SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2909

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
03/15/2023	1792	Introduction and first reading
		Referred to Judiciary and Public Safety
04/04/2023	3239a	Comm report: To pass as amended and re-refer to Finance
04/13/2023	4791a	Comm report: To pass as amended
	4954	Second reading
04/14/2023	5061a	Special Order: Amended
	5105	Third reading Passed
04/27/2023	6537	Returned from House with amendment
		Senate not concur, conference committee of 5 requested
	6578	Senate conferees Latz; Oumou Verbeten; Pappas; Seeberger; Westlin
04/28/2023	6613	House conferees Moller; Feist; Becker-Finn; Frazier; Curran
05/12/2023	7440c	Conference committee report, delete everything
	7870	Motion to reject CC report, did not prevail
	7871	Senate adopted CC report and repassed bill
	7872	Third reading
05/17/2023	8920	House adopted SCC report and repassed bill
		Presentment date 05/18/23
		Governor's action Approval 05/19/23
		Secretary of State Chapter 52 05/19/23

A bill for an act

relating to state government; providing law for judiciary, public safety, crime, sentencing, evidence, courts, law enforcement, firearms, controlled substances, corrections, clemency, expungement, rehabilitation and reinvestment, civil law, community supervision, supervised release, and human rights; providing for rulemaking; providing for reports; providing for criminal and civil penalties; appropriating money for judiciary, Guardian ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, human rights, sentencing guidelines, public safety, fire marshal, Office of Justice programs, emergency communication, Peace Officer Standards and Training Board, Private Detective Board, corrections, Ombudsperson for Corrections, Board of Public Defense, juvenile justice, and law enforcement education and training; amending Minnesota Statutes 2022, sections 13.072, subdivision 1; 13.32, subdivisions 3, 5; 13.643, subdivision 6; 13.72, subdivision 19, by adding a subdivision; 13.825, subdivisions 2, 3; 13.871, subdivisions 8, 14; 13A.02, subdivisions 1, 2; 15.0597, subdivisions 1, 4, 5, 6; 51A.14; 82B.195, subdivision 3; 121A.28; 144.6586, subdivision 2; 145.4712; 145A.061, subdivision 3; 146A.08, subdivision 1; 151.01, by adding a subdivision; 151.40, subdivisions 1, 2; 152.01, subdivisions 12a, 18, by adding a subdivision; 152.02, subdivisions 2, 3, 5, 6; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivision 2; 152.025, subdivision 2; 152.093; 152.18, subdivision 1; 152.205; 168B.07, subdivision 3, by adding subdivisions; 169A.276, subdivision 1; 169A.40, subdivision 3; 169A.41, subdivisions 1, 2; 169A.44; 169A.60, subdivision 2; 169A.63, subdivision 8; 171.306, by adding a subdivision; 181.981, subdivision 1; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivisions 1d, 2a, 2b, by adding a subdivision; 241.025, subdivisions 1, 2, 3; 241.90; 242.18; 243.05, subdivision 1; 243.1606; 243.166, subdivision 1b; 243.58; 244.03; 244.05, subdivisions 1b, 3, 4, 5, 6, 8, by adding subdivisions; 244.0513, subdivisions 2, 4; 244.09, subdivisions 2, 3, by adding a subdivision; 244.101, subdivision 1; 244.17, subdivision 3; 244.171, subdivision 4; 244.172, subdivision 1; 244.18; 244.19; 244.195; 244.197; 244.198; 244.199; 244.1995; 244.20; 244.21; 244.24; 245C.08, subdivisions 1, 2; 245C.15, subdivisions 1, 2, 4a; 245C.24, subdivision 3; 245I.12, subdivision 1; 253B.02, subdivision 4e; 253D.02, subdivision 8; 256I.04, subdivision 2g; 259.11; 259.13, subdivisions 1, 5; 260.515; 260B.171, subdivision 3; 260B.176, by adding a subdivision; 297I.06, subdivision 1; 299A.296; 299A.38; 299A.41, subdivisions 3, 4, by adding a subdivision; 299A.48; 299A.49; 299A.50; 299A.51; 299A.52; 299A.642, subdivision 15; 299A.73, by adding a subdivision; 299A.783, subdivision 1; 299A.85, subdivision 6; 299C.063; 299C.10, subdivision 1; 299C.105, subdivision 1; 299C.106, subdivision 3;

299C.11, subdivisions 1, 3; 299C.111; 299C.17; 299C.46, subdivision 1; 299C.53, subdivision 3; 299C.65, subdivisions 1a, 3a; 299C.67, subdivision 2; 299F.362; 299F.46, subdivision 1; 299F.50, by adding subdivisions; 299F.51, subdivisions 1, 2, 5, by adding a subdivision; 325F.70, by adding a subdivision; 325F.992, subdivision 3; 326.32, subdivision 10; 326.3311; 326.336, subdivision 2; 326.3361, subdivision 2; 326.3381, subdivision 3; 326.3387, subdivision 1; 336.9-601; 351.01, subdivision 2; 357.021, subdivision 2; 363A.02, subdivision 1; 363A.03, subdivisions 23, 44, by adding a subdivision; 363A.04; 363A.06, subdivision 1; 363A.07, subdivision 2; 363A.08, subdivisions 1, 2, 3, 4, by adding a subdivision; 363A.09, subdivisions 1, 2, 3, 4; 363A.11, subdivisions 1, 2; 363A.12, subdivision 1; 363A.13, subdivisions 1, 2, 3, 4; 363A.15; 363A.16, subdivision 1; 363A.17; 363A.21, subdivision 1; 364.021; 364.06, subdivision 1; 401.01; 401.02; 401.025; 401.03; 401.04; 401.05, subdivision 1; 401.06; 401.08; 401.09; 401.10; 401.11; 401.12; 401.14; 401.15; 401.16; 473.387, subdivision 4; 484.014, subdivisions 2, 3; 484.85; 504B.135; 504B.161, subdivision 1; 504B.171, by adding a subdivision; 504B.172; 504B.178, subdivision 4; 504B.211, subdivisions 2, 6; 504B.285, subdivision 5; 504B.291, subdivision 1; 504B.301; 504B.321; 504B.331; 504B.335; 504B.345, subdivision 1, by adding a subdivision; 504B.361, subdivision 1; 504B.371, subdivisions 3, 4, 5, 7; 504B.375, subdivision 1; 504B.381, subdivisions 1, 5, by adding a subdivision; 507.07; 508.52; 517.04; 517.08, subdivisions 1a, 1b; 518.191, subdivisions 1, 3; 541.023, subdivision 6; 550.365, subdivision 2; 559.209, subdivision 2; 573.01; 573.02, subdivisions 1, 2; 582.039, subdivision 2; 583.25; 583.26, subdivision 2; 600.23; 609.02, subdivisions 2, 16; 609.03; 609.05, by adding a subdivision; 609.066, subdivision 2; 609.102; 609.105, subdivisions 1, 3; 609.1055; 609.106, subdivision 2, by adding a subdivision; 609.1095, subdivision 1; 609.11, subdivision 9; 609.135, subdivisions 1a, 1c, 2; 609.14, subdivision 1, by adding a subdivision; 609.185; 609.2231, subdivision 4; 609.2233; 609.25, subdivision 2; 609.2661; 609.269; 609.341, subdivision 22; 609.3455, subdivisions 2, 5; 609.35; 609.52, subdivision 3; 609.526, subdivision 2; 609.527, subdivision 1, by adding a subdivision; 609.531, subdivision 1; 609.5314, subdivision 3; 609.582, subdivisions 3, 4; 609.595, subdivisions 1a, 2; 609.631, subdivision 4; 609.632, subdivision 4; 609.67, subdivisions 1, 2; 609.746, subdivision 1; 609.749, subdivision 3; 609.78, subdivision 2a; 609.821, subdivision 3; 609.87, by adding a subdivision; 609.89; 609A.01; 609A.02, subdivision 3; 609A.03, subdivisions 5, 7a, 9; 609B.161; 611.215, subdivision 1; 611.23; 611.58, as amended; 611A.03, subdivision 1; 611A.031; 611A.033; 611A.036, subdivision 7; 611A.039, subdivision 1; 611A.08, subdivision 6; 611A.211, subdivision 1; 611A.31, subdivisions 2, 3, by adding a subdivision; 611A.32; 611A.51; 611A.52, subdivisions 3, 4, 5; 611A.53; 611A.54; 611A.55; 611A.56; 611A.57, subdivisions 5, 6; 611A.60; 611A.61; 611A.612; 611A.66; 611A.68, subdivisions 2a, 4, 4b, 4c; 617.22; 617.26; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131; 624.7132; 626.14, subdivisions 2, 3, by adding a subdivision; 626.15; 626.21; 626.5531, subdivision 1; 626.843, by adding a subdivision; 626.8432, subdivision 1; 626.8451, subdivision 1; 626.8452, by adding subdivisions; 626.8457, by adding subdivisions; 626.8469, subdivision 1; 626.8473, subdivision 3; 626.87, subdivisions 2, 3, 5, by adding a subdivision; 626.89, subdivision 17; 626.90, subdivision 2; 626.91, subdivisions 2, 4; 626.92, subdivisions 2, 3; 626.93, subdivisions 3, 4; 626A.05, subdivision 2; 626A.35, by adding a subdivision; 628.26; 629.292, subdivision 2; 629.341, subdivisions 3, 4; 629.361; 629.72, subdivision 6; 638.01; 641.15, subdivision 2; 641.155; Laws 1961, chapter 108, section 1, as amended; Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3; Laws 2022, chapter 99, article 1, section 50; article 3, section 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 13; 145; 241; 243; 244; 259; 260C; 299A; 299C; 401; 484; 504B; 573; 609; 609A; 624; 626; 638; 641; repealing Minnesota Statutes 2022, sections 152.092; 241.272; 244.14; 244.15; 244.196; 244.22; 244.32; 299C.80, subdivision 7; 346.02; 363A.20, subdivision 3; 363A.27; 401.07; 504B.305; 504B.341; 518B.02, subdivision 3; 582.14; 609.293, subdivisions 1, 5; 609.34; 609.36; 617.20;

617.201; 617.202; 617.21; 617.28; 617.29; 626.93, subdivision 7; 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; 638.08.

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

ARTICLE 1

JUDICIARY 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 "2024" and "2025" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively. "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium" is fiscal years 2024 and 2025.

	APPROPRIATIONS Available for the Year Ending June 30	
	2024	**2025**
Sec. 2. **SUPREME COURT**		
Subdivision 1. **Total Appropriation**	**$ 80,141,000**	**$ 82,624,000**
The amounts that may be spent for each purpose are specified in the following subdivisions.		
Subd. 2. **Supreme Court Operations**	46,581,000	49,064,000
(a) **Contingent Account**		
$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.		
(b) **Justices' Compensation**		
Justices' compensation is increased by eight percent in the first year and four percent in the second year.		
Subd. 3. **Civil Legal Services**	33,560,000	33,560,000

The general fund base is $34,167,000 beginning in fiscal year 2026.

Legal Services to Low-Income Clients in Family Law Matters

$1,017,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services program described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.

Sec. 3. **COURT OF APPEALS**	**$**	**14,559,000**	**$**	**15,259,000**

Judges' Compensation

Judges' compensation is increased by eight percent in the first year and four percent in the second year.

Sec. 4. **DISTRICT COURTS**	**$**	**370,910,000**	**$**	**381,590,000**

(a) **Judges' Compensation**

Judges' compensation is increased by eight percent in the first year and four percent in the second year.

(b) **Court Case Backlog**

$4,200,000 the first year is to address the court case backlog.

(c) **Mandated Psychological Services**

$1,500,000 each year is for mandated psychological services. This is a onetime appropriation.

(d) **New Treatment Courts**

$422,000 each year is to fund four new treatment courts.

(e) **Courtroom Technology Enhancements**

$7,400,000 the first year is for courtroom technology enhancements.

(f) **Law Clerk Salary**

$2,033,000 each year is to increase district court law clerks' salaries. Notwithstanding Minnesota Statutes, section 16A.285, the court must not transfer this appropriation.

(g) **Interpreter Pay**

$200,000 each year is to fund the increase in the hourly fee paid to contract interpreters.

(h) **Extreme Risk Protection Orders**

$91,000 the first year and $182,000 the second year are to implement the provisions of article 14.

Sec. 5. **GUARDIAN AD LITEM BOARD**	**$**	**24,358,000**	**$**	**25,620,000**
Sec. 6. **TAX COURT**	**$**	**2,133,000**	**$**	**2,268,000**
Sec. 7. **UNIFORM LAWS COMMISSION**	**$**	**115,000**	**$**	**115,000**
Sec. 8. **BOARD ON JUDICIAL STANDARDS**	**$**	**655,000**	**$**	**645,000**

(a) **Availability of Appropriation**

If the appropriation for either year is insufficient, the appropriation for the other fiscal year is available.

(b) **Major Disciplinary Actions**

$125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any unencumbered and unspent balances remain

available for these expenditures through June 30, 2027.

Sec. 9. **BOARD OF PUBLIC DEFENSE**	**$**	**154,884,000**	**$**	**164,360,000**
Sec. 10. **HUMAN RIGHTS**	**$**	**8,048,000**	**$**	**8,429,000**

The general fund base is $8,909,000 beginning in fiscal year 2026.

(a) **Civil Rights Enforcement**

$1,500,000 each year is for increased civil rights enforcement. The base for this appropriation is $2,000,000 in fiscal year 2026 and thereafter.

(b) **Mediator Payments**

$20,000 each year is to fund payments to mediators. This appropriation is onetime and is available through June 30, 2027.

(c) **Report on Civil Rights Trends**

$395,000 the first year and $250,000 the second year are to analyze and report on civil rights trends in Minnesota.

Sec. 11. **OFFICE OF APPELLATE COUNSEL AND TRAINING**	**$**	**659,000**	**$**	**1,560,000**

Establishment and Operations

$659,000 the first year and $1,560,000 the second year are for establishment and operation of the Statewide Office of Appellate Counsel and Training as described in Minnesota Statutes, section 260C.419, and to provide support for the State Board of Appellate Counsel and Training.

Sec. 12. **DEPARTMENT OF HUMAN SERVICES**	**$**	**1,500,000**	**$**	**-0-**

Child Advocacy Center

$1,500,000 the first year is for a grant to First Witness Child Advocacy Center for the acquisition and improvement of properties located at 1402, 1406, and 1412 East 2nd Street in the city of Duluth. This appropriation includes money for demolition of the building located at 1412 East 2nd Street and construction of a parking lot, and for renovation, furnishing, and equipping of the buildings located at 1402 and 1406 East 2nd Street as a training center and a child advocacy center. These funds are available until June 30, 2027.

Sec. 13. Minnesota Statutes 2022, section 611.58, as amended by Laws 2023, chapter 14, section 34, is amended to read:

611.58 COMPETENCY ATTAINMENT CURRICULUM AND CERTIFICATION.

Subdivision 1. **Curriculum.** (a) By ~~January~~ October 1, 2023, the board must recommend a competency attainment curriculum to educate and assist defendants found incompetent in attaining the ability to:

(1) rationally consult with counsel;

(2) understand the proceedings; and

(3) participate in the defense.

(b) The curriculum must be flexible enough to be delivered in community and correctional settings by individuals with various levels of education and qualifications, including but not limited to professionals in criminal justice, health care, mental health care, and social services. The board must review and update the curriculum as needed.

Subd. 2. **Certification and distribution.** By ~~January~~ October 1, 2023, the board must develop a process for certifying individuals to deliver the competency attainment curriculum and make the curriculum available to every competency attainment program and forensic navigator in the state. Each competency attainment program in the state must use the competency attainment curriculum under this section as the foundation for delivering competency attainment education and must not substantially alter the content.

Sec. 14. Laws 2022, chapter 99, article 1, section 50, is amended to read:

Sec. 50. **EFFECTIVE DATE.**

Sections 26 to 37 are effective ~~July~~ April 1, ~~2023~~ 2024, and apply to competency determinations initiated on or after that date.

Sec. 15. Laws 2022, chapter 99, article 3, section 1, as amended by Laws 2023, chapter 14, section 36, is amended to read:

Section 1. **APPROPRIATION BASE ESTABLISHED; COMPETENCY ATTAINMENT.**

Subdivision 1. **Department of Corrections.** The general fund appropriation base for the commissioner of corrections is $202,000 in fiscal year 2024 and $202,000 in fiscal year 2025 for correctional facilities inspectors.

Subd. 2. **District courts.** The general fund appropriation base for the district courts is ~~$5,042,000~~ $1,500,000 in fiscal year 2024 and $5,042,000 in fiscal year 2025 for costs associated with additional competency examination costs.

Subd. 3. **State Competency Attainment Board.** The general fund appropriation base for the State Competency Attainment Board is ~~$11,350,000~~ $3,515,000 in fiscal year 2024 and $10,900,000 in fiscal year 2025 for staffing and other costs needed to establish and perform the duties of the State Competency Attainment Board, including providing educational services necessary to assist defendants in attaining competency, or contracting or partnering with other organizations to provide those services.

ARTICLE 2
PUBLIC SAFETY 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 "2024" and "2025" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively. "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium" is fiscal years 2024 and 2025. Appropriations for the fiscal year ending June 30, 2023, are effective the day following final enactment.

	APPROPRIATIONS Available for the Year Ending June 30	
	2023	**2024**	**2025**
Sec. 2. **SENTENCING GUIDELINES**	**$**	**1,549,000**	**$**	**1,488,000**

(a) **Analysis of Sentencing-Related Data**

$125,000 the first year and $124,000 the second year are to expand analysis of sentencing-related data.

(b) **Small Agency Resource Team (SmART)**

$50,000 each year is for the commission's accounting, budgeting, and human resources to be provided by the Department of Administration's small agency resource team.

(c) **Court Information System Integration**

$340,000 the first year and $348,000 the second year are to fully integrate the Sentencing Guidelines information systems with the Minnesota Criminal Information System (MNCIS). The base for this appropriation is $78,000 beginning in fiscal year 2026.

(d) **Comprehensive Review of the Guidelines**

$243,000 the first year and $147,000 the second year are to begin a comprehensive review of the Sentencing Guidelines. This is a onetime appropriation.

Sec. 3. **PUBLIC SAFETY**

Subdivision 1. **Total Appropriation**	**$**	**1,000,000**	**$**	**333,079,000**	**$**	**292,622,000**

Appropriations by Fund

	2023	2024	2025
General	1,000,000	235,025,000	201,039,000

Special Revenue	20,074,000	20,327,000
State Government		
Special Revenue	103,000	103,000
Environmental	119,000	127,000
Trunk Highway	2,429,000	2,429,000
911 Fund	75,329,000	68,597,000

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

Subd. 2. **Public Safety Administration**	1,000,000	2,250,000	2,000,000

(a) **Public Safety Officer Survivor Benefits**

$1,000,000 in fiscal year 2023, $1,000,000 in fiscal year 2024, and $1,000,000 in fiscal year 2025 are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available.

(b) **Soft Body Armor Reimbursements**

$1,000,000 each year is for increases in the base appropriation for soft body armor reimbursements under Minnesota Statutes, section 299A.38. This is a onetime appropriation.

(c) **Firearm Storage Grants**

$250,000 the first year is for grants to local or state law enforcement agencies to support the safe and secure storage of firearms owned by persons subject to extreme risk protection orders. The commissioner must apply for a grant from the Byrne State Crisis Intervention Program to supplement the funds appropriated by the legislature for implementation of

Minnesota Statutes, sections 624.7171 to 624.7178 and 626.8481. Of the federal funds received, the commissioner must dedicate at least an amount that is equal to this appropriation to fund safe and secure firearms storage grants provided for under this paragraph.

Subd. 3. **Emergency Management**	7,330,000	4,417,000

Appropriations by Fund		
General	7,211,000	4,290,000
Environmental	119,000	127,000

(a) **Supplemental Nonprofit Security Grants**

$250,000 each year is for supplemental nonprofit security grants under this paragraph. This appropriation is onetime.

Nonprofit organizations whose applications for funding through the Federal Emergency Management Agency's nonprofit security grant program have been approved by the Division of Homeland Security and Emergency Management are eligible for grants under this paragraph. No additional application shall be required for grants under this paragraph, and an application for a grant from the federal program is also an application for funding from the state supplemental program.

Eligible organizations may receive grants of up to $75,000, except that the total received by any individual from both the federal nonprofit security grant program and the state supplemental nonprofit security grant program shall not exceed $75,000. Grants shall be awarded in an order consistent with the ranking given to applicants for the federal

nonprofit security grant program. No grants under the state supplemental nonprofit security grant program shall be awarded until the announcement of the recipients and the amount of the grants awarded under the federal nonprofit security grant program. This is a onetime appropriation.

(b) **Emergency Preparedness Staff**

$550,000 each year is for additional emergency preparedness staff members.

(c) **Lake Superior Chippewa Tribal Emergency Management Coordinator**

$145,000 each year is for a grant to the Grand Portage Band of Lake Superior Chippewa to establish and maintain a Tribal emergency management coordinator under Minnesota Statutes, section 12.25.

(d) **Grand Portage Band of Lake Superior Chippewa Tribe Coast Guard Services**

$3,000,000 the first year is for a grant to the Grand Portage Band of Lake Superior Chippewa to purchase equipment and fund a position for coast guard services off the north shore of Lake Superior.

Subd. 4. **Criminal Apprehension**	123,122,000	106,870,000

Appropriations by Fund

General	120,686,000	104,434,000
State Government Special Revenue	7,000	7,000
Trunk Highway	2,429,000	2,429,000

The annual base from the general fund is $104,303,000 beginning in fiscal year 2026.

(a) **DWI Lab Analysis; Trunk Highway Fund**

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, $2,429,000 the first year and $2,429,000 the second year are from the trunk highway fund for staff and operating costs for laboratory analysis related to driving-while-impaired cases.

(b) **Use of Force Investigations**

$4,419,000 each year is for operation of the independent Use of Force Investigations Unit pursuant to Minnesota Statutes, section 299C.80.

(c) **FBI Compliance, Critical IT Infrastructure, and Cybersecurity Upgrades**

$10,550,000 the first year and $2,737,000 the second year are for cybersecurity investments, critical infrastructure upgrades, and Federal Bureau of Investigation audit compliance. This appropriation is available through June 30, 2027.

(d) **Expungement-Related Costs**

$3,737,000 the first year and $190,000 the second year are for costs associated with the changes to expungement law made in this act.

(e) **Violent Crime Reduction Strategy**

$9,325,000 each year is for violent crime reduction, including forensics, and analytical and operational support.

(f) **Investigative Partnerships**

$6,000,000 the first year is to fund partnerships among local, state, and federal agencies. This appropriation is available until June 30, 2027.

(g) **Firearm Eligibility Background Checks**

$70,000 the first year is to purchase and integrate information technology hardware and software necessary to process additional firearms eligibility background checks.

(h) **Human Trafficking Task Force**

$1,800,000 each year is for staff and operating costs to support the Bureau of Criminal Apprehension-led Minnesota Human Trafficking Investigator's Task Force.

(i) **Report on Fusion Center Activities**

$115,000 each year is for the report required under Minnesota Statutes, section 299C.055. This is a onetime appropriation.

(j) **Decrease Forensic Evidence Turnaround**

$4,500,000 the first year and $3,500,000 the second year are to decrease turnaround times for forensic processing of evidence in criminal investigations for state and local law enforcement partners.

Additional staff and supplies funded under this provision are intended, among other purposes, to reduce the backlog in sexual assault examination kit testing, to prevent the development of any future backlogs in testing sexual assault examination kits, and to provide survivors access to the status of the testing of their exam kits via the relevant exam testing tracking systems. By January 1, 2025, and

each year thereafter, the commissioner must submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety finance and policy on the use of these funds in the previous fiscal year. The report must: (1) include the data necessary to understand sexual assault examination kit testing times; and (2) identify the barriers to testing all sexual assault examination kits within 90 days of receipt by the laboratory in the preceding year and in the upcoming year.

Subd. 5. **Fire Marshal**	17,013,000	17,272,000

Appropriations by Fund		
General	4,184,000	4,190,000
Special Revenue	12,829,000	13,082,000

The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012. The base appropriation for this account is $13,182,000 in fiscal year 2026 and $13,082,000 in fiscal year 2027.

(a) **Hazardous Materials and Emergency Response Teams**

$1,695,000 the first year and $1,595,000 the second year are from the fire safety account for hazardous materials and emergency response teams. The base for these purposes is $1,695,000 in the first year of future biennia and $1,595,000 in the second year of future biennia.

(b) **Bomb Squad Reimbursements**

$250,000 from the fire safety account and $50,000 from the general fund each year are for reimbursements to local governments for bomb squad services.

(c) **Nonresponsible Party Reimbursements**

$750,000 each year from the fire safety account is for nonresponsible party hazardous material and bomb squad incident reimbursements. Money appropriated for this purpose is available for one year.

(d) **Hometown Heroes Assistance Program**

$4,000,000 each year from the general fund is for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance program established in Minnesota Statutes, section 299A.477.

Subd. 6. **Firefighter Training and Education Board**	7,175,000	7,175,000

Appropriations by Fund

Special Revenue	7,175,000	7,175,000

The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

(a) **Firefighter Training and Education**

$5,500,000 each year from the fire safety account is for firefighter training and education.

(b) **Task Force 1**

$1,125,000 each year is for the Minnesota Task Force 1.

(c) **Task Force 2**

$200,000 each year is for Minnesota Task Force 2.

(d) **Air Rescue**

$350,000 each year is for the Minnesota Air Rescue Team.

(e) **Unappropriated Revenue**

Any additional unappropriated money collected in fiscal year 2023 is appropriated to the commissioner of public safety for the purposes of Minnesota Statutes, section 299F.012. The commissioner may transfer appropriations and base amounts between activities in this subdivision.

Subd. 7. **Alcohol and Gambling Enforcement**	4,102,000	3,857,000

Appropriations by Fund		
General	4,032,000	3,787,000
Special Revenue	70,000	70,000

(a) $70,000 each year is from the lawful gambling regulation account in the special revenue fund.

(b) $600,000 the first year and $100,000 the second year are for enforcement information technology improvements.

Subd. 8. **Office of Justice Programs**	94,758,000	80,434,000

Appropriations by Fund		
General	94,662,000	80,338,000
State Government Special Revenue	96,000	96,000

(a) **Domestic and Sexual Violence Housing**

$1,500,000 each year is to establish a Domestic Violence Housing First grant program to provide resources for survivors of

violence to access safe and stable housing and for staff to provide mobile advocacy and expertise in housing resources in their community and a Minnesota Domestic and Sexual Violence Transitional Housing program to develop and support medium to long term transitional housing for survivors of domestic and sexual violence with supportive services. The base for this appropriation is $1,000,000 beginning in fiscal year 2026.

(b) **Federal Victims of Crime Funding Gap**

$11,000,000 each year is to fund services for victims of domestic violence, sexual assault, child abuse, and other crimes. This is a onetime appropriation.

(c) **Office for Missing and Murdered Black Women and Girls**

$1,248,000 each year is to establish and maintain the Minnesota Office for Missing and Murdered Black Women and Girls.

(d) **Increased Staffing**

$667,000 the first year and $1,334,000 the second year are to increase staffing in the Office of Justice Programs for grant monitoring and compliance; provide training and technical assistance to grantees and potential grantees; conduct community outreach and engagement to improve the experiences and outcomes of applicants, grant recipients, and crime victims throughout Minnesota; expand the Minnesota Statistical Analysis Center; and increase staffing for the

crime victim reimbursement program and the Crime Victim Justice Unit.

(e) **Office of Restorative Practices**

$500,000 each year is to establish and maintain the Office of Restorative Practices.

(f) **Crossover and Dual-Status Youth Model Grants**

$1,000,000 each year is to provide grants to local units of government to initiate or expand crossover youth practices model and dual-status youth programs that provide services for youth who are involved with or at risk of becoming involved with both the child welfare and juvenile justice systems, in accordance with the Robert F. Kennedy National Resource Center for Juvenile Justice model. This is a onetime appropriation.

(g) **Restorative Practices Initiatives Grants**

$4,000,000 each year is for grants to establish and support restorative practices initiatives pursuant to Minnesota Statutes, section 299A.95, subdivision 6. The base for this appropriation is $2,500,000 beginning in fiscal year 2026.

(h) **Ramsey County Youth Treatment Homes Acquisition and Betterment**

$5,000,000 the first year is for a grant to Ramsey County to establish, with input from community stakeholders, including impacted youth and families, up to seven intensive trauma-informed therapeutic treatment homes in Ramsey County that are licensed by the Department of Human Services, that are

culturally specific, that are community-based, and that can be secured. These residential spaces must provide intensive treatment and intentional healing for youth as ordered by the court as part of the disposition of a case in juvenile court.

(i) **Ramsey County Violence Prevention**

$5,000,000 the first year is for a grant to Ramsey County to award grants to develop new and further enhance existing community-based organizational support through violence prevention and community wellness grants. Grantees must use the money to create family support groups and resources to support families during the time a young person is placed out of home following a juvenile delinquency adjudication and support the family through the period of postplacement reentry; create community-based respite options for conflict or crisis de-escalation to prevent incarceration or further systems involvement for families; or establish additional meaningful employment opportunities for systems-involved youth. This appropriation is available through June 30, 2027.

(j) **Office for Missing and Murdered Indigenous Relatives**

$274,000 each year is for increased staff and operating costs of the Office for Missing and Murdered Indigenous Relatives, the Missing and Murdered Indigenous Relatives Advisory Board, and the Gaagige-Mikwendaagoziwag reward advisory group.

(k) **Youth Intervention Programs**

$3,525,000 the first year and $3,526,000 the second year are for youth intervention programs under Minnesota Statutes, section 299A.73. The base for this appropriation is $3,526,000 in fiscal year 2026 and $3,525,000 in fiscal year 2027.

(l) **Community Crime Intervention and Prevention Grants**

$750,000 each year is for community crime intervention and prevention program grants, authorized under Minnesota Statutes, section 299A.296. This is a onetime appropriation.

(m) **Resources for Victims of Crime**

$1,000,000 each year is for general crime victim grants to meet the needs of victims of crime not covered by domestic violence, sexual assault, or child abuse services. This is a onetime appropriation.

(n) **Prosecutor Training**

$100,000 each year is for a grant to the Minnesota County Attorneys Association to be used for prosecutorial and law enforcement training, including trial school training and train-the-trainer courses. All training funded with grant proceeds must contain blocks of instruction on racial disparities in the criminal justice system, collateral consequences to criminal convictions, and trauma-informed responses to victims. This is a onetime appropriation.

The Minnesota County Attorneys Association must report to the chairs and ranking minority

members of the legislative committees with jurisdiction over public safety policy and finance on the training provided with grant proceeds, including a description of each training and the number of prosecutors and law enforcement officers who received training. The report is due by February 15, 2025. The report may include trainings scheduled to be completed after the date of submission with an estimate of expected participants.

(o) **Minnesota Heals**

$500,000 each year is for the Minnesota Heals grant program. This is a onetime appropriation.

(p) **Sexual Assault Exam Costs**

$3,967,000 the first year and $3,767,000 the second year are to reimburse qualified health care providers for the expenses associated with medical examinations administered to victims of criminal sexual conduct as required under Minnesota Statutes, section 609.35. The base for this appropriation is $3,771,000 in fiscal year 2026 and $3,776,000 in fiscal year 2027.

(q) **First Responder Mental Health Curriculum**

$75,000 each year is for a grant to the Adler graduate school. The grantee must use the grant to develop a curriculum for a 24-week certificate to train licensed therapists to understand the nuances, culture, and stressors of the work environments of first responders to allow those therapists to provide effective treatment to first responders in distress. The

grantee must collaborate with first responders who are familiar with the psychological, cultural, and professional issues of their field to develop the curriculum and promote it upon completion.

The grantee may provide the program online.

The grantee must seek to recruit additional participants from outside the 11-county metropolitan area.

The grantee must create a resource directory to provide law enforcement agencies with names of counselors who complete the program and other resources to support law enforcement professionals with overall wellness. The grantee shall collaborate with the Department of Public Safety and law enforcement organizations to promote the directory. This is a onetime appropriation.

(r) **Pathways to Policing**

$400,000 each year is for reimbursement grants to state and local law enforcement agencies that operate pathway to policing programs. Applicants for reimbursement grants may receive up to 50 percent of the cost of compensating and training program participants. Reimbursement grants shall be proportionally allocated based on the number of grant applications approved by the commissioner. This is a onetime appropriation.

(s) **Direct Assistance to Crime Victim Survivors**

$5,000,000 each year is to provide grants for direct services and advocacy for victims of sexual assault, general crime, domestic

violence, and child abuse. Funding must support the direct needs of organizations serving victims of crime by providing: direct client assistance to crime victims; competitive wages for direct service staff; hotel stays and other housing-related supports and services; culturally responsive programming; prevention programming, including domestic abuse transformation and restorative justice programming; and for other needs of organizations and crime victim survivors. Services funded must include services for victims of crime in underserved communities most impacted by violence and reflect the ethnic, racial, economic, cultural, and geographic diversity of the state. The office shall prioritize culturally specific programs, or organizations led and staffed by persons of color that primarily serve communities of color, when allocating funds.

(t) **Racially Diverse Youth**

$250,000 each year is for grants to organizations to address racial disparity of youth using shelter services in the Rochester and St. Cloud regional areas. Of this amount, $125,000 each year is to address this issue in the Rochester area and $125,000 each year is to address this issue in the St. Cloud area. A grant recipient shall establish and operate a pilot program connected to shelter services to engage in community intervention outreach, mobile case management, family reunification, aftercare, and follow up when family members are released from shelter services. A pilot program must specifically address the high

number of racially diverse youth that enter shelters in the regions. This is a onetime appropriation.

(u) **Violence Prevention Project Research Center**

$500,000 each year is for a grant to the Violence Prevention Project Research Center, operating as a 501(c)(3) organization, for research focused on reducing violence in society that uses data and analysis to improve criminal justice-related policy and practice in Minnesota. Research must place an emphasis on issues related to deaths and injuries involving firearms. This is a onetime appropriation.

Beginning January 15, 2025, the Violence Prevention Project Research Center must submit an annual report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety policy and finance on its work and findings. The report must include a description of the data reviewed, an analysis of that data, and recommendations to improve criminal justice-related policy and practice in Minnesota with specific recommendations to address deaths and injuries involving firearms.

(v) **Report on Approaches to Address Illicit Drug Use in Minnesota**

$118,000 each year is to enter into an agreement with Rise Research LLC for a study and set of reports on illicit drug use in Minnesota describing current responses to that use, reviewing alternative approaches utilized

in other jurisdictions, and making policy and funding recommendations for a holistic and effective response to illicit drug use and the illicit drug trade. The agreement must establish a budget and schedule with clear deliverables. This appropriation is onetime.

