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State of Minnesota
HOUSE OF REPRESENTATIVES
First Division Engrossment

NINETY-FIRST SESSION

H. F. No. 2086

03/07/2019 Authored by Ecklund and Lillie
The bill was read for the first time and referred to the Committee on Ways and Means

Division Action

Referred by Chair to the Veterans and Military Affairs Finance and Policy Division

04/02/2019 Division action, to adopt as amended and return to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to state government; establishing a budget for military affairs and veterans
1.3 affairs; making policy and technical changes; authorizing certain data disclosures;
1.4 providing a military veterans offenders restorative justice sentence; amending
1.5 Minnesota Statutes 2018, sections 15.057; 196.05, subdivision 1; 197.603,
1.6 subdivision 2; 197.791, subdivision 1; 273.1245, subdivision 2; Laws 2016, chapter
1.7 189, article 13, section 64; proposing coding for new law in Minnesota Statutes,
1.8 chapter 609.

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

ARTICLE 1

APPROPRIATIONS

Section 1. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021.

Table with 2 columns: 2020, 2021. Row 1: APPROPRIATIONS Available for the Year. Row 2: Ending June 30. Row 3: 2020, 2021.

Sec. 2. MILITARY AFFAIRS

Subdivision 1. Total Appropriation \$ 23,872,000 \$ 23,872,000

2.1 The amounts that may be spent for each
2.2 purpose are specified in the following
2.3 subdivisions.

2.4 Subd. 2. **Maintenance of Training Facilities** 9,701,000 9,701,000

2.5 Subd. 3. **General Support** 3,182,000 3,182,000

2.6 \$58,000 each year is for reintegration
2.7 activities. If the amount for fiscal year 2020
2.8 is insufficient, the amount for 2021 is available
2.9 in fiscal year 2020. Any unencumbered
2.10 balance does not cancel at the end of the first
2.11 year and is available for the second year.

2.12 Subd. 4. **Enlistment Incentives** 10,989,000 10,989,000

2.13 The appropriations in this subdivision are
2.14 available until June 30, 2023, except that any
2.15 unspent amounts allocated to a program
2.16 otherwise supported by this appropriation are
2.17 canceled to the general fund upon receipt of
2.18 federal funds in the same amount to support
2.19 administration of that program.

2.20 If the amount for fiscal year 2020 is
2.21 insufficient, the amount for 2021 is available
2.22 in fiscal year 2020. Any unencumbered
2.23 balance does not cancel at the end of the first
2.24 year and is available for the second year.

2.25 Sec. 3. **VETERANS AFFAIRS**

2.26 Subdivision 1. **Total Appropriation** \$ 76,671,000 \$ 76,644,000

2.27 The amounts that may be spent for each
2.28 purpose are specified in the following
2.29 subdivisions.

2.30 Subd. 2. **Veterans Programs and Services** 18,380,000 18,353,000

2.31 (a) **CORE Program.** \$750,000 each year is
2.32 for the Counseling and Case Management

3.1 Outreach Referral and Education (CORE)
3.2 program.

3.3 **(b) Veterans Service Organizations.**
3.4 \$353,000 each year is for grants to the
3.5 following congressionally chartered veterans
3.6 service organizations as designated by the
3.7 commissioner: Disabled American Veterans,
3.8 Military Order of the Purple Heart, the
3.9 American Legion, Veterans of Foreign Wars,
3.10 Vietnam Veterans of America, AMVETS, and
3.11 Paralyzed Veterans of America. This funding
3.12 must be allocated in direct proportion to the
3.13 funding currently being provided by the
3.14 commissioner to these organizations.

3.15 **(c) Minnesota Assistance Council for**
3.16 **Veterans.** \$750,000 each year is for a grant
3.17 to the Minnesota Assistance Council for
3.18 Veterans to provide assistance throughout
3.19 Minnesota to veterans and their families who
3.20 are homeless or in danger of homelessness,
3.21 including assistance with the following:

3.22 (1) utilities;
3.23 (2) employment; and
3.24 (3) legal issues.

