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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3156**

02/11/2020 Authored by Mariani
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division
05/04/2020 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
05/11/2020 Adoption of Report: Re-referred to the Committee on Ways and Means
Joint Rule 2.03 has been waived for any subsequent committee action on this bill

1.1 A bill for an act
1.2 relating to public safety; modifying the commissioner of public safety's authority
1.3 to suspend drivers' licenses in certain situations; providing for retroactive driver's
1.4 license reinstatement in certain instances; making technical changes; publishing
1.5 correctional facility daily population data on website; modifying occupancy limits
1.6 of correctional facility cells; providing early conditional release for certain inmates
1.7 during COVID-19 public health emergency; providing testing of public safety
1.8 specialists for SARS-CoV-2; temporarily suspending local match for youth
1.9 intervention program grants; requiring a report; amending Minnesota Statutes
1.10 2018, sections 169.92, subdivision 4; 171.16, subdivisions 2, 3; 171.18, subdivision
1.11 1; 243.53; 480.15, by adding a subdivision; proposing coding for new law in
1.12 Minnesota Statutes, chapters 171; 241.

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

1.14 Section 1. Minnesota Statutes 2018, section 169.92, subdivision 4, is amended to read:

1.15 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or
1.16 from the driver licensing authority of a state, district, territory, or possession of the United
1.17 States or a province of a foreign country which has an agreement in effect with this state
1.18 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in
1.19 this state did not appear in court in compliance with the terms of a citation, the commissioner
1.20 of public safety shall notify the driver that the driver's license will be suspended unless the
1.21 commissioner receives notice within 30 days that the driver has appeared in the appropriate
1.22 court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under~~
1.23 ~~section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner
1.24 does not receive notice of the appearance in the appropriate court or payment of the fine
1.25 within 30 days of the date of the commissioner's notice to the driver, the commissioner may
1.26 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision
1.27 2. Notwithstanding the requirements in this section, the commissioner is prohibited from

suspending the driver's license of a person based solely on the fact that the person did not appear in court (1) in compliance with the terms of a citation for a petty misdemeanor, or (2) for a violation of section 171.24, subdivision 1.

(b) The order of suspension shall indicate the reason for the order and shall notify the driver that the driver's license ~~shall remain~~ remains suspended until the driver has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance or rule violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number.

Sec. 2. Minnesota Statutes 2018, section 171.16, subdivision 2, is amended to read:

Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension of the driver's license of the person so convicted, and the commissioner shall suspend such license as recommended by the court, without a hearing ~~as provided herein~~.

(b) The commissioner is prohibited from suspending a person's driver's license if the person was convicted only under section 171.24, subdivision 1 or 2.

Sec. 3. Minnesota Statutes 2018, section 171.16, subdivision 3, is amended to read:

Subd. 3. ~~**Suspension for Failure to pay fine.** When any court reports to~~ The commissioner must not suspend a person's driver's license based solely on the fact that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined that the person has the ability to pay the fine or surcharge, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has been paid.~~

3.1 Sec. 4. Minnesota Statutes 2018, section 171.18, subdivision 1, is amended to read:

3.2 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
3.3 without preliminary hearing upon a showing by department records or other sufficient
3.4 evidence that the licensee:

3.5 (1) has committed an offense for which mandatory revocation of license is required upon
3.6 conviction;

3.7 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
3.8 regulating traffic, other than a conviction for a petty misdemeanor, and department records
3.9 show that the violation contributed in causing an accident resulting in the death or personal
3.10 injury of another, or serious property damage;

3.11 (3) is an habitually reckless or negligent driver of a motor vehicle;

3.12 (4) is an habitual violator of the traffic laws;

3.13 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

3.14 (6) has permitted an unlawful or fraudulent use of the license;

3.15 (7) has committed an offense in another state that, if committed in this state, would be
3.16 grounds for suspension;

3.17 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
3.18 five years of a prior conviction under that section;

3.19 (9) has committed a violation of section 171.22, except that the commissioner may not
3.20 suspend a person's driver's license based solely on the fact that the person possessed a
3.21 fictitious or fraudulently altered Minnesota identification card;

3.22 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

3.23 (11) has failed to report a medical condition that, if reported, would have resulted in
3.24 cancellation of driving privileges;

3.25 (12) has been found to have committed an offense under section 169A.33; or

3.26 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
3.27 by means of a dishonored check issued to the state or a driver's license agent, which must
3.28 be continued until the registrar determines or is informed by the agent that the dishonored
3.29 check has been paid in full.