The study must include a review of current policies, practices, and funding; identification of alternative approaches utilized effectively in other jurisdictions; and policy and funding recommendations for a response to illicit drug use and the illicit drug trade that reduces and, where possible, prevents harm and expands individual and community health, safety, and autonomy. Recommendations must consider impacts on public safety, racial equity, accessibility of health and ancillary supportive social services, and the intersections between drug policy and mental health, housing and homelessness, overdose and infectious disease, child welfare, and employment.

Rise Research may subcontract and coordinate with other organizations or individuals to conduct research, provide analysis, and prepare the reports required by this section.

Rise Research shall submit reports to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety finance and policy, human services finance and policy, health finance and policy, and judiciary finance and policy. Rise Research shall submit an initial report by February 15, 2024, and a final report by March 1, 2025.

(w) **Legal Representation for Children**

$150,000 each year is for a grant to an organization that provides legal representation for children in need of protection or services and children in out-of-home placement. The grant is contingent upon a match in an equal amount from nonstate funds. The match may be in kind, including the value of volunteer attorney time, in cash, or a combination of the two. These appropriations are in addition to any other appropriations for the legal representation of children. This appropriation is onetime.

(x) **Pretrial Release Study and Report**

$250,000 each year are for a grant to the Minnesota Justice Research Center to study and report on pretrial release practices in Minnesota and other jurisdictions, including but not limited to the use of bail as a condition of pretrial release. This appropriation is onetime.

(y) **Intensive Comprehensive Peace Officer Education and Training Program**

$5,000,000 the first year is to implement the intensive comprehensive peace officer education and training program described in Minnesota Statutes, section 626.8516. This appropriation is available through June 30, 2027.

(z) **Youth Services Office**

$250,000 each year is to operate the Youth Services Office.

Subd. 9. **Emergency Communication Networks**	77,329,000	70,597,000

Appropriations by Fund		
General	2,000,000	2,000,000
911 Fund	75,329,000	68,597,000

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services unless otherwise indicated.

(a) **Public Safety Answering Points**

$28,011,000 the first year and $28,011,000 the second year shall be distributed as provided under Minnesota Statutes, section 403.113, subdivision 2.

(b) **Transition to Next Generation 911**

$7,000,000 the first year is to support Public Safety Answering Points' transition to Next Generation 911. Funds may be used for planning, cybersecurity, GIS data collection and maintenance, 911 call processing equipment, and new Public Safety Answering Point technology to improve service delivery. Funds shall be distributed by October 1, 2023, as provided in Minnesota Statutes, section 403.113, subdivision 2. Funds are available until June 30, 2025, and any unspent funds must be returned to the 911 emergency telecommunications service account. This is a onetime appropriation.

Each eligible entity receiving these funds must provide a detailed report on how the funds were used to the commissioner of public safety by August 1, 2025.

(c) **ARMER State Backbone Operating Costs**

$10,116,000 the first year and $10,384,000 the second year are transferred to the commissioner of transportation for costs of maintaining and operating the statewide radio system backbone.

(d) **Statewide Emergency Communications Board**

$1,000,000 each year is to the Statewide Emergency Communications Board. Funds may be used for operating costs, to provide competitive grants to local units of government to fund enhancements to a communication system, technology, or support activity that directly provides the ability to deliver the 911 call between the entry point to the 911 system and the first responder, and to further the strategic goals set forth by the SECB Statewide Communication Interoperability Plan.

(e) **Statewide Public Safety Radio Communication System Equipment Grants**

$2,000,000 each year from the general fund is for grants to local units of government, federally recognized Tribal entities, and state agencies participating in the statewide Allied Radio Matrix for Emergency Response (ARMER) public safety radio communication system established under Minnesota Statutes, section 403.36, subdivision 1e. The grants must be used to purchase or upgrade portable radios, mobile radios, and related equipment that is interoperable with the ARMER system. Each local government unit may receive only one grant. The grant is contingent upon a match of at least five percent from nonstate

funds. The director of the Department of Public Safety Emergency Communication Networks division, in consultation with the Statewide Emergency Communications Board, must administer the grant program. This appropriation is available until June 30, 2026. This is a onetime appropriation.

Sec. 4. **PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD**	**$**	**12,863,000**	**$**	**12,717,000**

(a) **Peace Officer Training Reimbursements**

$2,949,000 each year is for reimbursements to local governments for peace officer training costs.

(b) **Additional Staff**

$1,027,000 the first year and $1,028,000 the second year are for additional staff and equipment. The base for this appropriation is $1,011,000 beginning in fiscal year 2026.

(c) **Additional Office Space**

$228,000 the first year and $30,000 the second year are for additional office space.

Sec. 5. **PRIVATE DETECTIVE BOARD**	**$**	**758,000**	**$**	**688,000**

Sec. 6. **CORRECTIONS**

Subdivision 1. **Total Appropriation**	**$**	**12,643,000**	**$**	**797,937,000**	**$**	**826,661,000**

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

Subd. 2. **Incarceration and Prerelease Services**	**$**	**12,643,000**	**$**	**534,412,000**	**$**	**561,421,000**

(a) **Operating Deficiency**

$12,643,000 in fiscal year 2023 is to meet financial obligations in fiscal year 2023. This is a onetime appropriation.

(b) **Body-worn Camera Program**

$1,000,000 each year is to create a body-worn camera program for corrections officers and intensive supervised release agents. This appropriation is onetime.

(c) **ARMER Radio System**

$1,500,000 each year is to upgrade and maintain the ARMER radio system within correctional facilities. This is a onetime appropriation.

(d) **Prison Rape Elimination Act**

$500,000 each year is for Prison Rape Elimination Act (PREA) compliance.

(e) **State Corrections Safety and Security**

$1,932,000 each year is for state corrections safety and security investments. The base for this appropriation is $2,625,000 beginning in fiscal year 2026.

(f) **Health Services**

$2,750,000 each year is for increased health care services. The base for this appropriation is $3,400,000 beginning in fiscal year 2026.

(g) **Educational Programming and Support Services**

$5,600,000 the first year and $4,000,000 the second year are for educational programming and support services. The base for this purpose is $2,000,000 beginning in fiscal year 2026.

(h) **Family Support Unit**

$480,000 each year is for a family support unit.

(i) **Inmate Phone Calls**

$3,100,000 each year is to provide voice communication services for incarcerated persons under Minnesota Statutes, section 241.252. Any unencumbered balance remaining at the end of the first year may be carried forward into the second year. If this appropriation is greater than the cost of providing voice communication services, remaining funds must be used to offset the cost of other communication services.

(j) **Virtual Court Coordination**

$500,000 each year is for virtual court coordination and modernization.

(k) **Supportive Arts for Incarcerated Persons**

$425,000 the first year is for supportive arts for incarcerated persons grants as provided for in section 17. Of this amount, up to ten percent is for administration, including facility space, access, liaison, and monitoring. Any unencumbered balance remaining at the end of the first year does not cancel but is available for this purpose in the second year.

(l) **Successful Re-entry**

$375,000 the first year and $875,000 the second year are for reentry initiatives, including a culturally specific release program for Native American incarcerated individuals.

(m) **Evidence-based Correctional Practices Unit**

$750,000 each year is to establish and maintain a unit to direct and oversee the use of evidence-based correctional practices across the department and supervision delivery systems.

(n) **Interstate Compact for Adult Supervision; Transfer Expense Reimbursement**

$250,000 each year is for reimbursements under Minnesota Statutes, section 243.1609. This is a onetime appropriation.

(o) **Task Force on Aiding and Abetting Felony Murder**

$25,000 the first year is for costs associated with the revival of the task force on aiding and abetting felony murder.

(p) **Incarceration and Prerelease Services Base Budget**

The base for incarceration and prerelease services is $552,775,000 in fiscal year 2026 and $553,043,000 in fiscal year 2027.

Subd. 3. **Community Supervision and Postrelease Services**	189,939,000	190,953,000

(a) **Community Supervision Funding**

$143,378,000 each year is for community supervision services. This appropriation shall be distributed according to the community supervision formula in Minnesota Statutes, section 401.10.

(b) **Tribal Nation Supervision**

$2,750,000 each year is for Tribal Nations to provide supervision or supportive services

pursuant to Minnesota Statutes, section 401.10.

(c) **Postrelease Sex Offender Program**

$1,915,000 each year is for postrelease sex offender treatment services and initiatives.

(d) **Community Supervision Advisory Committee**

$75,000 the first year is to fund the community supervision advisory committee under Minnesota Statutes, section 401.17.

(e) **Regional and County Jails Study and Report**

$150,000 the first year is to fund the commissioner's study and report on the consolidation or merger of county jails and alternatives to incarceration for persons experiencing mental health disorders.

(f) **Work Release Programs**

$500,000 each year is for work release programs.

(g) **County Discharge Plans**

$80,000 each year is to develop model discharge plans pursuant to Minnesota Statutes, section 641.155. This appropriation is onetime.

(h) **Housing Initiatives**

$2,130,000 each year is for housing initiatives to support stable housing of incarcerated individuals upon release. The base for this purpose beginning in fiscal year 2026 is $1,685,000. Of this amount:

(1) $1,000,000 each year is for housing stabilization prerelease services and program evaluation. The base for this purpose beginning in fiscal year 2026 is $760,000;

(2) $500,000 each year is for rental assistance for incarcerated individuals approaching release, on supervised release, or on probation who are at risk of homelessness;

(3) $405,000 each year is for culturally responsive trauma-informed transitional housing. The base for this purpose beginning in fiscal year 2026 is $200,000; and

(4) $225,000 each year is for housing coordination activities.

(i) **Community Supervision and Postrelease Services Base Budget**

The base for community supervision and postrelease services is $189,272,000 in fiscal year 2026 and $189,172,000 in fiscal year 2027.

(j) **Naloxone**

$2,000 each year is to purchase naloxone for supervised release agents to use to respond to overdoses.

Subd. 4. **Organizational, Regulatory, and Administrative Services**	73,586,000	74,287,000

(a) **Public Safety Data Infrastructure**

$22,914,000 the first year and $22,915,000 the second year are for technology modernization and the development of an information-sharing and data-technology infrastructure. The base for this purpose is $4,097,000 beginning in fiscal year 2026. Any

unspent funds from the current biennium do not cancel and are available in the next biennium.

(b) **Supervised Release Board**

$40,000 each year is to establish and operate the supervised release board pursuant to Minnesota Statutes, section 244.049.

(c) **Recruitment and Retention**

$3,200,000 the first year and $400,000 the second year are for recruitment and retention initiatives. Of this amount, $2,800,000 the first year is for staff recruitment, professional development, conflict resolution, and staff wellness, and to contract with community collaborative partners who specialize in trauma recovery.

(d) **Clemency Review Commission**

$986,000 each year is for the clemency review commission described in Minnesota Statutes, section 638.09. Of this amount, $200,000 each year is for grants to support outreach and clemency application assistance.

(e) **Accountability and Transparency**

$1,000,000 each year is for accountability and transparency initiatives. The base for this appropriation is $1,480,000 beginning in fiscal year 2026.

(f) **Organizational, Regulatory, and Administrative Services Base Budget**

The base for organizational, regulatory, and administrative services is $55,849,000 in fiscal year 2026 and $55,649,000 in fiscal year 2027.

Sec. 7. **OMBUDSPERSON FOR CORRECTIONS**	**$**	**1,105,000**	**$**	**1,099,000**
Sec. 8. **BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES**	**$**	**500,000**	**$**	**500,000**

$500,000 each year is for transfer to Metropolitan State University. Of this amount, $280,000 each year is to provide juvenile justice services and resources, including the Juvenile Detention Alternatives Initiative, to Minnesota counties and federally recognized Tribes and $220,000 each year is for funding to local units of government, federally recognized Tribes, and agencies to support local Juvenile Detention Alternatives Initiatives, including but not limited to Alternatives to Detention. The unencumbered balance in the first year of the biennium does not cancel but is available throughout the biennium.

Sec. 9. **DEPARTMENT OF NATURAL RESOURCES**	**$**	**73,000**	**$**	**9,000**

$73,000 the first year and $9,000 the second year are to provide naloxone and training in the use of naloxone to conservation officers.

Sec. 10. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3, is amended to read:

Subd. 3. **Peace Officer Training Assistance**

Philando Castile Memorial Training Fund

$6,000,000 each year is to support and strengthen law enforcement training and implement best practices. This funding shall be named the "Philando Castile Memorial Training Fund." These funds may only be used to reimburse costs related to training courses

that qualify for reimbursement under Minnesota Statutes, sections 626.8452 (use of force), 626.8469 (training in crisis response, conflict management, and cultural diversity), and 626.8474 (autism training).

Each sponsor of a training course is required to include the following in the sponsor's application for approval submitted to the board: course goals and objectives; a course outline including at a minimum a timeline and teaching hours for all courses; instructor qualifications~~, including skills and concepts such as crisis intervention, de-escalation, and cultural competency that are relevant to the course provided~~; and a plan for learning assessments of the course and documenting the assessments to the board during review. Upon completion of each course, instructors must submit student evaluations of the instructor's teaching to the sponsor.

The board shall keep records of the applications of all approved and denied courses. All continuing education courses shall be reviewed after the first year. The board must set a timetable for recurring review after the first year. For each review, the sponsor must submit its learning assessments to the board to show that the course is teaching the learning outcomes that were approved by the board.

A list of licensees who successfully complete the course shall be maintained by the sponsor and transmitted to the board following the presentation of the course and the completed student evaluations of the instructors.

Evaluations are available to chief law enforcement officers. The board shall establish a data retention schedule for the information collected in this section.

Each year, if funds are available after reimbursing all eligible requests for courses approved by the board under this subdivision, the board may use the funds to reimburse law enforcement agencies for other board-approved law enforcement training courses. The base for this activity is $0 in fiscal year 2026 and thereafter.

Sec. 11. **GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT; TRANSFER.**

$250,000 in fiscal year 2024 is transferred from the general fund to the Gaagige-Mikwendaagoziwag reward account in the special revenue fund.

Sec. 12. **COMMUNITY CRIME AND VIOLENCE PREVENTION ACCOUNT; TRANSFER.**

$70,000,000 in fiscal year 2024 is transferred from the general fund to the community crime and violence prevention account in the special revenue fund.

Sec. 13. **COMMUNITY CRIME AND VIOLENCE PREVENTION GRANTS; SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

The community crime and violence prevention account is created in the special revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise provided to the account. Of the amount in the account, up to $14,000,000 each year is appropriated to the commissioner of public safety for purposes specified in Minnesota Statutes, section 299A.296.

Sec. 14. **CRISIS RESPONSE ACCOUNT; TRANSFER.**

$10,000,000 in fiscal year 2024 is transferred from the general fund to the crisis response account in the special revenue fund. Any balance in the account on June 30, 2028, cancels to the general fund.

Sec. 15. **CRISIS RESPONSE GRANTS; SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

The crisis response account is created in the special revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise provided to the account. Of the amount in the account, up to $2,000,000 in each of fiscal years 2024, 2025, 2026, 2027, and 2028 are appropriated to the commissioner of public safety for grants administered by the Office of Justice Programs to be awarded to local law enforcement agencies and local governments to maintain or expand crisis response teams in which social workers or mental health providers are sent as first responders when calls for service indicate that an individual is having a mental health crisis.

Sec. 16. **PRETRIAL RELEASE STUDY AND REPORT.**

(a) Pursuant to the terms of a grant, the Minnesota Justice Research Center shall study and report on pretrial release practices in Minnesota and other jurisdictions.

(b) The Minnesota Justice Research Center shall examine pretrial release practices in Minnesota and community perspectives about those practices; conduct a robust study of pretrial release practices in other jurisdictions to identify effective approaches to pretrial release that use identified best practices; provide analysis and recommendations describing if, and how, practices in other jurisdictions could be adopted and implemented in Minnesota, including but not limited to analysis addressing how changes would impact public safety, appearance rates, treatment of defendants with different financial means, disparities in pretrial detention, and community perspectives about pretrial release; and make recommendations for policy changes for consideration by the legislature.

(c) By February 15, 2024, the Minnesota Justice Research Center must provide a preliminary report to the legislative committees and divisions with jurisdiction over public safety finance and policy including a summary of the preliminary findings, any legislative proposals to improve the ability of the Minnesota Justice Research Center to complete its work, and any proposals for legislation related to pretrial release. The Minnesota Justice Research Center shall submit a final report to the legislative committees and divisions with jurisdiction over public safety finance and policy by February 15, 2025. The final report shall include a description of the Minnesota Justice Research Center's work, findings, and any legislative proposals.

Sec. 17. **SUPPORTIVE ARTS GRANT PROGRAM.**

(a) The commissioner of corrections shall establish a supportive arts grant program to award grants to nonprofit organizations to provide supportive arts programs to incarcerated persons and persons on supervised release. The supportive arts programs must use the arts, including but not limited to visual art, poetry, literature, theater, dance, and music, to address the supportive, therapeutic, and rehabilitative needs of incarcerated persons and persons on supervised release and promote a safer correctional facility environment and community environment. The commissioner may not require incarcerated persons and persons on supervised release to participate in a supportive arts program provided in a correctional facility or community under a grant.

(b) Applicants for grants under this section must submit an application in the form and manner established by the commissioner. The applicants must describe the arts program to be offered; how the program is supportive, therapeutic, and rehabilitative for incarcerated persons and persons on supervised release; and the use of the grant funds.

(c) Organizations are not required to apply for or receive grant funds under this section in order to be eligible to provide supportive arts programming inside the correctional facilities.

(d) By March 1 of each year, the commissioner shall report to the chairs and ranking members of the legislative committees and divisions having jurisdiction over criminal justice finance and policy on the implementation, use, and administration of the grant program established under this section. At a minimum, the report must provide:

(1) the names of the organizations receiving grants;

(2) the total number of individuals served by all grant recipients, disaggregated by race, ethnicity, and gender;

(3) the names of the correctional facilities and communities where incarcerated persons and persons on supervised release are participating in supportive arts programs offered under this section;

(4) the total amount of money awarded in grants and the total amount remaining to be awarded, if any;

(5) the amount of money granted to each recipient;

(6) a description of the program, mission, goals, and objectives by the organization using the money; and

(7) a description of and measures of success, either qualitative or quantitative.

Sec. 18. **APPROPRIATIONS GIVEN EFFECT ONCE.**

If an appropriation or transfer in this act is enacted more than once during the 2023 regular session, the appropriation or transfer must be given effect only once.

ARTICLE 3
JUDICIARY POLICY

Section 1. **[260C.419] STATEWIDE OFFICE OF APPELLATE COUNSEL AND TRAINING.**

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

(b) "Board" means the State Board of Appellate Counsel and Training.

(c) "Juvenile protection matter" means any of the following:

(1) child in need of protection or services matters as defined in section 260C.007, subdivision 6, including habitual truant and runaway matters;

(2) neglected and in foster care matters as defined in section 260C.007, subdivision 24;

(3) review of voluntary foster care matters as defined in section 260C.141, subdivision 2;

(4) review of out-of-home placement matters as defined in section 260C.212;

(5) termination of parental rights matters as defined in sections 260C.301 to 260C.328; and

(6) permanent placement matters as defined in sections 260C.503 to 260C.521, including matters involving termination of parental rights, guardianship to the commissioner of human services, transfer of permanent legal and physical custody to a relative, permanent custody to the agency, temporary legal custody to the agency, and matters involving voluntary placement pursuant to section 260D.07.

(d) "Office" means the Statewide Office of Appellate Counsel and Training.

Subd. 2. **Statewide Office of Appellate Counsel and Training; establishment.** (a) The Statewide Office of Appellate Counsel and Training is established as an independent state office. The office shall be responsible for:

(1) establishing and maintaining a system for providing appellate representation to parents in juvenile protection matters, as provided in section 260C.163, subdivision 3, paragraph (c), and in Tribal court jurisdictions;

(2) providing training to all parent attorneys practicing in the state on topics relevant to their practice and establishing practice standards and training requirements for parent attorneys practicing in the state; and

(3) collaborating with the Minnesota Department of Human Services to coordinate and secure federal Title IV-E support for counties and Tribes interested in accessing federal funding.

(b) The office shall be governed by a board as provided in subdivision 3.

Subd. 3. **State Board of Appellate Counsel and Training; structure; membership.** (a) The State Board of Appellate Counsel and Training is established to direct the Statewide Office of Appellate Counsel and Training. The board shall consist of seven members, including:

(1) four public members appointed by the governor; and

(2) three members appointed by the supreme court, at least one of whom must have experience representing parents in juvenile court and who include two attorneys admitted to practice law in the state and one public member.

(b) The appointing authorities may not appoint any of the following to be a member of the board:

(1) a person who is a judge;

(2) a person who is a registered lobbyist;

(3) a person serving as a guardian ad litem or counsel for a guardian ad litem;

(4) a person who serves as counsel for children in juvenile court;

(5) a person under contract with or employed by the Department of Human Services or a county department of human or social services; or

(6) a current city or county attorney or assistant city or county attorney.

(c) All members shall demonstrate an interest in maintaining a high quality, independent appellate defense system for parents in juvenile protection proceedings who are unable to obtain adequate representation, a robust program for parent attorneys in Minnesota, and an efficient coordination effort, in collaboration with the Department of Human Services, to

secure and utilize Title IV-E funding. At least one member of the board appointed by the governor must be a representative from a federally recognized Indian Tribe. No more than five members of the board may belong to the same political party. At least three members of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth Judicial Districts. To the extent practicable, the membership of the board must include persons with disabilities, reflect the ethnic diversity of the state, take into consideration race and gender, and include persons from throughout the state. The members shall be well acquainted with representing parents in district court and appellate proceedings related to child protection matters as well as the law that affect a parent attorney's work, including chapter 260C, the Rules of Juvenile Protection Procedure, the Rules of Civil Appellate Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation Act. The terms, compensation, and removal of members shall be as provided in section 15.0575. The members shall elect a chair from among the membership and the chair shall serve a term of two years.

Subd. 4. **Head appellate counsel for parents; assistant and contracted attorneys; other employees.** (a) Beginning January 1, 2024, and for every four years after that date, the board shall appoint a head appellate counsel in charge of executing the responsibilities of the office who shall provide for sufficient appellate counsel for parents and other personnel necessary to discharge the functions of the office. The head appellate counsel shall serve a four-year term and may be removed only for cause upon the order of the board. The head appellate counsel shall be a full-time qualified attorney, licensed to practice law in this state, and serve in the unclassified service of the state. Vacancies of the office shall be filled by the appointing authority for the unexpired term. The head appellate counsel shall devote full time to the performance of duties and shall not engage in the general practice of law. The compensation of the head appellate counsel shall be set by the board and shall be commensurate with county attorneys in the state.

(b) Consistent with the decisions of the board, the head appellate counsel shall employ assistants or hire independent contractors to serve as appellate counsel for parents. Each assistant appellate counsel and independent contractor serves at the pleasure of the head appellate counsel. The compensation of assistant appellate counsel and independent contractors shall be set by the board and shall be commensurate with county attorneys in the state.

(c) A person serving as appellate counsel shall be a qualified attorney licensed to practice law in this state. A person serving as appellate counsel practicing in Tribal court shall be a licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate

counsel and contracted appellate counsel may engage in the general practice of law where not employed or contracted to provide services on a full-time basis.

(d) The head appellate counsel shall, consistent with the responsibilities under subdivision 2, employ or hire the following:

(1) one managing appellate attorney;

(2) two staff attorneys;

(3) one director of training;

(4) one program administrator to support Title IV-E reimbursement in collaboration with the Department of Human Services; and

(5) one office administrator.

(e) Each employee identified in paragraph (d) serves at the pleasure of the head appellate counsel. The compensation of each employee shall be set by the board and shall be commensurate with county attorneys in the state.

(f) Any person serving as managing appellate attorney, staff attorney, and director of training shall be a qualified attorney licensed to practice law in the state.

(g) A person serving as the program administrator and office administrator must be chosen solely on the basis of training, experience, and qualifications.

Subd. 5. **Duties and responsibilities.** (a) The board shall work cooperatively with the head appellate counsel to govern the office and provide fiscal oversight.

(b) The board shall approve and recommend to the legislature a budget for the board, the office, and any programs operated by that office.

(c) The board shall establish procedures for distribution of funding under this section to the office and any programs operated by that office.

(d) The head appellate counsel with the approval of the board shall establish appellate program standards, administrative policies, procedures, and rules consistent with statute, rules of court, and laws that affect appellate counsel's work. The standards must include but are not limited to:

(1) standards needed to maintain and operate an appellate counsel for parents program, including requirements regarding the qualifications, training, and size of the legal and supporting staff for an appellate counsel program;

(2) standards for appellate counsel caseloads;

(3) standards and procedures for the eligibility of appointment, assessment, and collection of the costs for legal representation provided by appellate counsel;

(4) standards for contracts between contracted appellate counsel and the state appellate counsel program for the legal representation of indigent persons;

(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and

(6) standards ensuring the independent, competent, and efficient representation of clients whose cases present conflicts of interest.

(e) The head appellate counsel, with approval of the board, shall establish training program standards and processes and procedures necessary to carry out the office's responsibilities for statewide training of parent attorneys, including but not limited to establishing uniform practice standards and training requirements for all parent attorneys practicing in the state.

(f) The head appellate counsel and the program administrator with approval of the board shall establish processes and procedures for collaborating with the Department of Human Services to secure and utilize Title IV-E funds and communicating with counties and Tribes and any other processes and procedures necessary to carry out the office's responsibilities.

(g) The board may:

(1) propose statutory changes to the legislature and rule changes to the supreme court that are in the best interests of the operation of the appellate counsel for parents program; and

(2) require the reporting of statistical data, budget information, and other cost factors by the appellate counsel for parents program.

Subd. 6. **Limitation.** In no event shall the board or its members interfere with the discretion, judgment, or zealous advocacy of counsel in their handling of individual cases as a part of the judicial branch of government.

Subd. 7. **Budget; county and Tribe use.** The establishment of the office and its employees and support staff and the board shall be funded by the state of Minnesota. Minnesota counties and Tribes may utilize this office to provide appellate representation to indigent parents in their jurisdiction who are seeking an appeal and for assistance in securing Title IV-E funding through collaboration with the Department of Human Services.

Subd. 8. **Collection of costs; appropriation.** If any of the costs provided by appellate counsel are assessed and collected or otherwise reimbursed from any source, the State Board of Appellate Counsel and Training shall deposit payments in a separate account established in the special revenue fund. The amount credited to this account is appropriated to the State Board of Appellate Counsel and Training. The balance of this account does not cancel but is available until expended.

Sec. 2. Minnesota Statutes 2022, section 357.021, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

(7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, $5.

(8) Certificate as to existence or nonexistence of judgments docketed, $5 for each name certified to.

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

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

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

(12) For recording notary commission, $20.

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

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

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

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

Sec. 3. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies to effectuate the purposes of this chapter and shall do the following:

(1) exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

(2) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;

(3) meet and function at any place within the state;

(4) employ attorneys, clerks, and other employees and agents as the commissioner may deem necessary and prescribe their duties;

(5) to the extent permitted by federal law and regulation, utilize the records of the Department of Employment and Economic Development of the state when necessary to effectuate the purposes of this chapter;

(6) obtain upon request and utilize the services of all state governmental departments and agencies;

(7) adopt suitable rules for effectuating the purposes of this chapter;

(8) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;

(9) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question as the commissioner deems appropriate to carry out the purposes of this chapter;

(10) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

(11) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs the commissioner deems necessary;

(12) make a written report of the activities of the commissioner to the governor each year;

(13) accept gifts, bequests, grants, or other payments public and private to help finance the activities of the department;

(14) create such local and statewide advisory committees as will in the commissioner's judgment aid in effectuating the purposes of the Department of Human Rights;

(15) develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, familial status, sexual orientation, or other factors and develop accurate data on the nature and extent

of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;

(16) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

(17) provide staff services to such advisory committees as may be created in aid of the functions of the Department of Human Rights;

(18) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; ~~and~~

(19) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363A.08, subdivision 7~~.~~; and

(20) analyze civil rights trends pursuant to this chapter, including information compiled from community organizations that work directly with historically marginalized communities, and prepare a report each biennium that recommends policy and system changes to reduce and prevent further civil rights incidents across Minnesota. The report shall be provided to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over the Department of Human Rights. This report must also be posted on the Department of Human Rights' public website and shared with community organizations that work with historically marginalized communities.

In performing these duties, the commissioner shall give priority to those duties in clauses (8), (9), and (10) and to the duties in section 363A.36.

(b) All gifts, bequests, grants, or other payments, public and private, accepted under paragraph (a), clause (13), must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner of human rights to help finance activities of the department.

EFFECTIVE DATE. This section is effective July 1, 2023, and the commissioner must provide the first report by February 1, 2025.

Sec. 4. Minnesota Statutes 2022, section 484.85, is amended to read:

484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute;

an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be deposited in the state treasury and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each month, the court shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

~~(1) for offenses committed within the city of St. Paul,~~ two-thirds paid to the treasurer of the ~~city of St. Paul~~ municipality or subdivision of government within Ramsey County and one-third credited to the state general fund~~; and~~.

~~(2) for offenses committed within any other municipality or subdivision of government within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of government and one-half credited to the state general fund.~~

All other fines, penalties, and forfeitures collected by the district court shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3; or

(2) the attorney general provides assistance to the city attorney under section 484.87, subdivision 5.

Sec. 5. Minnesota Statutes 2022, section 611.23, is amended to read:

611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.

The state public defender is responsible to the State Board of Public Defense. The state public defender shall supervise the operation, activities, policies, and procedures of the statewide public defender system. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. The state public defender shall be appointed by the State Board of Public Defense for a term of four years, except as otherwise provided in this section, and until a successor is appointed and qualified. The state public defender shall be a full-time qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by

the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by the State Board of Public Defense ~~but must not exceed the salary of a district court judge~~. Terms of the state public defender shall commence on July 1. The state public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

ARTICLE 4
GENERAL CRIMES

Section 1. Minnesota Statutes 2022, 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 ~~(f)~~ (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 section 609.2325, subdivision 1, paragraph (b);

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

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

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

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

(vii) possessing 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 August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 609.02, subdivision 16, is amended to read:

Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic violence-related offense" includes a violation of or an attempt to violate sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195, paragraph (a) (third-degree murder); 609.20, clauses (1), (2), and (5) (first-degree manslaughter); 609.205, clauses (1) and (5) (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious punishment of a child); 609.582, subdivision 1, clause (c) (burglary in the first degree); 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination of private sexual images); and 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 609.05, is amended by adding a subdivision to read:

Subd. 2a. **Exception.** (a) A person may not be held criminally liable for a violation of section 609.185, paragraph (a), clause (3), for a death caused by another unless the person intentionally aided, advised, hired, counseled, or conspired with or otherwise procured the other with the intent to cause the death of a human being.

(b) A person may not be held criminally liable for a violation of section 609.19, subdivision 2, clause (1), for a death caused by another unless the person was a major participant in the underlying felony and acted with extreme indifference to human life.

(c) As used in this subdivision, "major participant" means a person who:

(1) used a deadly weapon during the commission of the underlying felony or provided a deadly weapon to another participant where it was reasonably foreseeable that the weapon would be used in the underlying felony;

(2) caused substantial bodily harm to another during the commission of the underlying felony;

(3) coerced or hired a participant to undertake actions in furtherance of the underlying felony that proximately caused the death, and where it was reasonably foreseeable that such actions would cause death or great bodily harm; or

(4) impeded another person from preventing the death either by physical action or by threat of physical action where it was reasonably foreseeable that death or great bodily harm would result.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date. The section does not apply to crimes committed before August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 609.2231, subdivision 4, is amended to read:

Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, may be

sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

(b) Whoever violates the provisions of paragraph (a) within five years of a previous conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than $3,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2022, section 609.2233, is amended to read:

609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED STATUTORY MAXIMUM SENTENCE.

A person who violates section 609.221, 609.222, or 609.223 in whole or in substantial part because of the victim's or another person's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, is subject to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise applicable.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 6. **[609.247] CARJACKING.**

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

(b) "Carjacking" means taking a motor vehicle from the person or in the presence of another while having knowledge of not being entitled to the motor vehicle and using or threatening the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking of the motor vehicle.

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

Subd. 2. **First degree.** Whoever, while committing a carjacking, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of carjacking in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both.

Subd. 3. **Second degree.** Whoever, while committing a carjacking, implies, by word or act, possession of a dangerous weapon, is guilty of carjacking in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both.

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2022, section 609.25, subdivision 2, is amended to read:

Subd. 2. **Sentence.** Whoever violates subdivision 1 may be sentenced as follows:

(1) if the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 years or to payment of a fine of not more than $35,000, or both; or

(2) ~~if the victim is not released in a safe place, or if the victim suffers great bodily harm during the course of the kidnapping, or if the person kidnapped is under the age of 16,~~ to imprisonment for not more than 40 years or to payment of a fine of not more than $50,000, or both if:

(i) the victim is not released in a safe place;

(ii) the victim suffers great bodily harm during the course of the kidnapping; or

(iii) the person kidnapped is under the age of 16.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 8. Minnesota Statutes 2022, section 609.269, is amended to read:

609.269 EXCEPTION.

Sections 609.2661 to 609.268 do not apply to ~~any act described in section 145.412.~~ a person providing reproductive health care offered, arranged, or furnished:

(1) for the purpose of terminating a pregnancy; and

(2) with the consent of the pregnant individual or the pregnant individual's representative, except in a medical emergency in which consent cannot be obtained.

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

Sec. 9. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 10. **[609.522] ORGANIZED RETAIL THEFT.**

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

(b) "Pattern of retail theft" means acts committed or directed by the defendant on at least two separate occasions in the preceding six months that would constitute a violation of:

(1) section 609.52, subdivision 2, paragraph (a), clauses (1), (3), and (4), involving retail merchandise;

(2) section 609.521;

(3) section 609.53, subdivision 1, involving retail merchandise;

(4) section 609.582 when the building was a retail establishment; or

(5) section 609.59.

(c) "Retail establishment" means the building where a retailer sells retail merchandise.

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

(e) "Retail theft enterprise" means a group of two or more individuals with a shared goal involving the unauthorized removal of retail merchandise from a retailer. Retail theft enterprise does not require the membership of the enterprise to remain the same or that the same individuals participate in each offense committed by the enterprise.

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

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

Subd. 2. **Organized retail theft.** A person is guilty of organized retail theft if:

(1) the person is employed by or associated with a retail theft enterprise;

(2) the person has previously engaged in a pattern of retail theft and intentionally commits an act or directs another member of the retail theft enterprise to commit an act involving retail merchandise that would constitute a violation of:

(i) section 609.52, subdivision 2, paragraph (a), clauses (1), (3), and (4); or

(ii) section 609.53, subdivision 1; and

(3) the person or another member of the retail theft enterprise:

(i) resells or intends to resell the stolen retail merchandise;

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

(iii) returns any item of the stolen retail merchandise to a retailer for anything of value.