3.25 The assistance authorized under this paragraph
3.26 must be made only to veterans who have
3.27 resided in Minnesota for 30 days prior to
3.28 application for assistance and according to
3.29 other guidelines established by the
3.30 commissioner. In order to avoid duplication
3.31 of services, the commissioner must ensure that
3.32 this assistance is coordinated with all other
3.33 available programs for veterans.

4.1 (d) State's Veterans Cemeteries. \$1,647,000
4.2 in the first year and \$1,672,000 in the second
4.3 year are for the state's veterans cemeteries.

4.4 (e) Honor Guards. \$200,000 each year is for
4.5 compensation for honor guards at the funerals
4.6 of veterans under Minnesota Statutes, section
4.7 197.231.

4.8 (f) Minnesota GI Bill. \$200,000 each year is
4.9 for the costs of administering the Minnesota
4.10 GI Bill postsecondary educational benefits,
4.11 on-the-job training, and apprenticeship
4.12 program under Minnesota Statutes, section
4.13 197.791.

4.14 (g) Gold Star Program. \$100,000 each year
4.15 is for administering the Gold Star Program for
4.16 surviving family members of deceased
4.17 veterans.

4.18 (h) County Veterans Service Office.
4.19 \$1,100,000 each year is for funding the
4.20 County Veterans Service Office grant program
4.21 under Minnesota Statutes, section 197.608.

4.22 (i) Armed Forces Service Center. \$100,000
4.23 in the first year is for a onetime grant to the
4.24 Armed Forces Service Center at the
4.25 Minneapolis-St. Paul Airport for construction
4.26 costs related to the remodeling of the Armed
4.27 Forces Service Center and for refurbishing the
4.28 center's furniture and beds used by service
4.29 members between connecting flights and while
4.30 awaiting ground transportation when traveling
4.31 individually or by unit to and from military
4.32 duty assignments.

4.33 As a condition of issuing this grant, the
4.34 commissioner must ensure that the center

5.1 provides matching funding for this purpose.

5.2 The commissioner must also ensure that no
5.3 part of this grant may be spent for salary or
5.4 related benefits for any person or for the
5.5 operations of the center.

5.6 **(j) Veterans Justice Grant; Report.**

5.7 \$200,000 each year is for a veterans justice
5.8 grant program. The commissioner shall solicit
5.9 bids for grants to an organization or
5.10 organizations that will use the grant money to
5.11 support, through education, outreach, and legal
5.12 training and services, military veterans who
5.13 are involved with the criminal justice system.

5.14 The commissioner may use up to seven
5.15 percent of this appropriation each year for
5.16 costs incurred to administer the program under
5.17 this section.

5.18 A county or city may apply for a veterans
5.19 justice grant to establish or operate a veterans
5.20 pretrial diversion program for eligible
5.21 offenders.

5.22 The grant recipient or recipients must report
5.23 to the commissioner of veterans affairs and
5.24 the chairs and ranking minority members of
5.25 the legislative committees and divisions
5.26 overseeing veterans affairs policy and finance
5.27 by January 15 of each year. The report must
5.28 include: an overview of the project's budget;
5.29 a detailed explanation of project expenditures;
5.30 the number of veterans and service members
5.31 served by the project; a list and explanation
5.32 of the services provided to project participants;
5.33 and details of the project's education, outreach,
5.34 and legal training programs.

6.1 (k) **Medal of Honor Memorial.** \$150,000 in
6.2 the first year is for deposit in the Medal of
6.3 Honor Memorial account established under
6.4 Laws 2016, chapter 189, article 13, section
6.5 64, subdivision 2. The commissioner shall use
6.6 the amount transferred under this section to
6.7 construct the Medal of Honor Commemorative
6.8 Memorial. This transfer is not available until
6.9 the commissioner of management and budget
6.10 determines that an equal amount is committed
6.11 from other nonstate sources.

