
92.20 replacement, and insurance of the entire building; or

92.21 (2) a multifamily attached dwelling whose owner is the sole owner of the entire building
92.22 in which the dwelling is located and who is solely responsible for the maintenance, repair,
92.23 replacement, and insurance of the entire building.

92.24 Sec. 2. Minnesota Statutes 2022, section 501C.0202, is amended to read:

92.25 **501C.0202 SUBJECT MATTER OF JUDICIAL PROCEEDINGS.**

92.26 A judicial proceeding, whether filed by petition under the district court's in rem or in
92.27 personam jurisdiction, involving a trust may relate to one or more of the following matters:

92.28 (1) to confirm an action taken by a trustee;

92.29 (2) upon the filing of an account, to settle and allow the account;

92.30 (3) to determine the persons having an interest in the income or principal of the trust
92.31 and the nature and extent of their interests;

- 93.1 (4) to construe, interpret, or reform the terms of a trust, or authorize a deviation from
93.2 the terms of a trust, including a proceeding involving section 501B.31;
- 93.3 (5) to approve payment of the trustee's, attorney, or accountant fees, or any other fees
93.4 to be charged against the trust;
- 93.5 (6) to confirm the appointment of a trustee;
- 93.6 (7) to accept a trustee's resignation and discharge the trustee from the trust as provided
93.7 in section 501C.0705;
- 93.8 (8) to require a trustee to account;
- 93.9 (9) to remove a trustee as provided in section 501C.0706;
- 93.10 (10) to appoint a successor trustee when required by the terms of the trust instrument or
93.11 when by reason of death, resignation, removal, or other cause there is no acting trustee;
- 93.12 (11) to appoint an additional trustee or special fiduciary whether or not a vacancy in
93.13 trusteeship exists as provided in section 501C.0704;
- 93.14 (12) to confirm an act taken by a person with respect to a trust while there was no acting
93.15 trustee or otherwise in compliance with section 501C.0701;
- 93.16 (13) to subject a trust to or remove a trust from continuing court supervision under
93.17 section 501C.0205;
- 93.18 (14) to mortgage, lease, sell, or otherwise dispose of real property held by the trustee
93.19 notwithstanding any contrary provision of the trust instrument;
- 93.20 (15) to suspend the powers and duties of a trustee in military service or war service, in
93.21 accordance with section 525.95, and to order further action authorized in that section;
- 93.22 (16) to secure compliance with the provisions of sections 501B.33 to 501B.45, in
93.23 accordance with section 501B.41, relating to charitable trusts;
- 93.24 (17) to determine the validity of a disclaimer under sections 524.2-1101 to 524.2-1116;
- 93.25 (18) to transfer the trust's principal place of administration as provided in section
93.26 501C.0108;
- 93.27 (19) to redress a breach of trust;
- 93.28 (20) to terminate a trust;
- 93.29 (21) to divide a trust or to merge two or more trusts as provided in section 501C.0417;
- 93.30 (22) to approve a nonjudicial settlement as provided in section 501C.0111;

94.1 (23) to approve, modify, or object to a proposed trust decanting as provided in section
94.2 502.851; or

94.3 (24) to instruct the trustee regarding any matter involving the trust's administration or
94.4 the discharge of the trustee's duties, including a request for instructions and an action to
94.5 declare rights.

94.6 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2016.

94.7 Sec. 3. Minnesota Statutes 2022, section 501C.0204, subdivision 1, is amended to read:

94.8 Subdivision 1. **In rem judicial proceedings.** Upon the hearing of a petition under the
94.9 district court's in rem jurisdiction, the court shall make an order it considers appropriate.
94.10 The order is binding in rem upon the trust estate and ~~upon the interests of all interested~~
94.11 persons, including without limitation all beneficiaries, vested or contingent, even though
94.12 unascertained or not in being. An appeal from an order which, in effect, determines the
94.13 petition may be taken by any party after service by any party of written notice of its filing
94.14 as provided under the Rules of Appellate Procedure or, if no notice is served, within six
94.15 months after the filing of the order.

94.16 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2016.

94.17 Sec. 4. Minnesota Statutes 2022, section 507.071, is amended to read:

94.18 **507.071 TRANSFER ON DEATH DEEDS.**

94.19 Subdivision 1. **Definitions.** For the purposes of this section the following terms have
94.20 the meanings given:

94.21 (a) "Beneficiary" or "grantee beneficiary" means a person or entity named as a grantee
94.22 beneficiary in a transfer on death deed, including a successor grantee beneficiary.

94.23 (b) "County agency" means the county department or office designated to recover medical
94.24 assistance benefits from the estates of decedents.

94.25 (c) "Grantor owner" means an owner, whether individually, as a joint tenant, or as a
94.26 tenant in common, named as a grantor in a transfer on death deed upon whose death the
94.27 conveyance or transfer of the described real property is conditioned. Grantor owner does
94.28 not include a spouse who joins in a transfer on death deed solely for the purpose of conveying
94.29 or releasing statutory or other marital interests in the real property to be conveyed or
94.30 transferred by the transfer on death deed.

(d) "Owner" means a person having an ownership or other interest in all or part of the real property to be conveyed or transferred by a transfer on death deed either at the time the deed is executed or at the time the transfer becomes effective. Owner does not include a spouse who joins in a transfer on death deed solely for the purpose of conveying or releasing statutory or other marital interests in the real property to be conveyed or transferred by the transfer on death deed.

(e) "Property" and "interest in real property" mean any interest in real property located in this state which is transferable on the death of the owner and includes, without limitation, an interest in real property defined in chapter 500, a mortgage, a deed of trust, a security interest in, or a security pledge of, an interest in real property, including the rights to payments of the indebtedness secured by the security instrument, a judgment, a tax lien, both the seller's and purchaser's interest in a contract for deed, land contract, purchase agreement, or earnest money contract for the sale and purchase of real property, including the rights to payments under such contracts, or any other lien on, or interest in, real property.

(f) "Recorded" means recorded in the office of the county recorder or registrar of titles, as appropriate for the real property described in the instrument to be recorded.

(g) "State agency" means the Department of Human Services or any successor agency.

(h) "Transfer on death deed" means a deed authorized under this section.

Subd. 2. Effect of transfer on death deed. A deed that conveys or assigns an interest in real property, to a grantee beneficiary and that expressly states that the deed is only effective on the death of one or more of the grantor owners, transfers the interest to the grantee beneficiary upon the death of the grantor owner upon whose death the conveyance or transfer is stated to be effective, but subject to the survivorship provisions and requirements of section 524.2-702. Until a transfer on death deed becomes effective, it has no effect on title to the real property described in the deed, but it does create an insurable interest in the real property in favor of the designated grantee beneficiary or beneficiaries for purposes of insuring the real property against loss or damage that occurs on or after the transfer on death deed becomes effective. A transfer on death deed must comply with all provisions of Minnesota law applicable to deeds of real property including, but not limited to, the provisions of sections 507.02, 507.24, 507.34, 508.48, and 508A.48. If a spouse who is neither a grantor owner nor an owner joins in the execution of, or consents in writing to, the transfer on death deed, such joinder or consent shall be conclusive proof that upon the transfer becoming effective, the spouse no longer has or can claim any statutory interest or other marital interest in the interest in real property transferred by the transfer on death deed.

96.1 However, such transfer shall remain an interest as identified in section 256B.15 for purposes
96.2 of complying with and satisfying any claim or lien as authorized by subdivision 3.

96.3 Subd. 3. **Rights of creditors and rights of state and county under sections 246.53,**
96.4 **256B.15, 256D.16, 261.04, and 514.981.** The interest transferred to a beneficiary under a
96.5 transfer on death deed after the death of a grantor owner is transferred subject to all effective
96.6 conveyances, assignments, contracts, mortgages, deeds of trust, liens, security pledges,
96.7 judgments, tax liens, and any other matters or encumbrances to which the interest was
96.8 subject on the date of death of the grantor owner, upon whose death the transfer becomes
96.9 effective including, but not limited to, any claim by a surviving spouse who did not join in
96.10 the execution of, or consent in writing to, the transfer on death deed, and any claim or lien
96.11 by the state or county agency authorized by sections 246.53, 256B.15, 256D.16, 261.04,
96.12 and 514.981, if other assets of the deceased grantor's estate are insufficient to pay the amount
96.13 of any such claim. A beneficiary to whom the interest is transferred after the death of a
96.14 grantor owner shall be liable to account to the state or county agency with a claim or lien
96.15 authorized by section 246.53, 256B.15, 256D.16, 261.04, or 514.981, to the extent necessary
96.16 to discharge any such claim remaining unpaid after application of the assets of the deceased
96.17 grantor owner's estate, but such liability shall be limited to the value of the interest transferred
96.18 to the beneficiary. To establish compliance with this subdivision and subdivision 23, the
96.19 beneficiary must record a clearance certificate issued in accordance with subdivision 23 in
96.20 each county in which the real property described in the transfer on death deed is located.

96.21 Subd. 4. **Multiple grantee beneficiaries.** A transfer on death deed may designate multiple
96.22 grantee beneficiaries to take title as joint tenants, as tenants in common or in any other form
96.23 of ownership or tenancy that is valid under the laws of this state. If a grantee joint tenant
96.24 dies before the grantor owner upon whose death the transfer occurs and no successor
96.25 beneficiary for the deceased grantee is designated in the transfer on death deed, the surviving
96.26 joint tenants are the successors and no interest lapses.

96.27 Subd. 5. **Successor grantee beneficiaries.** A transfer on death deed may designate one
96.28 or more successor grantee beneficiaries or a class of successor grantee beneficiaries, or
96.29 both. If the transfer on death deed designates successor grantee beneficiaries or a class of
96.30 successor grantee beneficiaries, the deed shall state the condition under which the interest
96.31 of the successor grantee beneficiaries would vest.

96.32 Subd. 6. **Multiple joint tenant grantors.** If an interest in real property is owned as joint
96.33 tenants, a transfer on death deed executed by all of the owners and, if required by section
96.34 507.02, their respective spouses, if any, that conveys an interest in real property to one or
96.35 more grantee beneficiaries transfers the interest to the grantee beneficiary or beneficiaries

effective only after the death of the last surviving grantor owner. If the last surviving joint tenant owner did not execute the transfer on death deed, the deed is ineffective to transfer any interest and the deed is void. An estate in joint tenancy is not severed or affected by the subsequent execution of a transfer on death deed and the right of a surviving joint tenant owner who did not execute the transfer on death deed shall prevail over a grantee beneficiary named in a transfer on death deed unless the deed specifically states that it severs the joint tenancy ownership.

Subd. 7. **Execution by attorney-in-fact.** A transfer on death deed may be executed by a duly appointed attorney-in-fact pursuant to a power of attorney which grants the attorney-in-fact the authority to execute deeds.

Subd. 8. **Recording requirements and authorization.** A transfer on death deed is valid if the deed is recorded in a county in which at least a part of the real property described in the deed is located and is recorded before the death of the grantor owner upon whose death the conveyance or transfer is effective. Notwithstanding the definition of recorded under subdivision 1, if the real property is registered property, a transfer on death deed that was recorded incorrectly or incompletely is valid if the deed was recorded before the death of the grantor owner in the office of the county recorder or the registrar of titles in a county in which at least part of the real property is located, and is memorialized on the certificate of title after death. A transfer on death deed is not effective for purposes of section 507.34, 508.47, or 508A.47 until the deed is properly recorded in the county in which the real property is located. When a transfer on death deed is presented for recording, no certification by the county auditor as to transfer of ownership and current and delinquent taxes shall be required or made and the transfer on death deed shall not be required to be accompanied by a certificate of real estate value. A transfer on death deed that otherwise satisfies all statutory requirements for recording may be recorded and shall be accepted for recording in the county in which the property described in the deed is located. If any part of the property described in the transfer on death deed is registered property, the registrar of titles shall accept the transfer on death deed for recording only if at least one of the grantors who executes the transfer on death deed appears of record to have an ownership interest or other interest in the real property described in the deed. No certification or approval of a transfer on death deed shall be required of the examiner of titles prior to recording of the deed in the office of the registrar of titles.

Subd. 9. **Deed to trustee or other entity.** A transfer on death deed may transfer an interest in real property to the trustee of an inter vivos trust even if the trust is revocable, to

98.1 the trustee of a testamentary trust or to any other entity legally qualified to hold title to real
98.2 property under the laws of this state.

98.3 Subd. 10. **Revocation or modification of transfer on death deed.** (a) A transfer on
98.4 death deed may be revoked at any time by the grantor owner or, if there is more than one
98.5 grantor owner, by any of the grantor owners. A revocation revokes the transfer on death
98.6 deed in its entirety. To be effective, the revocation must be recorded in a county in which
98.7 at least a part of the real property is located before the death of the grantor owner or owners
98.8 who execute the revocation. Notwithstanding the definition of recorded under subdivision
98.9 1, if the real property is registered property, a revocation that was recorded incorrectly or
98.10 incompletely is effective if it was recorded before the death of the grantor owner in the
98.11 office of the county recorder or the registrar of titles in a county in which at least part of
98.12 the real property is located, and is memorialized on the certificate of title after death. The
98.13 revocation is not effective for purposes of section 507.34, 508.47, or 508A.47 until the
98.14 revocation is properly recorded in a county in which the real property is located.

98.15 (b) If a grantor owner conveys to a third party, subsequent to the recording of the transfer
98.16 on death deed, by means other than a transfer on death deed, all or a part of such grantor
98.17 owner's interest in the property described in the transfer on death deed, no transfer of the
98.18 conveyed interest shall occur on such grantor owner's death and the transfer on death deed
98.19 shall be ineffective as to the conveyed or transferred interests, but the transfer on death deed
98.20 remains effective with respect to the conveyance or transfer on death of any other interests
98.21 described in the transfer on death deed owned by the grantor owner at the time of the grantor
98.22 owner's death.

98.23 (c) A transfer on death deed is a "governing instrument" within the meaning of section
98.24 524.2-804 and, except as may otherwise be specifically provided for in the transfer on death
98.25 deed, is subject to the same provisions as to revocation, revival, and nonrevocation set forth
98.26 in section 524.2-804.

98.27 Subd. 11. **Antilapse; deceased beneficiary; words of survivorship.** (a) Except when
98.28 a successor grantee beneficiary is designated in the transfer on death deed for the grantee
98.29 beneficiary who did not survive the grantor owner, if a grantee beneficiary who is a
98.30 grandparent or lineal descendant of a grandparent of the grantor owner fails to survive the
98.31 grantor owner, the issue of the deceased grantee beneficiary who survive the grantor owner
98.32 take in place of the deceased grantee beneficiary. If they are all of the same degree of kinship
98.33 to the deceased grantee beneficiary, they take equally. If they are of unequal degree, those
98.34 of more remote degree take by right of representation.

(b) For the purposes of this subdivision, words of survivorship such as, in a conveyance to an individual, "if he or she survives me," or, in a class gift, to "my surviving children," are a sufficient indication of intent to condition the conveyance or transfer upon the beneficiary surviving the grantor owner.

(c) When issue of a deceased grantee beneficiary or members of a class take in place of the named grantee beneficiary pursuant to subdivision 5 or paragraph (a) or (b) or when a beneficiary dies and has no issue under paragraph (a), an affidavit of survivorship stating the names and shares of the beneficiaries or stating that a deceased beneficiary had no issue is not conclusive and a court order made in accordance with Minnesota probate law determining the beneficiaries and shares must also be recorded.

Subd. 12. **Lapse.** If all beneficiaries and all successor beneficiaries, if any, designated in a transfer on death deed, and also all successor beneficiaries who would take under the antilapse provisions of subdivision 11, fail to survive the grantor owner or the last survivor of the grantor owners if there are multiple grantor owners, if the beneficiary is a trust which has been revoked prior to the grantor owner's death, or if the beneficiary is an entity no longer in existence at the grantor owner's death, no transfer shall occur and the transfer on death deed is void.

Subd. 13. **Multiple transfer on death deeds.** If a grantor owner executes and records more than one transfer on death deed conveying the same interest in real property or a greater interest in the real property, or conveying part of the property in the earlier transfer on death deed, the transfer on death deed that has the latest acknowledgment date and that is recorded before the death of the grantor owner upon whose death the conveyance or transfer is conditioned is the effective transfer on death deed and all other transfer on death deeds, if any, executed by the grantor owner or the grantor owners are ineffective to transfer any interest and are void, except that if the later transfer on death deed included only part of the land of the earlier deed, the earlier deed is effective for the lands not included in the subsequent deed, absent language to the contrary in the subsequent deed.

Subd. 14. **Nonademption; unpaid proceeds of sale, condemnation, or insurance; sale by conservator or guardian.** If at the time of the death of the grantor owner upon whose death the conveyance or transfer is stated to be effective, the grantor owner did not own a part or all of the real property described in the transfer on death deed, no conveyance or transfer to the beneficiary of the nonowned part of the real property shall occur upon the death of the grantor owner and the transfer on death deed is void as to the nonowned part of the real property, but the beneficiary shall have the same rights to unpaid proceeds of sale, condemnation or insurance, and, if sold by a conservator or guardian of the grantor

owner during the grantor owner's lifetime, the same rights to a general pecuniary devise, as that of a specific devisee as set forth in section 524.2-606.

Subd. 15. **Nonexoneration.** Except as otherwise provided in subdivision 3, a conveyance or transfer under a transfer on death deed passes the described property subject to any mortgage or security interest existing at the date of death of the grantor owner, without right of exoneration, regardless of any statutory obligations to pay the grantor owner's debts upon death and regardless of a general directive in the grantor owner's will to pay debts.

Subd. 16. **Disclaimer by beneficiary.** A grantee beneficiary's interest under a transfer on death deed may be disclaimed as provided in sections 524.2-1101 to 524.2-1116, or as otherwise provided by law.

Subd. 17. **Effect on other conveyances.** This section does not prohibit other methods of conveying property that are permitted by law and that have the effect of postponing ownership or enjoyment of an interest in real property until the death of the owner. This section does not invalidate any deed that is not a transfer on death deed and that is otherwise effective to convey title to the interests and estates described in the deed that is not recorded until after the death of the owner.

Subd. 18. **Notice, consent, and delivery not required.** The signature, consent or agreement of, or notice to, a grantee beneficiary under a transfer on death deed, or delivery of the transfer on death deed to the grantee beneficiary, is not required for any purpose during the lifetime of the grantor owner.

Subd. 19. **Nonrevocation by will.** A transfer on death deed that is executed, acknowledged, and recorded in accordance with this section is not revoked by the provisions of a will.

Subd. 20. **Proof of survivorship and clearance from public assistance claims and liens; recording.** An affidavit of identity and survivorship with a certified copy of a record of death as an attachment may be combined with a clearance certificate under this section and the combined documents may be recorded separately or as one document in each county in which the real estate described in the clearance certificate is located. The affidavit must include the name and mailing address of the person to whom future property tax statements should be sent. The affidavit, record of death, and clearance certificate, whether combined or separate, shall be prima facie evidence of the facts stated in each, and the registrar of titles may rely on the statements to transfer title to the property described in the clearance certificate, except in cases where a court order is required pursuant to the provisions of subdivision 11, paragraph (c).