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

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

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

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

(ii) the value of the property is more than $500 but not more than $1,000 and the person commits the offense within ten years of the first of two or more convictions under this section, section 256.98; 268.182; 609.24; 609.245; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence;

(3) to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both, if either of the following circumstances exist:

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

(ii) the value of the property is $500 or less and the person commits the offense within ten years of a previous conviction under this section, section 256.98; 268.182; 609.24; 609.245; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

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

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section, whoever enters a building without consent and with intent to steal or commit any felony or gross misdemeanor while in the building, or enters a building without consent and steals or commits a felony or gross misdemeanor while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2022, section 609.595, subdivision 1a, is amended to read:

Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally causes damage described in subdivision 2, paragraph (a), ~~because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin~~ is guilty of a felony and may be sentenced to imprisonment for not more than one year and a day or to payment of a fine of not more than $3,000, or both~~.~~, if the damage:

(1) was committed in whole or in substantial part because of the property owner's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03;

(2) was committed in whole or in substantial part because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03; or

(3) was motivated in whole or in substantial part by an intent to intimidate or harm an individual or group of individuals because of actual or perceived race, color, ethnicity,

religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03.

(b) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2022, section 609.595, subdivision 2, is amended to read:

Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise provided in subdivision 1a, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both, if: (1) the damage reduces the value of the property by more than $500 but not more than $1,000 as measured by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle and the defendant knew the vehicle was a public safety motor vehicle.

(b) Whoever intentionally causes damage to another person's physical property without the other person's consent ~~because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin~~ may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both, if the damage reduces the value of the property by not more than $500~~.~~ and:

(1) was committed in whole or in substantial part because of the property owner's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03;

(2) was committed in whole or in substantial part because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03; or

(3) was motivated in whole or in substantial part by an intent to intimidate or harm an individual or group of individuals because of actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03.

(c) In any prosecution under paragraph (a), clause (1), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2022, section 609.67, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

(b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches.

(d) "Trigger activator" means:

(1) a removable manual or power driven trigger activating device constructed and designed so that, when attached to a firearm, the rate at which the trigger may be pulled increases and the rate of fire of the firearm increases to that of a machine gun; or

(2) a device that allows a semiautomatic firearm to shoot more than one shot with a single pull of the trigger or by harnessing the recoil of energy of the semiautomatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger.

(e) "Machine gun conversion kit" means any part or combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts

from which a machine gun can be assembled, but does not include a spare or replacement part for a machine gun that is possessed lawfully under section 609.67, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to offenses that occur on or after that date.

Sec. 16. Minnesota Statutes 2022, section 609.67, subdivision 2, is amended to read:

Subd. 2. **Acts prohibited.** (a) Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun, or any trigger activator or machine gun conversion kit~~, or a short-barreled shotgun~~ may be sentenced to imprisonment for not more than ~~five~~ 20 years or to payment of a fine of not more than ~~$10,000~~ $35,000, or both.

(b) Except as otherwise provided herein, whoever owns, possesses, or operates a short-barreled shotgun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to offenses that occur on or after that date.

Sec. 17. Minnesota Statutes 2022, section 609.746, subdivision 1, is amended to read:

Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(b) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor who:

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(d) A person is guilty of a gross misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(e) A person is guilty of a gross misdemeanor who:

(1) uses any device for photographing, recording, or broadcasting an image of an individual in a house or place of dwelling; a sleeping room of a hotel as defined in section 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an indoor shower facility; or any place where a reasonable person would have an expectation of privacy; and

(2) does so with the intent to photograph, record, or broadcast an image of the individual's intimate parts, as defined in section 609.341, subdivision 5, without the consent of the individual.

(f) A person is guilty of a misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, or broadcasting an image of an individual's intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts;

(2) observes, photographs, or records the image under or around the individual's clothing; and

(3) does so with intent to intrude upon or interfere with the privacy of the individual.

~~(e)~~ (g) A person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $5,000, or both, if the person:

(1) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) after a previous conviction under this subdivision or section 609.749; or

(2) violates ~~this subdivision~~ paragraph (a), (b), (c), (d), or (e) against a minor under the age of 18, knowing or having reason to know that the minor is present.

~~(f)~~ (h) A person is guilty of a felony and may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than $5,000, or both, if: (1) the person violates paragraph (b) ~~or~~, (d), or (e) against a minor victim under the age of 18; (2) the person is more than 36 months older than the minor victim; (3) the person knows or has reason to know that the minor victim is present; and (4) the violation is committed with sexual intent.

(i) A person is guilty of a gross misdemeanor if the person:

(1) violates paragraph (f) after a previous conviction under this subdivision or section 609.749; or

(2) violates paragraph (f) against a minor under the age of 18, knowing or having reason to know that the victim is a minor.

(j) A person is guilty of a felony if the person violates paragraph (f) after two or more convictions under this subdivision or section 609.749.

~~(g) Paragraphs~~ (k) Paragraph (b) ~~and~~, (d) ~~do~~, or (e) does not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties. Paragraphs (c) ~~and~~, (d), and (e) do not apply to conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the establishment has posted conspicuous signs warning that the premises are under surveillance by the owner or the owner's employees.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2022, section 609.749, subdivision 3, is amended to read:

Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both:

(1) commits any offense described in subdivision 2 in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as

defined in section 363A.03, ~~age, or national origin~~ or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and a dangerous weapon was used in any way in the commission of the offense;

(4) commits any offense described in subdivision 2 with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2022, section 609.78, subdivision 2a, is amended to read:

Subd. 2a. **Felony offense; reporting fictitious emergency resulting in serious injury.** Whoever violates subdivision 2, clause (2), is guilty of a felony and may be sentenced as follows:

(1) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the call triggers an emergency response and, as a result of the response, someone suffers great bodily harm or death~~.~~; or

(2) to imprisonment of not more than three years or to payment of a fine of not more than $10,000, or both, if the call triggers an emergency response and as a result of the response, someone suffers substantial bodily harm.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2022, section 617.22, is amended to read:

617.22 CONCEALING BIRTH.

~~Every~~ Any person who ~~shall endeavor~~ attempts to conceal the birth of a child by any disposition of its dead body, ~~whether~~ when the child died ~~before or~~ after its birth, shall be guilty of a misdemeanor. ~~Every person who, having been convicted of endeavoring to conceal the stillbirth of any issue, or the death of any issue under the age of two years, shall, subsequent to that conviction, endeavor to conceal any subsequent birth or death, shall be punished by imprisonment for not more than five years.~~ This section does not apply to the disposition of remains resulting from an abortion or miscarriage.

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

Sec. 21. Minnesota Statutes 2022, section 617.26, is amended to read:

617.26 MAILING AND CARRYING OBSCENE MATTER.

Every person who shall deposit or cause to be deposited in any post office in the state, or place in charge of any express company or other common carrier or person for transportation, any of the articles or things specified in section ~~617.201 or~~ 617.241, or any circular, book, pamphlet, advertisement or notice relating thereto, with the intent of having the same conveyed by mail, express, or in any other manner; or who shall knowingly or willfully receive the same with intent to carry or convey it, or shall knowingly carry or convey the same by express, or in any other manner except by United States mail, shall be guilty of a misdemeanor. The provisions of this section ~~and section 617.201~~ shall not be construed to apply to an article or instrument used by physicians lawfully practicing, or by their direction or prescription, for the cure or prevention of disease.

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

Sec. 22. Minnesota Statutes 2022, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section 609.282 may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section 609.282 where the victim was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and 609.3458 may be found or made at any time after the commission of the offense.

(f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

(g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than $35,000, or for violation of section 609.527 where the offense involves eight or more direct victims or the total combined loss to the direct and indirect victims is more than $35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(j) Indictments or complaints for violation of section 609.746 shall be found or made and filed in the proper court within the later of three years after the commission of the offense or three years after the offense was reported to law enforcement authorities.

~~(j)~~ (k) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

~~(k)~~ (l) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

~~(l)~~ (m) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

~~(m)~~ (n) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2023.

Sec. 23. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

(a) Laws 2021, First Special Session chapter 11, article 2, section 53, subdivisions 2, 3, 4, and 5, are revived and reenacted on the effective date of this section to expand the focus of the task force's duties and work beyond the intersection of felony murder and aiding and abetting liability for felony murder to more generally apply to the broader issues regarding the state's felony murder doctrine and aiding and abetting liability schemes discussed in "Task Force on Aiding and Abetting Felony Murder," Report to the Minnesota Legislature, dated February 1, 2022, "The Task Force's recommendations," number 4.

(b) On or before January 15, 2024, the task force shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over crime and sentencing on the findings and recommendations of the task force.

(c) The task force expires January 16, 2024, or the day after submitting its report under paragraph (b), whichever is earlier.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 24. **LIABILITY FOR MURDER COMMITTED BY ANOTHER; RETROACTIVE APPLICATION.**

Subdivision 1. **Purpose.** Any person convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), under the theory of liability for crimes of another and who is in the custody of the commissioner of corrections or under court supervision is entitled to petition to have the person's conviction vacated pursuant to this section.

Subd. 2. **Definition.** As used in this section, "major participant" has the meaning given in Minnesota Statutes, section 609.05, subdivision 2a, paragraph (c).

Subd. 3. **Notification.** (a) By December 1, 2023, the commissioner of corrections shall notify individuals convicted for a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), of the right to file a preliminary application for relief if:

(1) the person was convicted for a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), and the person:

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

(ii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with the intent to cause the death of a human being; or

(2) the person was convicted for a violation of Minnesota Statutes, section 609.19, subdivision 2, clause (1), and the person:

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

(ii) was not a major participant in the underlying felony and did not act with extreme indifference to human life.

(b) The notice shall include the address of the Ramsey County District Court court administration.

(c) The commissioner of corrections may coordinate with the judicial branch to establish a standardized notification form.

Subd. 4. **Preliminary application.** (a) An applicant shall submit a preliminary application to the Ramsey County District Court. The preliminary application must contain:

(1) the applicant's name and, if different, the name under which the person was convicted;

(2) the applicant's date of birth;

(3) the district court case number of the case for which the person is seeking relief;

(4) a statement as to whether the applicant was convicted following a trial or pursuant to a plea;

(5) a statement as to whether the person filed a direct appeal from the conviction, a petition for postconviction relief, or both;

(6) a brief statement, not to exceed 3,000 words, explaining why the applicant is entitled to relief under this section from a conviction for the death of a human being caused by another; and

(7) the name and address of any attorney representing the applicant.

(b) The preliminary application may contain:

(1) the name, date of birth, and district court case number of any other person charged with, or convicted of, a crime arising from the same set of circumstances for which the applicant was convicted; and

(2) a copy of a criminal complaint or indictment, or the relevant portions of a presentence investigation or life imprisonment report, describing the facts of the case for which the applicant was convicted.

(c) The judicial branch may establish a standardized preliminary application form, but shall not reject a preliminary application for failure to use a standardized form.

(d) Any person seeking relief under this section must submit a preliminary application no later than October 1, 2025. Submission is complete upon mailing.

(e) Submission of a preliminary application shall be without costs or any fees charged to the applicant.

Subd. 5. **Review of preliminary application.** (a) Upon receipt of a preliminary application, the court administrator of the Ramsey County District Court shall immediately direct attention of the filing thereof to the chief judge or judge acting on the chief judge's behalf who shall promptly assign the matter to a judge in said district.

(b) The judicial branch may appoint a special master to review preliminary applications and may assign additional staff as needed to assist in the review of preliminary applications.

(c) Within 90 days of the Ramsey County District Court receiving the preliminary application, the reviewing judge shall determine whether, in the discretion of that judge, there is a reasonable probability that the application is entitled to relief under this section.

(d) In making the determination under paragraph (c), the reviewing judge shall consider the preliminary application and any materials submitted with the preliminary application and may consider relevant records in the possession of the judicial branch.

(e) The court may summarily deny an application when:

(1) the application does not contain the information required under subdivision 4, paragraph (a);

(2) the applicant is not in the custody of the commissioner of corrections or under court supervision;

(3) the applicant was not convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), for crimes committed before August 1, 2023; or

(4) the issues raised in the application are not relevant to the relief available under this section or have previously been decided by the court of appeals or the supreme court in the same case.

(f) The court may also summarily deny an application if the applicant has filed a second or successive preliminary application, any prior application was denied for a reason other than that it did not contain the information required under subdivision 4, paragraph (a), and:

(1) the reviewing judge previously determined that there was a reasonable probability that the applicant was entitled to relief, but a court determined that the petitioner did not qualify for relief under subdivision 7;

(2) a previous application was submitted by an attorney representing the applicant; or

(3) the reviewing judge previously determined that there was not a reasonable probability that the applicant is entitled to relief, the second or successive preliminary application does not contain any additional information described in subdivision 4, paragraph (b), and the second or successive preliminary application was submitted by someone other than an attorney representing the applicant.

(g) If the reviewing judge determines that there is a reasonable probability that the applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's attorney, if any, and the prosecutorial office responsible for prosecuting the applicant. In the event the applicant is without counsel, the reviewing judge shall send notice to the state public defender and shall advise the applicant of the referral.

(h) If the reviewing judge determines that there is not a reasonable probability that the applicant is entitled to relief, the judge shall send notice to the applicant and the applicant's attorney, if any. The notice must contain a brief statement explaining the reasons the reviewing judge concluded that there is not a reasonable probability that the applicant is entitled to relief.

Subd. 6. **Petition for relief; hearing.** (a) Unless extended for good cause, within 60 days of filing of the notice sent pursuant to subdivision 5, paragraph (g), the individual seeking relief shall file and serve a petition to vacate the conviction. The petition must be filed in the district court of the judicial district in the county where the conviction took place and must contain the information identified in subdivision 4, paragraph (a), and a statement

of why the petitioner is entitled to relief. The petition may contain any other relevant information, including police reports, trial transcripts, and plea transcripts involving the petitioner or any other person investigated for, charged with, or convicted of a crime arising out of the same set of circumstances for which the petitioner was convicted. The filing of the petition and any document subsequent thereto and all proceedings thereon shall be without costs or any fees charged to the petitioner.

(b) Upon filing of the petition, the prosecutor shall make a good faith and reasonable effort to notify any person determined to be a victim of the underlying offense that a petition has been filed.

(c) A county attorney representing the prosecutorial office shall respond to the petition by answer or motion within 45 days after the filing of the petition pursuant to paragraph (a) unless extended for good cause. The response shall be filed with the court administrator of the district court and served on the petitioner if unrepresented or on the petitioner's attorney. The response may serve notice of the intent to support the petition or include a statement explaining why the petitioner is not entitled to relief along with any supporting documents. The filing of the response and any document subsequent thereto and all proceedings thereon shall be without costs or any fees charged to the county attorney.

(d) The petitioner may file a reply to the response filed by the county attorney within 15 days after the response is filed, unless extended for good cause.

(e) Within 30 days of the filing of the reply from the petition or, if no reply is filed, within 30 days of the filing of the response from the county attorney, the court shall:

(1) issue an order and schedule the matter for sentencing or resentencing pursuant to subdivision 7 if the county attorney indicates an intent to support the petition;

(2) issue an order denying the petition if additional information or submissions establish that there is not a reasonable probability that the applicant is entitled to relief under this section and include a memorandum identifying the additional information or submissions and explaining the reasons why the court concluded that there is not a reasonable probability that the applicant is entitled to relief; or

(3) schedule the matter for a hearing and issue any appropriate order regarding submission of evidence or identification of witnesses.

(f) The hearing shall be held in open court and conducted pursuant to Minnesota Statutes, section 590.04, except that the petitioner must be present at the hearing, unless excused under Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3). The prosecutor

shall make a good faith and reasonable effort to notify any person determined to be a victim of the hearing.

Subd. 7. **Determination; order; resentencing.** (a) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), is entitled to relief if the petitioner shows by a preponderance of the evidence that the petitioner:

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

(2) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with the intent to cause the death of a human being.

(b) A petitioner who was convicted of a violation of Minnesota Statutes, section 609.19, subdivision 2, clause (1), is entitled to relief if the petitioner shows by a preponderance of the evidence that the petitioner:

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

(2) was not a major participant in the underlying felony and did not act with extreme indifference to human life.

(c) If the court determines that the petitioner does not qualify for relief, the court shall issue an order denying the petition. If the court determines that the petitioner is entitled to relief, the court shall issue an order vacating the conviction for a violation of Minnesota Statutes, section 609.185, paragraph (a), clause (3), or 609.19, subdivision 2, clause (1), and either:

(1) resentence the petitioner for the most serious remaining offense for which the petitioner was convicted; or

(2) enter a conviction and impose a sentence for any other predicate felony arising out of the course of conduct that served as the factual basis for the conviction vacated by the court.

(d) The new sentence announced by the court under this section must be for the most serious predicate felony unless the most serious remaining offense for which the petitioner was convicted is that offense or a more serious offense.

(e) If, pursuant to paragraph (c), the court either resentences a petitioner or imposes a sentence, the court shall also resentence the petitioner for any other offense if the sentence was announced by a district court of the same county, the sentence was either ordered to be served consecutively to the vacated conviction or the criminal history calculation for that sentence included the vacated sentence, and the changes made pursuant to paragraph

(c) would have resulted in a different criminal history score being used at the time of sentencing.

(f) The court shall state in writing or on the record the reasons for its decision on the petition.

(g) If the court intends to resentence a petitioner or impose a sentence on a petitioner, the court must hold the hearing at a time that allows any victim an opportunity to submit a statement consistent with Minnesota Statutes, section 611A.038. The prosecutor shall make a good faith and reasonable effort to notify any person determined to be a victim of the hearing and the right to submit or make a statement. A sentence imposed under this subdivision shall not increase the petitioner's total period of confinement or, if the petitioner was serving a stayed sentence, increase the period of supervision. The court may increase the period of confinement for a sentence that was ordered to be served consecutively to the vacated conviction based on a change in the appropriate criminal history score provided the court does not increase the petitioner's total period of confinement. A person resentenced under this paragraph is entitled to credit for time served in connection with the vacated offense.

(h) Relief granted under this section shall not be treated as an exoneration for purposes of the Incarceration and Exoneration Remedies Act.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 25. **REPEALER.**

Minnesota Statutes 2022, sections 609.293, subdivisions 1 and 5; 609.34; 609.36; 617.20; 617.201; 617.202; 617.21; 617.28; and 617.29, are repealed.

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

ARTICLE 5
PUBLIC SAFETY AND CRIME VICTIMS

Section 1. Minnesota Statutes 2022, section 144.6586, subdivision 2, is amended to read:

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

(1) the obligation under section 609.35 of the ~~county where the criminal sexual conduct occurred~~ state to pay for the examination performed for the purpose of gathering evidence,

that payment is not contingent on the victim reporting the criminal sexual conduct to law enforcement, and that the victim may incur expenses for treatment of injuries;

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

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

Sec. 2. Minnesota Statutes 2022, section 145.4712, is amended to read:

145.4712 EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.

Subdivision 1. **Emergency care to female sexual assault victims.** (a) It shall be the standard of care for all hospitals and other health care providers that provide emergency care to, at a minimum:

(1) provide each female sexual assault victim with medically and factually accurate and unbiased written and oral information about emergency contraception from the American College of Obstetricians and Gynecologists and distributed to all hospitals by the Department of Health;

(2) orally inform each female sexual assault victim of the option of being provided with emergency contraception at the hospital or other health care facility; and

(3) immediately provide emergency contraception to each sexual assault victim who requests it provided it is not medically contraindicated and is ordered by a legal prescriber. Emergency contraception shall be administered in accordance with current medical protocols regarding timing and dosage necessary to complete the treatment.

(b) A hospital or health care provider may administer a pregnancy test. If the pregnancy test is positive, the hospital or health care provider does not have to comply with the provisions in paragraph (a).

Subd. 2. **Emergency care to male and female sexual assault victims.** It shall be the standard of care for all hospitals and health care providers that provide emergency care to, at a minimum:

(1) provide each sexual assault victim with factually accurate and unbiased written and oral medical information about prophylactic antibiotics for treatment of sexually transmitted ~~diseases~~ infections;

(2) orally inform each sexual assault victim of the option of being provided prophylactic antibiotics for treatment of sexually transmitted ~~diseases~~ infections at the hospital or other health care facility; and

(3) immediately provide prophylactic antibiotics for treatment of sexually transmitted ~~diseases~~ infections to each sexual assault victim who requests it, provided it is not medically contraindicated and is ordered by a legal prescriber.

Sec. 3. Minnesota Statutes 2022, section 169A.40, subdivision 3, is amended to read:

Subd. 3. **Certain DWI offenders; custodial arrest.** (a) Notwithstanding rule 6.01 of the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided to proceed with the prosecution of a person for violating section 169A.20 (driving while impaired), shall arrest and take the person into custody~~, and the person must be detained until the person's first court appearance,~~ if the officer has reason to believe that the violation occurred:

(1) under the circumstances described in section 169A.24 (first-degree driving while impaired) ~~or~~;

(2) under the circumstances described in section 169A.25 (second-degree driving while impaired);

~~(2)~~ (3) under the circumstances described in section 169A.26 (third-degree driving while impaired) if the person is under the age of 19;

~~(3)~~ (4) in the presence of an aggravating factor described in section 169A.03, subdivision 3, clause (2) or (3); or

~~(4)~~ (5) while the person's driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (10) (persons not eligible for drivers' licenses, inimical to public safety).

(b) A person described in paragraph (a), clause (1) or (5), must be detained until the person's first court appearance.

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

Sec. 4. Minnesota Statutes 2022, section 169A.41, subdivision 1, is amended to read:

Subdivision 1. **When authorized.** When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated section 169A.20 (driving while impaired), 169A.31 (alcohol-related school bus or Head Start bus driving), or 169A.33 (underage drinking and driving), or an alcohol-related violation of section 221.0314 or 221.605 committed by a driver of a commercial vehicle, the officer may require the driver to provide a sample of the driver's breath for a preliminary screening test using a device approved by the commissioner for this purpose.

Sec. 5. Minnesota Statutes 2022, section 169A.41, subdivision 2, is amended to read:

Subd. 2. **Use of test results.** The results of this preliminary screening test must be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169A.51 (chemical tests for intoxication), but must not be used in any court action except the following:

(1) to prove that a test was properly required of a person pursuant to section 169A.51, subdivision 1;

(2) in a civil action arising out of the operation or use of the motor vehicle;

(3) in an action for license reinstatement under section 171.19;

(4) in a prosecution for a violation of section 169A.20, subdivision 2 (driving while impaired; test refusal);

(5) in a prosecution or juvenile court proceeding concerning a violation of section 169A.33 (underage drinking and driving), or 340A.503, subdivision 1, paragraph (a), clause (2) (underage alcohol consumption);

(6) in a prosecution under section 169A.31 (alcohol-related school or Head Start bus driving), or 171.30 (limited license); ~~or~~

(7) in a prosecution for a violation of a restriction on a driver's license under section 171.09, which provides that the license holder may not use or consume any amount of alcohol or a controlled substance~~.~~; or

(8) in a prosecution for a violation of Code of Federal Regulations, title 49, part 392, as adopted in sections 221.0314, subdivision 6, and 221.605.

Sec. 6. Minnesota Statutes 2022, section 169A.44, is amended to read:

169A.44 CONDITIONAL RELEASE.

Subdivision 1. **Nonfelony violations.** (a) This subdivision applies to a person charged with a nonfelony violation of section 169A.20 (driving while impaired) under circumstances described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).

(b) Except as provided in subdivision 3, unless maximum bail is imposed under section 629.471, a person described in paragraph (a) may be released from detention only if the person agrees to:

(1) abstain from alcohol; and

(2) submit to a program of electronic alcohol monitoring, involving at least daily measurements of the person's alcohol concentration, pending resolution of the charge.

Clause (2) applies only when electronic alcohol-monitoring equipment is available to the court. The court shall require partial or total reimbursement from the person for the cost of the electronic alcohol monitoring, to the extent the person is able to pay.

Subd. 2. **Felony violations.** (a) Except as provided in subdivision 3, a person charged with violating section 169A.20 within ten years of the first of three or more qualified prior impaired driving incidents may be released from detention only if the following conditions are imposed:

(1) the conditions described in subdivision 1, paragraph (b), if applicable;

(2) the impoundment of the registration plates of the vehicle used to commit the violation, unless already impounded;

(3) if the vehicle used to commit the violation was an off-road recreational vehicle or a motorboat, the impoundment of the off-road recreational vehicle or motorboat;

(4) a requirement that the person report weekly to a probation agent;

(5) a requirement that the person abstain from consumption of alcohol and controlled substances and submit to random alcohol tests or urine analyses at least weekly;

(6) a requirement that, if convicted, the person reimburse the court or county for the total cost of these services; and

(7) any other conditions of release ordered by the court.

(b) In addition to setting forth conditions of release under paragraph (a), if required by court rule, the court shall also fix the amount of money bail without other conditions upon which the defendant may obtain release.

Subd. 3. **Exception; ignition interlock program.** (a) A court is not required, either when initially reviewing a person's release or when modifying the terms of the person's release, to order a person charged with violating section 169A.24 (first-degree driving while impaired), 169A.25 (second-degree driving while impaired), or 169A.26 (third-degree driving while impaired) to submit to a program of electronic alcohol monitoring under subdivision 1 or 2 if the person becomes a program participant in the ignition interlock program under section 171.306.

(b) A judicial officer, county agency, or probation office may not require or suggest that the person use a particular ignition interlock vendor when complying with this subdivision but may provide the person with a list of all Minnesota vendors of certified devices.

(c) Paragraph (b) does not apply in counties where a contract exists for a specific vendor to provide interlock device service for program participants who are indigent pursuant to section 171.306, subdivision 2, paragraph (b), clause (1).

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

Sec. 7. Minnesota Statutes 2022, section 169A.60, subdivision 2, is amended to read:

Subd. 2. **Plate impoundment violation; impoundment order.** (a) The commissioner shall issue a registration plate impoundment order when:

(1) a person's driver's license or driving privileges are revoked for a plate impoundment violation;

(2) a person is arrested for or charged with a plate impoundment violation described in subdivision 1, paragraph (d), clause (5); or

(3) a person issued new registration plates pursuant to subdivision 13, paragraph (f), violates the terms of the ignition interlock program as described in subdivision 13, paragraph (g).

(b) The order must require the impoundment of the registration plates of the motor vehicle involved in the plate impoundment violation ~~and all motor vehicles owned by, registered, or leased in the name of the violator, including motor vehicles registered jointly or leased in the name of the violator and another~~. The commissioner shall not issue an

impoundment order for the registration plates of a rental vehicle, as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to acts occurring on or after that date.

Sec. 8. Minnesota Statutes 2022, section 171.306, is amended by adding a subdivision to read:

Subd. 9. **Choice of vendor.** (a) A judicial officer, county agency, or probation office may not require or suggest that a person participating in the ignition interlock program under this section use a particular ignition interlock vendor but may provide the person with a list of all Minnesota vendors of certified devices.

(b) Paragraph (a) does not apply in counties where a contract exists for a specific vendor to provide interlock device service for program participants who are indigent pursuant to subdivision 2, paragraph (b), clause (1).

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

Sec. 9. Minnesota Statutes 2022, section 256I.04, subdivision 2g, is amended to read:

Subd. 2g. **Crisis shelters.** Secure crisis shelters for ~~battered women~~ victims of domestic abuse and their children designated by the Minnesota Department of ~~Corrections~~ Public Safety are not eligible for housing support under this chapter.

Sec. 10. Minnesota Statutes 2022, section 297I.06, subdivision 1, is amended to read:

Subdivision 1. **Insurance policies surcharge.** (a) Except as otherwise provided in subdivision 2, each licensed insurer engaged in writing policies of homeowner's insurance authorized in section 60A.06, subdivision 1, clause (1)(c), or commercial fire policies or commercial nonliability policies shall collect a surcharge as provided in this paragraph. ~~Through June 30, 2013,~~ The surcharge is equal to 0.65 percent of the gross premiums and assessments, less return premiums, on direct business received by the company, or by its agents for it, for homeowner's insurance policies, commercial fire policies, and commercial nonliability insurance policies in this state. ~~Beginning July 1, 2013, the surcharge is 0.5 percent.~~

(b) The surcharge amount collected under paragraph (a) or subdivision 2, paragraph (b), may not be considered premium for any other purpose. The surcharge amount under

paragraph (a) must be separately stated on either a billing or policy declaration or document containing similar information sent to an insured.

(c) Amounts collected by the commissioner under this section must be deposited in the fire safety account established pursuant to subdivision 3.

Sec. 11. **[299A.012] ACCEPTANCE OF PRIVATE FUNDS; APPROPRIATION.**

(a) The commissioner may accept donations, nonfederal grants, bequests, and other gifts of money to carry out the purposes of chapter 299A. The commissioner may not accept any contributions under this section unless the contributions can be applied to divisions and programs that are related to statutory duties of the department. Donations, nonfederal grants, bequests, or other gifts of money accepted by the commissioner must be deposited in an account in the special revenue fund and are appropriated to the commissioner for the purpose for which the money was given if the department is authorized to conduct that activity under this chapter.

(b) By January 15 of each year, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over public safety policy and finance on the money received under this section, the sources of the money, and the specific purposes for which it was used.

Sec. 12. Minnesota Statutes 2022, section 299A.296, is amended to read:

299A.296 COMMUNITY CRIME INTERVENTION AND PREVENTION PROGRAMS; GRANTS.

Subdivision 1. **Programs.** The commissioner shall~~, in consultation with the chemical abuse and violence prevention council,~~ administer a grant program to fund community-based programs that ~~are designed to enhance the community's sense of personal security and to assist the community in its crime control and prevention efforts~~ operate crime or violence prevention and intervention programs that provide direct services to community members. Programs must be culturally competent and identify specific outcomes that can be tracked and measured to demonstrate the impact the program has on community crime and violence. Examples of qualifying programs include, but are not limited to, the following:

(1) community-based programs designed to provide services for children ~~under 14 years of age~~ and youth who are juvenile offenders ~~or who are at risk of becoming juvenile offenders~~. The programs must give priority to:

(i) juvenile restitution;

(ii) prearrest or pretrial diversion, including through mediation;

(iii) probation innovation;

(iv) teen courts, community service; or

(v) post-incarceration alternatives to assist youth in returning to their communities;

(2) community-based programs designed to provide at-risk children and youth ~~under 14 years of age~~ with after-school and summer enrichment activities;

(3) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities, such as neighborhood youth centers;

(4) neighborhood block clubs and innovative community-based crime prevention programs;

(5) community- and school-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk children and youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(6) community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken;

(7) community-based collaboratives that coordinate multiple programs and funding sources to address the needs of at-risk children and youth, including, but not limited to, collaboratives that address the continuum of services for juvenile offenders and those who are at risk of becoming juvenile offenders;

(8) programs that are proven successful at increasing the rate of school success or the rate of postsecondary education attendance for high-risk students;

(9) ~~community-based programs that provide services to~~ homeless ~~youth~~ assistance programs;

(10) programs designed to reduce truancy;

(11) other community- and school-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program;

(12) community-based programs that attempt to prevent and educate on the risks of sex trafficking, ameliorate the effects of ~~teenage prostitution~~ sex trafficking, or both;

(13) programs for mentoring at-risk youth, including youth at risk of gang involvement; ~~and~~

(14) programs operated by community violence prevention councils;

(15) programs that intervene in volatile situations to mediate disputes before they become violent; and

(16) programs that provide services to individuals and families harmed by gun violence.

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

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

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

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

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

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

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

(b) The commissioner shall give priority to funding community-based collaboratives, programs that demonstrate ~~substantial~~ involvement by members of the community served by the program, programs that have local government or law enforcement support, community intervention and prevention programs that are reducing disparities in the communities they serve, and programs that ~~either serve the geographical areas that have the highest crime~~

~~rates, as measured by the data supplied under paragraph (a), clause (5), or serve geographical areas that have the largest concentrations of economically disadvantaged youth. Up to 2.5 percent of the appropriation may be used by the commissioner to administer the program~~ serve communities disproportionately impacted by violent crime.

Sec. 13. Minnesota Statutes 2022, section 299A.38, is amended to read:

299A.38 SOFT BODY ARMOR REIMBURSEMENT.

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

~~(a)~~ (1) "commissioner" means the commissioner of public safety~~.~~;

(2) "firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving a general population within the boundaries of the state;

~~(b)~~ (3) "peace officer" means a person who is licensed under section 626.84, subdivision 1, paragraph (c)~~.~~;

(4) "public safety officer" means a peace officer, firefighter, or qualified emergency medical service provider;

(5) "qualified emergency medical service provider" means a person certified under section 144E.28 who is actively employed by a Minnesota licensed ambulance service; and

~~(c)~~ (6) "vest" means bullet-resistant soft body armor that is flexible, concealable, and custom fitted to the ~~peace~~ public safety officer to provide ballistic and trauma protection.

Subd. 2. **State and local reimbursement.** ~~Peace~~ Public safety officers and heads of ~~local law enforcement~~ agencies and entities who buy vests for the use of ~~peace~~ public safety officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-half of the vest's purchase price or $600, as adjusted according to subdivision 2a. The ~~political subdivision~~ agency or entity that employs the ~~peace~~ public safety officer shall pay at least the lesser of one-half of the vest's purchase price or $600, as adjusted according to subdivision 2a. The ~~political subdivision~~ employer may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the ~~peace~~ public safety officer by the ~~law enforcement agency~~ employer.

Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 2006, the commissioner of public safety shall adjust the $600 reimbursement amounts specified in subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the

reimbursement amount applicable immediately preceding that October 1 date. The adjusted rate must reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on the preceding June 1.

Subd. 3. **Eligibility requirements.** (a) Only vests that either meet or exceed the requirements of standard 0101.03 of the National Institute of Justice or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for ~~peace~~ public safety officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least five years old.

(c) The requirement set forth in paragraph (b), clauses (1) and (2), shall not apply to any ~~peace~~ public safety officer who purchases a vest constructed from a zylon-based material, provided that the ~~peace~~ public safety officer provides proof of purchase or possession of the vest prior to July 1, 2005.

Subd. 4. **Rules.** The commissioner may adopt rules under chapter 14 to administer this section.

Subd. 5. **Limitation of liability.** A state agency, political subdivision of the state, ~~or~~ state or local government employee, or other entity that provides reimbursement for purchase of a vest under this section is not liable to a ~~peace~~ public safety officer or the ~~peace~~ public safety officer's heirs for negligence in the death of or injury to the ~~peace~~ public safety officer because the vest was defective or deficient.

Subd. 6. **Right to benefits unaffected.** A ~~peace~~ public safety officer who is reimbursed for the purchase of a vest under this section and who suffers injury or death because the officer failed to wear the vest, or because the officer wore a vest that was defective or deficient, may not lose or be denied a benefit or right, including a benefit under section 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

Sec. 14. Minnesota Statutes 2022, section 299A.41, subdivision 3, is amended to read:

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

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

(1) that officer, while on duty:

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

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

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

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

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

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

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

(b) "Killed in the line of duty" also means that the officer died due to suicide:

(1) secondary to a diagnosis of posttraumatic stress disorder as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; or

(2) within 45 days of the end of exposure, while on duty, to a traumatic event.