6.12 Subd. 3. **Veterans Health Care** 58,291,000 58,291,000

6.13 (a) **Transfers.** These appropriations may be
6.14 transferred to a veterans homes special
6.15 revenue account in the special revenue fund
6.16 in the same manner as other receipts are
6.17 deposited according to Minnesota Statutes,
6.18 section 198.34, and are appropriated to the
6.19 commissioner of veterans affairs for the
6.20 operation of veterans homes facilities and
6.21 programs.

6.22 (b) **Report.** No later than January 15, 2020,
6.23 the commissioner of veterans affairs must
6.24 submit a report to the legislative committees
6.25 with jurisdiction over veterans affairs on
6.26 reserve amounts maintained in the veterans
6.27 homes special revenue account. The report
6.28 must detail current and historical amounts
6.29 maintained as a reserve, and uses of those
6.30 amounts. The report must also include data on
6.31 the utilization of existing veterans homes,
6.32 including current and historical bed capacity
6.33 and usage, staffing levels and staff vacancy
6.34 rates, and staff-to-resident ratios.

7.1 (c) Maximize Federal Reimbursements. The
7.2 commissioner shall seek opportunities to
7.3 maximize federal reimbursements of
7.4 Medicare-eligible expenses and provide annual
7.5 reports to the commissioner of management
7.6 and budget on the federal Medicare
7.7 reimbursements received. Contingent upon
7.8 future federal Medicare receipts, reductions
7.9 to the veterans homes' general fund
7.10 appropriation may be made.

7.11 Sec. 4. Laws 2016, chapter 189, article 13, section 64, is amended to read:

7.12 Sec. 64. **MEMORIAL COMMEMORATING RECIPIENTS OF THE MEDAL OF**
7.13 **HONOR.**

7.14 Subdivision 1. **Medal of Honor Memorial on the State Capitol grounds.** Subject to
7.15 approval by the Capitol Area Architectural and Planning Board, the commissioner of
7.16 administration shall place a memorial on the State Capitol grounds to honor Minnesotans
7.17 awarded the Medal of Honor.

7.18 Subd. 2. **Gifts and grants.** The commissioner of veterans affairs may solicit gifts, grants,
7.19 or donations of any kind from any private or public source to carry out the purposes of this
7.20 section. A Medal of Honor Memorial account is created in the special revenue fund. The
7.21 account consists of money transferred by law to the account and any other money donated,
7.22 gifted, granted, allotted, or otherwise provided to the account. All gifts, grants, or donations
7.23 received by the commissioner shall be deposited in a Medal of Honor Memorial account in
7.24 the special revenue fund. Money in the account is annually appropriated to the commissioner
7.25 of administration for predesign, design, construction, and ongoing maintenance of the
7.26 memorial.

7.27 ~~Subd. 3. **Restrictions.** Money deposited in the Medal of Honor Memorial account is not~~
7.28 ~~available until the commissioner of management and budget has determined an amount~~
7.29 ~~sufficient to complete predesign of the memorial has been committed to the project from~~
7.30 ~~nonstate sources. The commissioner of administration shall not begin construction on this~~
7.31 ~~project until money in the account is sufficient to pay for all costs related to construction~~
7.32 ~~and ongoing maintenance of the memorial.~~

8.1 **ARTICLE 2**

8.2 **POLICY**

8.3 Section 1. Minnesota Statutes 2018, section 15.057, is amended to read:

8.4 **15.057 PUBLICITY REPRESENTATIVES.**

8.5 No state department, bureau, or division, whether the same operates on funds appropriated
8.6 or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs,
8.7 the Department of Transportation, the Department of Employment and Economic
8.8 Development, the Game and Fish Division, State Agricultural Society, and Explore Minnesota
8.9 Tourism shall use any of such funds for the payment of the salary or expenses of a publicity
8.10 representative. The head of any such department, bureau, or division shall be personally
8.11 liable for funds used contrary to this provision. This section shall not be construed, however,
8.12 as preventing any such department, bureau, or division from sending out any bulletins or
8.13 other publicity required by any state law or necessary for the satisfactory conduct of the
8.14 business for which such department, bureau, or division was created.