101.1 Subd. 21. **After-acquired property.** Except as provided in this subdivision, a transfer
101.2 on death deed is not effective to transfer any interest in real property acquired by a grantor
101.3 owner subsequent to the date of signing of a transfer on death deed. A grantor owner may
101.4 provide by specific language in a transfer on death deed that the transfer on death deed will
101.5 apply to any interest in the described property acquired by the grantor owner after the signing
101.6 or recording of the deed.

101.7 Subd. 22. **Anticipatory alienation prohibited.** The interest of a grantee beneficiary
101.8 under a transfer on death deed which has not yet become effective is not subject to alienation;
101.9 assignment; encumbrance; appointment or anticipation by the beneficiary; garnishment;
101.10 attachment; execution or bankruptcy proceedings; claims for alimony, support, or
101.11 maintenance; payment of other obligations by any person against the beneficiary; or any
101.12 other transfer, voluntary or involuntary, by or from any beneficiary.

101.13 Subd. 23. **Clearance for public assistance claims and liens.** Any person claiming an
101.14 interest in real property conveyed or transferred by a transfer on death deed, or the person's
101.15 attorney or other agent, may apply to the county agency in the county in which the real
101.16 property is located for a clearance certificate for the real property described in the transfer
101.17 on death deed. The application for a clearance certificate and the clearance certificate must
101.18 contain the legal description of each parcel of property covered by the clearance certificate.
101.19 The county agency shall provide a sufficient number of clearance certificates to allow a
101.20 clearance certificate to be recorded in each county in which the real property described in
101.21 the transfer on death deed is located. The real property described in the clearance certificate
101.22 is bound by any conditions or other requirements imposed by the county agency as specified
101.23 in the clearance certificate. If the real property is registered property, a new certificate of
101.24 title must not be issued until the clearance certificate is recorded. If the clearance certificate
101.25 shows the continuation of a medical assistance claim or lien after issuance of the clearance
101.26 certificate, the real property remains subject to the claim or lien. If the real property is
101.27 registered property, the clearance certificate must be carried forward as a memorial in any
101.28 new certificate of title. The application shall contain the same information and shall be
101.29 submitted, processed, and resolved in the same manner and on the same terms and conditions
101.30 as provided in section 525.313 for a clearance certificate in a decree of descent proceeding,
101.31 except that a copy of a notice of hearing does not have to accompany the application. The
101.32 application may contain a statement that the applicant, after reasonably diligent inquiry, is
101.33 not aware of the existence of a predeceased spouse or the existence of a claim which could
101.34 be recovered under section 246.53, 256B.15, 256D.16, 261.04, or 514.981. If the county
101.35 agency determines that a claim or lien exists under section 246.53, 256B.15, 256D.16,

261.04, or 514.981, the provisions of section 525.313 shall apply to collection, compromise, and settlement of the claim or lien. A person claiming an interest in real property transferred or conveyed by a transfer on death deed may petition or move the district court, as appropriate, in the county in which the real property is located or in the county in which a probate proceeding affecting the estate of the grantor of the transfer on death deed is pending, for an order allowing sale of the real property free and clear of any public assistance claim or lien but subject to disposition of the sale proceeds as provided in section 525.313. On a showing of good cause and subject to such notice as the court may require, the court without hearing may issue an order allowing the sale free and clear of any public assistance claim or lien on such terms and conditions as the court deems advisable to protect the interests of the state or county agency.

Subd. 24. **Form of transfer on death deed.** A transfer on death deed may be substantially in the following form:

Transfer on Death Deed

I (we) (grantor owner or owners and spouses, if any, with marital status designated), grantor(s), hereby convey(s) and quitclaim(s) to (grantee beneficiary, whether one or more) effective (check only one of the following)

.... on the death of the grantor owner, if only one grantor is named above, or on the death of the last of the grantor owners to die, if more than one grantor owner is named above, or

.... on the death of (name of grantor owner)

..... (must be one of the grantor owners named above), the following described real property:

(Legal description)

If checked, the following optional statement applies:

....When effective, this instrument conveys any and all interests in the described real property acquired by the grantor owner(s) before, on, or after the date of this instrument.

.....

(Signature of grantor(s))

(acknowledgment)

Subd. 25. **Form of instrument of revocation.** An instrument of revocation may be substantially in the following form:

Revocation of Transfer on Death Deed

The undersigned hereby revokes the transfer on death deed recorded on, .., as Document No. (or in Book of, Page) in the office of the (County Recorder) (Registrar of Titles) of County, Minnesota, affecting real property legally described as follows:

(legal description)

Dated:

.....

Signature

(acknowledgment)

Subd. 26. **Jurisdiction.** In counties where the district court has a probate division, the application of subdivision 11 or other issues of interpretation or validity of the transfer on death deed, and actions to enforce a medical assistance lien or claim against real property described in a transfer on death deed and any matter raised in connection with enforcement shall be determined in the probate division. ~~Notwithstanding any other law to the contrary, the provisions of section 256B.15 shall apply to any proceeding to enforce a medical assistance lien or claim under chapter 524 or 525.~~ In other counties, the district court shall have jurisdiction to determine any matter affecting real property purporting to be transferred by a transfer on death deed. Notwithstanding any other law to the contrary, the provisions of section 256B.15 shall apply to any proceeding to enforce a medical assistance lien or claim under chapter 524 or 525.

Sec. 5. **[507.072] PROPERTY INSURANCE FOR GRANTEE BENEFICIARIES OF TRANSFER ON DEATH DEEDS.**

Subdivision 1. Definitions. (a) For purposes of this section, the following definitions apply unless the context indicates otherwise.

(b) "Grantee beneficiary" has the meaning given in section 507.071, subdivision 1.

(c) "Insurance policy" means an insurance policy governed by chapter 65A.

(d) "Transfer on death deed" means a deed described in section 507.071.

(e) "Grantor owner" has the meaning given in section 507.071, subdivision 1.

104.1 (f) "Extended coverage" or "temporary extended coverage" means insurance coverage
104.2 continuing beyond the death of the named insured.

104.3 Subd. 2. **Insurance policy to include grantee beneficiary.** An insurer providing an
104.4 insurance policy on real property transferred by a transfer on death deed shall provide
104.5 temporary extended coverage on the real property to the designated grantee beneficiary for
104.6 a period commencing on the date of death of the grantor owner and ending when the grantee
104.7 beneficiary replaces the insurance policy on the insured property with an insurance policy
104.8 or the expiration of the time limitations set forth in subdivision 4, whichever is sooner.

104.9 Subd. 3. **Notice to the insurer.** To obtain temporary extended coverage for a transfer
104.10 on death deed as provided in this section, the grantor owner must notify the insurer of the
104.11 existence of a transfer on death deed. The notice shall include the names and contact
104.12 information of all designated grantee beneficiaries.

104.13 Subd. 4. **Coverage extended.** The coverage to be extended under this section applies
104.14 only with respect to the insurance policy insuring the real property of the grantor owner.
104.15 The period of extended coverage shall not exceed 30 days from the date of the grantor
104.16 owner's death or the expiration date of the insurance policy, whichever is less. An insurer
104.17 is not required to provide notice to the grantee beneficiary for cancellation of coverage
104.18 following the shorter of the 30 days or expiration date of the policy or the placement of
104.19 replacement insurance coverage.

104.20 Subd. 5. **Proof demanded; policy conditions.** Before making any payment for a claim
104.21 under this section, the insurer may require proof that the claimant is a grantee beneficiary
104.22 under a transfer on death deed, that the transfer on death deed was recorded as provided in
104.23 section 507.071, and that an affidavit of survivorship and death certificate of the grantor
104.24 owner was recorded as provided in section 507.071. The grantee beneficiary shall comply
104.25 with the conditions of the policy.

104.26 Subd. 6. **Insurable interest.** A grantee beneficiary does not hold an insurable interest
104.27 in the real property described in a transfer on death deed prior to the death of the grantor
104.28 owner. Any claim on the insured real property described in a transfer on death deed initiated
104.29 before the death of the grantor owner or the death benefits associated with the policy prior
104.30 to the death of the grantor owner shall be settled with the estate of the grantor owner, not
104.31 with the grantee beneficiary. A grantee beneficiary is not entitled to recover benefits under
104.32 an insurance policy extended as provided in this section in an amount greater than the grantee
104.33 beneficiary's insurable interest at the time of loss or damage. A grantee beneficiary is not
104.34 entitled to any amounts paid out in prior claims on the property. If the transfer on death

105.1 deed designates multiple grantee beneficiaries, nothing in this section requires the insurer
105.2 to pay an amount for loss or damage to the insured real property that exceeds the amount
105.3 that would be owed to the grantor owner if the grantor owner was living at the time of loss
105.4 or damage.

105.5 Subd. 7. **Warnings on transfer on death deeds.** On or after August 1 of the year of the
105.6 effective date of this section, a transfer on death deed shall contain the following warnings
105.7 in substantially the following form:

105.8 "Warning to Grantor Owner: Temporary extended coverage of any fire and casualty
105.9 insurance policy on the property under Minnesota Statutes, chapter 65A, will exist only if
105.10 the grantor owner has given notice to the insurer under Minnesota Statutes, section 507.072,
105.11 subdivision 3, including the existence of a transfer on death deed and the names and contact
105.12 information of all designated grantee beneficiaries. Any temporary extended coverage
105.13 terminates on the earlier of (1) 30 days after the date of the grantor owner's death, (2) the
105.14 expiration date of the policy, or (3) upon placement of a replacement insurance policy.

105.15 Warning to Grantee Beneficiary: A grantee beneficiary shall not presume insurance
105.16 coverage continues after the death of the grantor owner. Upon the death of the grantor
105.17 owner, the grantee beneficiary should determine whether the provisions of Minnesota
105.18 Statutes, section 507.072, apply and consult with an insurance agent or attorney."

105.19 The failure to include warnings in a transfer on death deed in accordance with this
105.20 subdivision shall not invalidate the transfer on death deed or affect recording of the transfer
105.21 on death deed.

105.22 Sec. 6. Minnesota Statutes 2023 Supplement, section 515B.2-103, is amended to read:

105.23 **515B.2-103 CONSTRUCTION AND VALIDITY OF DECLARATION AND**
105.24 **BYLAWS.**

105.25 (a) All provisions of the declaration and bylaws are severable.

105.26 (b) The rule against perpetuities may not be applied to defeat any provision of the
105.27 declaration or this chapter, or any instrument executed pursuant to the declaration or this
105.28 chapter.

105.29 (c) In the event of a conflict between the provisions of the declaration and the bylaws,
105.30 the declaration prevails except to the extent that the declaration is inconsistent with this
105.31 chapter.

106.1 (d) The declaration and bylaws must comply with sections 500.215 ~~and~~, 500.216, and
106.2 500.217.

106.3 Sec. 7. Minnesota Statutes 2023 Supplement, section 515B.3-102, is amended to read:

106.4 **515B.3-102 POWERS OF UNIT OWNERS' ASSOCIATION.**

106.5 (a) Except as provided in subsections (b), (c), (d), (e), and (f) and subject to the provisions
106.6 of the declaration or bylaws, the association shall have the power to:

106.7 (1) adopt, amend and revoke rules and regulations not inconsistent with the articles of
106.8 incorporation, bylaws and declaration, as follows: (i) regulating the use of the common
106.9 elements; (ii) regulating the use of the units, and conduct of unit occupants, which may
106.10 jeopardize the health, safety or welfare of other occupants, which involves noise or other
106.11 disturbing activity, or which may damage the common elements or other units; (iii) regulating
106.12 or prohibiting animals; (iv) regulating changes in the appearance of the common elements
106.13 and conduct which may damage the common interest community; (v) regulating the exterior
106.14 appearance of the common interest community, including, for example, balconies and patios,
106.15 window treatments, and signs and other displays, regardless of whether inside a unit; (vi)
106.16 implementing the articles of incorporation, declaration and bylaws, and exercising the
106.17 powers granted by this section; and (vii) otherwise facilitating the operation of the common
106.18 interest community;

106.19 (2) adopt and amend budgets for revenues, expenditures and reserves, and levy and
106.20 collect assessments for common expenses from unit owners;

106.21 (3) hire and discharge managing agents and other employees, agents, and independent
106.22 contractors;

106.23 (4) institute, defend, or intervene in litigation or administrative proceedings (i) in its
106.24 own name on behalf of itself or two or more unit owners on matters affecting the common
106.25 elements or other matters affecting the common interest community or, (ii) with the consent
106.26 of the owners of the affected units on matters affecting only those units;

106.27 (5) make contracts and incur liabilities;

106.28 (6) regulate the use, maintenance, repair, replacement, and modification of the common
106.29 elements and the units;

106.30 (7) cause improvements to be made as a part of the common elements, and, in the case
106.31 of a cooperative, the units;

107.1 (8) acquire, hold, encumber, and convey in its own name any right, title, or interest to
107.2 real estate or personal property, but (i) common elements in a condominium or planned
107.3 community may be conveyed or subjected to a security interest only pursuant to section
107.4 515B.3-112, or (ii) part of a cooperative may be conveyed, or all or part of a cooperative
107.5 may be subjected to a security interest, only pursuant to section 515B.3-112;

107.6 (9) grant or amend easements for public utilities, public rights-of-way or other public
107.7 purposes, and cable television or other communications, through, over or under the common
107.8 elements; grant or amend easements, leases, or licenses to unit owners for purposes authorized
107.9 by the declaration; and, subject to approval by a vote of unit owners other than declarant
107.10 or its affiliates, grant or amend other easements, leases, and licenses through, over or under
107.11 the common elements;

107.12 (10) impose and receive any payments, fees, or charges for the use, rental, or operation
107.13 of the common elements, other than limited common elements, and for services provided
107.14 to unit owners;

107.15 (11) impose interest and late charges for late payment of assessments and, after notice
107.16 and an opportunity to be heard before the board or a committee appointed by it, levy
107.17 reasonable fines for violations of the declaration, bylaws, and rules and regulations of the
107.18 association, provided that attorney fees and costs must not be charged or collected from a
107.19 unit owner who disputes a fine or assessment and, if after the homeowner requests a hearing
107.20 and a hearing is held by the board or a committee of the board, the board does not adopt a
107.21 resolution levying the fine or upholding the assessment against the unit owner or owner's
107.22 unit;

107.23 (12) impose reasonable charges for the review, preparation and recordation of
107.24 amendments to the declaration, resale certificates required by section 515B.4-107, statements
107.25 of unpaid assessments, or furnishing copies of association records;

107.26 (13) provide for the indemnification of its officers and directors, and maintain directors'
107.27 and officers' liability insurance;

107.28 (14) provide for reasonable procedures governing the conduct of meetings and election
107.29 of directors;

107.30 (15) exercise any other powers conferred by law, or by the declaration, articles of
107.31 incorporation or bylaws; and

107.32 (16) exercise any other powers necessary and proper for the governance and operation
107.33 of the association.

(b) Notwithstanding subsection (a) the declaration or bylaws may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

(c) An association that levies a fine pursuant to subsection (a)(11), or an assessment pursuant to section 515B.3-115(g), or 515B.3-1151(g), must provide a dated, written notice to a unit owner that:

(1) states the amount and reason for the fine or assessment;

(2) for fines levied under section 515B.3-102(a)(11), specifies: (i) the violation for which a fine is being levied and the date of the levy; and (ii) the specific section of the declaration, bylaws, rules, or regulations allegedly violated;

(3) for assessments levied under section 515B.3-115(g) or 515B.3-1151(g), identifies: (i) the damage caused; and (ii) the act or omission alleged to have caused the damage;

(4) states that all unpaid fines and assessments are liens which, if not satisfied, could lead to foreclosure of the lien against the owner's unit;

(5) describes the unit owner's right to be heard by the board or a committee appointed by the board;

(6) states that if the assessment, fine, late fees, and other allowable charges are not paid, the amount may increase as a result of the imposition of attorney fees and other collection costs; and

(7) informs the unit owner that homeownership assistance is available from the Minnesota Homeownership Center.

(d) Notwithstanding subsection (a), powers exercised under this section must comply with sections 500.215 ~~and~~, 500.216, and 500.217.

(e) Notwithstanding subsection (a)(4) or any other provision of this chapter, the association, before instituting litigation or arbitration involving construction defect claims against a development party, shall:

(1) mail or deliver written notice of the anticipated commencement of the action to each unit owner at the addresses, if any, established for notices to owners in the declaration and, if the declaration does not state how notices are to be given to owners, to the owner's last known address. The notice shall specify the nature of the construction defect claims to be alleged, the relief sought, and the manner in which the association proposes to fund the cost of pursuing the construction defect claims; and

(2) obtain the approval of owners of units to which a majority of the total votes in the association are allocated. Votes allocated to units owned by the declarant, an affiliate of the declarant, or a mortgagee who obtained ownership of the unit through a foreclosure sale are excluded. The association may obtain the required approval by a vote at an annual or special meeting of the members or, if authorized by the statute under which the association is created and taken in compliance with that statute, by a vote of the members taken by electronic means or mailed ballots. If the association holds a meeting and voting by electronic means or mailed ballots is authorized by that statute, the association shall also provide for voting by those methods. Section 515B.3-110(c) applies to votes taken by electronic means or mailed ballots, except that the votes must be used in combination with the vote taken at a meeting and are not in lieu of holding a meeting, if a meeting is held, and are considered for purposes of determining whether a quorum was present. Proxies may not be used for a vote taken under this paragraph unless the unit owner executes the proxy after receipt of the notice required under subsection (e)(1) and the proxy expressly references this notice.

(f) The association may intervene in a litigation or arbitration involving a construction defect claim or assert a construction defect claim as a counterclaim, crossclaim, or third-party claim before complying with subsections (e)(1) and (e)(2) but the association's complaint in an intervention, counterclaim, crossclaim, or third-party claim shall be dismissed without prejudice unless the association has complied with the requirements of subsection (e) within 90 days of the association's commencement of the complaint in an intervention or the assertion of the counterclaim, crossclaim, or third-party claim.

Sec. 8. Minnesota Statutes 2023 Supplement, section 524.5-313, is amended to read:

524.5-313 POWERS AND DUTIES OF GUARDIAN.

(a) A guardian shall be subject to the control and direction of the court at all times and in all things.

(b) The court shall grant to a guardian only those powers necessary to provide for the demonstrated needs of the person subject to guardianship.