Sec. 15. Minnesota Statutes 2022, section 299A.41, is amended by adding a subdivision to read:

Subd. 6. **Traumatic event.** "Traumatic event" means:

(1) a homicide, suicide, or the violent or gruesome death of another individual, including but not limited to a death resulting from a mass casualty event, mass fatality event, or mass shooting;

(2) a harrowing circumstance posing an extraordinary and significant danger or threat to the life of or of serious bodily harm to any individual, including but not limited to a death resulting from a mass casualty event, mass fatality event, or mass shooting; or

(3) an act of criminal sexual violence committed against any individual.

Sec. 16. Minnesota Statutes 2022, section 299A.48, is amended to read:

299A.48 CITATION.

Sections 299A.48 to 299A.52 and 299K.095 may be cited as the "Minnesota ~~Hazardous Materials~~ Emergency Incident Response Act."

Sec. 17. Minnesota Statutes 2022, section 299A.49, is amended to read:

299A.49 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 299A.48 to 299A.52 and 299K.095, the following terms have the meanings given ~~them~~.

Subd. 1a. **Bomb squad.** "Bomb squad" means a team trained, equipped, and authorized by the commissioner to evaluate and provide disposal operations for bombs or other similar hazardous explosives. Bomb squad includes a bomb disposal unit as defined in section 299C.063.

~~Subd. 2. **Chemical assessment team.** "Chemical assessment team" means a team (1) trained, equipped, and authorized to evaluate and, when possible, provide simple mitigation to a hazardous materials incident and (2) required to recommend to the local incident manager the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of resources, or other relevant factors.~~

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subd. 3a. **Emergency response incident.** "Emergency response incident" means any incident to which the response of a state emergency response asset is required.

Subd. 4. **Hazardous materials.** "Hazardous materials" means substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. "Hazardous materials" includes any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally or intentionally released. Hazardous substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, chemical and biological substances, and toxic or flammable gases.

Subd. 4a. **Hazardous materials emergency response team.** "Hazardous materials emergency response team" means a team (1) trained, equipped, and authorized to evaluate and, when possible, provide practical mitigation to a hazardous materials incident and (2) required to recommend to the local incident manager the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of resources, and other relevant factors.

Subd. 5. **Local unit of government.** "Local unit of government" means a county, home rule charter or statutory city, or town.

Subd. 5a. **Minnesota air rescue team.** "Minnesota air rescue team" means a team trained, equipped, and authorized by the commissioner to perform specialized air rescue operations.

Subd. 6. **Person.** "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

~~Subd. 7. **Regional Hazardous materials response team.** "Regional hazardous materials response team" means a team trained and equipped to respond to and mitigate a hazardous materials release. A regional hazardous materials response team may include strategically located chemical assessment teams.~~

Subd. 8. **State emergency response asset.** "State emergency response asset" means any team or teams defined under this section.

Subd. 9. **Urban search and rescue team (USAR).** "Urban search and rescue team" or "USAR" means a team trained and equipped to respond to and carry out rescue and recovery operations at the scene of a collapsed structure. A USAR team may include strategically located fire department assets combined under one joint powers agreement.

Sec. 18. Minnesota Statutes 2022, section 299A.50, is amended to read:

299A.50 RESPONSE PLAN.

Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of natural resources, agriculture, transportation, and the Pollution Control Agency, the state fire marshal, the Emergency Response Commission, appropriate technical emergency response representatives, and representatives of affected parties, the commissioner shall adopt rules to implement a statewide hazardous materials incident response plan. The plan must include:

(1) the locations of ~~up to five regional~~ hazardous materials emergency response teams, based on the location of hazardous materials, response time, proximity to large population centers, and other factors;

(2) the number and qualifications of members on each team;

(3) the responsibilities of ~~regional~~ hazardous materials emergency response teams;

(4) equipment needed for ~~regional~~ hazardous materials emergency response teams;

(5) procedures for selecting and contracting with local governments or nonpublic persons to establish ~~regional~~ hazardous materials emergency response teams;

(6) procedures for dispatching teams at the request of local governments;

(7) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and

(8) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

Subd. 2. **Contract and agreement.** The commissioner may cooperate with and enter into contracts with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, or nonpublic persons to implement the emergency incident response plan.

Subd. 3. **Long-term oversight; transition.** When a ~~regional~~ hazardous materials emergency response team has completed its response to an incident, the commissioner shall notify the commissioner of the Pollution Control Agency, which is responsible for assessing environmental damage caused by the incident and providing oversight of monitoring and remediation of that damage from the time the response team has completed its activities.

Sec. 19. Minnesota Statutes 2022, section 299A.51, is amended to read:

299A.51 LIABILITY AND WORKERS' COMPENSATION.

Subdivision 1. **Liability.** During operations authorized under section 299A.50, members of a ~~regional hazardous materials team~~ state emergency response asset operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50, members of a ~~regional hazardous materials team~~ state emergency response asset operating outside their geographic jurisdiction are considered employees of the Department of Public Safety for purposes of chapter 176.

Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the scene of ~~a hazardous materials~~ an emergency response incident outside the person's geographic jurisdiction or property, at the request of the state or a local unit of government, is not liable for any civil damages resulting from acts or omissions in providing the assistance, unless the person acts in a willful and wanton or reckless manner in providing the assistance.

Sec. 20. Minnesota Statutes 2022, section 299A.52, is amended to read:

299A.52 RESPONSIBLE ~~PERSON~~ PARTY.

Subdivision 1. **Response liability.** A responsible ~~person~~ party, as described in section 115B.03, is liable for the reasonable and necessary costs, including legal and administrative costs, of response to ~~a hazardous materials~~ an emergency response incident or explosives disposal under section 299C.063 incurred by a ~~regional hazardous materials response team~~ state emergency response asset or local unit of government. For the purposes of this section, "hazardous substance" as used in section 115B.03 means "hazardous material" as defined in section 299A.49.

Subd. 2. **Expense recovery.** The commissioner shall assess the responsible ~~person~~ party for ~~the regional hazardous materials response team~~ an emergency response asset's costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs. Any funds received by the commissioner under this subdivision are appropriated to the commissioner to pay for costs for which the funds were received. Any remaining funds at the end of the biennium shall be transferred to the Fire Safety Account.

Subd. 3. **Attempted avoidance of liability.** For purposes of sections 299A.48 to 299A.52 and 299K.095, a responsible ~~person~~ party may not avoid liability by conveying any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

Sec. 21. Minnesota Statutes 2022, section 299A.642, subdivision 15, is amended to read:

Subd. 15. **Required reports.** By February 1 of each year, the commissioner of public safety shall submit the following reports to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding:

(1) a report containing a summary of all audits conducted on multijurisdictional entities under subdivision 4;

(2) a report on the results of audits conducted on data submitted to the criminal gang investigative data system under section 299C.091; ~~and~~

(3) a report on the activities and goals of the coordinating council; and

(4) a report on how funds appropriated for violent crime reduction strategies were used.

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

Sec. 22. Minnesota Statutes 2022, section 299A.73, is amended by adding a subdivision to read:

Subd. 3a. **Report.** On or before March 31 of each year, the Minnesota Youth Intervention Programs Association shall report to the chairs and ranking minority members of the committees and divisions with jurisdiction over public safety policy and finance on the implementation, use, and administration of the grant program created under this section. The report shall include information sent by agencies administering youth intervention programs to the Minnesota Youth Intervention Programs Association and the Office of Justice Programs. At a minimum, the report must identify:

(1) the grant recipients;

(2) the geographic location of the grant recipients;

(3) the total number of individuals served by all grant recipients, disaggregated by race, ethnicity, and gender;

(4) the total number of individuals served by all grant recipients who successfully completed programming, disaggregated by age, race, ethnicity, and gender;

(5) the total amount of money awarded in grants and the total amount remaining to be awarded from each appropriation;

(6) the amount of money granted to each recipient;

(7) grantee workplan objectives;

(8) how the grant was used based on grantee quarterly narrative reports and financial reports; and

(9) summarized relevant youth intervention program outcome survey data measuring the developmental assets of participants, based on Search Institute's Developmental Assets Framework.

Sec. 23. Minnesota Statutes 2022, section 299A.783, subdivision 1, is amended to read:

Subdivision 1. **Antitrafficking investigation coordinator.** The commissioner of public safety must appoint a statewide antitrafficking investigation coordinator ~~who shall work in the Office of Justice Programs~~. The coordinator must be a current or former law enforcement officer or prosecutor with experience investigating or prosecuting trafficking-related offenses. The coordinator must also have knowledge of services available to and Safe Harbor response for victims of sex trafficking and sexual exploitation and Minnesota's child welfare system response. The coordinator serves at the pleasure of the commissioner in the unclassified service.

Sec. 24. Minnesota Statutes 2022, section 299A.85, subdivision 6, is amended to read:

Subd. 6. **Reports.** The office must report on measurable outcomes achieved to meet its statutory duties, along with specific objectives and outcome measures proposed for the following year. The report must include data and statistics on missing and murdered Indigenous women, children, and Two-Spirit relatives in Minnesota, including names, dates of disappearance, and dates of death, to the extent the data is publicly available. The report must also identify and describe the work of any reward advisory group and itemize the expenditures of the Gaagige-Mikwendaagoziwag reward account, if any. The office must submit the report by January 15 each year to the chairs and ranking minority members of the legislative committees with primary jurisdiction over public safety.

Sec. 25. **[299A.86] GAAGIGE-MIKWENDAAGOZIWAG REWARD ACCOUNT FOR INFORMATION ON MISSING AND MURDERED INDIGENOUS RELATIVES.**

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

(1) "Gaagige-Mikwendaagoziwag" means "they will be remembered forever";

(2) "missing and murdered Indigenous relatives" means missing and murdered Indigenous people from or descended from a federally recognized Indian Tribe; and

(3) "Two-Spirit" means cultural, spiritual, sexual, and gender identity as reflected in complex Indigenous understandings of gender roles, spirituality, and the long history of gender diversity in Indigenous cultures.

Subd. 2. **Account created.** An account for rewards for information on missing and murdered Indigenous women, children, and Two-Spirit relatives is created in the special revenue fund. Money deposited into the account is appropriated to the commissioner of public safety to pay rewards and for the purposes provided under this section.

Subd. 3. **Reward.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the Gaagige-Mikwendaagoziwag reward advisory group:

(1) shall determine the eligibility criteria and procedures for granting rewards under this section; and

(2) is authorized to pay a reward to any person who provides relevant information relating to a missing and murdered Indigenous woman, child, and Two-Spirit relative investigation.

Subd. 4. **Reward advisory group.** (a) The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the stakeholder groups described in section 299A.85, subdivision 5, shall appoint an advisory group to make recommendations on:

(1) paying rewards under this section;

(2) supporting community-based efforts through funding community-led searches and search kits, including but not limited to global position system devices and vests; community-led communications, including but not limited to flyers, staples, and duct tape; and other justice-related expenses;

(3) funding for community-led communications and outreach, including but not limited to billboards and other media-related expenses;

(4) funding activities and programs to gather information on missing and murdered Indigenous women, children, and Two-Spirit relatives and to partner with and support community-led efforts;

(5) developing, implementing, and coordinating prevention and awareness programming based on best practices and data-driven research; and

(6) any other funding activities and needs.

(b) The advisory group shall consist of the following individuals:

(1) a representative from the Office for Missing and Murdered Indigenous Relatives;

(2) a representative from a Tribal, statewide, or local organization that provides legal services to Indigenous women and girls;

(3) a representative from a Tribal, statewide, or local organization that provides advocacy or counseling for Indigenous women and girls who have been victims of violence;

(4) a representative from a Tribal, statewide, or local organization that provides services to Indigenous women and girls;

(5) a Tribal peace officer who works for or resides on a federally recognized American Indian reservation in Minnesota;

(6) a representative from the Minnesota Human Trafficking Task Force; and

(7) a survivor or family member of a missing and murdered Indigenous woman, child, or Two-Spirit relative.

(c) Members serve a term of four years. Vacancies shall be filled by the appointing authority and members may be reappointed.

(d) The advisory group shall meet as necessary but at a minimum twice per year to carry out its duties. The director shall provide necessary office space and administrative support to the group. Members of the group serve without compensation but shall receive expense reimbursement as provided in section 15.059.

(e) The representative from the Office for Missing and Murdered Indigenous Relatives may fully participate in the advisory group's activities but may not vote on issues before the group.

Subd. 5. **Advertising.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, may spend up to four percent of available funds on an advertising or public relations campaign to increase public awareness on the availability of rewards under this section.

Subd. 6. **Grants; donations.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, may apply for and accept grants and donations from the public and from public and private entities to implement this section. The commissioner of public safety shall deposit any grants or donations received under this subdivision into the account established under subdivision 1.

Subd. 7. **Expiration.** Notwithstanding section 15.059, subdivision 6, the advisory group does not expire.

Sec. 26. **[299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN AND GIRLS.**

Subdivision 1. **Establishment.** The commissioner shall establish and maintain an office dedicated to preventing and ending the targeting of Black women and girls within the Minnesota Office of Justice Programs.

Subd. 2. **Director; staff.** (a) The commissioner must appoint a director who is a person closely connected to the Black community and who is highly knowledgeable about criminal

investigations. The commissioner is encouraged to consider candidates for appointment who are recommended by members of the Black community.

(b) The director may select, appoint, and compensate out of available funds assistants and employees as necessary to discharge the office's responsibilities.

(c) The director and full-time staff shall be members of the Minnesota State Retirement Association.

Subd. 3. **Duties.** (a) The office has the following duties:

(1) advocate in the legislature for legislation that will facilitate the accomplishment of mandates identified in the report of the Task Force on Missing and Murdered African American Women;

(2) advocate for state agencies to take actions to facilitate the accomplishment of mandates identified in the report of the Task Force on Missing and Murdered African American Women;

(3) develop recommendations for legislative and agency actions to address injustice in the criminal justice system's response to cases of missing and murdered Black women and girls;

(4) facilitate research to refine the mandates in the report of the Task Force on Missing and Murdered African American Women and to assess the potential efficacy, feasibility, and impact of the recommendations;

(5) collect data on missing person and homicide cases involving Black women and girls, including the total number of cases, the rate at which the cases are solved, the length of time the cases remain open, and a comparison to similar cases involving different demographic groups;

(6) collect data on Amber Alerts, including the total number of Amber Alerts issued, the total number of Amber Alerts that involve Black girls, and the outcome of cases involving Amber Alerts disaggregated by the child's race and sex;

(7) collect data on reports of missing Black girls, including the number classified as voluntary runaways, and a comparison to similar cases involving different demographic groups;

(8) analyze and assess the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(9) develop recommendations for legislative, agency, and community actions to address the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(10) analyze and assess the intersection between cases involving murdered Black women and girls and domestic violence, including prior instances of domestic violence within the family or relationship, whether an offender had prior convictions for domestic assault or related offenses, and whether the offender used a firearm in the murder or any prior instances of domestic assault;

(11) develop recommendations for legislative, agency, and community actions to address the intersection between cases involving murdered Black women and girls and domestic violence;

(12) develop tools and processes to evaluate the implementation and impact of the efforts of the office;

(13) track and collect Minnesota data on missing and murdered Black women and girls, and provide statistics upon public or legislative inquiry;

(14) facilitate technical assistance for local and Tribal law enforcement agencies during active cases involving missing and murdered Black women and girls;

(15) conduct case reviews and report on the results of case reviews for the following types of cases involving missing and murdered Black women and girls: cold cases for missing Black women and girls and death investigation review for cases of Black women and girls ruled as suicide or overdose under suspicious circumstances;

(16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator committed a violent or exploitative crime against a Black woman or girl. These case reviews must identify those cases where the perpetrator is a repeat offender;

(17) prepare draft legislation as necessary to allow the office access to the data necessary for the office to conduct the reviews required in this section and advocate for passage of that legislation;

(18) review sentencing guidelines for crimes related to missing and murdered Black women and girls, recommend changes if needed, and advocate for consistent implementation of the guidelines across Minnesota courts;

(19) develop and maintain communication with relevant divisions in the Department of Public Safety, including but not limited to the Bureau of Criminal Apprehension, regarding

any cases involving missing and murdered Black women and girls and on procedures for investigating cases involving missing and murdered Black women and girls;

(20) consult with the Council for Minnesotans of African Heritage established in section 15.0145; and

(21) coordinate, as relevant, with federal efforts, and efforts in neighboring states and Canada.

(b) As used in this subdivision:

(1) "labor trafficking" has the meaning given in section 609.281, subdivision 5; and

(2) "sex trafficking" has the meaning given in section 609.321, subdivision 7a.

Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may coordinate, as useful, with stakeholder groups that were represented on the Task Force on Missing and Murdered African American Women and state agencies that are responsible for the systems that play a role in investigating, prosecuting, and adjudicating cases involving violence committed against Black women and girls; those who have a role in supporting or advocating for missing or murdered Black women and girls and the people who seek justice for them; and those who represent the interests of Black people. This includes the following entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law enforcement; Minnesota County Attorneys Association; United States Attorney's Office; juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States Coast Guard; state agencies, including the Departments of Health, Human Services, Education, Corrections, and Public Safety; service providers who offer legal services, advocacy, and other services to Black women and girls; Black women and girls who are survivors; and organizations and leadership from urban and statewide Black communities.

Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its statutory duties, along with specific objectives and outcome measures proposed for the following year. The report must include data and statistics on missing and murdered Black women and girls in Minnesota, including names, dates of disappearance, and dates of death, to the extent the data is publicly available. The office must submit the report by January 15 each year to the chairs and ranking minority members of the legislative committees with primary jurisdiction over public safety.

Subd. 6. **Acceptance of gifts and receipt of grants.** (a) A missing and murdered Black women and girls account is established in the special revenue fund. Money in the account,

including interest earned, is appropriated to the office for the purposes of carrying out the office's duties, including but not limited to issuing grants to community-based organizations.

(b) Notwithstanding sections 16A.013 to 16A.016, the office may accept funds contributed by individuals and may apply for and receive grants from public and private entities. The funds accepted or received under this subdivision must be deposited in the missing and murdered Black women and girls account created under paragraph (a).

Subd. 7. **Grants to organizations.** (a) The office shall issue grants to community-based organizations that provide services designed to prevent or end the targeting of Black women or girls, or to provide assistance to victims of offenses that targeted Black women or girls.

(b) Grant recipients must use money to:

(1) provide services designed to reduce or prevent crimes or other negative behaviors that target Black women or girls;

(2) provide training to the community about how to handle situations and crimes involving the targeting of Black women and girls, including but not limited to training for law enforcement officers, county attorneys, city attorneys, judges, and other criminal justice partners; or

(3) provide services to Black women and girls who are victims of crimes or other offenses, or to the family members of missing and murdered Black women and girls.

(c) Applicants must apply in a form and manner established by the office.

(d) Grant recipients must provide an annual report to the office that includes:

(1) the services provided by the grant recipient;

(2) the number of individuals served in the previous year; and

(3) any other information required by the office.

(e) On or before February 1 of each year, the office shall report to the legislative committees and divisions with jurisdiction over public safety on the work of grant recipients, including a description of the number of entities awarded grants, the amount of those grants, and the number of individuals served by the grantees.

(f) The office may enter into agreements with the Office of Justice Programs for the administration of grants issued under this subdivision.

Subd. 8. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access to corrections and detention data and medical data maintained by an agency and classified

as private data on individuals or confidential data on individuals to the extent the data is necessary for the office to perform its duties under this section.

Sec. 27. **[299A.95] OFFICE OF RESTORATIVE PRACTICES.**

Subdivision 1. **Definition.** As used in this section, "restorative practices" means a practice within a program or policy that incorporates core restorative principles, including but not limited to voluntariness, prioritization of agreement by the people closest to the harm on what is needed to repair the harm, reintegration into the community, honesty, and respect. Restorative practices include but are not limited to victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative practices funded under this statute may be used at any point including before court involvement, after court involvement, to prevent court involvement, or in conjunction with court involvement. Restorative practices are rooted in community values and create meaningful outcomes that may include but are not limited to:

(1) establishing and meeting goals related to increasing connection to community, restoring relationships, and increasing empathy; considering all perspectives involved; and taking responsibility for impact of actions by all parties involved;

(2) addressing the needs of those who have been harmed;

(3) recognizing and addressing the underlying issues of behavior;

(4) engaging with those most directly affected by an incident and including community members that reflect the diversity of the individual's environment;

(5) determining the appropriate responses to specific incidents through the use of a collaborative process;

(6) providing solutions and approaches that affirm and are tailored to specific cultures; and

(7) implementing policies and procedures that are informed by the science of the social, emotional, and cognitive development of children.

Subd. 2. **Establishment.** The Office of Restorative Practices is established within the Department of Public Safety. The Office of Restorative Practices shall have the powers and duties described in this section.

Subd. 3. **Department of Children, Youth, and Family; automatic transfer.** In the event that a Department of Children, Youth, and Family is created as an independent agency, the Office of Restorative Practices shall be transferred to that department pursuant to section

15.039 effective six months following the effective date for legislation creating that department.

Subd. 4. **Director; other staff.** (a) The commissioner of public safety shall appoint a director of the Office of Restorative Practices. The director should have qualifications that include or are similar to the following:

(1) experience in the many facets of restorative justice and practices such as peacemaking circles, sentencing circles, community conferencing, community panels, and family group decision making;

(2) experience in victim-centered and trauma-informed practices;

(3) knowledge of the range of social problems that bring children and families to points of crisis such as poverty, racism, unemployment, and unequal opportunity;

(4) knowledge of the many ways youth become involved in other systems such as truancy, juvenile delinquency, child protection; and

(5) understanding of educational barriers.

(b) The director shall hire additional staff to perform the duties of the Office of Restorative Practices. The staff shall be in the classified service of the state and their compensation shall be established pursuant to chapter 43A.

Subd. 5. **Duties.** (a) The Office of Restorative Practices shall promote the use of restorative practices across multiple disciplines, including but not limited to:

(1) pretrial diversion programs established pursuant to section 388.24;

(2) delinquency, criminal justice, child welfare, and education systems; and

(3) community violence prevention practices.

(b) The Office of Restorative Practices shall collaborate with Tribal communities, counties, multicounty agencies, other state agencies, nonprofit agencies, and other jurisdictions, and with existing restorative practices initiatives in those jurisdictions to establish new restorative practices initiatives, support existing restorative practices initiatives, and identify effective restorative practices initiatives.

(c) The Office of Restorative Practices shall encourage collaboration between jurisdictions by creating a statewide network, led by restorative practitioners, to share effective methods and practices.

(d) The Office of Restorative Practices shall create a statewide directory of restorative practices initiatives. The office shall make this directory available to all restorative practices initiatives, counties, multicounty agencies, nonprofit agencies, and Tribes in order to facilitate referrals to restorative practices initiatives and programs.

(e) The Office of Restorative Practices shall work throughout the state to build capacity for the use of restorative practices in all jurisdictions and shall encourage every county to have at least one available restorative practices initiative.

(f) The Office of Restorative Practices shall engage restorative practitioners in discerning ways to measure the effectiveness of restorative efforts throughout the state.

(g) The Office of Restorative Practices shall oversee the coordination and establishment of local restorative practices advisory committees. The office shall oversee compliance with the conditions of this funding program. If a complaint or concern about a local advisory committee or a grant recipient is received, the Office of Restorative Practices shall exercise oversight as provided in this section.

(h) The Office of Restorative Practices shall provide information to local restorative practices advisory committees, or restorative practices initiatives in Tribal communities and governments, counties, multicounty agencies, other state agencies, and other jurisdictions about best practices that are developmentally tailored to youth, trauma-informed, and healing-centered, and provide technical support. Providing information includes but is not limited to sharing data on successful practices in other jurisdictions, sending notification about available training opportunities, and sharing known resources for financial support. The Office of Restorative Practices shall also provide training and technical support to local restorative practices advisory committees. Training includes but is not limited to the use and scope of restorative practices, victim-centered restorative practices, and trauma-informed care.

(i) The Office of Restorative Practices shall annually establish minimum requirements for the grant application process.

(j) The Office of Restorative Practices shall work with Tribes, counties, multicounty agencies, and nonprofit agencies throughout the state to educate those entities about the application process for grants and encourage applications.

Subd. 6. **Grants.** (a) Within available appropriations, the director shall award grants to establish and support restorative practices initiatives. An approved applicant must receive a grant of up to $500,000 each year.

(b) On an annual basis, the Office of Restorative Practices shall establish a minimum number of applications that must be received during the application process. If the minimum number of applications is not received, the office must reopen the application process.

(c) Grants may be awarded to private and public nonprofit agencies; local units of government, including cities, counties, and townships; local educational agencies; and Tribal governments. A restorative practices advisory committee may support multiple entities applying for grants based on community needs, the number of youth and families in the jurisdiction, and the number of restorative practices available to the community. Budgets supported by grant funds can include contracts with partner agencies.

(d) Applications must include the following:

(1) a list of willing restorative practices advisory committee members;

(2) letters of support from potential restorative practices advisory committee members;

(3) a description of the planning process that includes:

(i) a description of the origins of the initiative, including how the community provided input; and

(ii) an estimated number of participants to be served; and

(4) a formal document containing a project description that outlines the proposed goals, activities, and outcomes of the initiative including, at a minimum:

(i) a description of how the initiative meets the minimum eligibility requirements of the grant;

(ii) the roles and responsibilities of key staff assigned to the initiative;

(iii) identification of any key partners, including a summary of the roles and responsibilities of those partners;

(iv) a description of how volunteers and other community members are engaged in the initiative; and

(v) a plan for evaluation and data collection.

(e) In determining the appropriate amount of each grant, the Office of Restorative Practices shall consider the number of individuals likely to be served by the local restorative practices initiative.

Subd. 7. **Restorative practices advisory committees; membership and duties.** (a) Restorative practices advisory committees must include:

(1) a judge of the judicial district that will be served by the restorative practices initiative;

(2) the county attorney of a county that will be served by the restorative practices initiative or a designee;

(3) the chief district public defender in the district that will be served by the local restorative justice program or a designee;

(4) a representative from the children's unit of a county social services agency assigned to the area that will be served by the restorative practices initiative;

(5) a representative from the local probation department or community corrections agency that works with youth in the area that will be served by the restorative practices initiative;

(6) a representative from a local law enforcement agency that operates in the area that will be served by the restorative practices initiative;

(7) a school administrator or designee from a school or schools that operate in the area that will be served by the restorative practices initiative;

(8) multiple community members that reflect the racial, socioeconomic, and other diversity of the population of a county that will be served by the local restorative justice program and the individuals most frequently involved in the truancy, juvenile offender, and juvenile safety and placement systems;

(9) restorative practitioners, including restorative practitioners from within the community if available and, if not, from nearby communities;

(10) parents, youth, and justice-impacted participants; and

(11) at least one representative from a victims advocacy group.

(b) Community members described in paragraph (a), clause (8), must make up at least one-third of the restorative practices advisory committee.

(c) Community members, parents, youth, and justice-impacted participants participating in the advisory committee may receive a per diem from grant funds in the amount determined by the General Services Administration.

(d) The restorative practices advisory committees must utilize restorative practices in their decision-making process and come to consensus when developing, expanding, and maintaining restorative practices criteria and referral processes for their communities.

(e) Restorative practices advisory committees shall be responsible for establishing eligibility requirements for referrals to the local restorative practices initiative. Once restorative practices criteria and referral processes are developed, children, families, and cases, depending upon the point of prevention or intervention, must be referred to the local restorative practices initiatives or programs that serve the county, local community, or Tribal community where the child and family reside.

(f) Referrals may be made under circumstances, including but not limited to:

(1) as an alternative to arrest as outlined in section 260B.1755;

(2) for a juvenile petty offense;

(3) for a juvenile traffic offense;

(4) for a juvenile delinquency offense, including before and after a delinquency petition has been filed;

(5) for a child protection case, including before and after adjudication;

(6) for a children's mental health case;

(7) for a juvenile status offense, including but not limited to truancy or running away;

(8) for substance use issues;

(9) for situations involving transition to or from the community; and

(10) through self-referral.

Subd. 8. **Oversight of restorative practices advisory committees.** (a) Complaints by restorative practices advisory committee members, community members, restorative practices initiatives, or restorative practices practitioners regarding concerns about grant recipients may be made to the Office of Restorative Practices.

(b) The Office of Restorative Practices may prescribe the methods by which complaints to the office are to be made, reviewed, and acted upon.

(c) The Office of Restorative Practices shall establish and use a restorative process to respond to complaints so that grant recipients are being held to their agreed upon responsibilities and continue to meet the minimum eligibility requirements for grants to local restorative practices initiatives for the duration of the grant.

Subd. 9. **Report.** By February 15 of each year, the director shall report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety, human services, and education, on the work of the Office of Restorative

Practices, any grants issued pursuant to this section, and the status of local restorative practices initiatives in the state that were reviewed in the previous year.

Sec. 28. **[299C.055] LEGISLATIVE REPORT ON FUSION CENTER ACTIVITIES.**

(a) The superintendent must prepare an annual report for the public and the legislature on the Minnesota Fusion Center (MNFC) that includes general information about the MNFC; the types of activities it monitors; the scale of information it collects; the local, state, and federal agencies with which it shares information; and the quantifiable benefits it produces. None of the reporting requirements in this section supersede chapter 13 or any other state or federal law. The superintendent must report on activities for the preceding calendar year unless another time period is specified. The report must include the following information, to the extent allowed by other law:

(1) the MNFC's operating budget for the current biennium, number of staff, and staff duties;

(2) the number of publications generated and an overview of the type of information provided in the publications, including products such as law enforcement briefs, partner briefs, risk assessments, threat assessments, and operational reports;

(3) a summary of audit findings for the MNFC and what corrective actions were taken pursuant to audits;

(4) the number of data requests received by the MNFC and a general description of those requests;

(5) the types of surveillance and data analysis technologies utilized by the MNFC, such as artificial intelligence or social media analysis tools;

(6) a description of the commercial and governmental databases utilized by the MNFC to the extent permitted by law;

(7) the number of suspicious activity reports (SARs) received and processed by the MNFC;

(8) the number of SARs received and processed by the MNFC that were converted into Bureau of Criminal Apprehension case files, that were referred to the Federal Bureau of Investigation, or that were referred to local law enforcement agencies;

(9) the number of SARs received and processed by the MNFC that involve an individual on the Terrorist Screening Center watchlist;

(10) the number of requests for information (RFIs) that the MNFC received from law enforcement agencies and the number of responses to federal requests for RFIs;

(11) the names of the federal agencies the MNFC received data from or shared data with;

(12) the names of the agencies that submitted SARs;

(13) a summary description of the MNFC's activities with the Joint Terrorism Task Force; and

(14) the number of investigations aided by the MNFC's use of SARs and RFIs.

(b) The report shall be provided to the chairs and ranking minority members of the committees of the house of representatives and senate with jurisdiction over data practices and public safety issues, and shall be posted on the MNFC website by February 15 each year beginning on February 15, 2024.

Sec. 29. Minnesota Statutes 2022, section 299C.063, is amended to read:

299C.063 BOMB DISPOSAL EXPENSE REIMBURSEMENT.

Subdivision 1. **Definitions.** The terms used in this section have the meanings given them in this subdivision:

(a) "Bomb disposal unit" means a commissioner-approved unit consisting of persons who are trained and equipped to dispose of or neutralize bombs or other similar hazardous explosives and who are employed by a municipality.

(b) "Commissioner" means the commissioner of public safety.

~~(c) "Municipality" has the meaning given it in section 466.01.~~

(c) "Explosives sweep" means a detailed scanning service used in corporate office buildings, shipping hangars, event stadiums, transportation hubs, large outdoor events, and other critical facilities using ground-penetrating radar, magnetometers, metal detectors, and specially trained K-9 units to detect improvised explosive devices and explosive remnants of war, such as unexploded ordnance and abandoned ordnance.

(d) "Hazardous explosives" means explosives as defined in section 299F.72, subdivision 2, explosive devices and incendiary devices as defined in section 609.668, subdivision 1, and all materials subject to regulation under United States Code, title 18, chapter 40.

(e) "Municipality" has the meaning given in section 466.01.

Subd. 2. **Expense reimbursement.** (a) The commissioner may reimburse bomb disposal units for reasonable expenses incurred:

(1) to dispose of or neutralize bombs or other similar hazardous explosives for their employer-municipality or for another municipality outside the jurisdiction of the employer-municipality but within the state. Reimbursement is limited to the extent of appropriated funds~~.~~;

(2) to use the services of police explosive detection K-9 assets;

(3) for dignitary explosive sweeps;

(4) for explosive sweeps at large state events;

(5) to provide for explosive security at large state events; and

(6) for large-scale scheduled public events.

(b) Reimbursement for expenses under this subdivision is limited to the extent of appropriated funds.

Subd. 3. **Agreements.** The commissioner may enter into contracts or agreements with bomb disposal units to implement and administer this section.

Subd. 4. **Public event agreements.** The commissioner may enter into contracts with public event organizers, as defined in section 299A.52, for costs associated with explosive sweeps conducted by state bomb disposal units.

Sec. 30. **[299C.092] QUESTIONED IDENTITY PROCESS.**

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

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

(c) "Questioned identity" means an individual's identity that is associated with another person's records when the individual's identity is used by an offender in interactions with law enforcement or the offender has the same name which can lead to difficulties differentiating the individual from the offender.

Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the individual may request a review by the bureau through its questioned identity process. Individuals must contact the bureau and provide the following:

(1) documentation of the individual's identity through a government-issued photo identification;

(2) documents or information that lead the individual to believe that the individual is the subject of questioned identity; and

(3) fingerprints for identification verification purposes.

(b) If the bureau is able to confirm that the individual is the subject of questioned identity, the bureau shall provide documentation to the individual indicating that the individual has been through the bureau's questioned identity process.

(c) The bureau shall denote any aliases determined to be questioned identities in the criminal history system under section 299C.09 and shall work with other state and local agencies to denote aliases in arrest warrants.

(d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's warrant file if a photo is available.

(e) Notwithstanding section 13.87, subdivision 1, paragraph (b), the bureau, in consultation with reporting criminal justice agencies, may remove an alias from a criminal history record when it determines doing so will not negatively impact a criminal justice agency's ability to identify the offender in the future. Some considerations in making the determination include but are not limited to time elapsed since the alias name was last used, frequency with which the alias was used, current incarceration status of the offender, whether it is or was the offender's name, and whether the offender is living or deceased.

(f) Law enforcement must take into account the presence of documentation from the bureau or another law enforcement agency confirming a questioned identity when considering whether an individual has a warrant under section 299C.115 and may contact the bureau or the issuing law enforcement agency to confirm authenticity of the documentation provided by an individual.

Sec. 31. Minnesota Statutes 2022, section 299C.106, subdivision 3, is amended to read:

Subd. 3. **Submission and storage of sexual assault examination kits.** (a) Within 60 days of receiving an unrestricted sexual assault examination kit, a law enforcement agency shall submit the kit for testing to a forensic laboratory. The testing laboratory shall return unrestricted sexual assault examination kits to the submitting agency for storage after testing is complete. The submitting agency must store unrestricted sexual assault examination kits indefinitely.