8.15 Sec. 2. Minnesota Statutes 2018, section 196.05, subdivision 1, is amended to read:

8.16 Subdivision 1. **General duties.** The commissioner shall:

8.17 (1) act as the agent of a resident of the state having a claim against the United States for
8.18 benefits arising out of or by reason of service in the armed forces and prosecute the claim
8.19 without charge;

8.20 (2) act as custodian of veterans' bonus records;

8.21 (3) administer the laws relating to the providing of bronze flag holders at veterans' graves
8.22 for memorial purposes;

8.23 (4) administer the laws relating to recreational or rest camps for veterans so far as
8.24 applicable to state agencies;

8.25 (5) administer the state soldiers' assistance fund and veterans' relief fund and other funds
8.26 appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation
8.27 of veterans;

8.28 (6) cooperate with national, state, county, municipal, and private social agencies in
8.29 securing to veterans and their dependents the benefits provided by national, state, and county
8.30 laws, municipal ordinances, or public and private social agencies;

9.1 (7) provide necessary assistance where other adequate aid is not available to the dependent
9.2 family of a veteran while the veteran is hospitalized and after the veteran is released for as
9.3 long a period as is necessary as determined by the commissioner;

9.4 (8) cooperate with United States governmental agencies providing compensation,
9.5 pensions, insurance, or other benefits provided by federal law, by supplementing the benefits
9.6 prescribed therein, when conditions in an individual case make it necessary;

9.7 (9) assist dependent family members of military personnel who are called from reserve
9.8 status to extended federal active duty during a time of war or national emergency through
9.9 the state soldiers' assistance fund provided by section 197.03;

9.10 (10) exercise other powers as ~~may be~~ authorized and necessary to carry out ~~the provisions~~
9.11 ~~of this chapter and chapter~~ chapters 197, consistent with that chapter and 198;

9.12 (11) provide information, referral, and counseling services to those veterans who may
9.13 have suffered adverse health conditions as a result of possible exposure to chemical agents;
9.14 and

9.15 (12) in coordination with the Minnesota Association of County Veterans Service Officers,
9.16 develop a written disclosure statement for use by private providers of veterans benefits
9.17 services as required under section 197.6091. At a minimum, the written disclosure statement
9.18 shall include a signature line, contact information for the department, and a statement that
9.19 veterans benefits services are offered at no cost by federally chartered veterans service
9.20 organizations and by county veterans service officers.

9.21 Sec. 3. Minnesota Statutes 2018, section 197.603, subdivision 2, is amended to read:

9.22 Subd. 2. **Records; data privacy.** Pursuant to chapter 13 the county veterans service
9.23 officer is the responsible authority with respect to all records in the officer's custody. The
9.24 data on clients' applications for assistance is private data on individuals, as defined in section
9.25 13.02, subdivision 12. The county veterans service officer may disclose to the county assessor
9.26 private data necessary to determine a client's eligibility for the disabled veteran's homestead
9.27 market value exclusion under section 273.13, subdivision 34.

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

9.29 Sec. 4. Minnesota Statutes 2018, section 197.791, subdivision 1, is amended to read:

9.30 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

10.1 (b) "Commissioner" means the commissioner of veterans affairs, unless otherwise
10.2 specified.

10.3 (c) "Cost of attendance" for undergraduate students has the meaning given in section
10.4 136A.121, subdivision 6, multiplied by a factor of 1.2. Cost of attendance for graduate
10.5 students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor
10.6 of 1.2, using the tuition and fee maximum established by law for four-year programs. For
10.7 purposes of calculating the cost of attendance for graduate students, full time is eight credits
10.8 or more per term or the equivalent.

10.9 (d) "Child" means a natural or adopted child of a person described in subdivision 4,
10.10 paragraph (a), clause (1), item (i) or (ii).

10.11 (e) "Eligible institution" means a postsecondary institution under section 136A.101,
10.12 subdivision 4, or a graduate school licensed or registered with the state of Minnesota serving
10.13 only graduate students.

10.14 (f) "Program" means the Minnesota GI Bill program established in this section, unless
10.15 otherwise specified.