(c) The court may appoint a guardian if it determines that all the powers and duties listed in this section are needed to provide for the needs of the incapacitated person. The court may also appoint a guardian if it determines that a guardian is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this section. The duties and powers of a guardian or those which the court may grant to a guardian include, but are not limited to:

(1) the power to have custody of the person subject to guardianship and the power to establish a place of abode within or outside the state, except as otherwise provided in this clause. The person subject to guardianship or any interested person may petition the court to prevent or to initiate a change in abode. A person subject to guardianship may not be admitted to a regional treatment center by the guardian except:

(i) after a hearing under chapter 253B;

(ii) for outpatient services; or

(iii) for the purpose of receiving temporary care for a specific period of time not to exceed 90 days in any calendar year;

(2) the duty to provide for the care, comfort, and maintenance needs of the person subject to guardianship, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian has no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian should meet these requirements through governmental benefits or services to which the person subject to guardianship is entitled, rather than from the estate of the person subject to guardianship. ~~Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian, but the guardian shall have no personal or monetary liability;~~

(3) the duty to take reasonable care of the clothing, furniture, vehicles, and other personal effects of the person subject to guardianship, and, if other property requires protection, the power to seek appointment of a conservator of the estate. The guardian must give notice by mail to interested persons prior to the disposition of the clothing, furniture, vehicles, or other personal effects of the person subject to guardianship. The notice must inform the person of the right to object to the disposition of the property within ten days of the date of mailing and to petition the court for a review of the guardian's proposed actions. Notice of the objection must be served by mail or personal service on the guardian and the person subject to guardianship unless the person subject to guardianship is the objector. The guardian served with notice of an objection to the disposition of the property may not dispose of the property unless the court approves the disposition after a hearing;

(4)(i) the power to give any necessary consent to enable the person subject to guardianship to receive necessary medical or other professional care, counsel, treatment, or service, except that no guardian may give consent for psychosurgery, electroshock, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian shall not consent to any medical care for the

111.1 person subject to guardianship which violates the known conscientious, religious, or moral
111.2 belief of the person subject to guardianship;

111.3 (ii) a guardian who believes a procedure described in item (i) requiring prior court
111.4 approval to be necessary for the proper care of the person subject to guardianship, shall
111.5 petition the court for an order and, in the case of a public guardianship under chapter 252A,
111.6 obtain the written recommendation of the commissioner of human services. The court shall
111.7 fix the time and place for the hearing and shall give notice to the person subject to
111.8 guardianship in such manner as specified in section 524.5-308 and to interested persons.
111.9 The court shall appoint an attorney to represent the person subject to guardianship who is
111.10 not represented by counsel, provided that such appointment shall expire upon the expiration
111.11 of the appeal time for the order issued by the court under this section or the order dismissing
111.12 a petition, or upon such other time or event as the court may direct. In every case the court
111.13 shall determine if the procedure is in the best interest of the person subject to guardianship.
111.14 In making its determination, the court shall consider a written medical report which
111.15 specifically considers the medical risks of the procedure, whether alternative, less restrictive
111.16 methods of treatment could be used to protect the best interest of the person subject to
111.17 guardianship, and any recommendation of the commissioner of human services for a public
111.18 person subject to guardianship. The standard of proof is that of clear and convincing evidence;

111.19 (iii) in the case of a petition for sterilization of a person with developmental disabilities
111.20 subject to guardianship, the court shall appoint a licensed physician, a psychologist who is
111.21 qualified in the diagnosis and treatment of developmental disability, and a social worker
111.22 who is familiar with the social history and adjustment of the person subject to guardianship
111.23 or the case manager for the person subject to guardianship to examine or evaluate the person
111.24 subject to guardianship and to provide written reports to the court. The reports shall indicate
111.25 why sterilization is being proposed, whether sterilization is necessary and is the least intrusive
111.26 method for alleviating the problem presented, and whether it is in the best interest of the
111.27 person subject to guardianship. The medical report shall specifically consider the medical
111.28 risks of sterilization, the consequences of not performing the sterilization, and whether
111.29 alternative methods of contraception could be used to protect the best interest of the person
111.30 subject to guardianship;

111.31 (iv) any person subject to guardianship whose right to consent to a sterilization has not
111.32 been restricted under this section or section 252A.101 may be sterilized only if the person
111.33 subject to guardianship consents in writing or there is a sworn acknowledgment by an
111.34 interested person of a nonwritten consent by the person subject to guardianship. The consent

112.1 must certify that the person subject to guardianship has received a full explanation from a
112.2 physician or registered nurse of the nature and irreversible consequences of the sterilization;

112.3 (v) a guardian or the public guardian's designee who acts within the scope of authority
112.4 conferred by letters of guardianship under section 252A.101, subdivision 7, and according
112.5 to the standards established in this chapter or in chapter 252A shall not be civilly or criminally
112.6 liable for the provision of any necessary medical care, including, but not limited to, the
112.7 administration of psychotropic medication or the implementation of aversive and deprivation
112.8 procedures to which the guardian or the public guardian's designee has consented;

112.9 (5) in the event there is no duly appointed conservator of the estate of the person subject
112.10 to guardianship, the guardian shall have the power to approve or withhold approval of any
112.11 contract, except for necessities, which the person subject to guardianship may make or wish
112.12 to make;

112.13 (6) the duty and power to exercise supervisory authority over the person subject to
112.14 guardianship in a manner which limits civil rights and restricts personal freedom only to
112.15 the extent necessary to provide needed care and services. A guardian may not restrict the
112.16 ability of the person subject to guardianship to communicate, visit, or interact with others,
112.17 including receiving visitors or making or receiving telephone calls, personal mail, or
112.18 electronic communications including through social media, or participating in social activities,
112.19 unless the guardian has good cause to believe restriction is necessary because interaction
112.20 with the person poses a risk of significant physical, psychological, or financial harm to the
112.21 person subject to guardianship, and there is no other means to avoid such significant harm.
112.22 In all cases, the guardian shall provide written notice of the restrictions imposed to the court,
112.23 to the person subject to guardianship, and to the person subject to restrictions. The person
112.24 subject to guardianship or the person subject to restrictions may petition the court to remove
112.25 or modify the restrictions;

112.26 (7) if there is no acting conservator of the estate for the person subject to guardianship,
112.27 the guardian has the power to apply on behalf of the person subject to guardianship for any
112.28 assistance, services, or benefits available to the person subject to guardianship through any
112.29 unit of government;

112.30 (8) unless otherwise ordered by the court, the person subject to guardianship retains the
112.31 right to vote;

112.32 (9) the power to establish an ABLE account for a person subject to guardianship or
112.33 conservatorship. By this provision a guardian only has the authority to establish an ABLE
112.34 account, but may not administer the ABLE account in the guardian's capacity as guardian.

113.1 The guardian may appoint or name a person to exercise signature authority over an ABLE
113.2 account, including the individual selected by the eligible individual or the eligible individual's
113.3 agent under a power of attorney; conservator; spouse; parent; sibling; grandparent; or
113.4 representative payee, whether an individual or organization, appointed by the SSA, in that
113.5 order; and

113.6 (10) if there is no conservator appointed for the person subject to guardianship, the
113.7 guardian has the duty and power to institute suit on behalf of the person subject to
113.8 guardianship and represent the person subject to guardianship in expungement proceedings,
113.9 harassment proceedings, and all civil court proceedings, including but not limited to
113.10 restraining orders, orders for protection, name changes, conciliation court, housing court,
113.11 family court, probate court, and juvenile court, provided that a guardian may not settle or
113.12 compromise any claim or debt owed to the estate without court approval.

113.13 Sec. 9. Minnesota Statutes 2022, section 524.5-315, is amended to read:

113.14 **524.5-315 RIGHTS AND IMMUNITIES OF GUARDIAN; LIMITATIONS.**

113.15 (a) A guardian is entitled to reasonable compensation for services as guardian and to
113.16 reimbursement for expenditures made on behalf of the person subject to guardianship, in a
113.17 manner consistent with section 524.5-502.

113.18 (b) a guardian is not liable to a third person for acts of the person subject to guardianship
113.19 solely by reason of the relationship. A guardian who exercises reasonable care in choosing
113.20 a third person providing medical or other care, treatment, or service for the person subject
113.21 to guardianship is not liable for injury to the person subject to guardianship resulting from
113.22 the wrongful conduct of the third person.

113.23 (c) A guardian may not revoke the health care directive of a person subject to guardianship
113.24 or conservatorship absent a court order.

113.25 (d) A guardian may not initiate the commitment of a person subject to guardianship to
113.26 an institution except in accordance with section 524.5-313.

113.27 (e) Failure to satisfy the duties of a guardian under section 524.5-313, paragraph (c),
113.28 shall be grounds for removal of a private guardian, but the guardian shall not be held liable
113.29 for acts or omissions made in the discharge of the guardian's duties except for acts or
113.30 omissions that result in harm to the person subject to guardianship and that constitute reckless
113.31 or willful misconduct, or gross negligence.

113.32 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
113.33 of action accruing on or after that date.

Sec. 10. Minnesota Statutes 2022, section 524.5-317, is amended to read:

524.5-317 TERMINATION OR MODIFICATION OF GUARDIANSHIP; COURT ORDERS.

(a) A guardianship terminates upon the death of the person subject to guardianship, upon the expiration of the duration of guardianship established in the order appointing the guardian, or upon order of the court.

(b) On petition of any person interested in the welfare of the person subject to guardianship the court may terminate a guardianship if the person subject to guardianship no longer needs the assistance or protection of a guardian. The court may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient or the capacity of the person subject to guardianship to provide for support, care, education, health, and welfare has so changed as to warrant that action. The court may make any other order that is in the best interests of the person subject to guardianship or may grant other appropriate relief.

(c) Except as otherwise ordered by the court for good cause, the court, before terminating a guardianship, shall follow the same procedures to safeguard the rights of the person subject to guardianship as apply to a petition for guardianship. Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the court shall order the termination and discharge the guardian unless it is proven that continuation of the guardianship is in the best interest of the person subject to guardianship.

(d) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

(e) A guardian has the right to petition the court for discharge from the guardianship.

(f) If, after a good faith effort, the guardian is unable to find a successor guardian, the guardian may petition the court for resignation. The court may allow the guardian to resign if such resignation would not result in substantial harm to the person subject to guardianship based on clear and convincing evidence.

Sec. 11. EFFECTIVE DATE.

Sections 4 and 5 are effective on the day following final enactment and apply to insurance policies issued or renewed in Minnesota on or after August 1 of the year of final enactment. Sections 4 and 5 do not apply to insurance policies issued or renewed prior to August 1 of

115.1 the year of final enactment or to transfer on death deeds recorded prior to that date unless
115.2 the grantor owner provides the notice specified by section 5, subdivision 3.

115.3 **ARTICLE 8**
115.4 **OTHER CIVIL LAW PROVISIONS**

115.5 Section 1. Minnesota Statutes 2022, section 5B.02, is amended to read:

115.6 **5B.02 DEFINITIONS.**

115.7 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
115.8 definitions in this section have the meanings given them.

115.9 (b) "Address" means an individual's work address, school address, or residential street
115.10 address, as specified on the individual's application to be a program participant under this
115.11 chapter.

115.12 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
115.13 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
115.14 524.5-102.

115.15 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
115.16 paragraph (a), and includes a threat of such acts committed against an individual in a domestic
115.17 situation, regardless of whether these acts or threats have been reported to law enforcement
115.18 officers.

115.19 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
115.20 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
115.21 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible
115.22 person fears for the person's safety, the safety of another person who resides in the same
115.23 household, or the safety of persons on whose behalf the application is made. In order to be
115.24 an eligible person, an individual must reside in Minnesota in order to be an eligible person
115.25 or must certify that the individual intends to reside in Minnesota within 60 days. A person
115.26 registered or required to register as a predatory offender under section 243.166 or 243.167,
115.27 or the law of another jurisdiction, is not an eligible person.

115.28 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
115.29 including priority, express, and certified mail, and excluding (1) periodicals and catalogues,
115.30 and (2) packages and parcels unless they are clearly identifiable as nonrefrigerated
115.31 pharmaceuticals or clearly indicate that they are sent by the federal government or a state
115.32 or county government agency of the continental United States, Hawaii, District of Columbia,
115.33 or United States territories.

116.1 (g) "Program participant" means an individual certified as a program participant under
116.2 section 5B.03.

116.3 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
116.4 includes a threat of such acts committed against an individual, regardless of whether these
116.5 acts or threats have been reported to law enforcement officers.

116.6 Sec. 2. Minnesota Statutes 2022, section 5B.03, subdivision 3, is amended to read:

116.7 Subd. 3. **Certification.** (a) Upon filing a completed application, the secretary of state
116.8 shall certify the eligible person as a program participant. Unless the program participant is
116.9 not a Minnesota resident, program participants shall must be certified for four years following
116.10 the date of filing unless the certification is canceled, withdrawn or invalidated before that
116.11 date. Applicants from outside of Minnesota must be certified for 60 days. Upon receiving
116.12 notice that the participant has moved to Minnesota, the participant must be certified for four
116.13 years following the date of filing unless the certification is canceled, withdrawn, or
116.14 invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

116.15 (b) Certification under this subdivision is for the purpose of participation in the
116.16 confidentiality program established under this chapter only. Certification must not be used
116.17 as evidence or be considered for any purpose in any civil, criminal, or administrative
116.18 proceeding related to the behavior or actions giving rise to the application under subdivision
116.19 1.

116.20 Sec. 3. Minnesota Statutes 2022, section 5B.04, is amended to read:

116.21 **5B.04 CERTIFICATION CANCELLATION.**

116.22 (a) If the program participant obtains a legal change of identity, the participant loses
116.23 certification as a program participant.

116.24 (b) The secretary of state may cancel a program participant's certification if there is a
116.25 change in the program participant's legal name or contact information, unless the program
116.26 participant or the person who signed as the applicant on behalf of an eligible person provides
116.27 the secretary of state with prior notice in writing of the change.

116.28 (c) The secretary of state may cancel certification of a program participant if mail
116.29 forwarded by the secretary to the program participant's address is returned as nondeliverable.

116.30 (d) The secretary of state may cancel a program participant's certification if the program
116.31 participant is no longer an eligible person.

(e) The secretary of state shall cancel certification of a program participant who applies using false information.

(f) The secretary of state shall cancel certification of a program participant who does not reside in Minnesota within 60 days of Safe at Home certification.

Sec. 4. Minnesota Statutes 2022, section 5B.05, is amended to read:

5B.05 USE OF DESIGNATED ADDRESS.

(a) When a program participant presents the address designated by the secretary of state to any person or entity, that address must be accepted as the address of the program participant. The person ~~may~~ or entity must not require the program participant to submit any address that could be used to physically locate the participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location. Notwithstanding a person's or entity's knowledge of a program participant's physical location, the person or entity must use the program participant's designated address for all mail correspondence with the program participant, unless the participant owns real property through a limited liability company or trust. A person or entity may only mail to an alternative address if the participant owns real property through a trust or a limited liability company and the participant has requested that the person or entity mail correspondence regarding that ownership to an alternate address.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.

(d) If a program participant has notified a person or entity in writing, on a form prescribed by the program, that the individual is a program participant and of the requirements of this section, the person or entity must not knowingly disclose the participant's name or address identified by the participant on the notice. If identified on the notice, the ~~individual~~ person or entity receiving the notice must not knowingly disclose the program participant's name, home address, work address, or school address, unless the person to whom the address is disclosed also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home address, work address, or school address for the purpose for which the disclosure will be made. This paragraph applies to the actions and reports of guardians ad litem, except that guardians ad litem may

118.1 disclose the program participant's name. This paragraph does not apply to records of the
118.2 judicial branch governed by rules adopted by the supreme court or government entities
118.3 governed by section 13.045.

118.4 Sec. 5. Minnesota Statutes 2022, section 13.045, subdivision 3, is amended to read:

118.5 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
118.6 **and dissemination.** (a) Identity and location data for which a program participant seeks
118.7 protection under subdivision 2, paragraph (a), that are not otherwise classified by law as
118.8 not public are private data on individuals.

118.9 (b) Notwithstanding any provision of law to the contrary, private or confidential location
118.10 data on a program participant who submits a notice under subdivision 3, paragraph (a), may
118.11 not be shared with any other government entity or nongovernmental entity unless:

118.12 (1) the program participant has expressly consented in writing to sharing or dissemination
118.13 of the data for the purpose for which the sharing or dissemination will occur;

118.14 (2) the data are subject to sharing or dissemination pursuant to court order under section
118.15 13.03, subdivision 6;

118.16 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

118.17 (4) the location data related to county of residence are needed to provide public assistance
118.18 or other government services, or to allocate financial responsibility for the assistance or
118.19 services;

118.20 (5) the data are necessary to perform a government entity's health, safety, or welfare
118.21 functions, including the provision of emergency 911 services, the assessment and
118.22 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
118.23 of services or locations for compliance with health, safety, or professional standards; or

118.24 (6) the data are necessary to aid an active law enforcement investigation of the program
118.25 participant.

118.26 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
118.27 purposes authorized in this subdivision and may not be further disclosed to any other person
118.28 or government entity. Government entities receiving or sharing private or confidential data
118.29 under this subdivision shall establish procedures to protect the data from further disclosure.

118.30 (d) Real property record data are governed by subdivision 4a.

118.31 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
118.32 to replace a participant's location data with the participant's designated address.

119.1 Sec. 6. Minnesota Statutes 2022, section 13D.05, subdivision 3, is amended to read:

119.2 Subd. 3. **What meetings may be closed.** (a) A public body may close a meeting to
119.3 evaluate the performance of an individual who is subject to its authority. The public body
119.4 shall identify the individual to be evaluated prior to closing a meeting. At its next open
119.5 meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting
119.6 must be open at the request of the individual who is the subject of the meeting.

119.7 (b) Meetings may be closed if the closure is expressly authorized by statute ~~or permitted~~
119.8 ~~by the attorney-client privilege.~~

119.9 (c) A meeting may be closed if permitted by the attorney-client privilege. A public body
119.10 must identify on the record the legal issue or case to be discussed prior to closing a meeting
119.11 under this paragraph. Any person in any court of competent jurisdiction where the
119.12 administrative office of the local body is located may bring an action claiming that a public
119.13 body closed a meeting in violation of this paragraph or discussed public business not
119.14 permitted by attorney-client privilege.

119.15 ~~(e)~~ (d) A public body may close a meeting:

119.16 (1) to determine the asking price for real or personal property to be sold by the
119.17 government entity;

119.18 (2) to review confidential or protected nonpublic appraisal data under section 13.44,
119.19 subdivision 3; and

119.20 (3) to develop or consider offers or counteroffers for the purchase or sale of real or
119.21 personal property.

119.22 Before holding a closed meeting under this paragraph, the public body must identify on
119.23 the record the particular real or personal property that is the subject of the closed meeting.
119.24 The proceedings of a meeting closed under this paragraph must be tape recorded at the
119.25 expense of the public body. The recording must be preserved for eight years after the date
119.26 of the meeting and made available to the public after all real or personal property discussed
119.27 at the meeting has been purchased or sold or the governing body has abandoned the purchase
119.28 or sale. The real or personal property that is the subject of the closed meeting must be
119.29 specifically identified on the tape. A list of members and all other persons present at the
119.30 closed meeting must be made available to the public after the closed meeting. If an action
119.31 is brought claiming that public business other than discussions allowed under this paragraph
119.32 was transacted at a closed meeting held under this paragraph during the time when the tape
119.33 is not available to the public, section 13D.03, subdivision 3, applies.