3.30 However, an action taken by the commissioner under clause (2) or (5) must conform to the
3.31 recommendation of the court when made in connection with the prosecution of the licensee.

(b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license of an individual under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, ~~whose license was under suspension at the time solely because of the individual's failure to appear in court or failure to pay a fine~~ or 2.

Sec. 5. **[171.325] DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS; REPORTS.**

Subdivision 1. Issuance, suspensions, and revocations. (a) Annually by February 15, the commissioner of public safety must report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety and transportation on the status of drivers' licenses issued, suspended, and revoked. The commissioner must make the report available on the department's website.

(b) At a minimum, the report must include:

(1) the total number of drivers' licenses issued, suspended, and revoked as of January 1 the year the report is submitted, broken down by county;

(2) for each of the previous eight calendar years, the total number of drivers' licenses suspended and the number of suspended licenses reinstated; and

(3) for each of the previous eight calendar years, the total number of drivers' licenses revoked and the number of revoked licenses reinstated.

(c) For purposes of paragraph (b), clauses (1), (2), and (3), the report must identify each type of suspension or revocation authorized by statute or rule and include the number of licenses suspended or revoked for each type.

Subd. 2. Charges, convictions, and fines. (a) Annually by February 15, the state court administrator must report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety and transportation on (1) charges and convictions for driving after suspension or revocation, and (2) payment of fines for violations related to operation of a motor vehicle. The administrator must make the report available on the state court's website.

(b) At a minimum, the report must include:

(1) for each of the previous eight calendar years, the number of charges under section 171.24, subdivisions 1 and 2, broken down by the charges for each subdivision and indicating whether the court appointed the public defender to represent the defendant;

(2) for each of the previous eight calendar years, the number of convictions under section 171.24, subdivisions 1 and 2, broken down by the convictions for each subdivision and indicating whether the court appointed the public defender to represent the defendant; and

(3) for the past calendar year, for all charges on violations related to the operation of a motor vehicle and included on the uniform fine schedule authorized under section 609.101, subdivision 4, the percentage of fines, broken down by whether the court appointed the public defender to represent the defendant, which:

(i) were paid in full by the due date on the citation;

(ii) were paid in full through a payment plan;

(iii) accrued late charges;

(iv) were sent to court collections; and

(v) were sent to the Department of Revenue for collection.

Sec. 6. **[241.017] PUBLIC ACCESS TO CORRECTIONAL FACILITY**
POPULATION DATA.

Subdivision 1. **Department of Corrections.** The commissioner of corrections must publish daily facility population data on the department's publicly accessible website. The commissioner must retain daily population data on the agency's website for at least 12 months from the date it was posted.

Subd. 2. **Local correctional facilities.** The sheriff or chief executive officer of a local correctional facility or juvenile detention facility must publish daily inmate population data for the facility under the officer's control on the facility's publicly accessible website. The sheriff or chief executive officer must retain daily population data on the facility's publicly accessible website for at least 12 months from the date it was posted.

EFFECTIVE DATE. This section is effective 30 days after the day following final enactment.

Sec. 7. Minnesota Statutes 2018, section 243.53, is amended to read:

243.53 CORRECTIONAL INSTITUTIONS; OCCUPANCY LIMITS OF CELLS.

Subdivision 1. **Separate cells.** ~~(a)~~ When there are sufficient cells available, each inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in institutions classified by the commissioner as custody level five institutions.

~~(b) Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit multiple occupancy, except segregation units, to the greatest extent possible not to exceed the limits of facility infrastructure and programming space.~~

Sec. 8. Minnesota Statutes 2018, section 480.15, is amended by adding a subdivision to read:

Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator shall collect, compile, and report the data on (1) charges and convictions for driving after suspension or revocation, and (2) payment of fines for violations related to operation of a motor vehicle, as required under section 171.325.