10.16 ~~(g) "Time of hostilities" means any action by the armed forces of the United States that~~
10.17 ~~is recognized by the issuance of a presidential proclamation or a presidential executive order~~
10.18 ~~in which the armed forces expeditionary medal or other campaign service medals are awarded~~
10.19 ~~according to presidential executive order, and any additional period or place that the~~
10.20 ~~commissioner determines and designates, after consultation with the United States~~
10.21 ~~Department of Defense, to be a period or place where the United States is in a conflict that~~
10.22 ~~places persons at such a risk that service in a foreign country during that period or in that~~
10.23 ~~place should be considered to be included.~~

10.24 ~~(h) "Veteran" has the meaning given in section 197.447. Veteran also includes a service~~
10.25 ~~member who has received an honorable discharge after leaving each period of federal active~~
10.26 ~~duty service and has:~~

10.27 ~~(1) served 90 days or more of federal active duty in a foreign country during a time of~~
10.28 ~~hostilities in that country; or~~

10.29 ~~(2) been awarded any of the following medals:~~

10.30 ~~(i) Armed Forces Expeditionary Medal;~~

10.31 ~~(ii) Kosovo Campaign Medal;~~

10.32 ~~(iii) Afghanistan Campaign Medal;~~

- 11.1 ~~(iv) Iraq Campaign Medal;~~
11.2 ~~(v) Global War on Terrorism Expeditionary Medal; or~~
11.3 ~~(vi) any other campaign medal authorized for service after September 11, 2001; or~~
11.4 ~~(3) received a service-related medical discharge from any period of service in a foreign~~
11.5 ~~country during a time of hostilities in that country.~~

11.6 A service member who has fulfilled the requirements for being a veteran ~~under this paragraph~~
11.7 but is still serving actively in the United States armed forces is also a veteran for the purposes
11.8 of this section.

11.9 Sec. 5. Minnesota Statutes 2018, section 273.1245, subdivision 2, is amended to read:

11.10 Subd. 2. **Disclosure.** The assessor shall disclose the data described in subdivision 1 to
11.11 the commissioner of revenue as provided by law. The assessor shall also disclose all or
11.12 portions of the data described in subdivision 1 to:

11.13 (1) the county treasurer solely for the purpose of proceeding under the Revenue Recapture
11.14 Act to recover personal property taxes owing; and

11.15 (2) the county veterans service officer for the purpose of determining a person's eligibility
11.16 for the disabled veteran's homestead market value exclusion under section 273.13, subdivision
11.17 34.

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

11.19 Sec. 6. **[609.1056] MILITARY VETERAN OFFENDERS RESTORATIVE JUSTICE**
11.20 **SENTENCE.**

11.21 **Subdivision 1. Offenses as a result of military service; presentence supervision**
11.22 **procedures.** (a) In the case of a person charged with a criminal offense that is either Severity
11.23 Level 7, D7, or lower in the Minnesota Sentencing Guidelines, who could otherwise be
11.24 sentenced to county jail or state prison and who alleges that the offense was committed as
11.25 a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance
11.26 abuse, or mental health conditions stemming from service in the United States military, the
11.27 court shall, prior to entering a plea of guilty, make a determination as to whether the
11.28 defendant was, or currently is, a member of the United States military and whether the
11.29 defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress
11.30 disorder, substance abuse, or mental health conditions as a result of that person's service.
11.31 The court may request, through existing resources, an assessment to aid in that determination.

12.1 (b) A defendant who requests to be sentenced under this section shall release or authorize
12.2 access to military service reports and records relating to the alleged conditions stemming
12.3 from service in the United States military. The records shall be filed as confidential and
12.4 remain sealed, except as provided for in this paragraph. The defendant, through existing
12.5 records or licensed professional evaluation, shall establish the diagnosis of the condition
12.6 and its connection to military service. The court, on the prosecutor's motion with notice to
12.7 defense counsel, may order the defendant to furnish to the court for in camera review or to
12.8 the prosecutor copies of all medical and military service reports and records previously or
12.9 subsequently made concerning the defendant's condition and its connection to service. Based
12.10 on the record, the court shall make findings on whether, by clear and convincing evidence,
12.11 the defendant suffers from a diagnosable condition and whether that condition stems from
12.12 service in the United States military. Within 15 days of the court's findings, either party
12.13 may file a challenge to the findings and demand a hearing on the defendant's eligibility
12.14 under this section.