120.1 An agreement reached that is based on an offer considered at a closed meeting is contingent
120.2 on approval of the public body at an open meeting. The actual purchase or sale must be
120.3 approved at an open meeting after the notice period required by statute or the governing
120.4 body's internal procedures, and the purchase price or sale price is public data.

120.5 ~~(d)~~ (e) Meetings may be closed to receive security briefings and reports, to discuss issues
120.6 related to security systems, to discuss emergency response procedures and to discuss security
120.7 deficiencies in or recommendations regarding public services, infrastructure and facilities,
120.8 if disclosure of the information discussed would pose a danger to public safety or compromise
120.9 security procedures or responses. Financial issues related to security matters must be
120.10 discussed and all related financial decisions must be made at an open meeting. Before closing
120.11 a meeting under this paragraph, the public body, in describing the subject to be discussed,
120.12 must refer to the facilities, systems, procedures, services, or infrastructures to be considered
120.13 during the closed meeting. A closed meeting must be tape recorded at the expense of the
120.14 governing body, and the recording must be preserved for at least four years.

120.15 Sec. 7. Minnesota Statutes 2022, section 13D.06, subdivision 3, is amended to read:

120.16 Subd. 3. **Forfeit office if three violations.** (a) If a person has been found to have
120.17 ~~intentionally violated this chapter in~~ committed three or more actions brought under separate,
120.18 intentional violations of this chapter involving the same governing body, such person shall
120.19 forfeit any further right to serve on such governing body or in any other capacity with such
120.20 public body for a period of time equal to the term of office such person was then serving.

120.21 (b) The court determining the merits of any action in connection with any alleged third
120.22 violation shall receive competent, relevant evidence in connection therewith and, upon
120.23 finding as to the occurrence of a separate third violation, ~~unrelated to the previous violations,~~
120.24 issue its order declaring the position vacant and notify the appointing authority or clerk of
120.25 the governing body.

120.26 (c) As soon as practicable thereafter the appointing authority or the governing body shall
120.27 fill the position as in the case of any other vacancy.

120.28 Sec. 8. Minnesota Statutes 2022, section 491A.01, subdivision 3a, is amended to read:

120.29 Subd. 3a. **Jurisdiction; general.** (a) Except as provided in subdivisions 4 and 5, the
120.30 conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if the
120.31 amount of money or property that is the subject matter of the claim does not exceed: (1)
120.32 ~~\$15,000~~ \$20,000; or (2) \$4,000, if the claim involves a consumer credit transaction.

121.1 (b) "Consumer credit transaction" means a sale of personal property, or a loan arranged
121.2 to facilitate the purchase of personal property, in which:

121.3 (1) credit is granted by a seller or a lender who regularly engages as a seller or lender
121.4 in credit transactions of the same kind;

121.5 (2) the buyer is a natural person;

121.6 (3) the claimant is the seller or lender in the transaction; and

121.7 (4) the personal property is purchased primarily for a personal, family, or household
121.8 purpose and not for a commercial, agricultural, or business purpose.

121.9 (c) Except as otherwise provided in this subdivision and subdivisions 5 to 11, the
121.10 territorial jurisdiction of conciliation court is coextensive with the county in which the court
121.11 is established. The summons in a conciliation court action under subdivisions 6 to 10 may
121.12 be served anywhere in the state, and the summons in a conciliation court action under
121.13 subdivision 7, paragraph (b), may be served outside the state in the manner provided by
121.14 law. The court administrator shall serve the summons in a conciliation court action by first
121.15 class mail, except that if the amount of money or property that is the subject of the claim
121.16 exceeds \$2,500, the summons must be served by the plaintiff by certified mail, and service
121.17 on nonresident defendants must be made in accordance with applicable law or rule.
121.18 Subpoenas to secure the attendance of nonparty witnesses and the production of documents
121.19 at trial may be served anywhere within the state in the manner provided by law.

121.20 When a court administrator is required to summon the defendant by certified mail under
121.21 this paragraph, the summons may be made by personal service in the manner provided in
121.22 the Rules of Civil Procedure for personal service of a summons of the district court as an
121.23 alternative to service by certified mail.

121.24 Sec. 9. Minnesota Statutes 2022, section 518B.01, subdivision 2, is amended to read:

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

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

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

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

121.31 (3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal
121.32 sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or

122.1 609.3451; sexual extortion within the meaning of section 609.3458; or interference with an
122.2 emergency call within the meaning of section 609.78, subdivision 2.

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

122.4 (1) spouses and former spouses;

122.5 (2) parents and children;

122.6 (3) persons related by blood;

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

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

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

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

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

122.19 (c) "Qualified domestic violence-related offense" has the meaning given in section
122.20 609.02, subdivision 16.

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

122.25 Sec. 10. Minnesota Statutes 2022, section 518B.01, subdivision 3b, is amended to read:

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

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

123.9 Sec. 11. Minnesota Statutes 2022, section 518B.01, subdivision 4, is amended to read:

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

123.12 (a) A petition for relief under this section may be made by any family or household
123.13 member personally or by a family or household member, a guardian as defined in section
123.14 524.1-201, clause (27), or, if the court finds that it is in the best interests of the minor, by
123.15 a reputable adult age 25 or older on behalf of minor family or household members. A minor
123.16 age 16 or older may make a petition on the minor's own behalf against a spouse or former
123.17 spouse, or a person with whom the minor has a child in common, if the court determines
123.18 that the minor has sufficient maturity and judgment and that it is in the best interests of the
123.19 minor.

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

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

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

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

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

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

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

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

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

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

124.25 Sec. 12. Minnesota Statutes 2022, section 518B.01, subdivision 5, is amended to read:

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

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

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

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

125.1 (c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief
125.2 beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief
125.3 requested by the petitioner, a hearing must be held within seven days. Personal service of
125.4 the ex parte order may be made upon the respondent and any custodian at any time up to
125.5 12 hours prior to the time set for the hearing, provided that the respondent at the hearing
125.6 may request a continuance of up to five days if served fewer than five days prior to the
125.7 hearing which continuance shall be granted unless there are compelling reasons not to.

125.8 (d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph
125.9 (a), and the respondent requests a hearing, the hearing shall be held within ten days of the
125.10 court's receipt of the respondent's request. Service of the notice of hearing must be made
125.11 upon the petitioner and any custodian not less than five days prior to the hearing. The court
125.12 shall serve the notice of hearing upon the petitioner and any custodian by mail in the manner
125.13 provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions
125.14 and shall also mail notice of the date and time of the hearing to the respondent. In the event
125.15 that service cannot be completed in time to give the respondent ~~or~~ petitioner, or any custodian
125.16 the minimum notice required under this subdivision, the court may set a new hearing date
125.17 no more than five days later.

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

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

126.1 Sec. 13. Minnesota Statutes 2022, section 518B.01, subdivision 6a, is amended to read:

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

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

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

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

126.14 (3) the respondent has engaged in the act of harassment within the meaning of section
126.15 609.749, subdivision 2; or

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

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

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

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

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

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

127.1 Sec. 14. Minnesota Statutes 2022, section 518B.01, subdivision 7, is amended to read:

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

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

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

127.9 (3) excluding the abusing party from the place of employment of the petitioner or
127.10 otherwise limiting access to the petitioner by the abusing party at the petitioner's place of
127.11 employment;

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

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

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

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

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

127.25 (c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed
127.26 period set by the court, as provided in subdivision 6, paragraph (b), or until modified or
127.27 vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order
127.28 becomes effective upon the referee's signature. Upon request, a hearing, as provided by this
127.29 section, shall be set. Except as provided in paragraph (d), the respondent shall be personally
127.30 served forthwith a copy of the ex parte order along with a copy of the petition and, if
127.31 requested by the petitioner, notice of the date set for the hearing. Any custodian must be
127.32 served with a copy of the ex parte order. Service on a custodian may be made by personal
127.33 service or by certified mail. If the petitioner does not request a hearing, an order served on

128.1 a respondent under this subdivision must include a notice advising the respondent of the
128.2 right to request a hearing, must be accompanied by a form that can be used by the respondent
128.3 to request a hearing and must include a conspicuous notice that a hearing will not be held
128.4 unless requested by the respondent within five days of service of the order.

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

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

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

128.18 Sec. 15. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

128.19 Subd. 8. **Service; alternate service; publication; notice.** (a) The petition and any order
128.20 issued under this section other than orders for dismissal shall be served on the respondent
128.21 personally. Orders for dismissal may be served on the respondent personally or by certified
128.22 mail. In lieu of personal service of an order for protection, a law enforcement officer may
128.23 serve a ~~person~~ respondent with a short-form notification as provided in subdivision 8a. The
128.24 petition and any order issued under this section may be served on any custodian personally
128.25 or by certified mail.

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

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

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

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

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

Sec. 16. Minnesota Statutes 2022, section 518B.01, subdivision 8a, is amended to read:

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

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

The order for protection is now enforceable. You must report to your nearest sheriff office or county court to obtain a copy of the order for protection. You are subject to arrest

130.1 and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any
130.2 of the terms of the order for protection or this short-form notification.

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

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

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

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

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

130.13 Sec. 17. Minnesota Statutes 2022, section 518B.01, subdivision 9a, is amended to read:

130.14 Subd. 9a. **Service by others.** Peace officers licensed by the state of Minnesota and
130.15 corrections officers, including, but not limited to, probation officers, court services officers,
130.16 parole officers, and employees of jails or correctional facilities, may serve an order for
130.17 protection on a respondent or any custodian.

130.18 Sec. 18. Minnesota Statutes 2022, section 518B.01, subdivision 11, is amended to read:

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

130.22 (b) If the court orders relief under subdivision 6a, paragraph (c), the respondent named
130.23 in the order for protection may request to have the order vacated or modified if the order
130.24 has been in effect for at least five years and the respondent has not violated the order during
130.25 that time. Application for relief under this subdivision must be made in the county in which
130.26 the order for protection was issued. Upon receipt of the request, the court shall set a hearing
130.27 date. Personal service must be made upon the petitioner named in the order for protection
130.28 not less than 30 days before the date of the hearing. Notice of the request and hearing may
130.29 be made on any custodian personally or by certified mail. At the hearing, the respondent
130.30 named in the order for protection has the burden of proving by a preponderance of the
130.31 evidence that there has been a material change in circumstances and that the reasons upon
130.32 which the court relied in granting or extending the order for protection no longer apply and

131.1 are unlikely to occur. If the court finds that the respondent named in the order for protection
131.2 has met the burden of proof, the court may vacate or modify the order. If the court finds
131.3 that the respondent named in the order for protection has not met the burden of proof, the
131.4 court shall deny the request and no request may be made to vacate or modify the order for
131.5 protection until five years have elapsed from the date of denial. An order vacated or modified
131.6 under this paragraph must be personally served on the petitioner named in the order for
131.7 protection and may be served on any custodian personally or by certified mail.

131.8 Sec. 19. Minnesota Statutes 2022, section 518B.01, is amended by adding a subdivision
131.9 to read:

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

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

131.22 Sec. 20. Minnesota Statutes 2022, section 548.251, subdivision 2, is amended to read:

131.23 Subd. 2. **Motion.** In a civil action, whether based on contract or tort, when liability is
131.24 admitted or is determined by the trier of fact, and when damages include an award to
131.25 compensate the plaintiff for losses available to the date of the verdict by collateral sources,
131.26 a party may file a motion within ten days of the date of entry of the verdict requesting
131.27 determination of collateral sources. If the motion is filed, the parties shall submit written
131.28 evidence of, and the court shall determine:

131.29 (1) amounts of collateral sources that have been paid for the benefit of the plaintiff or
131.30 are otherwise available to the plaintiff as a result of losses except those for which a
131.31 subrogation right has been asserted; and

131.32 (2) amounts that have been paid, contributed, or forfeited by, or on behalf of, the plaintiff
131.33 or members of the plaintiff's immediate family for the two-year period immediately before

132.1 the accrual of the action and until judgment is entered to secure the right to a collateral
132.2 source benefit that the plaintiff is receiving as a result of losses.

132.3 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to causes
132.4 of action commenced on or after that date.

132.5 Sec. 21. **[554.07] SHORT TITLE.**

132.6 Sections 554.07 to 554.19 may be cited as the "Uniform Public Expression Protection
132.7 Act."

132.8 Sec. 22. **[554.08] SCOPE.**

132.9 (a) For the purposes of sections 554.07 to 554.19, the terms in this section have the
132.10 meanings given them.

132.11 (1) "Goods or services" does not include the creation, dissemination, exhibition, or
132.12 advertisement or similar promotion of a dramatic, literary, musical, political, journalistic,
132.13 or artistic work.

132.14 (2) "Governmental unit" means a public corporation or government or governmental
132.15 subdivision, agency, or instrumentality.

132.16 (3) "Person" means an individual, estate, trust, partnership, business or nonprofit entity,
132.17 governmental unit, or other legal entity.

132.18 (b) Except as otherwise provided in paragraph (c), sections 554.07 to 554.19 apply to a
132.19 cause of action asserted in a civil action against a person based on the person's:

132.20 (1) communication in a legislative, executive, judicial, administrative, or other
132.21 governmental proceeding;

132.22 (2) communication on an issue under consideration or review in a legislative, executive,
132.23 judicial, administrative, or other governmental proceeding; or

132.24 (3) exercise of the right of freedom of speech or of the press, the right to assemble or
132.25 petition, or the right of association, guaranteed by the United States Constitution or the
132.26 Minnesota Constitution on a matter of public concern.

132.27 (c) Sections 554.07 to 554.19 do not apply to a cause of action:

132.28 (1) against a governmental unit or an employee or agent of a governmental unit acting
132.29 or purporting to act in an official capacity;

133.1 (2) by a governmental unit or an employee or agent of a governmental unit acting in an
133.2 official capacity to enforce a law to protect against an imminent threat to public health or
133.3 safety;

133.4 (3) against a person primarily engaged in the business of selling or leasing goods or
133.5 services if the cause of action arises out of a communication related to the person's sale or
133.6 lease of the goods or services;

133.7 (4) against a person named in a civil suit brought by a victim of a crime against a
133.8 perpetrator;

133.9 (5) against a person named in a civil suit brought to establish or declare real property
133.10 possessory rights, use of real property, recovery of real property, quiet title to real property,
133.11 or related claims relating to real property;

133.12 (6) seeking recovery for bodily injury, wrongful death, or survival or to statements made
133.13 regarding that legal action, unless the claims involve damage to reputation;

133.14 (7) brought under the insurance code or arising out of an insurance contract;

133.15 (8) based on a common law fraud claim;

133.16 (9) brought under chapters 517 to 519A; or counterclaims based on a criminal no-contact
133.17 order pursuant to section 629.72 or 629.75; for or based on an antiharassment order or a
133.18 sexual assault protection order under section 518B.01; or for or based on a vulnerable adult
133.19 protection order for crimes against the vulnerable adult under sections 609.232, 609.2325,
133.20 609.233, 609.2335, and 609.234;

133.21 (10) brought under chapters 175, 177, 178, 179, and 179A; negligent supervision,
133.22 retention, or infliction of emotional distress unless the claims involve damage to reputation;
133.23 wrongful discharge in violation of public policy; whistleblowing; or enforcement of employee
133.24 rights under civil service, collective bargaining, or handbooks and policies;

133.25 (11) brought under consumer protection, chapter 325F or 325G; or

133.26 (12) for any claim brought under federal law.

133.27 (d) Sections 554.07 to 554.19 apply to a cause of action asserted under paragraph (c),
133.28 clause (3), (8), or (11), when the cause of action is:

133.29 (1) a legal action against a person arising from any act of that person, whether public or
133.30 private, related to the gathering, receiving, posting, or processing of information for
133.31 communication to the public, whether or not the information is actually communicated to
133.32 the public, for the creation, dissemination, exhibition, or advertisement or other similar

134.1 promotion of a dramatic, literary, musical, political, journalistic, or otherwise artistic work,
134.2 including audiovisual work regardless of the means of distribution, a motion picture, a
134.3 television or radio program, or an article published in a newspaper, website, magazine, or
134.4 other platform, no matter the method or extent of distribution; or

134.5 (2) a legal action against a person related to the communication, gathering, receiving,
134.6 posting, or processing of consumer opinions or commentary, evaluations of consumer
134.7 complaints, or reviews or ratings of businesses.

134.8 Sec. 23. **[554.09] SPECIAL MOTION FOR EXPEDITED RELIEF.**

134.9 Not later than 60 days after a party is served with a complaint, crossclaim, counterclaim,
134.10 third-party claim, or other pleading that asserts a cause of action to which sections 554.07
134.11 to 554.19 apply, or at a later time on a showing of good cause, the party may file a special
134.12 motion for expedited relief to dismiss the cause of action or part of the cause of action.

134.13 Sec. 24. **[554.10] STAY.**

134.14 (a) Except as otherwise provided in paragraphs (d) to (g), on the filing of a motion under
134.15 section 554.09:

134.16 (1) all other proceedings between the moving party and responding party, including
134.17 discovery and a pending hearing or motion, are stayed; and

134.18 (2) on motion by the moving party, the court may stay a hearing or motion involving
134.19 another party, or discovery by another party, if the hearing or ruling on the motion would
134.20 adjudicate, or the discovery would relate to, an issue material to the motion under section
134.21 554.09.

134.22 (b) A stay under paragraph (a) remains in effect until entry of an order ruling on the
134.23 motion under section 554.09 and expiration of the time under section 554.15 for the moving
134.24 party to appeal the order.

134.25 (c) Except as otherwise provided in paragraphs (e), (f), and (g), if a party appeals from
134.26 an order ruling on a motion under section 554.09, all proceedings between all parties in the
134.27 action are stayed. The stay remains in effect until the conclusion of the appeal.

134.28 (d) During a stay under paragraph (a), the court may allow limited discovery if a party
134.29 shows that specific information is necessary to establish whether a party has satisfied or
134.30 failed to satisfy a burden under section 554.13, paragraph (a), and the information is not
134.31 reasonably available unless discovery is allowed.

135.1 (e) A motion under section 554.16 for costs, attorney fees, and expenses is not subject
135.2 to a stay under this section.

135.3 (f) A stay under this section does not affect a party's ability voluntarily to dismiss a cause
135.4 of action or part of a cause of action or move to sever a cause of action.

135.5 (g) During a stay under this section, the court for good cause may hear and rule on:

135.6 (1) a motion unrelated to the motion under section 554.09; and

135.7 (2) a motion seeking a special or preliminary injunction to protect against an imminent
135.8 threat to public health or safety.