(b) Within 60 days of a hospital preparing a restricted sexual assault examination kit or a law enforcement agency receiving a restricted sexual assault examination kit from a hospital, the hospital or the agency shall submit the kit to the Bureau of Criminal

Apprehension. The bureau shall store all restricted sexual assault examination kits collected by hospitals or law enforcement agencies in the state. The bureau shall retain a restricted sexual assault examination kit for at least 30 months from the date the bureau receives the kit.

(c) Beginning July 1, 2024, the receiving forensic laboratory must strive to test the sexual assault examination kit within 90 days of receipt from a hospital or law enforcement agency. Sexual assault examination kits shall be prioritized for testing along with other violent crimes. Upon completion of testing, the forensic laboratory must update the kit-tracking database to indicate that testing is complete. The forensic laboratory must notify the submitting agency when any kit is not tested within 90 days and provide an estimated time frame for testing completion.

(d) Paragraph (c) sunsets June 30, 2029.

Sec. 32. Minnesota Statutes 2022, section 299C.46, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The commissioner of public safety shall establish a criminal justice data communications network that will provide secure access to systems and services available from or through the Bureau of Criminal Apprehension. The Bureau of Criminal Apprehension may approve additional criminal justice uses by authorized agencies to access necessary systems or services not from or through the bureau. The commissioner of public safety is authorized to lease or purchase facilities and equipment as may be necessary to establish and maintain the data communications network.

Sec. 33. Minnesota Statutes 2022, section 299C.53, subdivision 3, is amended to read:

Subd. 3. **Missing and endangered persons.** The Bureau of Criminal Apprehension must operate a missing person alert program. If the Bureau of Criminal Apprehension receives a report from a law enforcement agency indicating that a person is missing and endangered, the superintendent must originate an alert. The superintendent may assist the law enforcement agency in conducting the preliminary investigation, offer resources, and assist the agency in helping implement the investigation policy with particular attention to the need for immediate action. The law enforcement agency shall promptly notify all appropriate law enforcement agencies in the state and is required to issue a missing person alert utilizing the Crime Alert Network as prescribed in section 299A.61 and, if deemed appropriate, law enforcement agencies in adjacent states or jurisdictions of any information that may aid in the prompt location and safe return of a missing and endangered person. The superintendent shall provide guidance on issuing alerts using this system and provide

the system for law enforcement agencies to issue these alerts. The Bureau of Criminal Apprehension may provide assistance to agencies in issuing missing person alerts as required by this section.

Sec. 34. Minnesota Statutes 2022, section 299C.65, subdivision 1a, is amended to read:

Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and Bureau of Criminal Apprehension Advisory Group consists of the following members:

(1) the commissioner of corrections or designee;

(2) the commissioner of public safety or designee;

(3) the state chief information officer or designee;

(4) three members of the judicial branch appointed by the chief justice of the supreme court;

(5) the commissioner of administration or designee;

(6) the state court administrator or designee;

(7) two members appointed by the Minnesota Sheriffs Association, at least one of whom must be a sheriff;

(8) two members appointed by the Minnesota Chiefs of Police Association, at least one of whom must be a chief of police;

(9) two members appointed by the Minnesota County Attorneys Association, at least one of whom must be a county attorney;

(10) two members appointed by the League of Minnesota Cities representing the interests of city attorneys, at least one of whom must be a city attorney;

(11) two members appointed by the Board of Public Defense, at least one of whom must be a public defender;

(12) two corrections administrators appointed by the Association of Minnesota Counties representing the interests of local corrections, at least one of whom represents a Community Corrections Act county;

(13) two probation officers appointed by the commissioner of corrections in consultation with the president of the Minnesota Association of Community Corrections Act Counties and the president of the Minnesota Association of County Probation Officers;

(14) four public members appointed by the governor representing both metropolitan and greater Minnesota for a term of four years using the process described in section 15.059, one of whom represents the interests of victims, and one of whom represents the private business community who has expertise in integrated information systems and who, for the purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;

(15) two members appointed by the Minnesota Association for Court Management, at least one of whom must be a court administrator;

(16) one member of the house of representatives appointed by the speaker of the house, or an alternate who is also a member of the house of representatives, appointed by the speaker of the house;

(17) one member of the senate appointed by the majority leader, or an alternate who is also a member of the senate, appointed by the majority leader of the senate;

(18) one member appointed by the attorney general;

(19) two members appointed by the League of Minnesota Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official;

(20) two members appointed by the Association of Minnesota Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official; and

(21) the director of the Sentencing Guidelines Commission or a designee.

(b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory group.

(c) The advisory group shall serve as the state advisory group on statewide criminal justice information policy and funding issues. The advisory group shall study and make recommendations to the governor, the supreme court, and the legislature on criminal justice information funding and policy issues such as related data practices, individual privacy rights, and data on race and ethnicity; information-sharing at the local, state, and federal levels; technology education and innovation; the impact of proposed legislation on the criminal justice system related to information systems and business processes; and data and identification standards.

<u>(d) The advisory group shall have the additional duties of reviewing and advising the bureau superintendent on:</u>

(1) audits, accreditation reports, and internal reviews of bureau operations;

(2) emerging technologies in the law enforcement and forensic science fields;

(3) policies and practices that impact individual privacy interests; and

(4) other programmatic and operational initiatives of the bureau at the request of the superintendent.

Sec. 35. Minnesota Statutes 2022, section 299C.65, subdivision 3a, is amended to read:

Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor, supreme court, and chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy by January 15 in each odd-numbered year. The report must provide the following:

(1) status and review of current statewide criminal justice information systems;

(2) recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently; ~~and~~

(3) summary of the activities of the advisory group, including any funding and grant requests~~.~~; and

(4) summary of any reviews conducted by the advisory group of bureau audits, reports, policies, programs, and procedures along with any recommendations provided to the bureau related to the reviews.

Sec. 36. Minnesota Statutes 2022, section 299F.362, is amended to read:

299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.

Subdivision 1. **Definitions.** For the purposes of this section, the following definitions shall apply:

(a) "Apartment house" is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include buildings containing three or more flats or apartments.

(b) "Dwelling" is any building, or any portion thereof, which is not an apartment house, lodging house, or a hotel and which contains one or two "dwelling units" which are, or are intended or designed to be, occupied for living purposes.

(c) "Dwelling unit" is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, or a single unit used by one or more persons for sleeping and sanitation pursuant to a work practice or labor agreement.

(d) "Hotel" is any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(e) "Lodging house" is any building, or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

Subd. 2. **Rules~~,~~; smoke ~~detector~~ alarm location.** The commissioner of public safety shall promulgate rules concerning the placement of smoke ~~detectors~~ alarms in dwellings, apartment houses, hotels, and lodging houses. The rules shall take into account designs of the guest rooms or dwelling units.

Subd. 3. **Smoke ~~detector~~ alarm for any dwelling.** Every dwelling unit within a dwelling must be provided with a smoke ~~detector~~ alarm meeting the requirements of the State Fire Code. The ~~detector~~ smoke alarm must be mounted in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ smoke alarm must provide an alarm in the dwelling unit.

Subd. 3a. **Smoke ~~detector~~ alarm for new dwelling.** In construction of a new dwelling, each smoke ~~detector~~ alarm must be attached to a centralized power source.

Subd. 4. **Smoke ~~detector~~ alarm for apartment, lodging house, or hotel.** Every dwelling unit within an apartment house and every guest room in a lodging house or hotel used for sleeping purposes must be provided with a smoke ~~detector~~ alarm conforming to the requirements of the State Fire Code. In dwelling units, ~~detectors~~ smoke alarms must be mounted in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ smoke alarm must provide an alarm in the dwelling unit or guest room.

Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section where the occupant is not the owner of the dwelling unit or the guest room, the owner is responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection and maintenance reports with the local fire marshal for establishing evidence of inspection and maintenance of smoke ~~detectors~~ alarms.

Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must inform the owner of the dwelling unit of a nonfunctioning smoke ~~detector~~ alarm within 24 hours of discovering that the smoke ~~detector~~ alarm in the dwelling unit is not functioning. If the occupant fails to inform the owner under this subdivision, the occupant's liability for damages is not greater than it otherwise would be.

Subd. 6. **Penalties.** (a) Any person who violates any provision of this section ~~shall be~~ is subject to the same penalty and ~~the~~ enforcement mechanism that is provided for violation of the State Fire Code, as specified in section 299F.011, subdivision 6.

(b) An occupant who willfully disables a smoke ~~detector~~ alarm or causes it to be nonfunctioning, resulting in damage or injury to persons or property, is guilty of a misdemeanor.

Subd. 7. **Local government preempted.** This section prohibits a local unit of government from adopting standards different from those provided in this section.

Subd. 9. **Local government ordinance; installation in single-family residence.** Notwithstanding subdivision 7, or other law to the contrary, a local governing body may adopt, by ordinance, rules for the installation of a smoke ~~detector~~ alarm in single-family homes in the city that are more restrictive than the standards provided by this section. Rules adopted pursuant to this subdivision may be enforced through a truth-in-housing inspection.

Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety educator is established in the Department of Public Safety.

Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for failure of a person to comply with this section.

Sec. 37. Minnesota Statutes 2022, section 299F.46, subdivision 1, is amended to read:

Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public safety to inspect, or cause to be inspected, at least once every three years, every hotel in this state; and, for that purpose, the commissioner, or the commissioner's deputies or designated alternates or agents, shall have the right to enter or have access thereto at any reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected does not conform to or is not being operated in accordance with the provisions of sections 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection of hotels, or the rules promulgated thereunder, or is being maintained or operated in such manner as to violate the Minnesota State Fire Code promulgated pursuant to section 326B.02,

subdivision 6, 299F.51, or any other law of this state relating to fire prevention and fire protection of hotels, the commissioner and the deputies or designated alternates or agents shall report such a situation to the hotel inspector who shall proceed as provided for in chapter 157.

(b) The word "hotel", as used in this subdivision, has the meaning given in section 299F.391.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 38. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to read:

Subd. 11. **Hotel.** "Hotel" means any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 39. Minnesota Statutes 2022, section 299F.50, is amended by adding a subdivision to read:

Subd. 12. **Lodging house.** "Lodging house" means any building, or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 40. Minnesota Statutes 2022, section 299F.51, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) Every ~~single family~~ single-family dwelling and every dwelling unit in a multifamily dwelling must have an approved and operational carbon monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

(b) Every guest room in a hotel or lodging house must have an approved and operational carbon monoxide alarm installed in each room lawfully used for sleeping purposes.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 41. Minnesota Statutes 2022, section 299F.51, subdivision 2, is amended to read:

Subd. 2. **Owner's duties.** (a) The owner of a multifamily dwelling unit which is required to be equipped with one or more approved carbon monoxide alarms must:

(1) provide and install one approved and operational carbon monoxide alarm within ten feet of each room lawfully used for sleeping; and

(2) replace any required carbon monoxide alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit.

(b) The owner of a hotel or lodging house that is required to be equipped with one or more approved carbon monoxide alarms must:

(1) provide and install one approved and operational carbon monoxide alarm in each room lawfully used for sleeping; and

(2) replace any required carbon monoxide alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy and that has not been replaced by the prior occupant prior to the commencement of a new occupancy of a hotel guest room or lodging house.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 42. Minnesota Statutes 2022, section 299F.51, subdivision 5, is amended to read:

Subd. 5. **Exceptions; certain multifamily dwellings and state-operated facilities.** (a) In lieu of requirements of subdivision 1, multifamily dwellings may have approved and operational carbon monoxide ~~alarms~~ detectors installed between 15 and 25 feet of carbon monoxide-producing central fixtures and equipment, provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.

(b) An owner of a multifamily dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of subdivision 1, provided that such owner certifies to the commissioner of public safety that such multifamily dwelling poses no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

(c) The requirements of this section do not apply to facilities owned or operated by the state of Minnesota.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 43. Minnesota Statutes 2022, section 299F.51, is amended by adding a subdivision to read:

Subd. 6. **Safety warning.** A first violation of this section shall not result in a penalty, but is punishable by a safety warning. A second or subsequent violation is a petty misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 44. Minnesota Statutes 2022, section 326.32, subdivision 10, is amended to read:

Subd. 10. **License holder.** "License holder" means any individual, partnership as defined in section 323A.0101, clause (8), or corporation licensed to perform the duties of a private detective or a protective agent.

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

Sec. 45. Minnesota Statutes 2022, section 326.3381, subdivision 3, is amended to read:

Subd. 3. **Disqualification.** (a) No person is qualified to hold a license who has:

(1) been convicted of (i) a felony by the courts of this or any other state or of the United States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in Minnesota, would be a felony or would be any of the other offenses provided in this clause and for which a full pardon or similar relief has not been granted;

(2) made any false statement in an application for a license or any document required to be submitted to the board; or

(3) failed to demonstrate to the board good character, honesty, and integrity.

(b) Upon application for a license, the applicant shall submit, as part of the application, a full set of fingerprints and the applicant's written consent that their fingerprints shall be submitted to the Bureau of Criminal Apprehension (BCA) and the Federal Bureau of Investigation (FBI) to determine whether that person has a criminal record. The BCA shall promptly forward the fingerprints to the FBI and request that the FBI conduct a criminal history check of each prospective licensee. The Minnesota Board of Private Detective and Protective Agents Services shall determine if the FBI report indicates that the prospective

licensee or licensee was convicted of a disqualifying offense. The submission to the FBI shall be coordinated through the BCA. The results of the criminal record check shall be provided to the board who will determine if the applicant is disqualified from holding a license under this subdivision.

Sec. 46. Minnesota Statutes 2022, section 609.35, is amended to read:

609.35 COSTS OF MEDICAL EXAMINATION.

(a) Costs incurred by a ~~county, city, or private~~ hospital or other emergency medical facility or by a ~~private~~ physician, sexual assault nurse examiner, forensic nurse, or other licensed health care provider for the examination of a victim of criminal sexual conduct ~~when the examination is performed for the purpose of gathering evidence~~ that occurred in the state shall be paid by the ~~county in which the criminal sexual conduct occurred~~ state. These costs include, but are not limited to, the ~~full~~ cost of the ~~rape kit~~ medical forensic examination, associated tests and treatments relating to ~~the complainant's~~ sexually transmitted ~~disease status~~ 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. ~~However, a county~~ 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 ~~county~~ hospital or other licensed health care provider shall inform the victim that if the victim does not authorize this, the ~~county~~ 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.

EFFECTIVE DATE. This section is effective July 1, 2023, and applies to any examination that occurs on or after that date.

Sec. 47. Minnesota Statutes 2022, section 609.87, is amended by adding a subdivision to read:

Subd. 17. **Electronic data.** "Electronic data" means records or information in digital form on a computer, computer network, computer system, or in computer software that can be stored, transmitted, or processed.

Sec. 48. Minnesota Statutes 2022, section 609.89, is amended to read:

609.89 COMPUTER OR ELECTRONIC DATA THEFT.

Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer or electronic data theft and may be sentenced as provided in subdivision 2:

~~(a)~~ (1) intentionally and without authorization or claim of right accesses or causes to be accessed any computer, computer system, computer network or any part thereof for the purpose of obtaining services or property; ~~or~~

~~(b)~~ (2) intentionally and without claim of right, and with intent to deprive the owner of use or possession, takes, transfers, conceals or retains possession of any computer, computer system, or any computer software or data contained in a computer, computer system, or computer network~~.~~;

(3) intentionally and without authorization or claim of right accesses or copies any computer software or electronic data and uses, alters, transfers, retains, or publishes the computer software or electronic data; or

(4) intentionally retains copies of any computer software or electronic data beyond the individual's authority.

Subd. 2. **Penalty.** Anyone who commits computer or electronic data theft may be sentenced as follows:

~~(a)~~ (1) to imprisonment for not more than ten years or to payment of a fine of not more than $50,000, or both, if the loss to the owner, or the owner's agent, or lessee is in excess of $2,500; ~~or~~

~~(b)~~ (2) to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the loss to the owner, or the owner's agent, or lessee is more than $500 but not more than $2,500; or

~~(c)~~ (3) in all other cases to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 49. Minnesota Statutes 2022, section 611A.033, is amended to read:

611A.033 SPEEDY TRIAL; NOTICE OF HEARINGS AND SCHEDULE CHANGE.

(a) A victim has the right to request that the prosecutor make a demand under rule 11.09 of the Rules of Criminal Procedure that the trial be commenced within 60 days of the demand. The prosecutor shall make reasonable efforts to comply with the victim's request.

(b) A prosecutor shall make reasonable efforts to provide to a victim the date and time of the sentencing hearing and the hearing during which the plea is to be presented to the court.

~~(b)~~ (c) A prosecutor shall make reasonable efforts to provide advance notice of any change in the schedule of the court proceedings to a victim who has been subpoenaed or requested to testify.

~~(c)~~ (d) In a criminal proceeding in which a vulnerable adult, as defined in section 609.232, subdivision 11, is a victim, the state may move the court for a speedy trial. The court, after consideration of the age and health of the victim, may grant a speedy trial. The motion may be filed and served with the complaint or any time after the complaint is filed and served.

Sec. 50. Minnesota Statutes 2022, 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 ~~court or its designee~~ 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, "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.

Sec. 51. Minnesota Statutes 2022, section 611A.211, subdivision 1, is amended to read:

Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs which provide support services or emergency shelter and housing supports as defined by section 611A.31 to victims of sexual assault. The commissioner shall also award grants for training, technical assistance, and the development and implementation of education programs to increase public awareness of the causes of sexual assault, the solutions to preventing and ending sexual assault, and the problems faced by sexual assault victims.

Sec. 52. Minnesota Statutes 2022, section 611A.31, subdivision 2, is amended to read:

Subd. 2. ~~**Battered woman**~~ **Domestic abuse victim.** ~~"Battered woman"~~ "Domestic abuse victim" means a ~~woman~~ person who is being or has been victimized by domestic abuse as defined in section 518B.01, subdivision 2.

Sec. 53. Minnesota Statutes 2022, section 611A.31, subdivision 3, is amended to read:

Subd. 3. **Emergency shelter services.** "Emergency shelter services" include, but are not limited to, secure crisis shelters for ~~battered women~~ domestic abuse victims and housing networks for ~~battered women~~ domestic abuse victims.

Sec. 54. Minnesota Statutes 2022, section 611A.31, is amended by adding a subdivision to read:

Subd. 3a. **Housing supports.** "Housing supports" means services and supports used to enable victims to secure and maintain transitional and permanent housing placement. Housing supports include but are not limited to rental assistance and financial assistance to maintain

housing stability. Transitional housing placements may take place in communal living, clustered site or scattered site programs, or other transitional housing models.

Sec. 55. Minnesota Statutes 2022, section 611A.32, is amended to read:

611A.32 ~~BATTERED WOMEN~~ DOMESTIC ABUSE PROGRAMS.

Subdivision 1. **Grants awarded.** The commissioner shall award grants to programs which provide emergency shelter services ~~to battered women~~, housing supports, and support services to ~~battered women and~~ domestic abuse victims and their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of ~~battering~~ domestic abuse, the solutions to preventing and ending domestic violence, and the problems faced by ~~battered women and~~ domestic abuse victims. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations. ~~By July 1, 1995, community-based domestic abuse advocacy and support services programs must be established in every judicial assignment district.~~

Subd. 1a. **Program for American Indian ~~women~~ domestic abuse victims.** The commissioner shall establish at least one program under this section to provide emergency shelter services and support services to ~~battered~~ American Indian ~~women~~ domestic abuse victims and their children. The commissioner shall grant continuing operating expenses to the program established under this subdivision in the same manner as operating expenses are granted to programs established under subdivision 1.

Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services ~~to battered women~~, housing supports, support services, and one or more of these services and supports to domestic abuse victims~~, or both, to battered women~~ and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14 and shall include:

(1) a proposal for the provision of emergency shelter services ~~for battered women~~, housing supports, support services, and one or more of these services and supports for domestic abuse victims~~, or both, for battered women~~ and their children;

(2) a proposed budget;

(3) the agency's overall operating budget, including documentation on the retention of financial reserves and availability of additional funding sources;

(4) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under section 611A.33;

(5) evidence of an ability to represent the interests of ~~battered women and~~ domestic abuse victims and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health;

(6) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(7) any other content the commissioner may require by rule adopted under chapter 14~~, after considering the recommendations of the advisory council~~.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives a grant to provide emergency shelter services ~~to battered women and~~, housing supports, or support services to ~~battered women and~~ domestic abuse victims shall comply with all rules of the commissioner related to the administration of the ~~pilot~~ programs.

Subd. 5. **Classification of data collected by grantees.** Personal history information and other information collected, used or maintained by a grantee from which the identity or location of any victim of domestic abuse may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

Sec. 56. Minnesota Statutes 2022, section 611A.51, is amended to read:

611A.51 TITLE.

Sections 611A.51 to 611A.68 shall be known as the "Minnesota Crime Victims ~~Reparations~~ Reimbursement Act."

Sec. 57. Minnesota Statutes 2022, section 611A.52, subdivision 3, is amended to read:

Subd. 3. **Board.** "Board" means the Crime Victims ~~reparations~~ Reimbursement Board established by section 611A.55.

Sec. 58. Minnesota Statutes 2022, section 611A.52, subdivision 4, is amended to read:

Subd. 4. **Claimant.** "Claimant" means a person entitled to apply for ~~reparations~~ reimbursement pursuant to sections 611A.51 to 611A.68.

Sec. 59. Minnesota Statutes 2022, section 611A.52, subdivision 5, is amended to read:

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

(1) the offender;

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

(3) Social Security, Medicare, and Medicaid;

(4) state required temporary nonoccupational disability insurance;

(5) workers' compensation;

(6) wage continuation programs of any employer;

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

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

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

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

The term does not include a life insurance contract.

Sec. 60. Minnesota Statutes 2022, section 611A.53, is amended to read:

611A.53 ~~REPARATIONS~~ REIMBURSEMENT AWARDS PROHIBITED.

Subdivision 1. **Generally.** Except as provided in subdivisions 1a and 2, the following persons shall be entitled to ~~reparations~~ reimbursement upon a showing by a preponderance of the evidence that the requirements for ~~reparations~~ reimbursement have been met:

(1) a victim who has incurred economic loss;

(2) a dependent who has incurred economic loss;

(3) the estate of a deceased victim if the estate has incurred economic loss;

(4) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 611A.52, subdivision 8, for a victim;

(5) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.

Subd. 1a. **Providers; limitations.** No hospital, medical organization, health care provider, or other entity that is not an individual may qualify for reparations under subdivision 1, clause (4). If a hospital, medical organization, health care provider, or other entity that is not an individual qualifies for ~~reparations~~ reimbursement under subdivision 1, clause (5), because it is a guardian, guardian ad litem, conservator, or authorized agent, any ~~reparations~~ reimbursement to which it is entitled must be made payable solely or jointly to the victim, if alive, or to the victim's estate or successors, if the victim is deceased.

Subd. 1b. **Minnesota residents injured elsewhere.** (a) A Minnesota resident who is the victim of a crime committed outside the geographical boundaries of this state but who otherwise meets the requirements of this section shall have the same rights under this chapter as if the crime had occurred within this state upon a showing that the state, territory, United States possession, country, or political subdivision of a country in which the crime occurred does not have a crime ~~victim reparations~~ victims reimbursement law covering the resident's injury or death.

(b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime involving international terrorism who otherwise meets the requirements of this section has the same rights under this chapter as if the crime had occurred within this state regardless of where the crime occurred or whether the jurisdiction has a crime victims ~~reparations~~ reimbursement law.

Subd. 2. **Limitations on awards.** No ~~reparations~~ reimbursement shall be awarded to a claimant otherwise eligible if:

(1) the crime was not reported to the police within 30 days of its occurrence or, if it could not reasonably have been reported within that period, within 30 days of the time when a report could reasonably have been made. A victim of criminal sexual conduct in the first, second, third, or fourth degree who does not report the crime within 30 days of its occurrence is deemed to have been unable to have reported it within that period;

(2) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials. Cooperation is determined through law enforcement reports, prosecutor records, or corroboration memorialized in a signed document submitted by a victim service, counseling, or medical professional involved in the case;

(3) the victim or claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice;

(4) the victim or claimant was in the act of committing a crime at the time the injury occurred;

(5) no claim was filed with the board within three years of victim's injury or death; except that (i) if the claimant was unable to file a claim within that period, then the claim can be made within three years of the time when a claim could have been filed; and (ii) if the victim's injury or death was not reasonably discoverable within three years of the injury or death, then the claim can be made within three years of the time when the injury or death is reasonably discoverable. The following circumstances do not render a claimant unable to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the Minnesota Crime Victims ~~Reparations~~ Reimbursement Act, (B) the failure of a law enforcement agency to provide information or assistance to a potential claimant under section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being managed during that period by a guardian, guardian ad litem, conservator, authorized agent, or parent, or (D) the fact that the claimant is not of the age of majority; or

(6) the claim is less than $50.

The limitations contained in clauses (1) and (6) do not apply to victims of child abuse. In those cases the three-year limitation period commences running with the report of the crime to the police.

Sec. 61. Minnesota Statutes 2022, section 611A.54, is amended to read:

611A.54 AMOUNT OF ~~REPARATIONS~~ REIMBURSEMENT.

~~Reparations~~ Reimbursement shall equal economic loss except that:

(1) ~~reparations~~ reimbursement shall be reduced to the extent that economic loss is recouped from a collateral source or collateral sources. Where compensation is readily available to a claimant from a collateral source, the claimant must take reasonable steps to recoup from the collateral source before claiming ~~reparations~~ reimbursement;

(2) ~~reparations~~ reimbursement shall be denied or reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims. Contributory misconduct does not include current or past affiliation with any particular group; and

(3) ~~reparations~~ reimbursement paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed $50,000.

No employer may deny an employee an award of benefits based on the employee's eligibility or potential eligibility for ~~reparations~~ reimbursement.

Sec. 62. Minnesota Statutes 2022, section 611A.55, is amended to read:

611A.55 CRIME VICTIMS ~~REPARATIONS~~ REIMBURSEMENT BOARD.

Subdivision 1. **Creation of board.** There is created in the Department of Public Safety, for budgetary and administrative purposes, the Crime Victims ~~Reparations~~ Reimbursement Board, which shall consist of five members appointed by the commissioner of public safety. One of the members shall be designated as chair by the commissioner of public safety and serve as such at the commissioner's pleasure. At least one member shall be a medical or osteopathic physician licensed to practice in this state, and at least one member shall be a victim, as defined in section 611A.01.

Subd. 2. **Membership, terms and compensation.** The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

Subd. 3. **Part-time service.** Members of the board shall serve part time.

Sec. 63. Minnesota Statutes 2022, section 611A.56, is amended to read:

611A.56 POWERS AND DUTIES OF BOARD.

Subdivision 1. **Duties.** In addition to carrying out any duties specified elsewhere in sections 611A.51 to 611A.68 or in other law, the board shall:

(1) provide all claimants with an opportunity for hearing pursuant to chapter 14;

(2) adopt rules to implement and administer sections 611A.51 to 611A.68, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for ~~reparations~~ reimbursement shall be made, and providing for discovery proceedings;

(3) publicize widely the availability of ~~reparations~~ reimbursement and the method of making claims; and

(4) prepare and transmit annually to the governor and the commissioner of public safety a report of its activities including the number of claims awarded, a brief description of the

facts in each case, the amount of ~~reparation~~ reimbursement awarded, and a statistical summary of claims and awards made and denied.

Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections 611A.51 to 611A.68 or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(1) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(2) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;

(3) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(4) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(5) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(6) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under sections 611A.51 to 611A.68;

(7) grant emergency ~~reparations~~ reimbursement pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and

(8) reconsider any decision granting or denying ~~reparations~~ reimbursement or determining their amount.

Sec. 64. Minnesota Statutes 2022, section 611A.57, subdivision 5, is amended to read:

Subd. 5. **Reconsideration.** The claimant may, within 30 days after receiving the decision of the board, apply for reconsideration before the entire board. Upon request for reconsideration, the board shall reexamine all information filed by the claimant, including any new information the claimant provides, and all information obtained by investigation. The board may also conduct additional examination into the validity of the claim. Upon reconsideration, the board may affirm, modify, or reverse the prior ruling. A claimant denied ~~reparations~~ reimbursement upon reconsideration is entitled to a contested case hearing within the meaning of chapter 14.

Sec. 65. Minnesota Statutes 2022, section 611A.57, subdivision 6, is amended to read:

Subd. 6. **Data.** Claims for ~~reparations~~ reimbursement and supporting documents and reports are investigative data and subject to the provisions of section 13.39 until the claim is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or abandonment of a claim, the claim and supporting documents and reports are private data on individuals as defined in section 13.02, subdivision 12; provided that the board may forward any ~~reparations~~ reimbursement claim forms, supporting documents, and reports to local law enforcement authorities for purposes of implementing section 611A.67.

Sec. 66. Minnesota Statutes 2022, section 611A.60, is amended to read:

611A.60 ~~REPARATIONS~~ REIMBURSEMENT; HOW PAID.

~~Reparations~~ Reimbursement may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award shall be deducted from the final award, if a lump sum, or prorated over a period of time if the final award is made in installments. ~~Reparations are~~ Reimbursement is exempt from execution or attachment except by persons who have supplied services, products or accommodations to the victim as a result of the injury or death which is the basis of the claim. The board, in its discretion may order that all or part of the ~~reparations~~ reimbursement awarded be paid directly to these suppliers.

Sec. 67. Minnesota Statutes 2022, section 611A.61, is amended to read:

611A.61 SUBROGATION.

Subdivision 1. **Subrogation rights of state.** The state shall be subrogated, to the extent of ~~reparations~~ reimbursement awarded, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is or, if readily available to the victim or claimant would be, a collateral source. Nothing in this section shall limit the claimant's right to bring a cause of action to recover for other damages.

Subd. 2. **Duty of claimant to assist.** A claimant who receives ~~reparations~~ reimbursement must agree to assist the state in pursuing any subrogation rights arising out of the claim. The board may require a claimant to agree to represent the state's subrogation interests if the claimant brings a cause of action for damages arising out of the crime or occurrence for which the board has awarded ~~reparations~~ reimbursement. An attorney who represents the state's subrogation interests pursuant to the client's agreement with the board is entitled to reasonable attorney's fees not to exceed one-third of the amount recovered on behalf of the state.

Sec. 68. Minnesota Statutes 2022, section 611A.612, is amended to read:

611A.612 CRIME VICTIMS ACCOUNT.

A crime victim account is established as a special account in the state treasury. Amounts collected by the state under section 611A.61, paid to the Crime Victims ~~Reparations~~ Reimbursement Board under section 611A.04, subdivision 1a, or amounts deposited by the court under section 611A.04, subdivision 5, shall be credited to this account. Money credited to this account is annually appropriated to the Department of Public Safety for use for crime victim ~~reparations~~ reimbursement under sections 611A.51 to 611A.67.

Sec. 69. Minnesota Statutes 2022, section 611A.66, is amended to read:

611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM.

All law enforcement agencies investigating crimes shall provide victims with notice of their right to apply for ~~reparations~~ reimbursement with the telephone number ~~to call to request~~ and website information to obtain an application form.

Law enforcement agencies shall assist the board in performing its duties under sections 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request from the board shall supply the board with requested reports, notwithstanding any provisions to the contrary in chapter 13, and including reports otherwise maintained as confidential or not open to inspection under section 260B.171 or 260C.171. All data released to the board retains the data classification that it had in the possession of the law enforcement agency.

Sec. 70. Minnesota Statutes 2022, section 611A.68, subdivision 2a, is amended to read:

Subd. 2a. **Notice and payment of proceeds to board required.** A person that enters into a contract with an offender convicted in this state, and a person that enters into a contract in this state with an offender convicted in this state or elsewhere within the United States, must comply with this section if the person enters into the contract during the ten years after the offender is convicted of a crime or found not guilty by reason of insanity. If an offender is imprisoned or committed to an institution following the conviction or finding of not guilty by reason of insanity, the ten-year period begins on the date of the offender's release. A person subject to this section must notify the Crime Victims ~~Reparations~~ Reimbursement Board of the existence of the contract immediately upon its formation, and pay over to the board money owed to the offender or the offender's representatives by virtue of the contract according to the following proportions:

(1) if the crime occurred in this state, the person shall pay to the board 100 percent of the money owed under the contract;

(2) if the crime occurred in another jurisdiction having a law applicable to the contract which is substantially similar to this section, this section does not apply, and the person must not pay to the board any of the money owed under the contract; and

(3) in all other cases, the person shall pay to the board that percentage of money owed under the contract which can fairly be attributed to commerce in this state with respect to the subject matter of the contract.

Sec. 71. Minnesota Statutes 2022, section 611A.68, subdivision 4, is amended to read:

Subd. 4. **Deductions.** When the board has made ~~reparations~~ reimbursement payments to or on behalf of a victim of the offender's crime pursuant to sections 611A.51 to 611A.68, it shall deduct the amount of the ~~reparations~~ reimbursement award from any payment received under this section by virtue of the offender's contract unless the board has already been reimbursed for the ~~reparations~~ award from another collateral source.

Sec. 72. Minnesota Statutes 2022, section 611A.68, subdivision 4b, is amended to read:

Subd. 4b. **Claims by victims of offender's crime.** A victim of a crime committed by the offender and the estate of a deceased victim of a crime committed by the offender may submit the following claims for ~~reparations~~ reimbursement and damages to the board to be paid from money received by virtue of the offender's contract:

(1) claims for ~~reparations~~ reimbursement to which the victim is entitled under sections 611A.51 to 611A.68 and for which the victim has not yet received an award from the board;

(2) claims for ~~reparations~~ reimbursement to which the victim would have been entitled under sections 611A.51 to 611A.68, but for the $50,000 maximum limit contained in section 611A.54, clause (3); and

(3) claims for other uncompensated damages suffered by the victim as a result of the offender's crime including, but not limited to, damages for pain and suffering.

The victim must file the claim within five years of the date on which the board received payment under this section. The board shall determine the victim's claim in accordance with the procedures contained in sections 611A.57 to 611A.63. An award made by the board under this subdivision must be paid from the money received by virtue of the offender's contract that remains after a deduction or allocation, if any, has been made under subdivision 4 or 4a.

Sec. 73. Minnesota Statutes 2022, section 611A.68, subdivision 4c, is amended to read:

Subd. 4c. **Claims by other crime victims.** The board may use money received by virtue of an offender's contract for the purpose of paying ~~reparations~~ reimbursement awarded to victims of other crimes pursuant to sections 611A.51 to 611A.68 under the following circumstances:

(1) money remain after deductions and allocations have been made under subdivisions 4 and 4a, and claims have been paid under subdivision 4b; or

(2) no claim is filed under subdivision 4b within five years of the date on which the board received payment under this section.

None of this money may be used for purposes other than ~~the payment of reparations~~ reimbursement.