12.15 (c) If the court concludes that a defendant who entered a plea of guilty to a criminal
12.16 offense is a person described in this subdivision or the parties stipulate to eligibility, and if
12.17 the defendant is otherwise eligible for probation, the court shall, upon the defendant entering
12.18 a plea of guilty, without entering a judgment of guilty and with the consent of the defendant,
12.19 defer further proceedings and place the defendant on probation upon such reasonable
12.20 conditions as it may require and for a period not to exceed the maximum sentence provided
12.21 for the violation.

12.22 (d) Upon violation of a condition of the probation, the court may enter an adjudication
12.23 of guilt and proceed as otherwise provided by law, including sentencing pursuant to the
12.24 guidelines, application or waiver of statutory mandatory minimums, or a departure under
12.25 subdivision 2, paragraph (d).

12.26 (e) As a condition of probation, the court may order the defendant to attend a local, state,
12.27 federal, or private nonprofit treatment program for a period not to exceed that period which
12.28 the defendant would have served in state prison or county jail, provided the defendant agrees
12.29 to participate in the program and the court determines that an appropriate treatment program
12.30 exists.

12.31 (f) A defendant granted probation under this section and ordered to attend a residential
12.32 treatment program shall earn sentence credits for the actual time the defendant serves in
12.33 residential treatment.

13.1 (g) The court, in making an order under this section to order a defendant to attend an
13.2 established treatment program, shall give preference to a treatment program that has a history
13.3 of successfully treating veterans who suffer from sexual trauma, traumatic brain injury,
13.4 post-traumatic stress disorder, substance abuse, or mental health problems as a result of that
13.5 service, including but not limited to programs operated by the United States Departments
13.6 of Defense or Veterans Affairs.

13.7 (h) The court and the assigned treatment program shall, when available, collaborate with
13.8 a county veterans service officer and the United States Department of Veterans Affairs to
13.9 maximize benefits and services provided to the veteran.

13.10 (i) If available in the county or judicial district having jurisdiction over the case, the
13.11 defendant may be supervised by the veterans treatment court program under subdivision 3.
13.12 If there is a veterans treatment court that meets the requirements of subdivision 3 in the
13.13 county in which the defendant resides or works, supervision of the defendant may be
13.14 transferred to that county or judicial district veterans treatment court program. If the defendant
13.15 successfully completes the veterans treatment court program in the supervising jurisdiction,
13.16 that jurisdiction shall sentence the defendant under this section. If the defendant is
13.17 unsuccessful in the veterans treatment court program, the defendant's supervision shall be
13.18 returned to the jurisdiction that initiated the transfer for standard sentencing.

13.19 Subd. 2. **Restorative justice for military veterans; dismissal of charges.** (a) It is in
13.20 the interests of justice to restore a defendant who acquired a criminal record due to a mental
13.21 health condition stemming from service in the United States military to the community of
13.22 law-abiding citizens. The restorative provisions of this subdivision apply to cases in which
13.23 a court monitoring the defendant's performance of probation under this section finds at a
13.24 public hearing, held after not less than 15 days' notice to the prosecution, the defense, and
13.25 any victim of the offense, that all of the following describe the defendant:

13.26 (1) the defendant was granted probation and was at the time that probation was granted
13.27 a person eligible under subdivision 1;

13.28 (2) the defendant is in substantial compliance with the conditions of that probation;

13.29 (3) the defendant has successfully participated in court-ordered treatment and services
13.30 to address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance
13.31 abuse, or mental health problems stemming from military service;

13.32 (4) the defendant does not represent a danger to the health and safety of others; and

14.1 (5) the defendant has demonstrated significant benefit from court-ordered education,
14.2 treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this
14.3 subdivision would be in the interests of justice.