135.9 Sec. 25. **[554.11] HEARING.**

135.10 (a) The court shall hear a motion under section 554.09 not later than 60 days after filing
135.11 of the motion, unless the court orders a later hearing:

135.12 (1) to allow discovery under section 554.10, paragraph (d); or

135.13 (2) for other good cause.

135.14 (b) If the court orders a later hearing under paragraph (a), clause (1), the court shall hear
135.15 the motion under section 554.09 not later than 60 days after the court order allowing the
135.16 discovery, unless the court orders a later hearing under paragraph (a), clause (2).

135.17 Sec. 26. **[554.12] PROOF.**

135.18 In ruling on a motion under section 554.09, the court shall consider the pleadings, the
135.19 motion, any reply or response to the motion, and any evidence that could be considered in
135.20 ruling on a motion for summary judgment under Minnesota Rules of Civil Procedure 56.03.

135.21 Sec. 27. **[554.13] DISMISSAL OF CAUSE OF ACTION IN WHOLE OR PART.**

135.22 (a) In ruling on a motion under section 554.09, the court shall dismiss with prejudice a
135.23 cause of action, or part of a cause of action, if:

135.24 (1) the moving party establishes under section 554.08, paragraph (b), that sections 554.07
135.25 to 554.19 apply;

135.26 (2) the responding party fails to establish under section 554.08, paragraph (c), that
135.27 sections 554.07 to 554.19 do not apply; and

135.28 (3) either:

136.1 (i) the responding party fails to establish a prima facie case as to each essential element
136.2 of the cause of action; or

136.3 (ii) the moving party establishes that:

136.4 (A) the responding party failed to state a cause of action upon which relief can be granted;
136.5 or

136.6 (B) there is no genuine issue as to any material fact and the moving party is entitled to
136.7 judgment as a matter of law on the cause of action or part of the cause of action.

136.8 (b) A voluntary dismissal without prejudice of a responding party's cause of action, or
136.9 part of a cause of action, that is the subject of a motion under section 554.09 does not affect
136.10 a moving party's right to obtain a ruling on the motion and seek costs, attorney fees, and
136.11 expenses under section 554.16.

136.12 (c) A voluntary dismissal with prejudice of a responding party's cause of action, or part
136.13 of a cause of action, that is the subject of a motion under section 554.09 establishes for the
136.14 purpose of section 554.16 that the moving party prevailed on the motion.

136.15 Sec. 28. **[554.14] RULING.**

136.16 The court shall rule on a motion under section 554.09 not later than 60 days after a
136.17 hearing under section 554.11.

136.18 Sec. 29. **[554.15] APPEAL.**

136.19 A moving party may appeal as a matter of right from an order denying, in whole or in
136.20 part, a motion under section 554.09. The appeal must be filed not later than 30 days after
136.21 entry of the order.

136.22 Sec. 30. **[554.16] COSTS, ATTORNEY FEES, AND EXPENSES.**

136.23 On a motion under section 554.09, the court shall award court costs, reasonable attorney
136.24 fees, and reasonable litigation expenses related to the motion:

136.25 (1) to the moving party if the moving party prevails on the motion; or

136.26 (2) to the responding party if the responding party prevails on the motion and the court
136.27 finds that the motion was frivolous or filed solely with intent to delay the proceeding.

137.1 Sec. 31. **[554.17] CONSTRUCTION.**

137.2 Sections 554.07 to 554.19 must be broadly construed and applied to protect the exercise
137.3 of the right of freedom of speech and of the press, the right to assemble and petition, and
137.4 the right of association, guaranteed by the United States Constitution or Minnesota
137.5 Constitution.

137.6 Sec. 32. **[554.18] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

137.7 In applying and construing this uniform act, consideration must be given to the need to
137.8 promote uniformity of the law with respect to its subject matter among states that enact it.

137.9 Sec. 33. **[554.19] SAVINGS CLAUSE.**

137.10 Sections 554.07 to 554.19 do not affect a cause of action asserted before the effective
137.11 date of sections 554.07 to 554.19 in a civil action or a motion under Minnesota Statutes
137.12 2022, sections 554.01 to 554.06, regarding the cause of action.

137.13 Sec. 34. **[554.20] NO WAIVER OF OTHER PLEADINGS OR DEFENSES.**

137.14 A special motion for expedited relief under sections 554.07 to 554.19 is not meant to
137.15 waive a defense or preclude the filing of another pleading or motion regarding the cause of
137.16 action.

137.17 Sec. 35. Minnesota Statutes 2022, section 563.01, is amended to read:

137.18 **563.01 IN-FORMA-PAUPERIS PROCEEDINGS COURT FEE WAIVER;**
137.19 **AUTHORIZATION.**

137.20 Subd. 2. **Expenses.** Whenever pursuant to this section the court directs expenses to be
137.21 paid, the expenses shall be paid by the state.

137.22 Subd. 3. **Court fee waiver; authorization of in-forma-pauperis.** (a) Any court of the
137.23 state of Minnesota or any political subdivision thereof may authorize the commencement
137.24 or defense of any civil action, or appeal therein, without ~~prepayment~~ payment of fees, costs,
137.25 and security for costs by a natural person who makes affidavit stating ~~(a)~~ (1) the nature of
137.26 the action, defense or appeal, ~~(b)~~ (2) a belief that affiant is entitled to redress, and ~~(c)~~ (3)
137.27 that affiant is financially unable to pay the fees, costs and security for costs.

137.28 (b) Upon a finding by the court that the action, defense, or appeal is not of a frivolous
137.29 nature, the court shall allow the person to proceed ~~in-forma-pauperis~~ without payment of
137.30 fees, costs, and security for costs if the affidavit is substantially in the language required by

138.1 this subdivision and is not found by the court to be untrue. Persons ~~meeting~~ presumed to
138.2 meet the requirements of this subdivision include, but are not limited to, a person who is
138.3 receiving public assistance described in section 550.37, subdivision 14, who is represented
138.4 by an attorney on behalf of a civil legal services program or a volunteer attorney program
138.5 based on indigency, or who has an annual income not greater than 125 percent of the poverty
138.6 line established under United States Code, title 42, section 9902(2), except as otherwise
138.7 provided by section 563.02.

138.8 (c) If, at commencement of the action, the court finds that a party does not meet the
138.9 eligibility criteria under paragraph (b), but the court also finds that the party is not able to
138.10 pay all of the fees, costs, and security for costs, the court may order payment of a fee of \$75
138.11 or partial payment of the fees, costs, and security for costs, to be paid as directed by the
138.12 court.

138.13 The court administrator shall transmit any fees or payments to the commissioner of
138.14 management and budget for deposit in the state treasury and credit to the general fund.

138.15 (d) Notwithstanding paragraph (a), a person who is represented by a civil legal services
138.16 program or a volunteer attorney program based on indigency may be allowed to proceed
138.17 without payment of fees, costs, and security for costs without additional findings if the
138.18 attorney representing the person submits an affidavit or makes an oral attestation during a
138.19 court proceeding stating that civil legal services or a volunteer attorney program services
138.20 are being provided to the client.

138.21 Subd. 4. **Payment of expenses.** Upon order of the court, the court administrator and the
138.22 sheriff of any Minnesota county shall perform their duties without charge to the person
138.23 proceeding ~~in forma pauperis~~ with a court fee waiver. The court shall direct payment of the
138.24 reasonable expense of service of process pursuant to subdivision 2 if served by a private
138.25 process server, if the sheriff is unavailable, or by publication.

138.26 Subd. 5. **Witness fees.** If the court finds that a witness, including an expert witness, has
138.27 evidence material and necessary to the case and is within the state of Minnesota, the court
138.28 shall direct payment of the reasonable expenses incurred in subpoenaing the witness, if
138.29 necessary, and in paying the fees and costs of the witness.

138.30 Subd. 6. **Deposition expenses.** If the court finds that a deposition and transcript thereof
138.31 are necessary to adequately prepare, present or decide an issue presented by the action, the
138.32 court shall direct payment of the reasonable expenses incurred in taking the deposition and
138.33 in obtaining the transcript thereof.

Subd. 7. **Transcript expenses.** If the court finds that a transcript of any part or all of the action is necessary to adequately prepare, present or decide an issue presented by the action, the court shall direct the payment of the reasonable expenses incurred in obtaining the transcript.

Subd. 7a. **Copy costs.** The court administrator shall provide a person who is proceeding ~~in forma pauperis~~ with a court fee waiver under subdivision 3 with a copy of the person's court file without charge.

Subd. 8. **Appellate briefs.** In any case on appeal the appellate court shall, upon granting permission to proceed ~~in forma pauperis following application in the manner~~ with a court fee waiver as provided in subdivision 3, direct payment of the reasonable expenses incurred in obtaining the record and reproducing the appellate briefs.

Subd. 8a. **Reimbursement.** Following commencement of the action, the court may order reimbursement of all or a portion of any fees, costs, and security for costs if the party either (1) no longer meets the eligibility criteria under subdivision 3, paragraph (b); or (2) the amount ordered under subdivision 3, paragraph (c), is no longer appropriate because the party is able to pay a higher amount. The reimbursement must be paid as directed by the court.

Subd. 9. **Rescinding ~~in forma pauperis status~~ court fee waiver authorization.** Upon motion, the court may rescind its permission to proceed ~~in forma pauperis~~ with a court fee waiver under subdivision 3 if it finds the allegations of poverty contained in the affidavit are untrue, or if, following commencement of the action, the party becomes able to pay the fees, costs and security for the costs. In such cases, the court may direct the party to pay to the court administrator any costs allowing the action to proceed. The court administrator shall transmit the costs to the commissioner of management and budget for deposit in the state treasury and credit them to the general fund.

Subd. 10. **Judgment.** Judgment may be rendered for costs at the conclusion of the action as in other cases. In the event any person recovers moneys by either settlement or judgment as a result of commencing or defending an action ~~in forma pauperis~~ with a court fee waiver under subdivision 3, the costs deferred and the expenses directed by the court to be paid under this section shall be included in such moneys and shall be paid directly to the court administrator by the opposing party. The court administrator shall transmit the costs to the commissioner of management and budget for deposit in the state treasury and credit them to the general fund.

140.1 Subd. 11. **Fraud; perjury.** A person who fraudulently invokes the privilege of this
140.2 section shall be guilty of perjury and shall, upon conviction thereof, be punished as provided
140.3 in section 609.48.

140.4 Subd. 12. **Not supersede other remedies.** The provisions of this section do not replace
140.5 or supersede remedies otherwise provided by law.

140.6 Sec. 36. **REVISOR INSTRUCTION.**

140.7 The revisor of statutes shall prepare legislation for the 2025 legislative session making
140.8 any additional conforming changes arising out of sections 16 to 29 and 32.

140.9 Sec. 37. **REPEALER.**

140.10 Minnesota Statutes 2022, sections 554.01; 554.02; 554.03; 554.04; 554.045; 554.05;
140.11 and 554.06, are repealed.

140.12 Sec. 38. **EFFECTIVE DATE.**

140.13 Sections 21 to 34, 36, and 37 are effective the day following final enactment and apply
140.14 to a civil action pending on or commenced on or after that date.

140.15 ARTICLE 9

140.16 CONTRACTS FOR DEED

140.17 Section 1. Minnesota Statutes 2022, section 272.12, is amended to read:

140.18 **272.12 CONVEYANCES, TAXES PAID BEFORE RECORDING.**

140.19 When:

140.20 (a) a deed or other instrument conveying land,

140.21 (b) a plat of any townsite or addition thereto,

140.22 (c) a survey required pursuant to section 508.47,

140.23 (d) a condominium plat subject to chapter 515 or 515A or a declaration that contains
140.24 such a plat, or

140.25 (e) a common interest community plat subject to chapter 515B or a declaration that
140.26 contains such a plat,

140.27 is presented to the county auditor for transfer, the auditor shall ascertain from the records
140.28 if there be taxes delinquent upon the land described therein, or if it has been sold for taxes.

141.1 An assignment of a sheriff's or referee's certificate of sale, when the certificate of sale
141.2 describes real estate, and certificates of redemption from mortgage or lien foreclosure sales,
141.3 when the certificate of redemption encompasses real estate and is issued to a junior creditor,
141.4 are considered instruments conveying land for the purposes of this section and section
141.5 272.121. If there are taxes delinquent, the auditor shall certify to the same; and upon payment
141.6 of such taxes, or in case no taxes are delinquent, shall transfer the land upon the books of
141.7 the auditor's office, and note upon the instrument, over official signature, the words, "no
141.8 delinquent taxes and transfer entered," or, if the land described has been sold or assigned
141.9 to an actual purchaser for taxes, the words "paid by sale of land described within;" and,
141.10 unless such statement is made upon such instrument, the county recorder or the registrar of
141.11 titles shall refuse to receive or record the same; provided, that sheriff's or referees' certificates
141.12 of sale on execution or foreclosure of a lien or mortgage, certificates of redemption from
141.13 mortgage or lien foreclosure sales issued to the redeeming mortgagor or lienee, documents
141.14 evidencing the termination of a contract for deed as described in section 559.213, deeds of
141.15 distribution made by a personal representative in probate proceedings, transfer on death
141.16 deeds under section 507.071, decrees and judgments, receivers receipts, patents, and copies
141.17 of town or statutory city plats, in case the original plat filed in the office of the county
141.18 recorder has been lost or destroyed, and the instruments releasing, removing and discharging
141.19 reversionary and forfeiture provisions affecting title to land and instruments releasing,
141.20 removing or discharging easement rights in land or building or other restrictions, may be
141.21 recorded without such certificate; and, provided that instruments conveying land and, as
141.22 appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded
141.23 without such certificate as to the land covered by such easement; and provided further, that
141.24 any instrument granting an easement made in favor of any public utility or pipe line for
141.25 conveying gas, liquids or solids in suspension, in the nature of a right-of-way over, along,
141.26 across or under a tract of land may be recorded without such certificate as to the land covered
141.27 by such easement. Documents governing homeowners associations of condominiums,
141.28 townhouses, common interest ownership communities, and other planned unit developments
141.29 may be recorded without the auditor's certificate to the extent provided in section
141.30 515B.1-116(e).

141.31 A deed of distribution made by a personal representative in a probate proceeding, a
141.32 decree, or a judgment that conveys land shall be presented to the county auditor, who shall
141.33 transfer the land upon the books of the auditor's office and note upon the instrument, over
141.34 official signature, the words, "transfer entered", and the instrument may then be recorded.
141.35 A decree or judgment that affects title to land but does not convey land may be recorded
141.36 without presentation to the auditor.

A violation of this section by the county recorder or the registrar of titles shall be a gross misdemeanor, and, in addition to the punishment therefor, the recorder or registrar shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained.

When, as a condition to permitting the recording of deed or other instrument affecting the title to real estate previously forfeited to the state under the provisions of sections 281.16 to 281.25, county officials, after such real estate has been purchased or repurchased, have required the payment of taxes erroneously assumed to have accrued against such real estate after forfeiture and before the date of purchase or repurchase, the sum required to be so paid shall be refunded to the persons entitled thereto out of moneys in the funds in which the sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section 279.02.

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

Sec. 2. Minnesota Statutes 2022, section 507.235, subdivision 1a, is amended to read:

Subd. 1a. **Requirements of vendor.** (a) A vendor entering into a contract for deed involving residential real property must, contemporaneously with the execution of the contract for deed:

~~(1)~~ deliver to the vendee a copy of the contract for deed containing original signatures in recordable form; ~~and,~~

~~(2)~~ (b) Within four months of the execution of the contract for deed, the vendor must:

~~(1) pay, or reimburse the vendee for payment of, any delinquent taxes necessary for recordation of the contract for deed, unless the contract for deed provides for the vendee to pay the delinquent taxes; and~~

~~(2) record the contract for deed in the office of the county recorder or registrar of titles in the county in which the land is located.~~

(c) The following statement included in a contract for deed for other than residential real property shall constitute prima facie evidence that this subdivision does not apply: "The property is not residential real property."

(d) If the contract for deed is not in recordable form, the vendor must make a good faith effort to correct the defects that rendered the contract unrecordable. A good faith effort includes but is not limited to determining the reason or reasons why the contract was not in recordable form, and revising and, if necessary, having all parties re-execute, the contract

143.1 to render it in recordable form. The vendee must, in good faith, cooperate with the vendor
143.2 to the extent that cooperation is necessary to correct the defects.

143.3 ~~(b)~~ (c) For purposes of this subdivision:

143.4 (1) "contract for deed" means an executory contract for the conveyance of residential
143.5 real property under which the seller provides financing for the purchase of the residential
143.6 real property and under which the purchaser does or has a right to go into possession.
143.7 Contract for deed does not include:

143.8 (i) a purchase agreement;

143.9 (ii) an earnest money contract;

143.10 (iii) an exercised option or a lease, including a lease with an option to purchase; or

143.11 (iv) a mortgage, as defined in section 287.01; and

143.12 (2) "residential real property" means real property ~~occupied, or intended to be occupied,~~
143.13 ~~by one to four families, if the purchaser intends to occupy the real property consisting of~~
143.14 one to four family dwelling units, one of which is intended to be occupied as the principal
143.15 place of residence by:

143.16 (i) the purchaser;

143.17 (ii) if the purchaser is an entity, the natural person who is the majority or controlling
143.18 owner of the entity; or

143.19 (iii) if the purchaser is a trust, the settlor of the trust.

143.20 Residential real property does not include ~~property subject to a family farm security loan~~
143.21 ~~or~~ a transaction subject to sections 583.20 to 583.32.

143.22 (f) The performance of the obligations by the vendor required under this subdivision
143.23 satisfies any of the obligations of the original vendee, as required under subdivision 1.

143.24 (g) The requirements of this subdivision may not be waived or altered by any provision
143.25 in a contract for deed. A provision in a contract for deed to the contrary is void and
143.26 unenforceable.

143.27 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all contracts
143.28 for deed executed by all parties on or after that date.

144.1 Sec. 3. Minnesota Statutes 2022, section 507.235, subdivision 5, is amended to read:

144.2 Subd. 5. **Civil enforcement.** (a) A city in which the land is located or, if the land is not
144.3 located within a city, the county in which the land is located, may enforce the provisions
144.4 of this section. The city or county may bring an action to compel the recording of a contract
144.5 for deed or any assignments of a contract for deed, an action to impose the civil penalty, or
144.6 an action to compel disclosure of information.

144.7 (b) Prior to bringing an action under this subdivision to compel recording or to impose
144.8 the penalty, ~~or an action under subdivision 4,~~ the city or county must provide written notice
144.9 to the person, subject to subdivision 1, of the person's duty to record the contract for deed
144.10 or the assignment. If the person so notified fails to record the contract for deed or assignment
144.11 documents within 14 days of receipt of the notice, an action may be brought.

144.12 (c) It is an affirmative defense in an enforcement action under this section that the contract
144.13 for deed or assignment document is not recordable, or that section 272.121 prohibits the
144.14 recording of the contract for deed or assignment, and that the defendant has provided to the
144.15 city or county attorney true and correct copies of the documents within 14 days after receipt
144.16 of the notice.