Sec. 74. Minnesota Statutes 2022, section 629.341, subdivision 3, is amended to read:

Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

(1) an order restraining the abuser from further acts of abuse;

(2) an order directing the abuser to leave your household;

(3) an order preventing the abuser from entering your residence, school, business, or place of employment;

(4) an order awarding you or the other parent custody of or parenting time with your minor child or children; or

(5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice must include the resource listing, including telephone number, for the area ~~battered women's~~ program that provides services to victims of domestic abuse as shelter,

~~to be~~ designated by the Office of Justice Programs in the Department of ~~Corrections~~ Public Safety.

Sec. 75. Minnesota Statutes 2022, section 629.341, subdivision 4, is amended to read:

Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident. The report must contain at least the following information: the name, address and telephone number of the victim, if provided by the victim, a statement as to whether an arrest occurred, the name of the arrested person, and a brief summary of the incident. Data that identify a victim who has made a request under section 13.82, subdivision 17, paragraph (d), and that are private data under that subdivision, shall be private in the report required by this section. A copy of this report must be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney, or organizations designated by the Office of Justice Programs in the Department of Public Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic abuse. The officer shall submit the report to the officer's supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made.

Sec. 76. Minnesota Statutes 2022, section 629.72, subdivision 6, is amended to read:

Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

(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 person and the victim's right to be present at the court appearance; and

(4) if the arrested person is charged with domestic abuse, the location and telephone number of the area ~~battered women's shelter~~ program that provides services to victims of

domestic abuse as designated by the Office of Justice Programs in the Department of Public Safety.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

(c) Data on the victim and the notice provided by the custodial authority are private data on individuals as defined in section 13.02, subdivision 12, and are accessible only to the victim.

Sec. 77. **RULES; SOFT BODY ARMOR REIMBURSEMENT.**

The commissioner of public safety shall amend rules adopted under Minnesota Statutes, section 299A.38, subdivision 4, to reflect the soft body armor reimbursement for public safety officers under that section.

Sec. 78. **INITIAL APPOINTMENT AND FIRST MEETING FOR THE GAAGIGE-MIKWENDAAGOZIWAG REWARD ADVISORY GROUP.**

The director of the Office for Missing and Murdered Indigenous Relatives must appoint the first members to the Gaagige-Mikwendaagoziwag reward advisory group under Minnesota Statutes, section 299A.86, subdivision 4, by August 15, 2023, and must convene the first meeting of the group by October 1, 2023. The group must elect a chair at its first meeting.

Sec. 79. **REVISOR INSTRUCTION.**

(a) In Minnesota Statutes, the revisor of statutes shall change "reparations," "reparable," or the same or similar terms to "reimbursement," "reimbursable," or the same or similar terms consistent with this act. The revisor shall also make other technical changes resulting from the change of term to the statutory language, sentence structure, or both, if necessary to preserve the meaning of the text.

(b) The revisor of statutes shall make necessary changes to statutory cross-references to reflect the changes made to Minnesota Statutes, section 299A.38, in this act.

(c) The revisor of statutes shall make necessary changes to language, grammar, and sentence structure in Minnesota Statutes sections 629.06, 629.13, and 629.14 to give effect to Laws 2023, chapters 29, sections 8, 9, and 10; and 31, sections 12, 13, and 14.

Sec. 80. **REPEALER.**

Minnesota Statutes 2022, sections 299C.80, subdivision 7; and 518B.02, subdivision 3, are repealed.

ARTICLE 6
SENTENCING

Section 1. Minnesota Statutes 2022, section 244.09, subdivision 2, is amended to read:

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

(1) the chief justice of the supreme court or a designee;

(2) one judge of the court of appeals, appointed by the chief ~~justice of the supreme court~~ judge of the appellate court;

(3) one district court judge appointed by the ~~chief justice of the supreme court~~ Judicial Council upon recommendation of the Minnesota District Judges Association;

(4) one public defender appointed by the governor upon recommendation of the state public defender;

(5) one county attorney appointed by the governor upon recommendation of the board of directors of the Minnesota County Attorneys Association;

(6) the commissioner of corrections or a designee;

(7) one peace officer as defined in section 626.84 appointed by the governor;

(8) one probation officer or ~~parole~~ supervised release officer appointed by the governor; ~~and~~

(9) one person who works for an organization that provides treatment or rehabilitative services for individuals convicted of felony offenses appointed by the governor;

(10) one person who is an academic with a background in criminal justice or corrections appointed by the governor; and

(11) three public members appointed by the governor, one of whom shall be a person who has been the victim of a crime defined as a felony or a victims' advocate, and one of whom shall be a person who has been formerly convicted of and discharged from a felony-level sentence.

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

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

Sec. 2. Minnesota Statutes 2022, section 244.09, subdivision 3, is amended to read:

Subd. 3. **Appointment terms.** (a) Except as provided in paragraph (b), each appointed member shall be appointed for four years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(b) The term of any member appointed or reappointed by the governor before the first Monday in January ~~1991~~ 2027 expires on that date. ~~The term of any member appointed or reappointed by the governor after the first Monday in January 1991 is coterminous with the governor.~~ The terms of members appointed or reappointed by the governor to fill the vacancies that occur on the first Monday in January 2027 shall be staggered so that five members shall be appointed for initial terms of four years and four members shall be appointed for initial terms of two years.

(c) The members of the commission shall elect any additional officers necessary for the efficient discharge of their duties.

Sec. 3. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to read:

Subd. 15. **Report on sentencing adjustments.** The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of sentence adjustments issued under section 609.133. At a minimum, the summary and analysis must include information on the counties where a sentencing adjustment was granted and on the race, sex, and age of individuals who received a sentence adjustment.

Sec. 4. Minnesota Statutes 2022, section 609.02, subdivision 2, is amended to read:

Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for ~~more than~~ one year or more may be imposed.

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

Sec. 5. Minnesota Statutes 2022, section 609.03, is amended to read:

609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.

If a person is convicted of a crime for which no punishment is otherwise provided the person may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~ 364 days or to payment of a fine of not more than $3,000, or both; or

(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than $1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders receiving a gross misdemeanor sentence on or after that date and retroactively to offenders who received a gross misdemeanor sentence before that date.

Sec. 6. **[609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.**

(a) Any law of this state that provides for a maximum sentence of imprisonment of one year or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine of $3,000 and a maximum sentence of imprisonment of 364 days.

(b) Any sentence of imprisonment for one year or 365 days imposed or executed before July 1, 2023, shall be deemed to be a sentence of imprisonment for 364 days. A court may at any time correct or reduce such a sentence pursuant to rule 27.03, subdivision 9, of the Rules of Criminal Procedure and shall issue a corrected sentencing order upon motion of any eligible defendant.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders receiving a gross misdemeanor sentence on or after that date and retroactively to offenders who received a gross misdemeanor sentence before that date.

Sec. 7. Minnesota Statutes 2022, section 609.105, subdivision 1, is amended to read:

Subdivision 1. **Sentence to ~~more than~~ one year or more.** A felony sentence to imprisonment for ~~more than~~ one year or more shall commit the defendant to the custody of the commissioner of corrections.

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

Sec. 8. Minnesota Statutes 2022, section 609.105, subdivision 3, is amended to read:

Subd. 3. **Sentence to less than one year ~~or less~~.** A sentence to imprisonment for a period of less than one year ~~or any lesser period~~ shall be to a workhouse, work farm, county jail, or other place authorized by law.

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

Sec. 9. Minnesota Statutes 2022, section 609.1055, is amended to read:

609.1055 OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS; ALTERNATIVE PLACEMENT.

When a court intends to commit an offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the commissioner of corrections for imprisonment at a state correctional facility, either when initially pronouncing a sentence or when revoking an offender's probation, the court, when consistent with public safety, may instead place the offender on probation or continue the offender's probation and require as a condition of the probation that the offender successfully complete an appropriate supervised alternative living program having a mental health treatment component. This section applies only to offenders who would have a remaining term of imprisonment after adjusting for credit for prior imprisonment, if any, of ~~more than~~ one year or more.

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

Sec. 10. **[609.133] SENTENCE ADJUSTMENT.**

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

(1) "prosecutor" means the attorney general, county attorney, or city attorney responsible for the prosecution of individuals charged with a crime; and

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

Subd. 2. **Prosecutor-initiated sentence adjustment.** The prosecutor responsible for the prosecution of an individual convicted of a crime may commence a proceeding to adjust the sentence of that individual at any time after the initial sentencing provided the prosecutor does not seek to increase the period of confinement or, if the individual is serving a stayed sentence, increase the period of supervision.

Subd. 3. **Review by prosecutor.** (a) A prosecutor may review individual cases at the prosecutor's discretion.

(b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and good faith effort to seek input from any identifiable victim and shall consider the impact an adjusted sentence would have on the victim.

(c) The commissioner of corrections, a supervising agent, or an offender may request that a prosecutor review an individual case. A prosecutor is not required to respond to a request. Inaction by a prosecutor shall not be considered by any court as grounds for an offender, a supervising agent, or the commissioner of corrections to petition for a sentence adjustment under this section or for a court to adjust a sentence without a petition.

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

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

(2) the individual's date of birth;

(3) the individual's address;

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

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

(i) the date and jurisdiction of the occurrence;

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

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

(iv) the court file number; and

(v) the date of conviction;

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

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

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

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

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

Subd. 5. **Service of petition.** (a) The prosecutor shall serve the petition for sentence adjustment on the individual on whose behalf the petition is being brought.

(b) The prosecutor shall make a good faith and reasonable effort to notify any person determined to be a victim of the offense for which adjustment is sought of the existence of a petition. Notification under this paragraph does not constitute a violation of an existing order for protection, restraining order, or other no contact order.

(c) Notice to victims of the offense under this subdivision must:

(1) specifically inform the victim of the right to object, orally or in writing, to the proposed adjustment of sentence; and

(2) inform the victims of the right to be present and to submit an oral or written statement at the hearing described in subdivision 6.

(d) If a victim notifies the prosecutor of an objection to the proposed adjustment of sentence and is not present when the court considers the sentence adjustment, the prosecutor shall make these objections known to the court.

Subd. 6. **Hearing.** (a) The court shall hold a hearing on the petition no sooner than 60 days after service of the petition. The hearing shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issue of sentence adjustment. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The individual on whose behalf the petition has been brought must be present at the hearing, unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

(b) A victim of the offense for which sentence adjustment is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether adjustment should be granted or denied. The judge shall consider the victim's statement when making a decision.

(c) Representatives of the Department of Corrections, supervising agents, community treatment providers, and any other individual with relevant information may submit an oral or written statement to the court at the time of the hearing.

Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are substantial and compelling reasons to adjust the individual's sentence. In making this determination, the court shall consider what impact, if any, a sentence adjustment would have on public safety, including whether an adjustment would promote the rehabilitation of the individual, properly reflect the severity of the underlying offense, or reduce sentencing disparities. In making this determination, the court may consider factors relating to both the offender and the offense, including but not limited to:

(1) the presentence investigation report used at sentencing, if available;

(2) the individual's performance on probation or supervision;

(3) the individual's disciplinary record during any period of incarceration;

(4) records of any rehabilitation efforts made by the individual since the date of offense and any plan to continue those efforts in the community;

(5) evidence that remorse, age, diminished physical condition, or any other factor has significantly reduced the likelihood that the individual will commit a future offense;

(6) the amount of time the individual has served in custody or under supervision; and

(7) significant changes in law or sentencing practice since the date of offense.

(b) Notwithstanding any law to the contrary, if the court determines by a preponderance of the evidence that there are substantial and compelling reasons to adjust the individual's sentence, the court may modify the sentence in any way provided the adjustment does not:

(1) increase the period of confinement or, if the individual is serving a stayed sentence, increase the period of supervision;

(2) reduce or eliminate the amount of court-ordered restitution; or

(3) reduce or eliminate a term of conditional release required by law when a court commits an offender to the custody of the commissioner of corrections.

The court may stay imposition or execution of sentence pursuant to section 609.135.

(c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter a judgment of conviction for a different offense, or impose sentence for any other offense.

(d) The court shall state in writing or on the record the reasons for its decision on the petition. If the court grants a sentence adjustment, the court shall provide the information in section 244.09, subdivision 15, to the Sentencing Guidelines Commission.

Subd. 8. **Appeals.** An order issued under this section shall not be considered a final judgment, but shall be treated as an order imposing or staying a sentence.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 11. Minnesota Statutes 2022, section 609.135, subdivision 1a, is amended to read:

Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(g)~~ (h), before the defendant's term of probation expires.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104 when a defendant fails to pay court-ordered restitution.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 12. Minnesota Statutes 2022, section 609.135, subdivision 1c, is amended to read:

Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant to undergo treatment as a condition of probation and if the defendant fails to successfully complete treatment at least 60 days before the term of probation expires, the prosecutor or the defendant's probation officer may ask the court to hold a hearing to determine whether the conditions of probation should be changed or probation should be revoked. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 13. Minnesota Statutes 2022, section 609.135, subdivision 2, is amended to read:

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

(b) If the conviction is for a felony described in section 609.19; 609.195; 609.20; 609.2112; 609.2113, subdivision 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3458; or 609.749, the stay shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

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

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

~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide

for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

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

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

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

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

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

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

~~(h)~~ (i) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to ~~(f)~~ (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, 2023, and applies to sentences announced on or after that date.

Sec. 14. **PROBATION LIMITS; RETROACTIVE APPLICATION.**

(a) Any person placed on probation before August 1, 2023, is eligible for resentencing if:

(1) the person was placed on probation for a gross misdemeanor or felony violation;

(2) the court placed the person on probation for a length of time for a felony violation that exceeded five years or for a gross misdemeanor violation that exceeded four years;

(3) under Minnesota Statutes, section 609.135, subdivision 2, the maximum length of probation the court could have ordered the person to serve on or after August 1, 2023, is less than the period imposed; and

(4) the sentence of imprisonment has not been executed.

(b) Eligibility for resentencing within the maximum length of probation the court could have ordered the person to serve on or after August 1, 2023, applies to each period of probation ordered by the court. Upon resentencing, periods of probation must be served consecutively if a court previously imposed consecutive periods of probation on the person. The court may not increase a previously ordered period of probation under this section or order that periods of probation be served consecutively unless the court previously imposed consecutive periods of probation.

(c) Resentencing may take place without a hearing.

(d) The term of the stay of probation for any person who is eligible for resentencing under paragraph (a) and who has served five or more years of probation for a felony violation or four or more years of probation for a gross misdemeanor violation as of August 1, 2023, shall be considered to have expired on October 1, 2023, unless:

(1) the term of the stay of probation would have expired before that date under the original sentence; or

(2) the length of probation is extended pursuant to Minnesota Statutes, section 609.135, subdivision 2, paragraph (h) or (i).

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to sentences announced before that date.

Sec. 15. **SENTENCING GUIDELINES COMMISSION; MODIFICATION.**

The Sentencing Guidelines Commission shall modify the Sentencing Guidelines to be consistent with changes to Minnesota Statutes, section 609.135, subdivision 2, governing the maximum length of probation a court may order.

Sec. 16. **REVISOR INSTRUCTION.**

In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year" consistent with the change in this act. The revisor shall also make other technical changes resulting from the change of term to the statutory language if necessary to preserve the meaning of the text.

ARTICLE 7
EXPUNGEMENT

Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing of data contained in a petition for expungement of a criminal record are included in section 609A.03.

(b) Provisions regarding the classification and sharing of data related to automatic expungements are included in sections 299C.097 and 609A.015.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting or citing law enforcement agency and direct that agency to seal its records related to the charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding a criminal history record of an employee or former employee may not be introduced as

evidence in a civil action against a private employer or its employees or agents that is based on the conduct of the employee or former employee, if:

(1) the duties of the position of employment did not expose others to a greater degree of risk than that created by the employee or former employee interacting with the public outside of the duties of the position or that might be created by being employed in general;

(2) before the occurrence of the act giving rise to the civil action~~,~~:

(i) a court order sealed any record of the criminal case;

(ii) any record of the criminal case was sealed as the result of an automatic expungement, including but not limited to a grant of expungement made pursuant to section 609A.015; or

(iii) the employee or former employee received a pardon;

(3) the record is of an arrest or charge that did not result in a criminal conviction; or

(4) the action is based solely upon the employer's compliance with section 364.021.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

Subdivision 1. **Background studies conducted by Department of Human Services.** (a) For a background study conducted by the Department of Human Services, the commissioner shall review:

(1) information related to names of substantiated perpetrators of maltreatment of vulnerable adults that has been received by the commissioner as required under section 626.557, subdivision 9c, paragraph (j);

(2) the commissioner's records relating to the maltreatment of minors in licensed programs, and from findings of maltreatment of minors as indicated through the social service information system;

(3) information from juvenile courts as required in subdivision 4 for individuals listed in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension, including information regarding a background study subject's registration in Minnesota as a predatory offender under section 243.166;

(5) except as provided in clause (6), information received as a result of submission of fingerprints for a national criminal history record check, as defined in section 245C.02,

subdivision 13c, when the commissioner has reasonable cause for a national criminal history record check as defined under section 245C.02, subdivision 15a, or as required under section 144.057, subdivision 1, clause (2);

(6) for a background study related to a child foster family setting application for licensure, foster residence settings, children's residential facilities, a transfer of permanent legal and physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a background study required for family child care, certified license-exempt child care, child care centers, and legal nonlicensed child care authorized under chapter 119B, the commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which the background study subject has resided for the past five years;

(ii) when the background study subject is 18 years of age or older, or a minor under section 245C.05, subdivision 5a, paragraph (c), information received following submission of fingerprints for a national criminal history record check; and

(iii) when the background study subject is 18 years of age or older or a minor under section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified license-exempt child care, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, information obtained using non-fingerprint-based data including information from the criminal and sex offender registries for any state in which the background study subject resided for the past five years and information from the national crime information database and the national sex offender registry; and

(7) for a background study required for family child care, certified license-exempt child care centers, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, the background study shall also include, to the extent practicable, a name and date-of-birth search of the National Sex Offender Public website.

(b) Notwithstanding expungement by a court, the commissioner may consider information obtained under paragraph (a), clauses (3) and (4), unless:

(1) the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner; or

(2) the commissioner received notice of the expungement order issued pursuant to section 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically to the commissioner.

(c) The commissioner shall also review criminal case information received according to section 245C.04, subdivision 4a, from the Minnesota court information system that relates to individuals who have already been studied under this chapter and who remain affiliated with the agency that initiated the background study.

(d) When the commissioner has reasonable cause to believe that the identity of a background study subject is uncertain, the commissioner may require the subject to provide a set of classifiable fingerprints for purposes of completing a fingerprint-based record check with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph shall not be saved by the commissioner after they have been used to verify the identity of the background study subject against the particular criminal record in question.

(e) The commissioner may inform the entity that initiated a background study under NETStudy 2.0 of the status of processing of the subject's fingerprints.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 5. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

Subd. 2. **Background studies conducted by a county agency for family child care.** (a) Before the implementation of NETStudy 2.0, for a background study conducted by a county agency for family child care services, the commissioner shall review:

(1) information from the county agency's record of substantiated maltreatment of adults and the maltreatment of minors;

(2) information from juvenile courts as required in subdivision 4 for:

(i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13 through 23 living in the household where the licensed services will be provided; and

(ii) any other individual listed under section 245C.03, subdivision 1, when there is reasonable cause; and

(3) information from the Bureau of Criminal Apprehension.

(b) If the individual has resided in the county for less than five years, the study shall include the records specified under paragraph (a) for the previous county or counties of residence for the past five years.

(c) Notwithstanding expungement by a court, the county agency may consider information obtained under paragraph (a), clause (3), unless:

(1) the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner; or

(2) the commissioner received notice of the expungement order issued pursuant to section 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically to the commissioner.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 6. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE FOR EXPUNGEMENT.**

(a) The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to petty misdemeanor and misdemeanor offenses that may become eligible for expungement pursuant to section 609A.015 and which do not require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in the criminal history system.

(b) These data are private data on individuals under section 13.02, subdivision 12.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 7. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken immediately ~~finger~~ fingerprints and ~~thumb prints~~ thumbprints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) adults and juveniles admitted to jails or detention facilities;

(4) persons reasonably believed by the arresting officer to be fugitives from justice;

(5) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,

or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes;

(6) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense; and

(7) persons currently involved in the criminal justice process, on probation, on parole, or in custody for any offense whom the superintendent of the bureau identifies as being the subject of a court disposition record which cannot be linked to an arrest record, and whose fingerprints are necessary to reduce the number of suspense files, or to comply with the mandates of section 299C.111, relating to the reduction of the number of suspense files. This duty to obtain fingerprints for the offenses in suspense at the request of the bureau shall include the requirement that fingerprints be taken in post-arrest interviews, while making court appearances, while in custody, or while on any form of probation, diversion, or supervised release.

(b) Unless the superintendent of the bureau requires a shorter period, within 24 hours of taking the fingerprints and data, the fingerprint records and other identification data specified under paragraph (a) must be electronically entered into a bureau-managed searchable database in a manner as may be prescribed by the superintendent.

(c) Prosecutors, courts, and probation officers and their agents, employees, and subordinates shall attempt to ensure that the required identification data is taken on a person described in paragraph (a). Law enforcement may take fingerprints of an individual who is presently on probation.

(d) ~~Finger~~ Fingerprints and ~~thumb prints~~ thumbprints must be obtained no later than:

(1) release from booking; or

(2) if not booked prior to acceptance of a plea of guilty or not guilty.

Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger and thumb prints have not been successfully received by the bureau, an individual may, upon order of the court, be taken into custody for no more than eight hours so that the taking of prints can be completed. Upon notice and motion of the prosecuting attorney, this time period may be extended upon a showing that additional time in custody is essential for the successful taking of prints.

(e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224

(fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to violations that occur on or after that date.

Sec. 8. Minnesota Statutes 2022, section 299C.11, subdivision 1, is amended to read:

Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police shall furnish the bureau, upon such form as the superintendent shall prescribe, with such ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data as may be requested or required by the superintendent of the bureau, which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs of police shall furnish this identification data to the bureau for individuals found to have been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten years immediately preceding their arrest. When the bureau learns that an individual who is the subject of a background check has used, or is using, identifying information, including, but not limited to, name and date of birth, other than those listed on the criminal history, the bureau shall convert into an electronic format, if necessary, and enter into a bureau-managed searchable database the new identifying information when supported by fingerprints within three business days of learning the information if the information is not entered by a law enforcement agency.

(b) No petition under chapter 609A is required if the person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

(1) all charges were dismissed prior to a determination of probable cause; or

(2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment.

Where these conditions are met, the bureau or agency shall, upon demand, destroy the arrested person's ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them.

(c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data and all copies and duplicates of them without the demand of any person or the granting of a petition under chapter 609A if:

(1) the sheriff, chief of police, bureau, or other arresting agency determines that the person was arrested or identified as the result of mistaken identity before presenting information to the prosecuting authority for a charging decision; or

(2) the prosecuting authority declines to file any charges or a grand jury does not return an indictment based on a determination that the person was identified or arrested as the result of mistaken identity.

(d) A prosecuting authority that determines a person was arrested or identified as the result of mistaken identity and either declines to file any charges or receives notice that a grand jury did not return an indictment shall notify the bureau and the applicable sheriff, chief of police, or other arresting agency of the determination.

~~(c)~~ (e) Except as otherwise provided in paragraph (b) or (c), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall seal ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them if the arrested person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding such determination.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to determinations that a person was identified as the result of mistaken identity made on or after that date.

Sec. 9. Minnesota Statutes 2022, section 299C.111, is amended to read:

299C.111 SUSPENSE FILE REPORTING.

The superintendent shall immediately notify the appropriate entity or individual when a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received that cannot be linked to an arrest record.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 10. Minnesota Statutes 2022, section 299C.17, is amended to read:

299C.17 REPORT BY COURT ADMINISTRATOR.

The superintendent shall require the court administrator of every court which sentences a defendant for a felony, gross misdemeanor, ~~or targeted~~ misdemeanor, or petty misdemeanor to electronically transmit within 24 hours of the disposition of the case a report, in a form prescribed by the superintendent providing information required by the superintendent with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the court administrator.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 11. Minnesota Statutes 2022, section 609A.01, is amended to read:

609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.

This chapter provides the grounds and procedures for expungement of criminal records under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02, subdivision 3; or other applicable law. The remedy available is limited to a court order or grant of expungement under section 609A.015 sealing the records and prohibiting the disclosure of their existence or their opening except under court order or statutory authority. Nothing in this chapter authorizes the destruction of records or their return to the subject of the records.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 12. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

Subdivision 1. **Eligibility; dismissal; exoneration.** (a) A person who is the subject of a criminal record or delinquency record is eligible for a grant of expungement relief without the filing of a petition:

(1) if the person was arrested and all charges were dismissed after a case was filed unless dismissal was based on a finding that the defendant was incompetent to proceed;

(2) upon the dismissal and discharge of proceedings against a person under section 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled substance; or

(3) if all pending actions or proceedings were resolved in favor of the person.

(b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution in favor of the person. For purposes of this chapter, an action or proceeding is resolved in favor of the person if the petitioner received an order under section 590.11 determining that the person is eligible for compensation based on exoneration.

Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant of expungement relief if the person has successfully completed the terms of a diversion program or stay of adjudication for a qualifying offense that is not a felony and has not been petitioned or charged with a new offense, other than an offense that would be a petty misdemeanor, in Minnesota:

(1) for one year immediately following completion of the diversion program or stay of adjudication; or

(2) for one year immediately preceding a subsequent review performed pursuant to subdivision 5, paragraph (a).

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

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

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

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

(2) any misdemeanor offense other than:

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

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

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

(iv) section 609.2242 (domestic assault);

(v) section 609.748 (violation of a harassment restraining order);

(vi) section 609.78 (interference with emergency call);

(vii) section 609.79 (obscene or harassing phone calls);

(viii) section 617.23 (indecent exposure);

(ix) section 609.746 (interference with privacy); or

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

(3) any gross misdemeanor offense other than:

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

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

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

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

(v) section 609.2231 (assault in the fourth degree);

(vi) section 609.224 (assault in the fifth degree);

(vii) section 609.2242 (domestic assault);

(viii) section 609.233 (criminal neglect);

(ix) section 609.3451 (criminal sexual conduct in the fifth degree);

(x) section 609.377 (malicious punishment of child);

(xi) section 609.485 (escape from custody);

(xii) section 609.498 (tampering with witness);

(xiii) section 609.582, subdivision 4 (burglary in the fourth degree);

(xiv) section 609.746 (interference with privacy);

(xv) section 609.748 (violation of a harassment restraining order);

(xvi) section 609.749 (harassment; stalking);

(xvii) section 609.78 (interference with emergency call);

(xviii) section 617.23 (indecent exposure);

(xix) section 617.261 (nonconsensual dissemination of private sexual images); or

(xx) section 629.75 (violation of domestic abuse no contact order); or

(4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other than:

(i) section 152.023, subdivision 2 (possession of a controlled substance in the third degree);

(ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);

(iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil commitment for mental illness); or

(iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent violation or minor victim).

(c) As used in this subdivision, "applicable waiting period" means:

(1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

(2) if the offense was a misdemeanor, two years since discharge of the sentence for the crime;

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

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

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

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

Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an automatic expungement under this section of that eligibility at any hearing where the court dismisses and discharges proceedings against a person under section 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled substance; concludes that all pending actions or proceedings were resolved in favor of the

person; grants a person's placement into a diversion program; or sentences a person or otherwise imposes a consequence for a qualifying offense.

(b) To the extent possible, prosecutors, defense counsel, supervising agents, and coordinators or supervisors of a diversion program shall notify a person who may become eligible for an automatic expungement under this section of that eligibility.

(c) If any party gives notification under this subdivision, the notification shall inform the person that:

(1) a record expunged under this section may be opened for purposes of a background study by the Department of Human Services under section 245C.08 and for purposes of a background check by the Professional Educator Licensing and Standards Board as required under section 122A.18, subdivision 8; and

(2) the person can file a petition to expunge the record and request that the petition be directed to the commissioner of human services and the Professional Educator Licensing and Standards Board.

Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1, 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of eligibility within 30 days of the end of the applicable waiting period. If a record is not eligible for a grant of expungement at the time of the initial determination, the Bureau of Criminal Apprehension shall make subsequent eligibility determinations annually until the record is eligible for a grant of expungement.

(b) In making the determination under paragraph (a), the Bureau of Criminal Apprehension shall identify individuals who are the subject of relevant records through the use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall identify individuals through the use of the person's name and date of birth. Records containing the same name and date of birth shall be presumed to refer to the same individual unless other evidence establishes, by a preponderance of the evidence, that they do not refer to the same individual. The Bureau of Criminal Apprehension is not required to review any other evidence in making a determination.

(c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying persons and seal its own records without requiring an application, petition, or motion. Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to

paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional information establishes that the records are not eligible for expungement.

(d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension and subject to a grant of expungement relief shall display a notation stating "expungement relief granted pursuant to section 609A.015."

(e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases for which expungement relief was granted pursuant to this section. Notification may be through electronic means and may be made in real time or in the form of a monthly report. Upon receipt of notice, the judicial branch shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and shall issue any order deemed necessary to achieve this purpose.

(f) The Bureau of Criminal Apprehension shall inform each law enforcement agency that its records may be affected by a grant of expungement relief. Notification may be through electronic means. Each notified law enforcement agency that receives a request to produce records shall first determine if the records were subject to a grant of expungement under this section. The law enforcement agency must not disclose records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and must maintain the data consistent with the classification in paragraph (g). This paragraph does not apply to requests from a criminal justice agency as defined in section 609A.03, subdivision 7a, paragraph (f).

(g) Data on the person whose offense has been expunged under this subdivision, including any notice sent pursuant to paragraph (f), are private data on individuals as defined in section 13.02, subdivision 12.

(h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic expungement under this section in the manner provided in section 611A.03, subdivisions 1 and 2.

(i) In any subsequent prosecution of a person granted expungement relief, the expunged criminal record may be pleaded and has the same effect as if the relief had not been granted.

(j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a system to provide criminal justice agencies with uniform statewide access to criminal records sealed by expungement.

Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or the decision to exercise or the decision to decline to exercise, the powers granted by this section or for any act or omission occurring within the scope of the performance of their duties under this section.

EFFECTIVE DATE. This section is effective January 1, 2025, and applies to offenses that meet the eligibility criteria on or after that date and retroactively to offenses that met those qualifications before January 1, 2025, and are stored in the Bureau of Criminal Apprehension's criminal history system as of January 1, 2025.

Sec. 13. **[609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

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

(b) "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by a court.

(c) "Mistaken identity" means a person was incorrectly identified as being a different person:

(1) because the person's identity had been transferred, used, or possessed in violation of section 609.527; or

(2) as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime.

Subd. 2. **Determination by prosecutor; notification.** If, before a conviction, a prosecutor determines that a defendant was issued a citation, charged, indicted, or otherwise prosecuted as the result of mistaken identity, the prosecutor must dismiss or move to dismiss the action or proceeding and must state in writing or on the record that mistaken identity is the reason for the dismissal.

Subd. 3. **Order of expungement.** (a) The court shall issue an order of expungement without the filing of a petition when an action or proceeding is dismissed based on a determination that a defendant was issued a citation, charged, indicted, or otherwise prosecuted as the result of mistaken identity. The order shall cite this section as the basis for the order.

(b) An order issued under this section is not subject to the considerations or standards identified in section 609A.025 or 609A.03, subdivision 5, paragraph (a), (b), or (c).

Subd. 4. **Effect of order.** (a) An order issued under this section is not subject to the limitations in section 609A.03, subdivision 7a or 9. The effect of the court order to seal the record of the proceedings shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest, indictment, or information. The person shall not be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment, information, or trial in response to any inquiry made for any purpose.

(b) A criminal justice agency may seek access to a record that was sealed under this section for purposes of determining whether the subject of the order was identified in any other action or proceeding as the result of mistaken identity or for a criminal investigation, prosecution, or sentencing involving any other person. The requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information.

(c) The court administrator must distribute and confirm receipt of an order issued under this section pursuant to section 609A.03, subdivision 8.

(d) Data on the person whose offense has been expunged contained in a letter or other notification sent under this subdivision are private data on individuals as defined in section 13.02.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to determinations that a person was identified as the result of mistaken identity on or after that date.

Sec. 14. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

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

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

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

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

(4) the petitioner was convicted of ~~or received a stayed sentence for~~ 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 ~~four~~ three years since discharge of the sentence for the crime; ~~or~~

(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 five years since discharge of the sentence for the crime; or

~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation of an offense listed in paragraph (b), and has not been convicted of a new crime for at least ~~five~~ four years since discharge of the sentence for the crime.

(b) Paragraph (a), clause ~~(5)~~ (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);

(7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

(8) section 256.984 (false declaration in assistance application);

(9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

(10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

(11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

(12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices and solicitations);

(13) section 346.155, subdivision 10 (failure to control regulated animal);

(14) section 349.2127; or 349.22 (gambling regulations);

(15) section 588.20 (contempt);

(16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);

(17) section 609.31 (leaving state to evade establishment of paternity);

(18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil commitment for mental illness);

(19) section 609.49 (failure to appear in court);

(20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52, subdivision 3, clause (3)(a) (theft of $5,000 or less)~~, or other theft offense that is sentenced under this provision;~~ or 609.52, subdivision 3a, clause (1) (theft of $1,000 or less with risk of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3, clause (3)(a);

(21) section 609.521 (possession of shoplifting gear);

~~(21)~~ (22) section 609.525 (bringing stolen goods into state);

~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);

~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or 609.529 (mail theft);

~~(24)~~ (25) section 609.53 (receiving stolen goods);

~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over $500);

~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds $2,500 or less);

~~(27)~~ (28) section 609.551 (rustling and livestock theft);

~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);

~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

(31) section 609.582, subdivision 3 (burglary in the third degree);

(32) section 609.59 (possession of burglary or theft tools);

~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph (a) (criminal damage to property);

~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);

~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4, clause (3)(a) (check forgery $2,500 or less); 609.635 (obtaining signature by false pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);

~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision 4, paragraph (a) (lottery fraud);

~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);

~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or 609.66, subdivision 1b (furnishing firearm to minor);

~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);

~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);

~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy; subsequent violation or minor victim);

~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);

~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);

~~(41)~~ (44) section 609.822 (residential mortgage fraud);

~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);

~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit operator);

~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);

~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services fraud);

~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual property);

~~(48)~~ (51) section 609.896 (movie pirating);

~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2 (transfer of pistol to ineligible person); or

~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).

EFFECTIVE DATE. This section is effective July 1, 2023, and applies to all offenses that meet the eligibility criteria on or after that date, except the amendment to clause (41) relating to interference with privacy is effective August 1, 2023.