14.4 (b) When determining whether granting restorative relief under this subdivision is in
14.5 the interests of justice, the court may consider, among other factors, all of the following:

14.6 (1) the defendant's completion and degree of participation in education, treatment, and
14.7 rehabilitation as ordered by the court;

14.8 (2) the defendant's progress in formal education;

14.9 (3) the defendant's development of career potential;

14.10 (4) the defendant's leadership and personal responsibility efforts;

14.11 (5) the defendant's contribution of service in support of the community; and

14.12 (6) the level of harm to the community or victim from the offense.

14.13 (c) If the court finds that a case satisfies each of the requirements described in paragraph
14.14 (a), then upon expiration of the period of probation the court shall discharge the defendant
14.15 and dismiss the proceedings against that defendant. Discharge and dismissal under this
14.16 subdivision shall be without court adjudication of guilt, but a not public record of it shall
14.17 be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts
14.18 in determining the merits of subsequent proceedings against the defendant. The not public
14.19 record may also be opened only upon court order for purposes of a criminal investigation,
14.20 prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections
14.21 authorities, the bureau shall notify the requesting party of the existence of the not public
14.22 record and the right to seek a court order to open it under this section. The court shall forward
14.23 a record of any discharge and dismissal under this subdivision to the bureau, which shall
14.24 make and maintain the not public record of it as provided under this subdivision. The
14.25 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications
14.26 or disabilities imposed by law upon conviction of a crime or for any other purpose. For
14.27 purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision
14.28 8a.

14.29 (d) If the charge to which the defendant entered a plea of guilty is listed under subdivision
14.30 1, paragraph (a), and is for an offense that is a presumptive commitment to state
14.31 imprisonment, the court may use the factors of paragraph (a) to justify a dispositional
14.32 departure, or any sentence appropriate including the application or waiver of statutory

15.1 mandatory minimums. If the court finds paragraph (a), clauses (1) to (5), factors, the
15.2 defendant is presumed amenable to probation.

15.3 (e) A dismissal under this subdivision does not apply to an offense for which registration
15.4 is required under section 243.166, subdivision 1b.

15.5 **Subd. 3. Optional veterans treatment court program; procedures for eligible**
15.6 **defendants.** (a) A county or judicial district may supervise probation under this section
15.7 through a veterans treatment court, using county veterans service officers appointed under
15.8 sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice
15.9 outreach specialists, probation agents, and any other rehabilitative resources available to
15.10 the court.

15.11 (b) "Veterans treatment court program" means a program that has the following essential
15.12 characteristics:

15.13 (1) the integration of services in the processing of cases in the judicial system;

15.14 (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to
15.15 promote public safety and to protect the due process rights of program participants;

15.16 (3) early identification and prompt placement of eligible participants in the program;

15.17 (4) access to a continuum of alcohol, controlled substance, mental health, and other
15.18 related treatment and rehabilitative services;

15.19 (5) careful monitoring of treatment and services provided to program participants;

15.20 (6) a coordinated strategy to govern program responses to participants' compliance;

15.21 (7) ongoing judicial interaction with program participants;

15.22 (8) monitoring and evaluation of program goals and effectiveness;

15.23 (9) continuing interdisciplinary education to promote effective program planning,
15.24 implementation, and operations;

15.25 (10) development of partnerships with public agencies and community organizations,
15.26 including the United States Department of Veterans Affairs; and

15.27 (11) inclusion of a participant's family members who agree to be involved in the treatment
15.28 and services provided to the participant under the program.

15.29 **Subd. 4. Creation of county and city diversion programs; authorization.** Any county
15.30 or city may establish and operate a veterans pretrial diversion program for offenders eligible
15.31 under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means

- 16.1 the decision of a prosecutor to refer an offender to a diversion program on condition that
16.2 the criminal charges against the offender shall be dismissed after a specified period of time,
16.3 or the case shall not be charged, if the offender successfully completes the program of
16.4 treatment recommended by the United States Department of Veterans Affairs or a local,
16.5 state, federal, or private nonprofit treatment program.
- 16.6 **EFFECTIVE DATE.** This section is effective August 1, 2019.