144.17 (d) In an action brought under this subdivision, the city or county attorney may recover
144.18 costs and disbursements, including reasonable attorney fees.

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

144.20 Sec. 4. Minnesota Statutes 2022, section 513.73, subdivision 3, is amended to read:

144.21 Subd. 3. **Private transfer fee.** "Private transfer fee" means a fee or charge required by
144.22 a private transfer fee obligation and payable upon the transfer of an interest in real property,
144.23 or payable for the right to make or accept the transfer, regardless of whether the fee or
144.24 charge is a fixed amount or is determined as a percentage of the value of the property, the
144.25 purchase price, or other consideration given for the transfer. The following are not private
144.26 transfer fees for purposes of this section:

144.27 (1) consideration payable by the grantee to the grantor for the interest in real property
144.28 being transferred, including any subsequent additional consideration for the property payable
144.29 by the grantee based upon any subsequent appreciation, development, or sale of the property,
144.30 provided that the additional consideration is payable on a onetime basis only, and the
144.31 obligation to make the payment does not bind successors in title to the property. For the
144.32 purposes of this clause, an interest in real property may include a separate mineral estate
144.33 and its appurtenant surface access rights;

145.1 (2) commission payable to a licensed real estate broker for the transfer of real property
145.2 pursuant to an agreement between the broker and the grantor or the grantee, including any
145.3 subsequent additional commission for that transfer payable by the grantor or the grantee
145.4 based upon any subsequent appreciation, development, or sale of the property;

145.5 (3) interest, charges, fees, or other amounts payable by a borrower to a lender pursuant
145.6 to a loan secured by a mortgage against real property, including but not limited to a fee
145.7 payable to the lender for consenting to an assumption of the loan or a transfer of the real
145.8 property subject to the mortgage, fees, or charges payable to the lender for estoppel letters
145.9 or certificates, and shared appreciation interest or profit participation or other consideration
145.10 and payable to the lender in connection with the loan;

145.11 (4) rent, reimbursement, charge, fee, or other amount payable by a lessee to a lessor
145.12 under a lease, including but not limited to a fee payable to the lessor for consenting to an
145.13 assignment, subletting, encumbrance, or transfer of the lease;

145.14 (5) consideration payable to the holder of an option to purchase an interest in real property
145.15 or the holder of a right of first refusal or first offer to purchase an interest in real property
145.16 for waiving, releasing, or not exercising the option or right upon the transfer of the property
145.17 to another person;

145.18 ~~(6) consideration payable by a contract for deed vendee to the vendor pursuant to the~~
145.19 ~~terms of a recorded contract for deed, including any subsequent additional consideration~~
145.20 ~~for the property payable by the vendee based upon any subsequent appreciation, development,~~
145.21 ~~or sale of the property;~~

145.22 ~~(7)~~ (6) a tax, fee, charge, assessment, fine, or other amount payable to or imposed by a
145.23 governmental authority;

145.24 ~~(8)~~ (7) a fee, charge, assessment, fine, or other amount payable to a homeowner's
145.25 condominium, cooperative, mobile home, or property owner's association pursuant to a
145.26 declaration or covenant or law applicable to the association, including but not limited to
145.27 fees or charges payable for estoppel letters or certificates issued by the association or its
145.28 authorized agent;

145.29 ~~(9)~~ (8) a fee, a charge, an assessment, dues, a contribution, or other amount pertaining
145.30 to the purchase or transfer of a club membership relating to real property owned by the
145.31 member, including but not limited to any amount determined by reference to the value,
145.32 purchase price, or other consideration given for the transfer of the real property; and

146.1 ~~(10)~~ (9) a mortgage from the purchaser of real property granted to the seller or to a
146.2 licensed real estate broker.

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

146.4 Sec. 5. Minnesota Statutes 2022, section 559.21, subdivision 2a, is amended to read:

146.5 Subd. 2a. **For post 7/31/1985 contract.** If a default occurs in the conditions of a contract
146.6 for the conveyance of real estate or an interest in real estate executed on or after August 1,
146.7 1985, that gives the seller a right to terminate it, the seller may terminate the contract by
146.8 serving upon the purchaser or the purchaser's personal representatives or assigns, within or
146.9 outside of the state, a notice specifying the conditions in which default has been made. The
146.10 notice must state that the contract will terminate 60 days, or a shorter period allowed or a
146.11 longer period required in subdivision 4, after the service of the notice, unless prior to the
146.12 termination date the purchaser:

146.13 (1) complies with the conditions in default;

146.14 (2) makes all payments due and owing to the seller under the contract through the date
146.15 that payment is made;

146.16 (3) pays the costs of service of the notice, including the reasonable costs of service by
146.17 sheriff, public officer, or private process server; except payment of costs of service is not
146.18 required unless the seller notifies the purchaser of the actual costs of service by certified
146.19 mail to the purchaser's last known address at least ten days prior to the date of termination;

146.20 (4) except for earnest money contracts, purchase agreements, and exercised options,
146.21 pays two percent of any amount in default at the time of service, not including the final
146.22 balloon payment, any taxes, assessments, mortgages, or prior contracts that are assumed by
146.23 the purchaser; and

146.24 (5) if the contract for deed is executed on or after August 1, 2024, pays an amount to
146.25 apply on attorneys' fees actually expended or incurred of \$1,000; if the contract is executed
146.26 on or after August 1, 1999, and before August 1, 2024, pays an amount to apply on attorneys'
146.27 fees actually expended or incurred, of \$250 if the amount in default is less than \$1,000, and
146.28 of \$500 if the amount in default is \$1,000 or more; or if the contract is executed before
146.29 August 1, 1999, pays an amount to apply on attorneys' fees actually expended or incurred,
146.30 of \$125 if the amount in default is less than \$750, and of \$250 if the amount in default is
146.31 \$750 or more; except that no amount for attorneys' fees is required to be paid unless some
146.32 part of the conditions of default has existed for at least 30 days prior to the date of service
146.33 of the notice.

147.1 **EFFECTIVE DATE.** This section is effective August 1, 2024.

147.2 Sec. 6. Minnesota Statutes 2022, section 559.21, subdivision 4, is amended to read:

147.3 Subd. 4. **Law prevails over contract; procedure; conditions.** (a) The notice required
147.4 by this section must be given notwithstanding any provisions in the contract to the contrary,
147.5 except that (1) earnest money contracts, purchase agreements, and exercised options that
147.6 are subject to this section may, unless by their terms they provide for a longer termination
147.7 period, be terminated on 30 days' notice, or may be canceled under section 559.217 and (2)
147.8 contracts for deed executed by an investor seller shall be terminated on 90 days' notice. The
147.9 notice must be served within the state in the same manner as a summons in the district court,
147.10 and outside of the state, in the same manner, and without securing any sheriff's return of
147.11 not found, making any preliminary affidavit, mailing a copy of the notice or doing any other
147.12 preliminary act or thing whatsoever. Service of the notice outside of the state may be proved
147.13 by the affidavit of the person making the same, made before an authorized officer having
147.14 a seal, and within the state by such an affidavit or by the return of the sheriff of any county
147.15 therein.

147.16 (b) If a person to be served is a resident individual who has departed from the state, or
147.17 cannot be found in the state; or is a nonresident individual or a foreign corporation,
147.18 partnership, or association, service may be made by publication as provided in this paragraph.
147.19 Three weeks' published notice has the same effect as personal service of the notice. The
147.20 published notice must comply with subdivision 3 and state (1) that the person to be served
147.21 is allowed 90 days after the first date of publication of the notice to comply with the
147.22 conditions of the contract, and (2) that the contract will terminate 90 days after the first date
147.23 of publication of the notice, unless before the termination date the purchaser complies with
147.24 the notice. If the real estate described in the contract is actually occupied, then, in addition
147.25 to publication, a person in possession must be personally served, in like manner as the
147.26 service of a summons in a civil action in state district court, within 30 days after the first
147.27 date of publication of the notice. If an address of a person to be served is known, then within
147.28 30 days after the first date of publication of the notice a copy of the notice must be mailed
147.29 to the person's last known address by first class mail, postage prepaid.

147.30 (c) The contract is reinstated if, within the time mentioned, the person served:

147.31 (1) complies with the conditions in default;

147.32 (2) if subdivision 1d or 2a applies, makes all payments due and owing to the seller under
147.33 the contract through the date that payment is made;

148.1 (3) pays the costs of service as provided in subdivision 1b, 1c, 1d, or 2a;

148.2 (4) if subdivision 2a applies, pays two percent of the amount in default, not including
148.3 the final balloon payment, any taxes, assessments, mortgages, or prior contracts that are
148.4 assumed by the purchaser; and

148.5 (5) pays attorneys' fees as provided in subdivision 1b, 1c, 1d, or 2a.

148.6 (d) The contract is terminated if the provisions of paragraph (c) are not met.

148.7 (e) In the event that the notice was not signed by an attorney for the seller and the seller
148.8 is not present in the state, or cannot be found in the state, then compliance with the conditions
148.9 specified in the notice may be made by paying to the court administrator of the district court
148.10 in the county wherein the real estate or any part thereof is situated any money due and filing
148.11 proof of compliance with other defaults specified, and the court administrator of the district
148.12 court shall be deemed the agent of the seller for such purposes. A copy of the notice with
148.13 proof of service thereof, and the affidavit of the seller, the seller's agent or attorney, showing
148.14 that the purchaser has not complied with the terms of the notice, may be recorded with the
148.15 county recorder or registrar of titles, and is prima facie evidence of the facts stated in it; but
148.16 this section in no case applies to contracts for the sale or conveyance of lands situated in
148.17 another state or in a foreign country. If the notice is served by publication, the affidavit must
148.18 state that the affiant believes that the party to be served is not a resident of the state, or
148.19 cannot be found in the state, and either that the affiant has mailed a copy of the notice by
148.20 first class mail, postage prepaid, to the party's last known address, or that such address is
148.21 not known to the affiant.

148.22 (f) No notice under this section may be given for a contract for deed executed by an
148.23 investor seller unless, at least 30 days prior to the service of the notice, some part of the
148.24 conditions of default has existed and the investor seller has notified the purchaser of such
148.25 conditions of default by certified mail to the purchaser's last known address.

148.26 (g) For purposes of this subdivision, "investor seller" has the meaning given in section
148.27 559A.01, subdivision 6.

148.28 **EFFECTIVE DATE.** This section is effective August 1, 2024.

148.29 Sec. 7. Minnesota Statutes 2022, section 559.21, is amended by adding a subdivision to
148.30 read:

148.31 Subd. 4a. **Termination prohibited for certain transfers regarding residential real**
148.32 **property.** (a) Notwithstanding any provisions in a contract for deed to the contrary, the

149.1 notice under this section may not be given and no other remedies may be exercised for any
149.2 contract for deed based on any of the following transfers:

149.3 (1) a transfer on death deed conveying or assigning the deceased purchaser's interest in
149.4 the property to a grantee beneficiary;

149.5 (2) a transfer by devise, descent, or operation of law on the death of a joint tenant occurs;

149.6 (3) a transfer by which the spouse or children of the purchaser become an owner of the
149.7 property;

149.8 (4) a transfer resulting from a decree of a dissolution of marriage, legal separation
149.9 agreement, or from an incidental property settlement agreement, by which the spouse of
149.10 the purchaser becomes an owner of the property; or

149.11 (5) a transfer into an inter vivos trust by which the purchaser is and remains a beneficiary
149.12 and which does not relate to a transfer of rights of occupancy in the property.

149.13 (b) For the purposes of this subdivision, "contract for deed" has the meaning given in
149.14 section 507.235, subdivision 1a, paragraph (e).

149.15 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all contracts
149.16 for deed executed by all parties on or after that date.

149.17 Sec. 8. Minnesota Statutes 2022, section 559.21, is amended by adding a subdivision to
149.18 read:

149.19 Subd. 4b. **Termination prohibited if vendor fails to record contracts for deed**
149.20 **involving residential real property.** (a) Notwithstanding subdivision 2a or any provision
149.21 to the contrary in a contract for deed, a vendor may not terminate a contract for deed under
149.22 this section if the contract has not been recorded as required under section 507.235,
149.23 subdivision 1a, paragraph (b), or the vendor has failed to make a good faith effort to record
149.24 the contract as provided under section 507.235, subdivision 1a, paragraph (d).

149.25 (b) Nothing contained in this subdivision bars judicial termination of a contract for deed.

149.26 (c) For the purposes of this subdivision, "contract for deed" has the meaning given in
149.27 section 507.235, subdivision 1a, paragraph (e).

149.28 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all contracts
149.29 for deed executed by all parties on or after that date.

150.1 Sec. 9. Minnesota Statutes 2022, section 559.21, is amended by adding a subdivision to
150.2 read:

150.3 Subd. 9. **Affidavit of seller constituting prima facie evidence.** In any instance where
150.4 the copy of the notice of default, proof of service of the notice, and an affidavit showing
150.5 that the purchaser has not complied with the terms of the notice have been or may be
150.6 recorded, an affidavit of the seller, the seller's agent, or attorney verified by a person having
150.7 knowledge of the facts and attesting that the seller is not an investor seller or that the seller
150.8 has complied with the requirements of subdivision 4, paragraph (f), may be recorded with
150.9 the county recorder or registrar of titles and is prima facie evidence of the facts stated in
150.10 the affidavit.

150.11 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to contracts
150.12 for deed executed by all parties on or after that date.

150.13 Sec. 10. Minnesota Statutes 2022, section 559.211, subdivision 1, is amended to read:

150.14 Subdivision 1. **Order; proceedings; security.** (a) In an action arising under or in relation
150.15 to a contract for the conveyance of real estate or any interest therein, the district court,
150.16 notwithstanding the service or publication pursuant to the provisions of section 559.21 of
150.17 a notice of termination of the contract, has the authority at any time prior to the effective
150.18 date of termination of the contract and subject to the requirements of rule 65 of the Rules
150.19 of Civil Procedure for the District Courts to enter an order temporarily restraining or enjoining
150.20 further proceedings to effectuate the termination of the contract, including recording of the
150.21 notice of termination with proof of service, recording of an affidavit showing noncompliance
150.22 with the terms of the notice, taking any action to recover possession of the real estate, or
150.23 otherwise interfering with the purchaser's lawful use of the real estate. In the action, the
150.24 purchaser may plead affirmatively any matter that would constitute a defense to an action
150.25 to terminate the contract.

150.26 (b) Upon a motion for a temporary restraining order the court has the discretion,
150.27 notwithstanding any rule of court to the contrary, to grant the order without requiring the
150.28 giving of any security or undertaking, and in exercising that discretion, the court shall
150.29 consider, as one factor, the moving party's ability to afford monetary security. Upon a motion
150.30 for a temporary injunction, the court shall condition the granting of the order either upon
150.31 the tender to the court or vendor of installments as they become due under the contract or
150.32 upon the giving of other security in a sum as the court deems proper. Upon written
150.33 application, the court may disburse from payments tendered to the court an amount the court
150.34 determines necessary to insure the timely payment of property taxes, property insurance,

151.1 installments of special assessments, mortgage installments, prior contract for deed
151.2 installments or other similar expenses directly affecting the real estate, or for any other
151.3 purpose the court deems just.

151.4 (c) If a temporary restraining order or injunction is granted pursuant to this subdivision,
151.5 the contract shall not terminate until the expiration of 15 days after the entry of the order
151.6 or decision dissolving or modifying the temporary restraining order or injunction. If the
151.7 vendor has made an appearance and the restraining order or injunction is granted, the court
151.8 may award court filing fees, reasonable attorneys' fees, and costs of service to the purchaser.

151.9 (d) If the court subsequently grants permanent relief to the purchaser or determines by
151.10 final order or judgment that the notice of termination was invalid or the purchaser asserted
151.11 a valid defense, the purchaser is entitled to an order granting court filing fees, reasonable
151.12 attorneys' fees, and costs of service.

151.13 **EFFECTIVE DATE.** This section is effective August 1, 2024.

151.14 Sec. 11. Minnesota Statutes 2022, section 559.213, is amended to read:

151.15 **559.213 PRIMA FACIE EVIDENCE OF TERMINATION.**

151.16 The recording, heretofore or hereafter, of the copy of notice of default, proof of service
151.17 thereof, and the affidavit showing that the purchaser has not complied with the terms of the
151.18 notice, provided for by ~~Minnesota Statutes 1941~~, section 559.21, shall be prima facie evidence
151.19 that the contract referred to in such notice has been terminated. It shall not be necessary to
151.20 pay current or delinquent real estate taxes owed on the real property which is the subject of
151.21 the contract to record the documents required by this section, provided that the documents
151.22 must be first presented to the county auditor for entry upon the transfer record and must
151.23 have "Transfer Entered" noted in them over the county auditor's official signature.

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

151.25 Sec. 12. **[559A.01] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS**
151.26 **AND RESIDENTIAL REAL PROPERTY; DEFINITIONS.**

151.27 Subdivision 1. **Application.** The definitions in this section apply to sections 559A.01
151.28 to 559A.05.

151.29 Subd. 2. **Balloon payment.** "Balloon payment" means a scheduled payment of principal,
151.30 interest, or both under a contract for deed that is significantly larger than the regular
151.31 installment payments and that may be due prior to the end of the contract term or may be
151.32 the final payment that satisfies the contract.

152.1 Subd. 3. **Churning.** "Churning" means the act of an investor seller executing a contract
152.2 for deed on or after August 1, 2024, if previously the investor had frequently or repeatedly
152.3 executed contracts for deed and subsequently terminated those contracts under section
152.4 559.21.

152.5 Subd. 4. **Contract for deed.** "Contract for deed" has the meaning given in section
152.6 507.235, subdivision 1a.

152.7 Subd. 5. **Investor seller.** (a) "Investor seller" means a person entering into a contract
152.8 for deed to sell residential real property, or, in the event of a transfer or assignment of the
152.9 seller's interest, the holder of the interest.

152.10 (b) An investor seller does not include a person entering into a contract for deed who
152.11 is:

152.12 (1) a natural person who has owned and occupied the residential real property as the
152.13 natural person's primary residence for a continuous 12-month period at any time prior to
152.14 the execution of the contract for deed;

152.15 (2) any spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew,
152.16 or cousin of the natural person;

152.17 (3) a personal representative of the natural person;

152.18 (4) a devisee of the natural person;

152.19 (5) a grantee under a transfer on death deed made by the natural person; or

152.20 (6) a trust whose settlor is the natural person;

152.21 (7) a trust whose beneficiary is a natural person where the trust or the natural person, or
152.22 a combination of the two, has owned, and the natural person has occupied, the residential
152.23 real property as the natural person's primary residence for a continuous 12-month period at
152.24 any time prior to the execution of the contract for deed, or any spouse, parent, child, sibling,
152.25 grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the natural person;

152.26 (8) a natural person selling on contract for deed to any spouse, parent, child, sibling,
152.27 grandparent, grandchild, uncle, aunt, niece, nephew, or cousin; or

152.28 (9) a bank, credit union, or residential mortgage originator that is under the supervision
152.29 of or regulated by the Office of the Comptroller of the Currency, the Federal Deposit
152.30 Insurance Corporation, the National Credit Union Administration, or the Minnesota
152.31 Department of Commerce.