Sec. 9. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

(a) The commissioner of public safety must make an individual's driver's license eligible for reinstatement if the license is solely suspended pursuant to:

(1) Minnesota Statutes 2018, section 171.16, subdivision 2, if the person was convicted only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

(2) Minnesota Statutes 2018, section 171.16, subdivision 3;

(3) Minnesota Statutes, section 169.92, subdivision 4, if the person was charged:

(i) with an offense that is a petty misdemeanor;

(ii) under Minnesota Statutes, section 171.24, subdivision 1 or 2; or

(iii) both items (i) and (ii); or

(4) any combination of clause (1), (2), or (3).

(b) By December 1, 2020, the commissioner must provide written notice to an individual whose license has been made eligible for reinstatement under paragraph (a), addressed to the licensee at the licensee's last known address.

(c) Notwithstanding any law to the contrary, before the license is reinstated, an individual whose driver's license is eligible for reinstatement under paragraph (a) must pay a reinstatement fee of \$20.

(d) The following applies for an individual who is eligible for reinstatement under paragraph (a), clauses (1) to (4), and whose license was suspended, revoked, or canceled under any other provision in Minnesota Statutes:

(1) the suspension, revocation, or cancellation under any other provision in Minnesota Statutes remains in effect;

(2) subject to clause (1), the individual may become eligible for reinstatement under paragraph (a), clauses (1) to (4); and

(3) the commissioner is not required to send the notice described in paragraph (b).

(e) Paragraph (a) applies notwithstanding Minnesota Statutes 2018, sections 169.92, subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

EFFECTIVE DATE. This section is effective August 1, 2020.

Sec. 10. TEMPORARY EMERGENCY POWER; COMMISSIONER OF CORRECTIONS; EARLY CONDITIONAL RELEASE FOR CERTAIN NONVIOLENT OFFENDERS.

Subdivision 1. **Applicability.** The powers granted in this section apply beginning on the date a peacetime public health emergency is declared by the governor pursuant to Minnesota Statutes, section 12.31, in response to a potential or actual outbreak of COVID-19. The powers expire when the declaration of the peacetime public health emergency expires. For purposes of this section, "peacetime public health emergency" means any peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19.

Subd. 2. **Temporary powers granted; limitations.** The commissioner of corrections is granted temporary powers described and limited by this section to protect the health and safety of state and local correctional employees and inmates as well as the public. The temporary powers granted to the commissioner in this section may only be used to prepare for, prevent, or respond to an outbreak of COVID-19.

Subd. 3. **Expanded authority to grant conditional release to certain nonviolent offenders.** (a) Notwithstanding any law to the contrary, the commissioner may place an eligible inmate who has 180 days or less to serve in the inmate's term of imprisonment on conditional release. The commissioner may not grant conditional release under this subdivision to an inmate who is serving a sentence for a crime of violence as that term is defined in paragraph (e). The commissioner must give priority for conditional release under this subdivision to inmates who are most likely to suffer serious illness or death from COVID-19 according to current guidelines published by the United States Center for Disease Control.

8.1 (b) Before the commissioner releases an inmate under the authority granted in this
8.2 subdivision, the commissioner must:

8.3 (1) prepare a release plan that meets current agency standards and that also:

8.4 (i) requires the inmate to report to the inmate's supervised release agent if the inmate
8.5 tests positive for the COVID-19 virus; and

8.6 (ii) includes the names and approximate ages of persons residing in the inmate's
8.7 designated residence and identifies residents with preexisting medical conditions; and

8.8 (2) complete the notification process, including notice to victims who requested notice
8.9 of the inmate's release.

8.10 (c) The commissioner may direct that an inmate released under this section meet with
8.11 the inmate's supervised release agent by telephone or video conference.

8.12 (d) The supervised release agent of an inmate released under this subdivision must
8.13 immediately notify the commissioner if the agent learns that the inmate tested positive for
8.14 COVID-19.

8.15 (e) The conditions of release granted under this section are governed by the statutes and
8.16 rules governing supervised release, except that release may be rescinded without hearing
8.17 by the commissioner if the commissioner determines that continuation of the conditional
8.18 release poses a danger to the public or to an individual. If the commissioner rescinds an
8.19 offender's conditional release, the offender shall be returned to prison and shall serve the
8.20 remaining portion of the offender's term of imprisonment.