Sec. 15. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph (b), expungement of a criminal record under this section is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

(1) sealing the record; and

(2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) In making a determination under this subdivision, the court shall consider:

(1) the nature and severity of the underlying crime, the record of which would be sealed;

(2) the risk, if any, the petitioner poses to individuals or society;

(3) the length of time since the crime occurred;

(4) the steps taken by the petitioner toward rehabilitation following the crime;

(5) aggravating or mitigating factors relating to the underlying crime, including the petitioner's level of participation and context and circumstances of the underlying crime;

(6) the reasons for the expungement, including the petitioner's attempts to obtain employment, housing, or other necessities;

(7) the petitioner's criminal record;

(8) the petitioner's record of employment and community involvement;

(9) the recommendations of interested law enforcement, prosecutorial, and corrections officials;

(10) the recommendations of victims or whether victims of the underlying crime were minors;

(11) the amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted; and

(12) other factors deemed relevant by the court.

(d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court issues an expungement order it may require that the criminal record be sealed, the existence of the record not be revealed, and the record not be opened except as required under subdivision 7. Records must not be destroyed or returned to the subject of the record.

(e) Information relating to a criminal history record of an employee, former employee, or tenant that has been expunged before the occurrence of the act giving rise to the civil action may not be introduced as evidence in a civil action against a private employer or landlord or its employees or agents that is based on the conduct of the employee, former employee, or tenant.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

(3) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order;

(4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services following proper service of a petition, or following proceedings under section 609A.025 or 609A.035 upon service of an order to the commissioner of human services;

(5) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

(6) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court~~.~~;

(7) a prosecutor may request, and the district court shall provide, certified records of conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02, 609A.025, and 609A.035, and the certified records of conviction may be disclosed and

introduced in criminal court proceedings as provided by the rules of court and applicable law; and

(8) the subject of an expunged record may request, and the court shall provide, certified or uncertified records of conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02, 609A.025, and 609A.035.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services or the Professional Educator Licensing and Standards Board of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services or the Professional Educator Licensing and Standards Board under paragraph (b), clause (4) or (5).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.

(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

(f) For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

(g) This subdivision applies to expungement orders subject to its limitations and effective on or after January 1, 2015, and grants of expungement relief issued on or after January 1, 2025.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall be stayed automatically for 60 days after the order is filed and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or its officials or employees need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 18. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

(a) Notwithstanding section 609A.02, if the Board of Pardons grants a pardon pursuant to section 638.17, it shall file a copy of the pardon extraordinary with the district court of the county in which the conviction occurred.

(b) The district court shall issue an expungement order sealing all records wherever held relating to the arrest, indictment or information, trial, verdict, and pardon for the pardoned offense without the filing of a petition and send an expungement order to each government entity whose records are affected.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 19. **[609A.05] NO DUTY TO DISCOVER; EMPLOYERS AND LANDLORDS.**

A landlord or employer does not have a duty to discover or use a record that has been expunged under this chapter or other law for purposes of making a housing or employment decision.

Sec. 20. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

(1) the contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; ~~and~~

(2) the right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court~~.~~; and

(3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

EFFECTIVE DATE. This section is effective January 1, 2025, and applies to plea agreements entered into on or after that date.

ARTICLE 8
CLEMENCY REFORM

Section 1. Minnesota Statutes 2022, section 13.871, subdivision 8, is amended to read:

Subd. 8. ~~**Board of Pardons**~~ **Clemency Review Commission records.** Access to ~~Board of Pardons~~ records of the Clemency Review Commission is governed by section ~~638.07~~ 638.20.

Sec. 2. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section:

(1) "determination of all pending criminal actions or proceedings in favor of the arrested person" does not include:

(i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or chapter 609A;

(ii) the arrested person's successful completion of a diversion program;

(iii) an order of discharge under section 609.165; or

(iv) a pardon granted under ~~section 638.02~~ chapter 638; ~~and~~

(2) "mistaken identity" means the person was incorrectly identified as being a different person:

(i) because the person's identity had been transferred, used, or possessed in violation of section 609.527; or

(ii) as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime; and

~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

Sec. 3. Minnesota Statutes 2022, section 638.01, is amended to read:

638.01 BOARD OF PARDONS~~; HOW CONSTITUTED; POWERS~~.

The Board of Pardons ~~shall consist~~ consists of the governor, the chief justice of the supreme court, and the attorney general. The ~~board~~ governor in conjunction with the board

may grant ~~pardons and reprieves and commute the sentence of any person convicted of any offense against the laws of the state, in the manner and under the conditions and rules hereinafter prescribed, but not otherwise~~ clemency according to this chapter.

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

Sec. 4. **[638.011] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section have the meanings given.

Subd. 2. **Board.** "Board" means the Board of Pardons under section 638.01.

Subd. 3. **Clemency.** Unless otherwise provided, "clemency" includes a pardon, commutation, and reprieve after conviction for a crime against the state except in cases of impeachment.

Subd. 4. **Commission.** "Commission" means the Clemency Review Commission under section 638.09.

Subd. 5. **Department.** "Department" means the Department of Corrections.

Subd. 6. **Waiver request.** "Waiver request" means a request to waive a time restriction under sections 638.12, subdivisions 2 and 3, and 638.19, subdivision 1.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 5. **[638.09] CLEMENCY REVIEW COMMISSION.**

Subdivision 1. **Establishment; duties.** (a) The Clemency Review Commission is established to:

(1) review each eligible clemency application and waiver request that it receives;

(2) recommend to the board, in writing, whether to grant or deny the application or waiver request, with each member's vote reported;

(3) recommend to the board, in writing, whether the board should conduct a hearing on a clemency application, with each member's vote reported; and

(4) provide victim support services, assistance to applicants, and other assistance as the board requires.

(b) Unless otherwise provided:

(1) the commission's recommendations under this chapter are nonbinding on the governor or the board; and

(2) chapter 15 applies unless otherwise inconsistent with this chapter.

Subd. 2. **Composition.** (a) The commission consists of nine members, each serving a term coterminous with the governor.

(b) The governor, the attorney general, and the chief justice of the supreme court must each appoint three members to serve on the commission and replace members when the members' terms expire. Members serve at the pleasure of their appointing authority.

Subd. 3. **Appointments to commission.** (a) An appointing authority is encouraged to consider the following criteria when appointing a member:

(1) expertise in law, corrections, victims' services, correctional supervision, mental health, and substance abuse treatment; and

(2) experience addressing systemic disparities, including but not limited to disparities based on race, gender, and ability.

(b) An appointing authority must seek out and encourage qualified individuals to apply to serve on the commission, including:

(1) members of Indigenous communities, Black communities, and other communities of color;

(2) members diverse as to gender identity; and

(3) members diverse as to age and ability.

(c) If there is a vacancy, the appointing authority who selected the vacating member must make an interim appointment to expire at the end of the vacating member's term.

(d) A member may continue to serve until the member's successor is appointed, but a member may not serve more than eight years in total.

Subd. 4. **Commission; generally.** (a) The commission must biennially elect one of its members as chair and one as vice-chair. The chair serves as the board's secretary.

(b) Each commission member must be:

(1) compensated at a rate of $150 for each day or part of the day spent on commission activities; and

(2) reimbursed for all reasonable expenses actually paid or incurred by the member while performing official duties.

(c) Beginning January 1, 2025, and annually thereafter, the board may set a new per diem rate for commission members, not to exceed an amount ten percent higher than the previous year's rate.

Subd. 5. **Executive director.** (a) The board must appoint a commission executive director knowledgeable about clemency and criminal justice. The executive director serves at the pleasure of the board in the unclassified service as an executive branch employee.

(b) The executive director's salary is set in accordance with section 15A.0815, subdivision 3.

(c) The executive director may obtain office space and supplies and hire administrative staff necessary to carry out the commission's official functions, including providing administrative support to the board and attending board meetings. Any additional staff serve in the unclassified service at the pleasure of the executive director.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 6. **[638.10] CLEMENCY APPLICATION.**

Subdivision 1. **Required contents.** A clemency application must:

(1) be in writing;

(2) be signed under oath by the applicant; and

(3) state the clemency sought, state why the clemency should be granted, and contain the following information and any additional information that the commission or board requires:

(i) the applicant's name, address, and date and place of birth, and every alias by which the applicant is or has been known;

(ii) the applicant's demographic information, including race, ethnicity, gender, disability status, and age, only if voluntarily reported;

(iii) the applicant's convicted crime for which clemency is requested, the date and county of conviction, the sentence imposed, and the sentence's expiration or discharge date;

(iv) the names of the sentencing judge, the prosecuting attorney, and any victims of the crime;

(v) a brief description of the crime and the applicant's age at the time of the crime;

(vi) the date and outcome of any prior clemency application, including any application submitted before July 1, 2024;

(vii) to the best of the applicant's knowledge, a statement of any past criminal conviction and any pending criminal charge or investigation;

(viii) for an applicant under the department's custody, a statement describing the applicant's reentry plan should clemency be granted; and

(ix) an applicant statement acknowledging and consenting to the disclosure to the commission, board, and public of any private data on the applicant in the application or in any other record relating to the clemency being sought, including conviction and arrest records.

Subd. 2. **Required form.** (a) An application must be made on a commission-approved form or forms and filed with the commission by commission-prescribed deadlines. The commission must consult with the board on the forms and deadlines.

(b) The application must include language informing the applicant that the board and the commission will consider any and all past convictions and that the applicant may provide information about the convictions.

Subd. 3. **Reviewing application for completeness.** The commission must review an application for completeness. An incomplete application must be returned to the applicant, who may then provide the missing information and resubmit the application within a commission-prescribed period.

Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency application, the commission must notify the applicant of the scheduled date, time, and location that the applicant must appear before the commission for a meeting under section 638.14.

Subd. 5. **Equal access to information.** Each board and commission member must have equal access to information under this chapter that is used when making a clemency decision.

Sec. 7. **[638.11] THIRD-PARTY NOTIFICATIONS.**

Subdivision 1. **Notice to victim; victim rights.** (a) After receiving a clemency application, the commission must make all reasonable efforts to locate any victim of the applicant's crime.

(b) At least 30 calendar days before the commission meeting at which the application will be heard, the commission must notify any located victim of:

(1) the application;

(2) the meeting's scheduled date, time, and location; and

(3) the victim's right to attend the meeting and submit an oral or written statement to the commission.

(c) The commission must make all reasonable efforts to ensure that a victim can:

(1) submit an oral or written statement; and

(2) receive victim support services as necessary to help the victim submit a statement and participate in the clemency process.

Subd. 2. **Notice to sentencing judge and prosecuting attorney.** (a) At least 60 calendar days before the commission meeting at which the application will be heard, the commission must:

(1) notify the sentencing judge and prosecuting attorney, or their successors, of the application;

(2) provide a copy of the application to the judge and attorney; and

(3) solicit the judge's and attorney's written statements on whether to grant clemency.

(b) Unless otherwise provided in this chapter, "law enforcement agency" includes the sentencing judge and prosecuting attorney or their successors.

Subd. 3. **Notice to public.** At least 30 calendar days before the commission meeting at which the application will be heard, the commission must publish notice of an application in a qualified newspaper of general circulation in the county in which the applicant's crime occurred.

Sec. 8. **[638.12] TYPES OF CLEMENCY; ELIGIBILITY AND WAIVER.**

Subdivision 1. **Types of clemency; requirements.** (a) The board may:

(1) pardon a criminal conviction imposed under the laws of this state;

(2) commute a criminal sentence imposed by a court of this state to time served or a lesser sentence; or

(3) grant a reprieve of a sentence imposed by a court of this state.

(b) A pardon, after being granted and filed with the district court of the county in which the conviction and sentence were imposed, will also seal all records wherever held related to the arrest, indictment or information, trial, verdict, and pardon.

(c) A grant of clemency must be in writing and has no force or effect if the governor or a board majority duly convened opposes the clemency. Every conditional grant of clemency

must state the terms and conditions upon which it was granted, and every commutation must specify the terms of the commuted sentence.

(d) A granted pardon sets aside the conviction and purges the conviction from an individual's criminal record. The individual is not required to disclose the conviction at any time or place other than:

(1) in a judicial proceeding; or

(2) during the licensing process for peace officers.

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

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

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

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

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

(iii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with the intent to cause the death of a human being; or

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

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

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

(iii) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme indifference to human life.

(c) An individual may request the board to waive the waiting period if there is a showing of unusual circumstances and special need.

(d) The commission must review a waiver request and recommend to the board whether to grant the request. When considering a waiver request, the commission is exempt from the meeting requirements under section 638.14 and chapter 13D.

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

Subd. 3. **Commutation eligibility.** (a) An individual may apply for a commutation of an unexpired criminal sentence imposed by a court of this state, including an individual confined in a correctional facility or on probation, parole, supervised release, or conditional release. An application for commutation may not be filed until the date that the individual has served at least one-half of the sentence imposed or on or after five years from the conviction date, whichever is earlier.

(b) An individual may request the board to waive the waiting period if there is a showing of unusual circumstances and special need.

(c) The commission must review a waiver request and recommend to the board whether to grant the request. When considering a waiver request, the commission is exempt from the meeting requirements under section 638.14 and chapter 13D.

(d) The board must grant a waiver request unless the governor or a board majority opposes the waiver.

Sec. 9. **[638.13] ACCESS TO RECORDS; ISSUING SUBPOENA.**

Subdivision 1. **Access to records.** (a) Notwithstanding chapter 13 or any other law to the contrary, upon receiving a clemency application, the board or commission may request and obtain any relevant reports, data, and other information from state courts, law enforcement agencies, or state agencies. The board and the commission must have access to all relevant sealed or otherwise inaccessible court records, presentence investigation reports, police reports, criminal history reports, prison records, and any other relevant information.

(b) State courts, law enforcement agencies, and state agencies must promptly respond to record requests from the board or the commission.

Subd. 2. **Issuing subpoena.** The board or the commission may issue a subpoena requiring the presence of any person before the commission or board and the production of papers, records, and exhibits in any pending matter. When a person is summoned before the commission or the board, the person may be allowed compensation for travel and attendance as the commission or the board considers reasonable.

Sec. 10. **[638.14] COMMISSION MEETINGS.**

Subdivision 1. **Frequency.** The commission must meet at least four times each year for one or more days at each meeting to hear eligible clemency applications and recommend

appropriate action to the board on each application. One or more of the meetings may be held at a department-operated correctional facility.

Subd. 2. **When open to the public.** All commission meetings are open to the public as provided under chapter 13D, but the commission may hold closed meetings:

(1) as provided under chapter 13D; or

(2) as necessary to protect sensitive or confidential information, including (i) a victim's identity, and (ii) sensitive or confidential victim testimony.

Subd. 3. **Recording.** When possible, the commission must record its meetings by audio or audiovisual means.

Subd. 4. **Board attendance.** The governor, attorney general, and chief justice, or their designees, may attend commission meetings as ex-officio nonvoting members, but their attendance does not affect whether the commission has a quorum.

Subd. 5. **Applicant appearance; third-party statements.** (a) An applicant for clemency must appear before the commission either in person or through available forms of telecommunication.

(b) The victim of an applicant's crime may appear and speak at the meeting or submit a written statement to the commission. The commission may treat a victim's written statement as confidential and not disclose the statement to the applicant or the public if there is or has been an order for protection, harassment restraining order, or other no-contact order prohibiting the applicant from contacting the victim.

(c) A law enforcement agency's representative may provide the agency's position on whether the commission should recommend clemency by:

(1) appearing and speaking at the meeting; or

(2) submitting a written statement to the commission.

(d) The sentencing judge and the prosecuting attorney, or their successors, may provide their positions on whether the commission should recommend clemency by:

(1) appearing and speaking at the meeting; or

(2) submitting their statements under section 638.11, subdivision 2.

Sec. 11. **[638.15] COMMISSION RECOMMENDATION.**

Subdivision 1. **Grounds for recommending clemency.** (a) When recommending whether to grant clemency, the commission must consider any factors that the commission deems appropriate, including but not limited to:

(1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's age at the time of the crime; and the time that has elapsed between the crime and the application;

(2) the successful completion or revocation of previous probation, parole, supervised release, or conditional release;

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

(4) the extent to which the applicant has demonstrated rehabilitation through postconviction conduct, character, and reputation;

(5) the extent to which the applicant has accepted responsibility, demonstrated remorse, and made restitution to victims;

(6) whether the sentence is clearly excessive in light of the applicant's crime and criminal history and any sentence received by an accomplice and with due regard given to:

(i) any plea agreement;

(ii) the sentencing judge's views; and

(iii) the sentencing ranges established by law;

(7) whether the applicant was convicted before August 1, 2023, of a violation of section 609.19, subdivision 1, clause (1), under the theory of liability for crimes of another and, if so, whether the applicant:

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

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

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

(C) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another with the intent to cause the death of a human being; or

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

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

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

(C) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph (c), in the underlying felony and did not act with extreme indifference to human life;

(8) whether the applicant's age or medical status indicates that it is in the best interest of society that the applicant receive clemency;

(9) the applicant's asserted need for clemency, including family needs and barriers to housing or employment created by the conviction;

(10) for an applicant under the department's custody, the adequacy of the applicant's reentry plan;

(11) the amount of time already served by the applicant and the availability of other forms of judicial or administrative relief;

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

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

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

Subd. 2. **Recommending denial of commutation without hearing.** (a) At a meeting under section 638.14, the commission may recommend without a commission hearing that the board deny a commutation application without a board hearing if:

(1) the applicant is challenging the conviction or sentence through court proceedings;

(2) the applicant has failed to exhaust all available state court remedies for challenging the conviction or sentence; or

(3) the commission determines that the matter should first be considered by the parole authority.

(b) A commission recommendation to deny an application under paragraph (a) must be sent to the board along with the application.

Subd. 3. **Considering public statements.** When making its recommendation on an application, the commission must consider any statement provided by a victim or law enforcement agency.

Subd. 4. **Commission recommendation; notifying applicant.** (a) Before the board's next meeting at which the clemency application may be considered, the commission must send to the board:

(1) the application;

(2) the commission's recommendation on whether the board should grant or deny clemency;

(3) the commission's recommendation on whether the board should or should not hold a hearing on the application;

(4) any recording of the commission's meeting related to the application; and

(5) all statements from victims and law enforcement agencies.

(b) No later than 14 calendar days after its dated recommendation, the commission must notify the applicant in writing of its recommendations under this subdivision.

Sec. 12. **[638.16] BOARD MEETINGS.**

Subdivision 1. **Frequency.** (a) The board must meet at least two times each year to consider and vote on clemency applications.

(b) If the commission recommends that an application receive a hearing, the board must hold a hearing on the application unless all the board members decline a hearing.

(c) If the commission recommends that an application not receive a hearing, the board must not hold a hearing on the application unless at least one board member requests a hearing.

Subd. 2. **When open to the public.** All board meetings are open to the public as provided under chapter 13D, but the board may hold closed meetings:

(1) as provided under chapter 13D; or

(2) as necessary to protect sensitive or confidential information, including (i) a victim's identity, and (ii) sensitive or confidential victim testimony.

Subd. 3. **Executive director; attendance required.** Unless excused by the board, the executive director and the commission's chair or vice-chair must attend all board meetings.

Subd. 4. **Considering statements.** (a) Applicants, victims, law enforcement agencies, and the public may submit oral or written statements at a board meeting only if the application is subject to a hearing under subdivision 1.

(b) The board must take into account any statements provided to the commission when considering a clemency application.

Sec. 13. **[638.17] BOARD DECISION; NOTIFYING APPLICANT.**

Subdivision 1. **Board decision.** (a) At each meeting, the board must render a decision on each clemency application considered at the meeting or continue the matter to a future board meeting. If the board continues consideration of an application, the commission must notify the applicant in writing and explain why the matter was continued.

(b) If the commission recommends no hearing and denial of an application and no board member requests a hearing on the application, it is presumed that the board concurs with the commission's recommendation and that the application has been considered and denied on the merits.

Subd. 2. **Notifying applicant.** The commission must notify the applicant in writing of the board's decision to grant or deny clemency no later than 14 calendar days from the date of the board's decision.

Sec. 14. **[638.18] FILING COPY OF CLEMENCY; COURT ACTION.**

Subdivision 1. **Filing with district court.** After clemency has been granted, the commission must file a copy of the pardon, commutation, or reprieve with the district court of the county in which the conviction and sentence were imposed.

Subd. 2. **Court action; pardon.** (a) For a pardon, the court must:

(1) order the conviction set aside;

(2) include a copy of the pardon in the court file;

(3) order all records wherever held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and prohibit the disclosure of the existence of the records or the opening of the records except under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1), (7), or (8); and

(4) send a copy of the order and the pardon to the Bureau of Criminal Apprehension and all other government entities that hold affected records.

(b) Consistent with section 609A.03, subdivision 8, the court administrator shall send a copy of the expungement order to each government entity whose records are affected by the order, including but not limited to the Department of Corrections, the Department of Public Safety, and law enforcement agencies.

Subd. 3. **Court action; commutation.** For a commutation, the court must:

(1) amend the sentence to reflect the specific relief granted by the board;

(2) include a copy of the commutation in the court file; and

(3) send a copy of the amended sentencing order and commutation to the commissioner of corrections and the Bureau of Criminal Apprehension.

Sec. 15. **[638.19] REAPPLYING FOR CLEMENCY.**

Subdivision 1. **Time-barred from reapplying; exception.** (a) After the board has considered and denied a clemency application on the merits, an applicant may not file a subsequent application for five years after the date of the most recent denial. This paragraph applies if an application is denied according to section 638.17, subdivision 1, paragraph (b).

(b) An individual may request permission to reapply before the five-year period expires based only on new and substantial information that was not and could not have been previously considered by the board or commission.

(c) If a waiver request contains new and substantial information, the commission must review the request and recommend to the board whether to waive the time restriction. When considering a waiver request, the commission is exempt from the meeting requirements under section 638.14 and chapter 13D.

(d) The board must grant a waiver request unless the governor or a board majority opposes the waiver.

Subd. 2. **Applying for pardon not precluded.** An applicant who is denied or granted a commutation is not precluded from later seeking a pardon of the criminal conviction once the eligibility requirements of this chapter have been met.

Sec. 16. **[638.20] COMMISSION RECORD KEEPING.**

Subdivision 1. **Record keeping.** The commission must keep a record of every application received, its recommendation on each application, and the final disposition of each application.

Subd. 2. **When open to public.** The commission's records and files are open to public inspection at all reasonable times, except for:

(1) sealed court records;

(2) presentence investigation reports;

(3) Social Security numbers;

(4) financial account numbers;

(5) driver's license information;

(6) medical records;

(7) confidential Bureau of Criminal Apprehension records;

(8) the identities of victims who wish to remain anonymous and confidential victim statements; and

(9) any other confidential data on individuals, private data on individuals, not public data, or nonpublic data under chapter 13.

Sec. 17. **[638.21] LANGUAGE ACCESS AND VICTIM SUPPORT.**

Subdivision 1. **Language access.** The commission and the board must take reasonable steps to provide meaningful language access to applicants and victims. Applicants and victims must have language access to information, documents, and services under this chapter, with each communicated in a language or manner that the applicant or victim can understand.

Subd. 2. **Interpreters.** (a) Applicants and victims are entitled to interpreters as necessary to fulfill the purposes of this chapter, including oral or written communication. Sections 546.42 to 546.44 apply, to the extent consistent with this section.

(b) The commission or the board may not discriminate against an applicant or victim who requests or receives interpretation services.

Subd. 3. **Victim services.** The commission and the board must provide or contract for victim support services as necessary to support victims under this chapter.

Sec. 18. **[638.22] LEGISLATIVE REPORT.**

Beginning February 15, 2025, and every February 15 thereafter, the commission must submit a written report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety, corrections, and judiciary that contains at least the following information:

(1) the number of clemency applications received by the commission during the preceding calendar year;

(2) the number of favorable and adverse recommendations made by the commission for each type of clemency;

(3) the number of applications granted and denied by the board for each type of clemency;

(4) the crimes for which the applications were granted by the board, the year of each conviction, and the individual's age at the time of the crime; and

(5) summary data voluntarily reported by applicants, including but not limited to demographic information on race, ethnicity, gender, disability status, and age, of applicants recommended or not recommended for clemency by the commission.

Sec. 19. **[638.23] RULEMAKING.**

(a) The board and commission may jointly adopt rules, including amending Minnesota Rules, chapter 6600, to:

(1) enforce their powers and duties under this chapter and ensure the efficient processing of applications; and

(2) establish a process for expedited review of applications requesting clemency for a nonviolent crime.

(b) A rule adopted under paragraph (a), clause (2), must specify the types of nonviolent crimes eligible for expedited review and the level of support needed from the sentencing judge or successor, the prosecuting attorney or successor, and any victims of the crime for the board to consider the application under the expedited review process.

(c) The time limit to adopt rules under section 14.125 does not apply.

Sec. 20. **TRANSITION PERIOD.**

Subdivision 1. **Definition.** For purposes of this section, "transition period" means the period after the effective date of this section through June 30, 2024.

Subd. 2. **Governing provisions.** A pardon, commutation, or reprieve granted during the transition period is governed according to Minnesota Statutes 2022, sections 638.02, subdivisions 2 to 5, and 638.03 to 638.08.

Subd. 3. **Department administrative assistance.** Beginning August 1, 2023, through February 29, 2024, the Department of Corrections must provide the Clemency Review Commission with administrative assistance, technical assistance, office space, and other assistance necessary for the commission to carry out its duties under sections 4 to 20.

Subd. 4. **Granting clemency applications.** (a) The Board of Pardons may grant pardons, commutations, and reprieves on applications received during the transition period.

(b) A pardon, commutation, or reprieve that is granted during the transition period has no force or effect if the governor or a board majority duly convened opposes the clemency.

Subd. 5. **Clemency applications; commission review.** Beginning July 1, 2024, the Clemency Review Commission must begin reviewing applications for pardons, commutations, and reprieves in accordance with Minnesota Statutes, chapter 638.

Subd. 6. **Application forms.** By July 1, 2024, the commission must develop application forms in consultation with the board.

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

Sec. 21. **REPEALER.**

Minnesota Statutes 2022, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; and 638.08, are repealed.

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

Sec. 22. **EFFECTIVE DATE.**

Sections 1, 2, and 6 to 19 are effective July 1, 2024.

ARTICLE 9
EVIDENCE GATHERING AND REPORTING

Section 1. Minnesota Statutes 2022, section 13A.02, subdivision 1, is amended to read:

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

(1) the customer has authorized the disclosure;

(2) the financial records are disclosed in response to a search warrant;

(3) the financial records are disclosed in response to a judicial or administrative subpoena;

(4) the financial records are disclosed to law enforcement, a lead investigative agency as defined in section 626.5572, subdivision 13, or prosecuting authority that is investigating

financial exploitation of a vulnerable adult in response to a judicial subpoena or administrative subpoena under section 388.23; or

(5) the financial records are disclosed pursuant to section 609.527 or 609.535 or other statute or rule.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 13A.02, subdivision 2, is amended to read:

Subd. 2. **Release prohibited.** No financial institution, or officer, employee, or agent of a financial institution, may provide to any government authority access to, or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

Nothing in this chapter shall require a financial institution to inquire or determine that those seeking disclosure have duly complied with the requirements of this chapter, provided only that the customer authorization, search warrant, subpoena, or written certification pursuant to section 609.527, subdivision 8; 609.535, subdivision 6; 626.557; or other statute or rule, served on or delivered to a financial institution shows compliance on its face.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 609.527, subdivision 1, is amended to read:

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

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

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

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

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

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

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

(3) telecommunication identification information or access device.

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

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

~~(g)~~ (h) "Unlawful activity" means:

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

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

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

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

~~(j)~~ (k) "Payment card" means a credit card, charge card, debit card, or any other card that:

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

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

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 609.527, is amended by adding a subdivision to read:

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

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

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

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

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

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

(e) Release of limited account information to a law enforcement agency under this subdivision is criminal investigative data under section 13.82, subdivision 7, except that when the investigation becomes inactive the account information remains confidential data on individuals or protected nonpublic data.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 5. Minnesota Statutes 2022, section 626.14, subdivision 2, is amended to read:

Subd. 2. **Definition.** For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first ~~knocking and~~ loudly and understandably announcing the officer's presence or purpose and waiting an objectively reasonable amount of time thereafter for the occupant to comply, based on a totality of the circumstances, prior to entering the premises. ~~No-knock search warrants may also be referred to as dynamic entry warrants.~~

Sec. 6. Minnesota Statutes 2022, section 626.14, is amended by adding a subdivision to read:

Subd. 2a. **No-knock search warrants.** A court may not issue or approve a no-knock search warrant unless the judge determines that the applicant has articulated specific, objective facts that establish probable cause for belief that:

(1) the search cannot be executed while the premises is unoccupied; and

(2) the occupant or occupants in the premises present an imminent threat of death or great bodily harm to the officers executing the warrant or other persons.

Sec. 7. Minnesota Statutes 2022, section 626.14, subdivision 3, is amended to read:

Subd. 3. **Requirements for a no-knock search warrant.** (a) No peace officer shall seek a no-knock search warrant unless the warrant application includes at a minimum:

(1) all documentation and materials the issuing court requires;

(2) the information specified in paragraph (b); and

(3) a sworn affidavit as provided in section 626.08.

(b) Each warrant application seeking a no-knock entry must include, in detailed terms, the following:

(1) why peace officers are seeking the use of a no-knock entry and are unable to detain the suspect or search the ~~residence~~ premises safely through the use of a knock and announce warrant;

(2) what investigative activities have taken place to support issuance of the no-knock search warrant, or why no investigative activity is needed or able to be performed; ~~and~~

(3) the known or suspected occupant or occupants of the premises, including the number of occupants under age 18; and

~~(3)~~ (4) whether the warrant can be effectively executed during daylight hours according to subdivision 1.

(c) The chief law enforcement officer or designee and another superior officer must review and approve each warrant application. The agency must document the approval of both reviewing parties.

(d) A no-knock search warrant shall not be issued when the only crime alleged is possession of a controlled substance unless there is probable cause to believe that the controlled substance is for other than personal use.

Sec. 8. Minnesota Statutes 2022, section 626.15, is amended to read:

626.15 EXECUTION AND RETURN OF WARRANT; TIME.

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

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

(c) A district court judge may grant an extension of a warrant on a financial institution for financial records upon an application under oath stating that the financial institution has not produced the requested financial records within ~~ten days~~ the 30-day period and that an extension is necessary to achieve the purposes for which the search warrant was granted. Each extension may not exceed 30 days.

(d) For the purposes of this ~~paragraph~~ section, "financial institution" has the meaning given in section 13A.01, subdivision 2, and "financial records" has the meaning given in section 13A.01, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 9. Minnesota Statutes 2022, section 626.21, is amended to read:

626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.

(a) A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized or the district court having jurisdiction of the substantive offense for the return of the property and to suppress the use, as evidence, of anything so obtained on the ground that:

(1) the property was illegally seized~~, or~~;

(2) the property was illegally seized without warrant~~, or~~;

(3) the warrant is insufficient on its face~~, or~~;

(4) the property seized is not that described in the warrant~~, or~~;

(5) there was not probable cause for believing the existence of the grounds on which the warrant was issued~~, or~~;

(6) the warrant was illegally executed~~, or~~;

(7) the warrant was improvidently issued~~.~~; or

(8) the warrant was executed or served in violation of section 626.14.

(b) The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

Sec. 10. **[626.5535] CARJACKING; REPORTING REQUIRED.**

Subdivision 1. **Definition.** For purposes of this section, "carjacking" means a violation of section 609.247.

Subd. 2. **Use of information collected.** (a) The head of a local law enforcement agency or state law enforcement department that employs peace officers, as defined in section 626.84, subdivision 1, paragraph (c), must forward the following carjacking information from the agency's or department's jurisdiction for the previous year to the commissioner of public safety by January 15 each year:

(1) the number of carjacking attempts;

(2) the number of carjackings;

(3) the ages of the offenders;

(4) the number of persons injured in each offense;

(5) the number of persons killed in each offense; and

(6) weapons used in each offense, if any.

(b) The commissioner of public safety must include the data received under paragraph (a) in a separate carjacking category in the department's annual uniform crime report.

Sec. 11. Minnesota Statutes 2022, section 626A.35, is amended by adding a subdivision to read:

Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

(1) the consent of the owner of the vehicle has been obtained; or

(2) the owner of the motor vehicle has reported to law enforcement that the vehicle is stolen, and the vehicle is occupied when the tracking device is installed.

(b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the authority granted in paragraph (a), clause (2), an officer employed by the agency that attached the tracking device to the vehicle must remove the device, disable the device, or obtain a search warrant granting approval to continue to use the device in the investigation.

(c) A peace officer employed by the agency that attached a tracking device to a stolen motor vehicle must remove the tracking device if the vehicle is recovered and returned to the owner.

(d) Any tracking device evidence collected after the motor vehicle is returned to the owner is inadmissible.

(e) By August 1, 2024, and each year thereafter, the chief law enforcement officer of an agency that obtains a search warrant under paragraph (b), must provide notice to the superintendent of the Bureau of Criminal Apprehension of the number of search warrants the agency obtained under this subdivision in the preceding 12 months. The superintendent must provide a summary of the data received pursuant to this paragraph in the bureau's biennial report to the legislature required under section 299C.18.

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

ARTICLE 10
POLICING AND PRIVATE SECURITY

Section 1. Minnesota Statutes 2022, section 13.825, subdivision 2, is amended to read:

Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a portable recording system are private data on individuals or nonpublic data, subject to the following:

(1) data that record, describe, or otherwise document actions and circumstances surrounding either the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public;

(2) data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and (ii) data on a peace officer whose identity is protected under section 13.82, subdivision 17, clause (a), must be redacted;

(3) subject to paragraphs (b) to (d), portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7, and portable recording system data that are inactive criminal investigative data are governed by this section;

(4) portable recording system data that are public personnel data under section 13.43, subdivision 2, clause (5), are public; and

(5) data that are not public data under other provisions of this chapter retain that classification.

(b) Notwithstanding section 13.82, subdivision 7, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, subject to paragraphs (c) and (d):

(1) the deceased individual's next of kin;

(2) the legal representative of the deceased individual's next of kin; and

(3) the other parent of the deceased individual's child.

(c) A law enforcement agency may deny a request to inspect portable recording system data under paragraph (b) if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access under this paragraph, the chief law enforcement officer must provide a prompt, written denial to the individual in paragraph (b) who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7.

(d) When an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7.

~~(b)~~ (e) A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities.

~~(c)~~ (f) Section 13.04, subdivision 2, does not apply to collection of data classified by this subdivision.

~~(d)~~ (g) Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph (b) to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data and, if the action is challenging a determination under paragraph (b), whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure.

Sec. 2. Minnesota Statutes 2022, section 13.825, subdivision 3, is amended to read:

Subd. 3. **Retention of data.** (a) Portable recording system data that are not active or inactive criminal investigative data and are not described in paragraph (b) or (c) must be maintained for at least 90 days and destroyed according to the agency's records retention schedule approved pursuant to section 138.17.