(c) If, substantially contemporaneous with the execution of the contract for deed, the seller's interest is assigned or transferred to a person who does not meet any of the qualifications of paragraph (b), the assignee or transferee shall be deemed to be an investor seller who has executed the contract for deed.

Subd. 6. **Person.** "Person" means a natural person, partnership, corporation, limited liability company, association, trust, or other legal entity, however organized.

Subd. 7. **Purchase agreement.** "Purchase agreement" means a purchase agreement for a contract for deed, an earnest money contract, or an executed option contemplating that, at closing, the investor seller and the purchaser will enter into a contract for deed.

Subd. 8. **Purchaser.** "Purchaser" means a person who executes a contract for deed to purchase residential real property. Purchaser includes all purchasers who execute the same contract for deed to purchase residential real property.

Subd. 9. **Residential real property.** "Residential real property" means real property consisting of one to four family dwelling units, one of which is intended to be occupied as the principal place of residence by:

(1) the purchaser;

(2) if the purchaser is an entity, the natural person who is the majority or controlling owner of the entity; or

(3) if the purchaser is a trust, the settlor or beneficiary of the trust.

Residential real property does not include a transaction subject to sections 583.20 to 583.32.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to contracts for deed executed by all parties on or after that date.

Sec. 13. [559A.02] APPLICABILITY.

This chapter applies only to residential real property where a purchaser is entering into a contract for deed with an investor seller. Either of the following statements included in a contract for deed in which the property is not residential real property or the seller is not an investor seller shall constitute prima facie evidence that this chapter does not apply to the contract for deed: "The property is not residential real property" or "The seller is not an investor seller." A person examining title to the property may rely on either statement.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to contracts for deed executed by all parties on or after that date.

Sec. 14. **[559A.03] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS
AND RESIDENTIAL REAL PROPERTY; DISCLOSURES.**

Subdivision 1. Disclosures required. (a) In addition to the disclosures required under sections 513.52 to 513.61, an investor seller must deliver to a prospective purchaser the disclosures specified under this section and instructions for cancellation as provided under section 559A.04, subdivision 2, paragraph (b).

(b) The disclosures must be affixed to the front of any purchase agreement executed between an investor seller and a prospective purchaser. The investor seller may not enter into a contract for deed with a prospective purchaser earlier than ten calendar days after the execution of the purchase agreement by all parties and provision by the investor seller of the disclosures required under this section and instructions for cancellation as required under section 559A.04, subdivision 2, paragraph (b).

(c) If there is no purchase agreement, an investor seller must provide the disclosures required under this section to the prospective purchaser no less than ten calendar days before the prospective purchaser executes the contract for deed. The disclosures must be provided in a document separate from the contract for deed. The investor seller may not enter into a contract for deed with a prospective purchaser earlier than ten calendar days after providing the disclosures to the prospective purchaser.

(d) The first page of the disclosures must contain the disclosures required in subdivisions 2, 3, and 4 of this section, in that order. The title must be centered, be in bold, capitalized, and underlined 20-point type, and read "IMPORTANT INFORMATION YOU NEED TO KNOW." The disclosures required under subdivisions 5 and 6 must follow in subsequent pages in that order.

(e) The investor seller must acknowledge delivery, and the purchaser must acknowledge receipt, of the disclosures by signing and dating the disclosures. The acknowledged disclosures shall constitute prima facie evidence that the disclosures have been provided as required by this section.

Subd. 2. Disclosure of balloon payment. (a) The investor seller must disclose the amount and due date of, if any, all balloon payments. For purposes of disclosure of a balloon payment, the investor seller may assume that all prior scheduled payments were timely made and no prepayments were made. If there is more than one balloon payment due, each one must be listed separately.

(b) The disclosure must be in the following form, with the title in 14-point type and the text in 12-point type:

155.1 **"BALLOON PAYMENT**

155.2 This contract contains a lump-sum balloon payment or several balloon payments. When
155.3 the final balloon payment comes due, you may need to get mortgage or other financing to
155.4 pay it off (or you will have to sell the property). Even if you are able to sell the property,
155.5 you may not get back all the money you paid for it.

155.6 If you can't come up with this large amount - even if you have made all your monthly
155.7 payments - the seller can cancel the contract.

155.8 **Amount of Balloon Payment** **When Balloon Payment is Due**

155.9 \$ (amount) (month, year)"

155.10 **Subd. 3. Disclosure of price paid by investor seller to acquire property.** (a) The
155.11 investor seller must disclose to the purchaser the purchase price and the date of earliest
155.12 acquisition of the property by the investor seller, unless the acquisition occurs more than
155.13 one year prior to the execution of the contract for deed.

155.14 (b) The disclosure must be in the following form, with the title in 14-point type and the
155.15 text in 12-point type:

155.16 **"INVESTOR SELLER'S PRICE TO BUY HOUSE BEING SOLD TO BUYER**

155.17 **Date Investor Seller Acquired Property:**

155.18 (date seller acquired ownership)

155.19 **Price Paid by Investor Seller to Acquire the Property:**

155.20 \$ (total purchase price paid by seller to acquire ownership)

155.21 **Contract for Deed Purchase Price:**

155.22 \$ (total sale price to the purchaser under the contract)"

155.23 (c) For the purposes of this subdivision, unless the acquisition occurred more than one
155.24 year prior to the execution of the contract for deed, the person who first acquires the property
155.25 is deemed to be the same person as the investor seller where the person who first acquires
155.26 the property:

155.27 (1) is owned or controlled, in whole or in part, by the investor seller;

155.28 (2) owns or controls, in whole or in part, the investor seller;

155.29 (3) is under common ownership or control, in whole or in part, with the investor seller;

(4) is a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the investor seller, or of the natural person who owns or controls, in whole or in part, the investor seller; or

(5) is an entity owned or controlled, in whole or in part, by a person who is a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the investor seller, or of the natural person who owns or controls, in whole or in part, the investor seller.

Subd. 4. Disclosure of other essential terms. (a) An investor seller must disclose to the prospective purchaser the purchase price, the annual interest rate, the amount of any down payment, and whether the purchaser is responsible for any or all of the following: paying property taxes, acquiring homeowner's insurance, making repairs, and maintaining the property.

(b) The disclosure must be in the following form, with the title in 14-point type and the text in 12-point type:

"COSTS AND ESSENTIAL TERMS

<u>1. Purchase Price:</u>	<u>\$ (price)</u>
<u>2. Annual Interest Rate:</u>	<u>(interest rate) %</u>
<u>3. Down payment:</u>	<u>\$ (down payment)</u>
<u>4. Monthly/Period Installments:</u>	<u>\$ (amount of installment payment)</u>
<u>5. Taxes, Homeowner's Insurance, Repairs and Maintenance:</u>	
<u>You (seller must circle one):</u>	
<u>(a) DO</u>	<u>DO NOT</u> <u>have to pay property taxes</u>
	<u>have to pay homeowner's</u>
<u>(b) DO</u>	<u>DO NOT</u> <u>insurance</u>
	<u>responsible for repairs and</u>
<u>(c) ARE</u>	<u>ARE NOT</u> <u>maintenance."</u>

Subd. 5. General disclosure. (a) An investor seller must provide the prospective purchaser with a general disclosure about contracts for deeds as provided in this subdivision.

(b) The disclosure must be in the following form, with the title in 18-point type, the titles of the sections in 14-point type and underlined, and the text of each section in 12-point type, with a double space between each section:

"KNOW WHAT YOU ARE GETTING INTO BEFORE YOU SIGN

1. How Contracts for Deed Work

A contract for deed is a complicated legal arrangement. Be sure you know exactly what you are getting into before you sign a contract for deed. A contract for deed is **NOT** a mortgage. Minnesota's foreclosure protections do **NOT** apply.

You should get advice from a lawyer or the Minnesota Homeownership Center before you sign the contract. You can contact the Homeownership Center at 1-(866)-462-6466 or go to www.hocmn.org.

2. What If I Can't Make My Payments?

If you don't make your monthly installment payment or the balloon payment, the seller can cancel the contract in only 120 days from the date you missed the payment. If the contract is cancelled, **you lose your home and all the money you have paid, including any down payment, all the monthly payments, and any improvements to the property you have made.**

If the contract contains a final lump-sum "balloon payment," you will need to get a mortgage or other financing to pay it off (**or you will have to sell the property**). If you can't come up with this large amount - even if you have made all your monthly payments - the seller can cancel the contract. **Even if you are able to sell the property, you may not get back all the money you have paid for it.**

3. BEFORE YOU SIGN, YOU SHOULD:

A. Get an Independent, Professional Appraisal of the property to learn what it's worth and make sure you are not overpaying for the house.

B. Get an Independent, Professional Inspection of the property because you will probably be responsible for maintaining and making repairs on the house.

C. Buy Title Insurance from a title insurance company or ask a lawyer for a "title opinion" to address or minimize potential title problems.

4. YOUR RIGHTS BEFORE YOU SIGN

A. Waiting Period After Getting Disclosures There is a 10 calendar day waiting period after you get these disclosures. The contract for deed cannot be signed by you or the seller during that 10 calendar day period.

B. Cancelling a Purchase Agreement You have 10 calendar days after you get these disclosures to cancel your purchase agreement and get back any money you paid."

Subd. 6. Amortization schedule. In a document separate from all others, an investor seller must provide to the prospective purchaser an amortization schedule consistent with

158.1 the contract for deed, including the portion of each installment payment that will be applied
158.2 to interest and to principal and the amount and due date of any balloon payments.

158.3 Subd. 7. **Disclosures in other languages.** If the contract was advertised or primarily
158.4 negotiated with the purchaser in a language other than English, the investor seller must
158.5 provide the disclosures required in this section in the language in which the contract was
158.6 advertised or primarily negotiated.

158.7 Subd. 8. **No waiver.** The provisions of this section may not be waived.

158.8 Subd. 9. **Effects of violation.** Except as provided in section 559A.05, subdivision 2, a
158.9 violation of this section has no effect on the validity of the contract for deed.

158.10 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to contracts
158.11 for deed executed by all parties on or after that date.

158.12 Sec. 15. **[559A.04] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS**
158.13 **AND RESIDENTIAL REAL PROPERTY; RIGHTS AND REQUIREMENTS.**

158.14 Subdivision 1. **Requirement of investor seller if property subject to mortgage.** An
158.15 investor may not execute a contract for deed that is subject to a mortgage with a due-on-sale
158.16 clause and not expressly assumed by the contract for deed purchaser unless the investor
158.17 seller has:

158.18 (1) procured a binding agreement with the mortgage holder whereby the holder either
158.19 consents to the sale of the property to the purchaser by contract for deed or agrees not to
158.20 exercise the holder's rights under a due-on-sale clause in the mortgage based on the contract
158.21 for deed; and

158.22 (2) in the contract:

158.23 (i) disclosed the existence of the investor seller's mortgage;

158.24 (ii) covenants that the investor seller will perform all obligations under the mortgage;
158.25 and

158.26 (iii) expressly represents to the purchaser that the seller has procured the binding
158.27 agreement required under clause (1).

158.28 Subd. 2. **Right to cancel purchase agreement.** (a) A prospective purchaser may cancel
158.29 a purchase agreement prior to the execution by all parties of the contract for deed or within
158.30 ten calendar days of receiving the disclosures required under section 559A.03, whichever
158.31 is earlier.

159.1 (b) In addition to the disclosures required under section 559A.03, an investor seller must
159.2 provide the prospective purchaser with notice of the person to whom, and the mailing address
159.3 to where, cancellation of the purchase agreement must be delivered or sent. Cancellation
159.4 of the purchase agreement is effective upon personal delivery or upon mailing.

159.5 (c) In the event of cancellation or if no purchase agreement has been signed and the
159.6 prospective purchaser elects not to execute the contract for deed, the investor seller may
159.7 not impose a penalty or fee and must promptly refund all payments made by the prospective
159.8 purchaser.

159.9 Subd. 3. **Duty of investor seller to account.** The investor seller must inform the purchaser
159.10 in a separate writing of the right to request an annual accounting. Upon reasonable written
159.11 request by the purchaser and no more than once every calendar year, an investor seller must
159.12 provide an accounting of:

159.13 (1) all payments made pursuant to the contract for deed during the prior calendar year
159.14 with payments allocated between interest and principal;

159.15 (2) any delinquent payments;

159.16 (3) the total principal amount remaining to satisfy the contract for deed; and

159.17 (4) the anticipated amounts and due dates of all balloon payments.

159.18 Subd. 4. **Churning prohibited.** (a) An investor seller is prohibited from churning. There
159.19 is a rebuttable presumption that the investor seller has violated this subdivision if, on or
159.20 after August 1, 2024, the investor seller executes a contract for deed and, within the previous
159.21 48 months, the investor seller either:

159.22 (1) had completed two or more termination proceedings under section 559.21 on the
159.23 same residential real property being sold by the contract for deed; or

159.24 (2) had completed four or more termination proceedings under section 559.21 on contracts
159.25 for deed for any residential real property, where terminated contracts comprise 20 percent
159.26 or more of all contracts executed by the investor seller during that period.

159.27 (b) Nothing contained in this subdivision or in section 559A.01, subdivision 3, shall
159.28 invalidate, impair, affect, or give rise to any cause of action with respect to any contract for
159.29 deed or termination proceeding under section 559.21 used as a predicate to establish the
159.30 presumption under paragraph (a).

(c) For the purposes of this subdivision, a person who sold residential real property on a contract for deed is deemed to be the same person as the investor seller where the person who sold on a contract for deed:

(1) is owned or controlled, in whole or in part, by the investor seller;

(2) owns or controls, in whole or in part, the investor seller;

(3) is under common ownership or control, in whole or in part, with the investor seller;

(4) is a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the investor seller, or of the natural person who owns or controls, in whole or in part, the investor seller; or

(5) is an entity owned or controlled, in whole or in part, by a person who is a spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, niece, nephew, or cousin of the investor seller, or of the natural person who owns or controls, in whole or in part, the investor seller.

Subd. 5. Duty of investor seller to refund down payments. (a) If an investor seller terminates a contract for deed under section 559.21 within 48 months of executing the contract, any portion of the down payment that exceeded ten percent of the purchase price shall be refunded to the purchaser within 180 days of the termination of the contract.

(b) Upon delivery to the purchaser by the investor seller of reasonable documentation that any of the following expenses were incurred or taxes and contract payments were unpaid, an investor seller may offset against the refund for, as applicable:

(1) any unpaid real estate taxes for the period prior to termination of the contract;

(2) any unpaid insurance premiums for the period prior to termination of the contract incurred by the investor seller;

(3) the reasonable cost of necessary repairs for damage to the residential real property caused by the purchaser, beyond ordinary wear and tear, incurred by the investor seller;

(4) attorney fees, not to exceed \$1,000, and costs of service incurred in connection with the termination of the contract;

(5) any unpaid utility arrears for the period prior to termination of the contract incurred by the investor seller; and

(6) one-half of the unpaid monthly contract installment payments, exclusive of balloon payments, that accrued prior to termination of the contract.

161.1 (c) If the purchaser disputes any amount that an investor seller claims as the refund or
161.2 an offset, the purchaser may commence an action in district court or conciliation court to
161.3 determine the amount of the refund or the offsets and recover any money owed by the
161.4 investor seller to the purchaser. The purchaser is entitled to recover from the investor seller
161.5 any portion of the down payment that the court finds is owed by the investor seller to the
161.6 purchaser not previously paid to the purchaser. Any attorney expressly authorized by the
161.7 investor seller to receive payments in the notice of termination is designated as the attorney
161.8 who may receive service as agent for the investor seller in such action in the same manner
161.9 as provided in section 559.21, subdivision 8.

161.10 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to contracts
161.11 for deed executed by all parties on or after that date.

161.12 Sec. 16. **[559A.05] CONTRACTS FOR DEED INVOLVING INVESTOR SELLERS**
161.13 **AND RESIDENTIAL REAL PROPERTY; REMEDIES FOR VIOLATION.**

161.14 Subdivision 1. **Definition.** For the purposes of this section, "material violation of section
161.15 559A.03" means:

161.16 (1) if applicable, failure to disclose any balloon payment as required under section
161.17 559A.03, subdivision 2;

161.18 (2) failure to disclose the price paid by the investor seller under the contract for deed to
161.19 acquire property as required under section 559A.03, subdivision 3;

161.20 (3) failure to disclose the other essential terms of the contract as required under section
161.21 559A.03, subdivision 4;

161.22 (4) failure to provide the general disclosure in substantially the form required under
161.23 section 559A.03, subdivision 5;

161.24 (5) failure to disclose the amortization schedule as required under section 559A.03,
161.25 subdivision 6;

161.26 (6) a violation of section 559A.03, subdivision 1, paragraph (b) or (c);

161.27 (7) a violation of section 559A.03, subdivision 7; or

161.28 (8) a material omission or misstatement of any of the information required to be disclosed
161.29 under section 559A.03.

161.30 Subd. 2. **Remedy for violation of disclosure requirements or churning.** (a)
161.31 Notwithstanding any provision in the purchase agreement or contract for deed to the contrary,
161.32 a purchaser may, within two years of the execution of the contract for deed, bring an action

162.1 for relief for a material violation of section 559A.03 or a violation of 559A.04, subdivision
162.2 4. A prevailing purchaser may rescind a contract and, in conjunction with the rescission,
162.3 may recover against the investor seller a sum equal to:

162.4 (1) all amounts paid by the purchaser under the contract for deed, including payments
162.5 to third parties, less the fair rental value of the residential real property for the period of
162.6 time the purchaser was in possession of the property;

162.7 (2) the reasonable value of any improvements to the residential real property made by
162.8 the purchaser;

162.9 (3) actual, consequential, and incidental damages; and

162.10 (4) reasonable attorneys' fees and costs.

162.11 (b) A claim for rescission and a money judgment awarded under this subdivision shall
162.12 not affect any rights or responsibilities of a successor in interest to the investor seller prior
162.13 to the filing of a lis pendens in the action in which such relief is sought, unless it is established
162.14 by clear and convincing evidence that the successor in interest had prior knowledge that
162.15 the contract for deed was executed in violation of the requirements of section 559A.03 or
162.16 559A.04, subdivision 4.

162.17 (c) A purchaser barred under paragraph (b) from making a claim against a successor in
162.18 interest to the investor seller may, within two years of the execution of the contract for deed,
162.19 bring a claim for violation of the requirements of section 559A.03 or 559A.04, subdivision
162.20 4, against the original investor seller who entered into the contract for deed and may recover
162.21 the greater of actual damages or statutory damages of \$5,000, plus reasonable attorneys'
162.22 fees and costs. The original investor seller shall have no claim for indemnification or
162.23 contribution against the successor in interest.