8.21 (f) The conditional release authority granted in this subdivision is in addition to any
8.22 other conditional release authority granted to the commissioner.

8.23 (g) For purposes of this subdivision, "crime of violence" means: felony convictions of
8.24 the following offenses: Minnesota Statutes, sections 609.185 (murder in the first degree);
8.25 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20
8.26 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215
8.27 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222
8.28 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in
8.29 the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault);
8.30 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit
8.31 of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery);
8.32 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322
8.33 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal

sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and an attempt to commit any of these offenses.

Subd. 4. **Reports.** The commissioner shall submit the following reports to the members of the legislative committees and divisions with jurisdiction over corrections policy and finance regarding the temporary powers that were exercised under this section:

(1) within 30 days of the expiration of the declaration of the peacetime public health emergency, the commissioner shall submit a report that must include, at a minimum, a timeline as to when temporary powers were exercised and an explanation as to why the exercise of temporary powers was necessary; and

(2) within 180 days of the expiration of the declaration of the peacetime public health emergency, the commissioner shall submit a report that must include, at a minimum, aggregate data on the number of inmates who were granted conditional release, committed a new offense, were reincarcerated for a technical violation, and tested positive for COVID-19.

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

Sec. 11. SARS-COV-2 TESTING OF PUBLIC SAFETY SPECIALISTS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the definitions provided.

(b) "Public safety specialist" includes:

(1) a peace officer defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c) or (d);

(2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;

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

10.3 (i) firefighting;

10.4 (ii) emergency motor vehicle operation;

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

10.6 (iv) the provision of emergency medical services; or

10.7 (v) hazardous material responder;

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

10.10 (5) a probation officer, supervised release agent, or other qualified person employed in
10.11 supervising offenders;

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

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

10.16 (8) a first responder who is certified by the Emergency Medical Services Regulatory
10.17 Board to perform basic emergency skills before the arrival of a licensed ambulance service
10.18 and who is a member of an organized service recognized by a local political subdivision to
10.19 respond to medical emergencies to provide initial medical care before the arrival of an
10.20 ambulance;

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

10.24 (10) domestic abuse and victim advocates.

10.25 (c) "Health care provider" means a physician licensed under Minnesota Statutes, chapter
10.26 147, a physician assistant licensed under Minnesota Statutes, chapter 147A, and practicing
10.27 within the authorized scope of practice, an advanced practice registered nurse licensed under
10.28 Minnesota Statutes, chapter 148, and practicing within the authorized scope of practice, or
10.29 a health care facility licensed under Minnesota Statutes, chapter 144 or 144A.

10.30 (d) "SARS-CoV-2" means the infectious virus known as SARS-CoV-2.

11.1 Subd. 2. **Testing.** When a health care provider tests a public safety specialist for
11.2 SARS-CoV-2, the health care provider shall notify the public safety specialist of whether
11.3 the person has tested positive or negative for SARS-CoV-2 as soon as possible.

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

11.5 Sec. 12. **LOCAL MATCH TEMPORARILY SUSPENDED FOR YOUTH**
11.6 **INTERVENTION PROGRAM GRANTS.**

11.7 (a) The local match requirement in Minnesota Statutes, section 299A.73, subdivision 2,
11.8 does not apply to the portion of any grants made under that section in calendar year 2020
11.9 if:

11.10 (1) the Office of Justice Programs awarded the grant on or before March 13, 2020; and

11.11 (2) the nonprofit agency administering the youth intervention program suspended or
11.12 severely limited its program or activities as a result of the peacetime emergency declared
11.13 on March 13, 2020, in governor's Executive Order 20-01 and any extensions authorized
11.14 under Minnesota Statutes, section 12.31, subdivision 2, or the stay at home order issued on
11.15 March 25, 2020, in governor's Executive Order 20-20 and any modifications to that order.

11.16 (b) By February 1, 2021, the Office of Justice Programs must report to the chairs and
11.17 ranking minority members of the senate and house of representatives committees and
11.18 divisions having jurisdiction over public safety on the number of nonprofit agencies
11.19 administering a youth intervention program that met the local match requirement and the
11.20 number that were unable to do so due to the conditions described in paragraph (a), clause
11.21 (2).

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