162.24 **Subd. 3. Remedy for failure of investor seller to procure agreement with mortgage**
162.25 **holder. (a) If a mortgage holder commences foreclosure of its mortgage based on the sale**
162.26 **to a purchaser under the contract for deed and notwithstanding any provision in the purchase**
162.27 **agreement or contract for deed to the contrary, a purchaser may bring an action for the**
162.28 **failure of the investor seller to procure the agreement with the mortgage holder as required**
162.29 **under section 559A.04, subdivision 2. A prevailing purchaser may rescind a contract and**
162.30 **may recover against the investor seller a sum equal to:**

162.31 (1) all amounts paid by the purchaser under the contract for deed, including payments
162.32 to third parties, less the fair rental value of the residential real property for the period of
162.33 time the purchaser was in possession of the property;

(2) the reasonable value of any improvements to the residential real property made by the purchaser;

(3) actual, consequential, and incidental damages; and

(4) reasonable attorneys' fees and costs.

(b) An action under this subdivision may be brought at any time and is not subject to the statute of limitations in subdivision 2, provided that, at least 30 days prior to bringing the action, a purchaser must deliver a notice of violation to the investor seller under the contract for deed personally or by United States mail.

(c) An investor seller may cure the violation at any time prior to entry of a final judgment by delivering to the purchaser either evidence of the agreement with the mortgage holder as required under section 559A.04, subdivision 2, or evidence that the mortgage holder has abandoned foreclosure of the mortgage. If the violation is cured, the purchaser's action must be dismissed. An investor seller is liable to the purchaser for reasonable attorneys' fees and court costs if the seller delivers evidence of the mortgage holder's agreement or abandonment of the foreclosure after the purchaser has commenced the action.

(d) Nothing in this subdivision shall be construed to bar or limit any other claim by a purchaser arising from the investor seller's breach of a senior mortgage.

Subd. 4. **Defense to termination.** A purchaser's right to the remedy under subdivision 2 or 3 shall constitute grounds for injunctive relief under section 559.211.

Subd. 5. **Effect of action on title.** An action under subdivision 2 or 3 is personal to the purchaser only, does not constitute an interest separate from the purchaser's interest in the contract for deed, and may not be assigned except to a successor in interest.

Subd. 6. **Rights cumulative.** The rights and remedies provided in this section are cumulative to, and not a limitation of, any other rights and remedies provided under law and at equity. Nothing in this chapter shall preclude a court from construing a contract for deed as an equitable mortgage.

Subd. 7. **Public enforcement.** The attorney general has authority under section 8.31 to investigate and prosecute violations of sections 559A.03 and 559A.04, subdivision 4.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to all contracts for deed executed by all parties on or after that date.

Sec. 17. **REPEALER.**

Minnesota Statutes 2022, sections 559.201; and 559.202, are repealed.

EFFECTIVE DATE. This section is effective August 1, 2024.

ARTICLE 10

SERVICE OF RESTRAINING AND PROTECTION ORDERS

Section 1. Minnesota Statutes 2022, section 518B.01, subdivision 3a, is amended to read:

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

Sec. 2. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

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

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

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent;

the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

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

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

Sec. 3. Minnesota Statutes 2022, section 518B.01, subdivision 9, is amended to read:

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

Sec. 4. Minnesota Statutes 2022, section 518B.01, subdivision 9a, is amended to read:

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

(b) Upon request of the petitioner or order of the court, the sheriff of any county in this state in which a respondent resides or is present must execute or serve any petition, ex parte

166.1 order, notice of hearing, order for protection, and any other order of a court on the respondent.
166.2 If the application for relief is brought in a county in which the respondent is not present,
166.3 the sheriff of the county where the application for relief was brought shall forward the
166.4 pleadings necessary for service upon the respondent to the sheriff of the county in which
166.5 the respondent is present. This transmittal must be expedited to allow for timely service.

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

166.13 (d) The court administrator, the sheriff of any county in this state, and any other law
166.14 enforcement officer, peace officer, or corrections officer shall perform the duties relating
166.15 to service of process without charge to the petitioner. The court shall direct payment of the
166.16 reasonable costs of service of process if served by a private process server when the sheriff
166.17 or other law enforcement officer, peace officer, or corrections officer is unavailable or if
166.18 service is made by publication, without requiring the petitioner to make application under
166.19 section 563.01.

166.20 (e) A sheriff, law enforcement officer, or any other peace officer must make reasonable
166.21 efforts to locate a respondent to effectuate service. Reasonable efforts may include a search
166.22 of any information that is publicly available; a search of any government data in a database
166.23 to which the sheriff, law enforcement officer, or other peace officer has access, provided
166.24 the data is classified as public data on individuals as defined in section 13.02, subdivision
166.25 15, or is otherwise available to criminal justice agencies, as defined in section 13.02,
166.26 subdivision 3a; and communication with any court administrator, the sheriff of any county
166.27 in this state, and any other law enforcement officer, peace officer, or corrections officer.

166.28 (f) A sheriff, law enforcement officer, or any other peace officer who serves a respondent
166.29 who the sheriff or officer knows is on supervised probation with an ex parte order, order
166.30 for protection, or short-form notification must provide a copy of the served order or
166.31 notification to the respondent's probation officer.

166.32 Sec. 5. Minnesota Statutes 2022, section 609.748, subdivision 3a, is amended to read:

166.33 Subd. 3a. **Filing fee; cost of service.** The filing fees for a restraining order under this
166.34 section are waived for the petitioner and the respondent if the petition alleges acts that would

constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. ~~The court administrator and any peace officer in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when a peace officer is unavailable or if service is made by publication.~~

Sec. 6. Minnesota Statutes 2022, section 609.748, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

(d) If the court orders relief for a period of up to 50 years under paragraph (a), the respondent named in the restraining order may request to have the restraining order vacated

168.1 or modified if the order has been in effect for at least five years and the respondent has not
168.2 violated the order. Application for relief under this paragraph must be made in the county
168.3 in which the restraining order was issued. Upon receipt of the request, the court shall set a
168.4 hearing date. Personal service must be made upon the petitioner named in the restraining
168.5 order not less than 30 days before the date of the hearing. At the hearing, the respondent
168.6 named in the restraining order has the burden of proving by a preponderance of the evidence
168.7 that there has been a material change in circumstances and that the reasons upon which the
168.8 court relied in granting the restraining order no longer apply and are unlikely to occur. If
168.9 the court finds that the respondent named in the restraining order has met the burden of
168.10 proof, the court may vacate or modify the order. If the court finds that the respondent named
168.11 in the restraining order has not met the burden of proof, the court shall deny the request and
168.12 no request may be made to vacate or modify the restraining order until five years have
168.13 elapsed from the date of denial. An order vacated or modified under this paragraph must
168.14 be personally served on the petitioner named in the restraining order.

168.15 Sec. 7. Minnesota Statutes 2022, section 609.748, subdivision 5b, is amended to read:

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

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

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

168.30 (d) A peace officer must make reasonable efforts to locate a respondent to effectuate
168.31 service. Reasonable efforts may include a search of any information that is publicly available;
168.32 a search of any government data in a database to which the sheriff, law enforcement officer,
168.33 or other peace officer has access, provided the data is classified as public data on individuals
168.34 as defined in section 13.02, subdivision 15, or is otherwise available to criminal justice

169.1 agencies, as defined in section 13.02, subdivision 3a; and communication with any court
169.2 administrator, the sheriff of any county in this state, and any other law enforcement officer,
169.3 peace officer, or corrections officer.

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

169.9 Sec. 8. Minnesota Statutes 2022, section 609.748, is amended by adding a subdivision to
169.10 read:

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

554.01 DEFINITIONS.

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Government.** "Government" includes a branch, department, agency, official, employee, agent, or other person with authority to act on behalf of the federal government, this state, or any political subdivision of this state, including municipalities and their boards, commissions, and departments, or other public authority.

Subd. 3. **Judicial claim; claim.** "Judicial claim" or "claim" includes any civil lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing seeking damages for an alleged injury. "Judicial claim" does not include a claim solely for injunctive relief.

Subd. 4. **Motion.** "Motion" includes any motion to dismiss, motion for summary judgment, or any other judicial pleading filed to dispose of a judicial claim.

Subd. 5. **Moving party.** "Moving party" means any person on whose behalf the motion described in section 554.02, subdivision 1, is filed seeking dismissal of an action under this chapter.

Subd. 6. **Public participation.** "Public participation" means speech or lawful conduct that is genuinely aimed in whole or in part at procuring favorable government action, including but not limited to:

- (1) seeking assistance from, or reporting suspected unlawful conduct to, law enforcement;
- (2) speaking before a zoning board regarding a real estate development project;
- (3) communicating with an elected official concerning a change in law;
- (4) demonstrating peacefully for or against a government action; and
- (5) filing a complaint with a government entity regarding safety, sexual harassment, civil rights, or equal employment rights.

Subd. 7. **Responding party.** "Responding party" means any person against whom a motion described in section 554.02, subdivision 1, is filed.

554.02 PROTECTION OF CITIZENS TO PARTICIPATE IN GOVERNMENT.

Subdivision 1. **Applicability.** This section applies to any motion in a judicial proceeding to dispose of a judicial claim on the grounds that the claim materially relates to an act of the moving party that involves public participation.

Subd. 2. **Procedure.** On the filing of any motion described in subdivision 1:

- (1) discovery must be suspended pending the final disposition of the motion, including any appeal; provided that the court may, on motion and after a hearing and for good cause shown, order that specified and limited discovery be conducted;
- (2) the responding party has the burden of proof, of going forward with the evidence, and of persuasion on the motion;
- (3) the court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from liability under section 554.03; and
- (4) any governmental body to which the moving party's acts were directed or the attorney general's office may intervene in, defend, or otherwise support the moving party.

554.03 IMMUNITY.

Lawful conduct or speech that is genuinely aimed in whole or in part at procuring favorable government action is immune from liability, unless the conduct or speech constitutes a tort or a violation of a person's constitutional rights.

554.04 FEES AND DAMAGES.

Subdivision 1. **Attorney fees and costs.** The court shall award a moving party who prevails in a motion under this chapter reasonable attorney fees and costs associated with the bringing of the motion.

Subd. 2. **Damages.** (a) A moving party may petition the court for damages under this section in conjunction with a motion under this chapter.

(b) If a motion under this chapter is granted and the moving party demonstrates that the respondent brought the cause of action in the underlying lawsuit for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights, or otherwise wrongfully injure the moving party, the court shall award the moving party actual damages. The court may award the moving party punitive damages under section 549.20. A motion to amend the pleadings under section 549.191 is not required under this section, but the claim for punitive damages must meet all other requirements of section 549.191.

554.045 ACTION IN DISTRICT COURT.

A person may bring an action under this section in state district court against a respondent who has brought a claim in federal court that materially relates to public participation by the person. If the person demonstrates that the respondent's action in federal court was brought for the purpose of harassment, to inhibit the person's public participation, to interfere with the person's exercise of protected constitutional rights, or otherwise wrongfully injure the person, the court shall award the person actual damages and reasonable attorney fees and costs. The court may award the person punitive damages under section 549.20.

554.05 RELATIONSHIPS TO OTHER LAW.

Nothing in this chapter limits or precludes any rights the moving party or responding party may have under any other constitutional, statutory, case, or common law, or rule. Nothing in this chapter exempts individuals from their professional obligations of confidentiality.

554.06 RULE OF CONSTRUCTION.

This chapter shall be construed liberally to effectuate its purposes and intent.

559.201 DEFINITIONS.

Subdivision 1. **Application.** The definitions in this section apply to section 559.202.

Subd. 2. **Business day.** "Business day" means any day other than a Saturday, Sunday, or holiday as defined in section 645.44, subdivision 5.

Subd. 3. **Family farm security loan.** "Family farm security loan" has the meaning given in Minnesota Statutes 2008, section 41.52, subdivision 5.

Subd. 4. **Multiple seller.** "Multiple seller" means a person that has acted as a seller in four or more contracts for deed involving residential real property during the 12-month period that precedes either: (1) the date on which the purchaser executes a purchase agreement under section 559.202; or (2) if there is no purchase agreement, the date on which the purchaser executes a contract for deed under section 559.202. A contract for deed transaction that is exempt under section 559.202, subdivision 2, is a contract for deed for the purposes of determining whether a seller is a multiple seller.

Subd. 5. **Person.** "Person" means a natural person, partnership, corporation, limited liability company, association, trust, or other legal entity, however organized.

Subd. 6. **Purchase agreement.** "Purchase agreement" means a purchase agreement for a contract for deed, an earnest money contract, or an executed option contemplating that, at closing, the seller and the purchaser will enter into a contract for deed.

Subd. 7. **Purchaser.** "Purchaser" means a natural person who enters into a contract for deed to purchase residential real property. Purchaser includes all purchasers who enter into the same contract for deed to purchase residential real property.

Subd. 8. **Residential real property.** "Residential real property" means real property consisting of one to four family dwelling units, one of which the purchaser intends to occupy as the purchaser's principal place of residence. Residential real property does not include property subject to a family farm security loan or a transaction subject to sections 583.20 to 583.32.

559.202 CONTRACTS FOR DEED INVOLVING RESIDENTIAL PROPERTY.

Subdivision 1. **Notice required.** (a) In addition to the disclosures required under sections 513.52 to 513.60, a multiple seller must deliver the notice specified under subdivision 3 to a prospective purchaser as provided under this subdivision.

(b) If there is a purchase agreement, the notice must be affixed to the front of the purchase agreement. A contract for deed for which notice is required under this subdivision may not be

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executed for five business days following the execution of the purchase agreement and delivery of the notice and instructions for cancellation.

(c) If there is no purchase agreement, a multiple seller must deliver the notice in a document separate from any other document or writing to a prospective purchaser no less than five business days before the prospective purchaser executes the contract for deed.

(d) The notice must be:

- (1) written in at least 12-point type; and
- (2) signed and dated by the purchaser.

(e) If a dispute arises concerning whether or when the notice required by this subdivision was provided to the purchaser, there is a rebuttable presumption that the notice was not provided unless the original executed contract for deed contains the following statement, initialed by the purchaser: "By initialing here purchaser acknowledges receipt at least five business days before signing this contract for deed of the disclosure statement entitled "Important Information About Contracts for Deed" required by Minnesota Statutes, section 559.202, subdivision 3."

Subd. 2. **Exception.** This section does not apply to sales made under chapter 282 or if the purchaser is represented throughout the transaction by either:

- (1) a person licensed to practice law in this state; or
- (2) a person licensed as a real estate broker or salesperson under chapter 82, provided that the representation does not create a dual agency, as that term is defined in section 82.55, subdivision 6.

Subd. 3. **Content of the notice.** The notice must contain the following verbatim language:

"IMPORTANT INFORMATION ABOUT CONTRACTS FOR DEED

Know What You Are Getting Into

- (1) A contract for deed is a complex legal agreement. You are NOT a tenant. Mortgage foreclosure laws don't apply.
- (2) You should know ALL of your obligations and rights before you sign a purchase agreement or contract for deed.
- (3) You (seller must circle one):
 - (a) DO DO NOT have to pay homeowner's insurance.
 - (b) DO DO NOT have to pay property taxes.
 - (c) DO DO NOT have to make and pay for some or all of the repairs or maintenance, as described in the contract for deed.
- (4) After some time, you may need to make a large lump sum payment (called a "balloon payment"). Know when it is due and how much it will be. You'll probably need to get a new mortgage, another financial arrangement, or pay for the balance in cash at that time.
- (5) If you miss just a single payment or can't make the balloon payment, the seller can cancel your contract. You will likely lose all the money you have already paid. You will likely lose your ability to purchase the home. The seller can begin an eviction action against you in just a few months.
- (6) Within four months of signing the contract for deed, you must "record" it in the office of the county recorder or registrar of titles in the county in which the property is located. If you do not do so, you could face a fine.

Key Things Highly Recommended Before You Sign

- (1) Get advice from a lawyer or the Minnesota Home Ownership Center at 1-866-462-6466 or go to www.hocmn.org. To find a lawyer through the Minnesota State Bar Association, go to www.mnfindalawyer.com.
- (2) Get an independent, professional appraisal of the property to learn what it is worth.
- (3) Get an independent, professional inspection of the property.
- (4) Buy title insurance or ask a real estate lawyer for a "title opinion."

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- (5) Check with the city or county to find out if there are inspection reports or unpaid utility bills.
- (6) Check with a title agent or the county where the property is located to find out if there is a mortgage or other lien on the property and if the property taxes have been paid.
- (7) Ensure that your interest rate does not exceed the maximum allowed by law by calling the Department of Commerce to get a recorded message for the current month's maximum rate.

If You Are Entering into a Purchase Agreement

- (1) If you haven't already signed the contract for deed, you can cancel the purchase agreement (and get all your money back) if you do so within five business days after getting this notice.
- (2) To cancel the purchase agreement, you must follow the provisions of Minnesota Statutes, section 559.217, subdivision 4. Ask a lawyer for help."

Subd. 4. **Right to cancel purchase agreement.** (a) A prospective purchaser may cancel a purchase agreement within five business days after actually receiving the notice required under subdivision 1 if a multiple seller fails to timely deliver the notice, provided that the contract for deed has not been executed by all parties.

(b) A prospective purchaser may cancel the purchase agreement in accordance with the provisions of section 559.217, subdivision 4.

(c) In the event of cancellation, the multiple seller may not impose a penalty and must promptly refund all payments made by the prospective purchaser prior to cancellation.

Subd. 5. **Remedies for failure to timely deliver notices.** (a) Notwithstanding any contrary provision in the purchase agreement or contract for deed, a purchaser has a private right of action against a multiple seller who fails to timely deliver the notice required under subdivision 1. The multiple seller is liable to the purchaser for:

- (1) the greater of actual damages or statutory damages of \$2,500; and
- (2) reasonable attorney fees and court costs.

(b) A multiple seller who knowingly fails to timely deliver the notice required under subdivision 1 is liable to the purchaser for triple the actual or statutory damages available under paragraph (a), whichever is greater, provided that the purchaser must elect the remedy provided under either paragraph (a) or this paragraph and may not recover damages under both paragraphs.

(c) The rights and remedies provided in this subdivision are cumulative to, and not a limitation of, any other rights and remedies provided under law. An action brought pursuant to this subdivision must be commenced within four years from the date of the alleged violation.

Subd. 6. **Effects of violation.** A violation of this section has no effect on the validity of the contract.

Subd. 7. **Duty of multiple seller to account.** Upon reasonable request by the purchaser and no more than once every 12-month period, a multiple seller must provide an accounting of all payments made pursuant to the contract for deed, the amount of interest paid, and the amount remaining to satisfy the principal balance under the contract.

Subd. 8. **No waiver.** The provisions of this section may not be waived.