(b) Portable recording system data must be maintained for at least one year and destroyed according to the agency's records retention schedule approved pursuant to section 138.17 if:

(1) the data document (i) the discharge of a firearm by a peace officer in the course of duty if a notice is required under section 626.553, subdivision 2, or (ii) the use of force by a peace officer that results in substantial bodily harm; or

(2) a formal complaint is made against a peace officer related to the incident.

(c) Portable recording system data that document a peace officer's use of deadly force must be maintained indefinitely.

(d) If a subject of the data submits a written request to the law enforcement agency to retain the recording beyond the applicable retention period for possible evidentiary or exculpatory use related to the circumstances under which the data were collected, the law enforcement agency shall retain the recording for an additional time period requested by

the subject of up to 180 days and notify the requester that the recording will then be destroyed unless a new request is made under this paragraph.

~~(d)~~ (e) Notwithstanding paragraph (b) ~~or~~, (c), or (d), a government entity may retain a recording for as long as reasonably necessary for possible evidentiary or exculpatory use related to the incident with respect to which the data were collected.

Sec. 3. Minnesota Statutes 2022, section 214.10, subdivision 10, is amended to read:

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

Sec. 4. Minnesota Statutes 2022, section 326.3311, is amended to read:

326.3311 POWERS AND DUTIES.

The board has the following powers and duties:

(1) to receive and review all applications for private detective and protective agent licenses;

(2) to approve applications for private detective and protective agent licenses and issue, or reissue licenses as provided in sections 326.32 to 326.339;

(3) to deny applications for private detective and protective agent licenses if the applicants do not meet the requirements of sections 326.32 to 326.339; upon denial of a license application, the board shall notify the applicant of the denial and the facts and circumstances that constitute the denial; the board shall advise the applicant of the right to a contested case hearing under chapter 14;

(4) to enforce all laws and rules governing private detectives and protective agents; ~~and~~

(5) to suspend or revoke the license of a license holder or impose a civil penalty on a license holder for violations of any provision of sections 326.32 to 326.339 or the rules of the board~~.~~;

(6) to investigate and refer for prosecution all criminal violations by individuals and entities; and

(7) to investigate and refer for prosecution any individuals and entities operating as private detectives or protective agents without a license.

Sec. 5. Minnesota Statutes 2022, section 326.336, subdivision 2, is amended to read:

Subd. 2. **Identification card.** An identification card must be issued by the license holder to each employee. The card must be in the possession of the employee to whom it is issued at all times. The identification card must contain the license holder's name, logo (if any), address or Minnesota office address, and the employee's photograph and physical description. The card must be signed by the employee and by the license holder, qualified representative, or Minnesota office manager. The card must be presented upon request.

Sec. 6. Minnesota Statutes 2022, section 326.3361, subdivision 2, is amended to read:

Subd. 2. **Required contents.** The rules adopted by the board must require:

(1) 12 hours of preassignment or on-the-job certified training within the first 21 days of employment, or evidence that the employee has successfully completed equivalent training before the start of employment. Notwithstanding any statute or rule to the contrary, this clause is satisfied if the employee provides a prospective employer with a certificate or a copy of a certificate demonstrating that the employee successfully completed this training prior to employment with a different Minnesota licensee and completed this training within three previous calendar years, or successfully completed this training with a Minnesota licensee while previously employed with a Minnesota licensee. The certificate or a copy of the certificate is the property of the employee who completed the training, regardless of who paid for the training or how training was provided. Upon a current or former employee's request, a current or former licensed employer must provide a copy of a certificate demonstrating the employee's successful completion of training to the current or former employee. The current or former licensed employer must not charge the employee a fee for a copy of the certificate. The employee who completed the training is entitled to access a copy of the certificate at no charge according to sections 181.960 to 181.966. A current or former employer must comply with sections 181.960 to 181.966;

(2) certification by the board of completion of certified training for a license holder, qualified representative, Minnesota manager, partner, and employee to carry or use a firearm, a weapon other than a firearm, or an immobilizing or restraint technique; and

(3) six hours a year of certified continuing training for all license holders, qualified representatives, Minnesota managers, partners, and employees, and an additional six hours a year for individuals who are armed with firearms or armed with weapons, which must include annual certification of the individual.

An individual may not carry or use a weapon while undergoing on-the-job training under this subdivision.

Sec. 7. Minnesota Statutes 2022, section 326.3387, subdivision 1, is amended to read:

Subdivision 1. **Basis for action.** The board may revoke or suspend or refuse to issue or reissue a private detective or protective agent license if:

(1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted under those sections;

(2) the license holder has engaged in fraud, deceit, or misrepresentation while in the business of private detective or protective agent;

(3) the license holder has made a false statement in an application submitted to the board or in a document required to be submitted to the board; ~~or~~

(4) the license holder violates an order of the board; or

(5) the individual or entity previously operated without a license.

Sec. 8. Minnesota Statutes 2022, section 609.066, subdivision 2, is amended to read:

Subd. 2. **Use of deadly force.** (a) Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:

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

(i) can be articulated with specificity ~~by the law enforcement officer~~;

(ii) is reasonably likely to occur absent action by the law enforcement officer; and

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

(2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit

a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), items (i) to (iii), unless immediately apprehended.

(b) A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii).

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

Sec. 9. Minnesota Statutes 2022, section 626.5531, subdivision 1, is amended to read:

Subdivision 1. **Reports required.** A peace officer must report to the head of the officer's department every violation of chapter 609 or a local criminal ordinance if the officer has reason to believe, or if the victim alleges, that the ~~offender was motivated to commit the~~ act ~~by~~ was committed in whole or in substantial part because of the victim's actual or perceived race, color, ethnicity, religion, ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or ~~characteristics identified as sexual orientation~~ because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The superintendent of the Bureau of Criminal Apprehension shall adopt a reporting form to be used by law enforcement agencies in making the reports required under this section. The reports must include for each incident all of the following:

(1) the date of the offense;

(2) the location of the offense;

(3) whether the target of the incident is a person, private property, or public property;

(4) the crime committed;

(5) the type of bias and information about the offender and the victim that is relevant to that bias;

(6) any organized group involved in the incident;

(7) the disposition of the case;

(8) whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation; and

(9) any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

Sec. 10. Minnesota Statutes 2022, section 626.843, is amended by adding a subdivision to read:

Subd. 1c. **Rules governing certain misconduct.** No later than January 1, 2024, the board must adopt rules under chapter 14 that permit the board to take disciplinary action on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700, whether or not criminal charges have been filed and in accordance with the evidentiary standards and civil processes for boards under chapter 214.

Sec. 11. Minnesota Statutes 2022, section 626.8432, subdivision 1, is amended to read:

Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The board may refuse to issue, refuse to renew, refuse to reinstate, suspend, revoke eligibility for licensure, or revoke a peace officer or part-time peace officer license for any of the following causes:

(1) fraud or misrepresentation in obtaining a license;

(2) failure to meet licensure requirements; ~~or~~

(3) a violation of section 626.8436, subdivision 1; or

(4) a violation of the standards of conduct set forth in Minnesota Rules, chapter 6700.

(b) Unless otherwise provided by the board, a revocation or suspension applies to each license, renewal, or reinstatement privilege held by the individual at the time final action is taken by the board. A person whose license or renewal privilege has been suspended or revoked shall be ineligible to be issued any other license by the board during the pendency of the suspension or revocation.

Sec. 12. **[626.8436] HATE OR EXTREMIST GROUPS.**

Subdivision 1. **Prohibition.** (a) A peace officer may not join, support, advocate for, maintain membership, or participate in the activities of:

(1) a hate or extremist group; or

(2) a criminal gang as defined in section 609.229, subdivision 1.

(b) This section does not apply when the conduct is sanctioned by the law enforcement agency as part of the officer's official duties.

Subd. 2. **Definitions.** (a) "Hate or extremist group" means a group that, as demonstrated by its official statements or principles, the statements of its leaders or members, or its activities:

(1) promotes the use of threats, force, violence, or criminal activity:

(i) against a local, state, or federal entity, or the officials of such an entity;

(ii) to deprive, or attempt to deprive, individuals of their civil rights under the Minnesota or United States Constitution; or

(iii) to achieve goals that are political, religious, discriminatory, or ideological in nature;

(2) promotes seditious activities; or

(3) advocates for differences in the right to vote, speak, assemble, travel, or maintain citizenship based on a person's perceived race, color, creed, religion, national origin, disability, sex, sexual orientation, gender identity, public assistance status, or any protected class as defined in Minnesota Statutes or federal law.

(b) For the purposes of this section, advocacy, membership, or participation in a hate or extremist group or criminal gang is demonstrated by:

(1) dissemination of material that promotes:

(i) the use of threats, force, violence, or criminal activity;

(ii) seditious activities; or

(iii) the objectives described in paragraph (a), clause (3);

(2) engagement in cyber or social media posts, chats, forums, and other forms of promotion of the group's activities;

(3) display or use of insignia, colors, tattoos, hand signs, slogans, or codes associated with the group;

(4) direct financial or in-kind contributions to the group;

(5) a physical or cyber presence in the group's events; or

(6) other conduct that could reasonably be considered support, advocacy, or participation in the group's activities.

Sec. 13. Minnesota Statutes 2022, section 626.8451, subdivision 1, is amended to read:

Subdivision 1. **Training course; crimes motivated by bias.** (a) The board must ~~prepare a~~ approve a list of training ~~course~~ courses to assist peace officers in identifying ~~and~~, responding to, and reporting crimes ~~motivated by~~ committed in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, ~~national origin,~~ sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or ~~characteristics identified as sexual orientation~~ because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The course must include material to help officers distinguish bias crimes from other crimes, to help officers in understanding and assisting victims of these crimes, and to ensure that bias crimes will be accurately reported as required under section 626.5531. The ~~course must be updated periodically~~ board must review the approved courses every three years and update the list of approved courses as the board, in consultation with communities most targeted by hate crimes because of their characteristics as described above, organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes , considers appropriate.

(b) In updating the list of approved training courses described in paragraph (a), the board must consult and significantly incorporate input from communities most targeted by hate crimes because of their characteristics as described in paragraph (a), organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes.

Sec. 14. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision to read:

Subd. 1b. **Prohibition against retaliation; employers.** (a) A law enforcement agency shall not discharge, discipline, threaten, retaliate, otherwise discriminate against, or penalize a peace officer regarding the officer's compensation, terms, conditions, location, or privileges of employment because the officer interceded or made a report in compliance with section 626.8475 or a policy adopted under subdivision 1a regarding another employee or peace officer who used excessive force.

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to causes of action occurring on or after that date.

Sec. 15. Minnesota Statutes 2022, section 626.8452, is amended by adding a subdivision to read:

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to causes of action occurring on or after that date.

Sec. 16. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision to read:

Subd. 4. **Data to be shared with board.** (a) Upon receiving written notice that the board is investigating any allegation of misconduct within its regulatory authority, a chief law enforcement officer, city, county, or public official must cooperate with the board's investigation and any data request from the board.

(b) Upon written request from the board that a matter alleging misconduct within its regulatory authority has occurred regarding a licensed peace officer, a chief law enforcement officer, city, county, or public official shall provide the board with all requested public and private data about the alleged misconduct involving the licensed peace officer, including any pending or final disciplinary or arbitration proceeding, any settlement or compromise,

and any investigative files including but not limited to body worn camera or other audio or video files. Confidential data must only be disclosed when the board specifies that the particular identified data is necessary to fulfill its investigatory obligation concerning an allegation of misconduct within its regulatory authority.

(c) If a licensed peace officer is discharged or resigns from employment after engaging in any conduct that initiates and results in an investigation of alleged misconduct within the board's regulatory authority, regardless of whether the licensee was criminally charged or an administrative or internal affairs investigation was commenced or completed, a chief law enforcement officer must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b). If the conduct involves the chief law enforcement officer, the overseeing city, county, or public official must report the conduct to the board and provide the board with all public and not public data requested under paragraph (b).

(d) Data obtained by the board shall be classified and governed as articulated in sections 13.03, subdivision 4, and 13.09, as applicable.

(e) A chief law enforcement officer, or city, county, or public official is not required to comply with this subdivision when:

(1) there is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by the board; or

(2) an active internal investigation exists regarding the same incident or misconduct that is being investigated by the board during 45 days from the time the request was made by the board. The chief law enforcement officer, or city, county, or public official must comply with this subdivision upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

Sec. 17. Minnesota Statutes 2022, section 626.8457, is amended by adding a subdivision to read:

Subd. 5. **Immunity from liability.** A chief law enforcement officer, city, county, or public official and employees of the law enforcement agency are immune from civil or criminal liability, including any liability under chapter 13, for reporting or releasing public or not public data to the board under subdivisions 3 and 4, unless the chief law enforcement officer, city, county, or public official or employees of the law enforcement agency presented false information to the board with the intention of causing reputational harm to the peace officer.

Sec. 18. Minnesota Statutes 2022, section 626.8469, subdivision 1, is amended to read:

Subdivision 1. **In-service training required.** (a) Beginning July 1, 2018, the chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; ~~and~~ recognizing and valuing community diversity and cultural differences to include implicit bias training; and training to assist peace officers in identifying, responding to, and reporting incidents committed in whole or in substantial part because of the victim's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall meet board requirements for board-approved continuing education credit. Every three years the board shall review the learning objectives and must consult and collaborate with communities most targeted by hate crimes because of their characteristics as described above, organizations with expertise in providing training on hate crimes, and the statewide coalition of organizations representing communities impacted by hate crimes in identifying appropriate objectives and training courses related to identifying, responding to, and reporting incidents committed in whole or in substantial part because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03, or because of the victim's actual or perceived association with another person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender expression, age, national origin, or disability as defined in section 363A.03. The training shall consist of at least 16 continuing education credits within an officer's three-year licensing cycle. Each peace officer with a license renewal date after June 30, 2018, is not required to complete this training until the officer's next full three-year licensing cycle.

(b) Beginning July 1, 2021, the training mandated under paragraph (a) must be provided by an approved entity. The board shall create a list of approved entities and training courses and make the list available to the chief law enforcement officer of every state and local law enforcement agency. Each peace officer (1) with a license renewal date before June 30, 2022, and (2) who received the training mandated under paragraph (a) before July 1, 2021,

is not required to receive this training by an approved entity until the officer's next full three-year licensing cycle.

(c) For every peace officer and part-time peace officer with a license renewal date of June 30, 2022, or later, the training mandated under paragraph (a) must:

(1) include a minimum of six hours for crisis intervention and mental illness crisis training that meets the standards established in subdivision 1a; and

(2) include a minimum of four hours to ensure safer interactions between peace officers and persons with autism in compliance with section 626.8474.

Sec. 19. Minnesota Statutes 2022, section 626.8473, subdivision 3, is amended to read:

Subd. 3. **Written policies and procedures required.** (a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website.

(b) At a minimum, the written policy must incorporate and require compliance with the following:

(1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior to the expiration of the applicable retention period under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely;

(2) mandate that a portable recording system be worn at or above the mid-line of the waist in a position that maximizes the recording system's capacity to record video footage of the officer's activities;

(3) mandate that officers assigned a portable recording system wear and operate the system in compliance with the agency's policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official;

(4) mandate that, notwithstanding any law to the contrary, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency must allow the following individuals, upon their request, to inspect all portable recording system data, redacted no more than what is required by law, documenting the incident within five days of the request, except as otherwise provided in this clause and clause (5):

(i) the deceased individual's next of kin;

(ii) the legal representative of the deceased individual's next of kin; and

(iii) the other parent of the deceased individual's child.

A law enforcement agency may deny a request if the agency determines that there is a compelling reason that inspection would interfere with an active investigation. If the agency denies access, the chief law enforcement officer must provide a prompt, written denial to the individual who requested the data with a short description of the compelling reason access was denied and must provide notice that relief may be sought from the district court pursuant to section 13.82, subdivision 7;

(5) mandate that, when an individual dies as a result of a use of force by a peace officer, an involved officer's law enforcement agency shall release all portable recording system data, redacted no more than what is required by law, documenting the incident no later than 14 days after the incident, unless the chief law enforcement officer asserts in writing that the public classification would interfere with an ongoing investigation, in which case the data remain classified by section 13.82, subdivision 7;

(6) procedures for testing the portable recording system to ensure adequate functioning;

~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;

~~(4)~~ (8) circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

~~(6)~~ (10) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;

~~(7)~~ (11) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

(c) The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's or licensee's failure to comply with this section.

Sec. 20. **[626.8516] INTENSIVE COMPREHENSIVE PEACE OFFICER EDUCATION TRAINING PROGRAM.**

Subdivision 1. **Establishment; title.** A program is established within the Department of Public Safety to fund the intensive comprehensive law enforcement education and training of two- and four-year college graduates. The program shall be known as the intensive comprehensive peace officer education and training program.

Subd. 2. **Purpose.** The program is intended to address the critical shortage of peace officers in the state. The program shall provide a grant to law enforcement agencies that have developed a plan to recruit, educate, and train highly qualified two- and four-year college graduates to become license-eligible peace officers in the state.

Subd. 3. **Eligibility for grant; grant cap.** (a) The chief law enforcement officer of a law enforcement agency may apply to the commissioner for a grant for the cost of educating, training, and paying an eligible peace officer candidate until the candidate is licensed by the board as a peace officer.

(b) The commissioner must consider all eligible expenses proposed by the chief law enforcement officer in order to issue a grant to the agency for the actual cost of educating, training, and paying an eligible candidate up to $50,000.

(c) The commissioner shall consider geographic diversity in grant distribution based on grant applications received.

Subd. 4. **Forms.** The commissioner must prepare the necessary grant application forms and make the forms available on the agency's public website no later than December 31, 2023.

Subd. 5. **Intensive education and skills training program.** No later than December 31, 2023, the commissioner, in consultation with the executive director of the board and the institutions designated as education providers under subdivision 6, shall develop an

intensive comprehensive law enforcement education and skills training curriculum that will provide eligible peace officer candidates with the law enforcement education and skills training needed to be licensed as a peace officer. The curriculum must be designed to be completed in eight months or less and shall be offered at the institutions designated under subdivision 6. The curriculum may overlap, coincide with, or draw upon existing law enforcement education and training programs at institutions designated as education providers under subdivision 6. The executive director of the board may designate existing law enforcement education and training programs that are designed to be completed in eight months or less as intensive comprehensive law enforcement education and skills training programs for the purposes of this section.

Subd. 6. **Education providers; sites.** (a) No later than October 1, 2023, the Board of Trustees of the Minnesota State Colleges and Universities shall designate at least two regionally diverse system campuses to provide the required intensive comprehensive law enforcement education and skills training to eligible peace officer candidates.

(b) In addition to the campuses designated under paragraph (a), the commissioner may designate private, nonprofit postsecondary institutions to provide the required intensive comprehensive law enforcement education and skills training to eligible peace officer candidates.

Subd. 7. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of public safety.

(c) "Eligible peace officer candidate" means a person who:

(1) has met all of the hiring requirements to become a peace officer in the state, except for (i) completing a professional peace officer education program, and (ii) passing the licensing exam; and

(2) a chief law enforcement officer has agreed to hire upon completing the training required under this chapter and passing the licensing exam.

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

(e) "Program" means the intensive comprehensive peace officer education and training program.

Sec. 21. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision to read:

Subd. 1a. **Background checks.** (a) The law enforcement agency must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on an applicant for employment as a licensed peace officer or an applicant for a position leading to employment as a licensed peace officer within the state of Minnesota to determine eligibility for licensing. Applicants must provide, for submission to the superintendent of the Bureau of Criminal Apprehension:

(1) an executed criminal history consent form, authorizing the dissemination of state and federal records to the law enforcement agency and the Board of Peace Officer Standards and Training and fingerprints; and

(2) a money order or cashier's check payable to the Bureau of Criminal Apprehension for the fee for conducting the criminal history background check.

(b) The superintendent of the Bureau of Criminal Apprehension shall perform the background check required under paragraph (a) by retrieving criminal history data as defined in section 13.87 and shall also conduct a search of the national criminal records repository. The superintendent is authorized to exchange the applicant's fingerprints with the Federal Bureau of Investigation to obtain their national criminal history record information. The superintendent must return the results of the Minnesota and federal criminal history records checks to the law enforcement agency who is authorized to share with the Board of Peace Officer Standards and Training to determine if the individual is eligible for licensing under Minnesota Rules, chapter 6700.

Sec. 22. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement agency, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1 or who is a candidate for employment with a law enforcement agency in any other capacity. The request for disclosure of employment information must be in writing, must be accompanied by an ~~original~~ authorization and release signed by the employee or former employee, and must be signed by ~~a sworn peace officer or other~~ an authorized representative of the law enforcement agency conducting the background investigation.

Sec. 23. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by ~~a sworn peace officer~~ an authorized representative from the law enforcement agency conducting the background investigation and must include a copy of the ~~original~~ request for disclosure made upon the employer or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the ~~peace officer~~ person requesting the order and an attorney representing the state or the political subdivision on whose behalf the background investigation is being conducted. It is not necessary for the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person or entity who fails to comply to civil or criminal contempt of court.

Sec. 24. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

Subd. 5. **Notice of investigation.** Upon initiation of a background investigation ~~under this section~~ for a person described in subdivision 1, the law enforcement agency shall give written notice to the Peace Officer Standards and Training Board of:

(1) the candidate's full name and date of birth; and

(2) the candidate's peace officer license number, if known.

The initiation of a background investigation does not include the submission of an application for employment. Initiation of a background investigation occurs when the law enforcement agency begins its determination of whether an applicant meets the agency's standards for employment as a law enforcement employee.

Sec. 25. Minnesota Statutes 2022, section 626.89, subdivision 17, is amended to read:

Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the meanings given:

(1) "civilian oversight council" means a civilian review board, commission, or other oversight body established by a local unit of government to provide civilian oversight of a law enforcement agency and officers employed by the agency; and

(2) "misconduct" means a violation of law, standards promulgated by the Peace Officer Standards and Training Board, or agency policy.

(b) A local unit of government may establish a civilian ~~review board, commission, or other~~ oversight ~~body shall not have~~ council and grant the council the authority to make a finding of fact or determination regarding a complaint against an officer ~~or impose~~ and recommend discipline ~~on~~ for an officer. ~~A civilian review board, commission, or other oversight body may make a recommendation regarding the merits of a complaint, however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government.~~

(c) At the conclusion of any criminal investigation or prosecution, if any, a civilian oversight council may conduct an investigation into allegations of peace officer misconduct and retain an investigator to facilitate an investigation. Subject to other applicable law, a council may subpoena or compel testimony and documents in an investigation. Upon completion of an investigation, a council may make a finding of misconduct and recommend appropriate discipline against peace officers employed by the agency. A council must submit investigation reports that contain findings of peace officer misconduct to the chief law enforcement officer and the Peace Officer Standards and Training Board's complaint committee. A council may also make policy recommendations to the chief law enforcement officer and the Peace Officer Standards and Training Board.

(d) The chief law enforcement officer of a law enforcement agency under the jurisdiction of a civilian oversight council shall cooperate with the council and facilitate the council's achievement of its goals. However, the officer is under no obligation to agree with individual recommendations of the council and may oppose a recommendation. If the officer elects to not implement a recommendation that is within the officer's authority, the officer shall inform the council of the decision along with the officer's underlying reasons.

(e) Data collected, created, received, maintained, or disseminated by a civilian oversight council related to an investigation of a peace officer are personnel data as defined by section 13.43, subdivision 1, and are governed by that section.

Sec. 26. Minnesota Statutes 2022, section 626.90, subdivision 2, is amended to read:

Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met:

(1) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of a law enforcement agency function conferred by this section, to the same extent as a

municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;

(2) the band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) the band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The band ~~shall~~ may enter into mutual aid/cooperative agreements with the Mille Lacs County sheriff under section 471.59 to define and regulate the provision of law enforcement services under this section. ~~The agreements must define the trust property involved in the joint powers agreement.~~

(c) Only if the requirements of paragraph (a) are met, the band shall have concurrent jurisdictional authority under this section with the Mille Lacs County Sheriff's Department ~~only if the requirements of paragraph (a) are met and under the following circumstances:~~

~~(1)~~ over all persons in the geographical boundaries of the ~~property held by the United States in trust for the Mille Lacs Band or the Minnesota Chippewa tribe;~~

~~(2) over all Minnesota Chippewa tribal members within the boundaries of the~~ Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota~~; and~~.

~~(3) concurrent jurisdiction over any person who commits or attempts to commit a crime in the presence of an appointed band peace officer within the boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota.~~

Sec. 27. Minnesota Statutes 2022, section 626.91, subdivision 2, is amended to read:

Subd. 2. **Law enforcement agency.** (a) The community has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) are met:

(1) the community agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a

municipality under chapter 466, and the community further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from this liability;

(2) the community files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

(3) the community files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) the community agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) The community ~~shall~~ may enter into an agreement under section 471.59 with the Redwood County sheriff to define and regulate the provision of law enforcement services under this section and to provide for mutual aid and cooperation. If entered, the agreement must identify and describe the trust property involved in the agreement. For purposes of entering into this agreement, the community shall be considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Sec. 28. Minnesota Statutes 2022, section 626.91, subdivision 4, is amended to read:

Subd. 4. **Peace officers.** If the community complies with the requirements set forth in subdivision 2, paragraph (a), the community is authorized to appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who have the same powers as peace officers employed by the Redwood County sheriff over the persons and the geographic areas described in subdivision 3.

Sec. 29. Minnesota Statutes 2022, section 626.92, subdivision 2, is amended to read:

Subd. 2. **Law enforcement agency.** (a) The band has the powers of a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) and paragraph (b) are met:

(1) the band agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466, and the band further agrees, notwithstanding section 16C.05,

subdivision 7, to waive its sovereign immunity for purposes of claims arising out of this liability;

(2) the band files with the Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b), et al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450f(c);

(3) the band files with the Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution or establishes that liability coverage exists under the Federal Torts Claims Act, United States Code, title 28, section 1346(b) et al., as extended to the band pursuant to the Indian Self-Determination and Education Assistance Act of 1975, United States Code, title 25, section 450F(c); and

(4) the band agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

(b) ~~By July 1, 1998,~~ The band ~~shall~~ may enter into written mutual aid or cooperative agreements with the Carlton County sheriff, the St. Louis County sheriff, and the city of Cloquet under section 471.59 to define and regulate the provision of law enforcement services under this section. If entered, the agreements must define the following:

(1) the trust property involved in the joint powers agreement;

(2) the responsibilities of the county sheriffs;

(3) the responsibilities of the county attorneys; and

(4) the responsibilities of the city of Cloquet city attorney and police department.

Sec. 30. Minnesota Statutes 2022, section 626.92, subdivision 3, is amended to read:

Subd. 3. **Concurrent jurisdiction.** The band shall have concurrent jurisdictional authority under this section with the Carlton County and St. Louis County Sheriffs' Departments over crimes committed within the boundaries of the Fond du Lac Reservation ~~as indicated by the mutual aid or cooperative agreements entered into under subdivision 2, paragraph (b), and any exhibits or attachments to those agreements~~ if the requirements of subdivision 2,

paragraph (a), are met, regardless of whether a cooperative agreement pursuant to subdivision 2, paragraph (b), is entered into.

Sec. 31. Minnesota Statutes 2022, section 626.93, subdivision 3, is amended to read:

Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the tribe enters into a cooperative agreement pursuant to subdivision 4~~, the Tribe ~~shall have~~ has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the Tribe's reservation to enforce state criminal law.

Sec. 32. Minnesota Statutes 2022, section 626.93, subdivision 4, is amended to read:

Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the provision of law enforcement services and to provide for mutual aid and cooperation, governmental units and the Tribe ~~shall~~ may enter into agreements under section 471.59. For the purposes of entering into these agreements, the Tribe ~~shall be~~ is considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Sec. 33. Laws 1961, chapter 108, section 1, as amended by Laws 1969, chapter 604, section 1, and Laws 1978, chapter 580, section 1, is amended to read:

Sec. 1. **MINNEAPOLIS, CITY OF; POLICE DEPARTMENT.**

Notwithstanding any provisions of the Minneapolis city charter, veterans' preference, or civil service law, rule, or regulation to the contrary, the superintendent of police of the city of Minneapolis shall after the effective date of this act have the title and be designated as chief of police of the city of Minneapolis and may appoint ~~three~~ deputy chiefs of police, ~~five~~ inspectors of police, the supervisor of the morals and narcotics section, the supervisor of the internal affairs unit, and the supervisor of license inspection, such personnel to be appointed from among the members of the Minneapolis police department holding at least the rank of ~~patrolman~~ patrol officer.

EFFECTIVE DATE. This section is effective the day after the governing body of the city of Minneapolis and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 34. **REPEALER.**

Minnesota Statutes 2022, section 626.93, subdivision 7, is repealed.

ARTICLE 11
CORRECTIONS POLICY

Section 1. Minnesota Statutes 2022, section 169A.276, subdivision 1, is amended to read:

Subdivision 1. **Mandatory prison sentence.** (a) The court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) to imprisonment for not less than three years. In addition, the court may order the person to pay a fine of not more than $14,000.

(b) The court may stay execution of this mandatory sentence as provided in subdivision 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence or impose a sentence that has a duration of less than three years.

(c) An offender committed to the custody of the commissioner of corrections under this subdivision is not eligible for release as provided in section 241.26, 244.065, 244.12, or 244.17, unless the offender has successfully completed ~~a chemical dependency treatment program while in prison~~ treatment recommendations as determined by a comprehensive substance use disorder assessment while incarcerated.

(d) Notwithstanding the statutory maximum sentence provided in section 169A.24 (first-degree driving while impaired), when the court commits a person to the custody of the commissioner of corrections under this subdivision, it shall provide that after the person has been released from prison the commissioner shall place the person on conditional release for five years. The commissioner shall impose any conditions of release that the commissioner deems appropriate including, but not limited to, successful completion of an intensive probation program as described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders). If the person fails to comply with any condition of release, the commissioner may revoke the person's conditional release and order the person to serve all or part of the remaining portion of the conditional release term in prison. The commissioner may not dismiss the person from supervision before the conditional release term expires. Except as otherwise provided in this section, conditional release is governed by provisions relating to supervised release. The failure of a court to direct the commissioner of corrections to place the person on conditional release, as required in this paragraph, does not affect the applicability of the conditional release provisions to the person.

(e) The commissioner shall require persons placed on supervised or conditional release under this subdivision to pay as much of the costs of the supervision as possible. The commissioner shall develop appropriate standards for this.

Sec. 2. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. After July 1, 2023, the commissioner shall not allow inmates who have not been conditionally released from prison, whether on parole, supervised release, work release, or an early release program, to be housed in correctional facilities that are not owned and operated by the state, a local unit of government, or a group of local units of government. Inmates shall not exercise custodial functions or have authority over other inmates.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the Department of Corrections. This report shall be submitted to

the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

(j) To publish, administer, and award grant contracts with state agencies, local units of government, and other entities for correctional programs embodying rehabilitative concepts, for restorative programs for crime victims and the overall community, and for implementing legislative directives.

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

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

Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a facility under this section is revoked or suspended, or use of the facility is restricted for any reason under a conditional license order, or a correction order is issued to a facility, the commissioner shall post the facility, the status of the facility's license, and the reason for the correction order, restriction, revocation, or suspension publicly and on the department's website.

Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a license without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility has a licensed capacity of six or fewer persons and is occupied by either the licensee or the group foster home parents. The notification must be given before the license is first ~~issuance of a license~~ granted and annually after that time if annual notification is requested in writing by any affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under subdivision 2 until the provisions of this subdivision have been complied with in full.

Sec. 5. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may not:

(1) ~~issue~~ grant a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile; or

(2) renew a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile.

Sec. 6. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to read:

Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps to provide meaningful access to limited English proficient (LEP) individuals incarcerated, detained, or supervised by the Department of Corrections. The commissioner shall develop written policy and annual training to implement language access for LEP individuals.

Sec. 7. **[241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON STRIP SEARCHES AND DISCIPLINE.**

Subdivision 1. **Applicability.** This section applies to juvenile facilities licensed by the commissioner of corrections under section 241.021, subdivision 2.

Subd. 2. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Health care professional" means an individual who is licensed or permitted by a Minnesota health-related licensing board, as defined in section 214.01, subdivision 2, to perform health care services in Minnesota within the professional's scope of practice.

(c) "Strip search" means a visual inspection of a juvenile's unclothed breasts, buttocks, or genitalia.

Subd. 3. **Searches restricted.** (a) A staff person working in a facility may not conduct a strip search unless:

(1) a specific, articulable, and immediate contraband concern is present;

(2) other search techniques and technology cannot be used or have failed to identify the contraband; and

(3) the facility's chief administrator or designee has reviewed the situation and approved the strip search.

(b) A strip search must be conducted by:

(1) a health care professional; or

(2) a staff person working in a facility who has received training on trauma-informed search techniques and other applicable training under Minnesota Rules, chapter 2960.

(c) A strip search must be documented in writing and describe the contraband concern, summarize other inspection techniques used or considered, and verify the approval from the facility's chief administrator or, in the temporary absence of the chief administrator, the staff person designated as the person in charge of the facility. A copy of the documentation must be provided to the commissioner within 24 hours of the strip search.

(d) Nothing in this section prohibits or limits a strip search as part of a health care procedure conducted by a health care professional.

Subd. 4. **Discipline restricted.** (a) A staff person working in a facility may not discipline a juvenile by physically or socially isolating the juvenile.

(b) Nothing in this subdivision restricts a facility from isolating a juvenile for the juvenile's safety, staff safety, or the safety of other facility residents when the isolation is consistent with rules adopted by the commissioner.

Subd. 5. **Commissioner action.** The commissioner may take any action authorized under section 241.021, subdivisions 2 and 3, to address a violation of this section.

Subd. 6. **Report.** (a) By February 15 each year, the commissioner must report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy on the use of strip searches and isolation.

(b) The report must consist of summary data from the previous calendar year and must, at a minimum, include:

(1) how often strip searches were performed;

(2) how often juveniles were isolated;

(3) the length of each period of isolation used and, for juveniles isolated in the previous year, the total cumulative amount of time that the juvenile was isolated that year; and

(4) any injury to a juvenile related to a strip search or isolation, or both, that was reportable as a critical incident.

(c) Data in the report must provide information on the demographics of juveniles who were subject to a strip search and juveniles who were isolated. At a minimum, data must be disaggregated by age, race, and gender.

(d) The report must identify any facility that performed a strip search or used isolation, or both, in a manner that did not comply with this section or rules adopted by the commissioner in conformity with this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 8. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the classified service subject to the provisions of section 43A.01, subdivision 2, and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections' discretionary and statutory released violators and Department of Corrections' escapees and this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit may respond to a law enforcement agency's request to exercise general law enforcement duties during the course of official duties by carrying out law enforcement activities at the direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate criminal offenses in agency-operated correctional facilities and surrounding property.

Sec. 9. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the fugitive apprehension unit unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement agency authorizes the fugitive apprehension unit to assume the subsequent investigation. At the request of the primary jurisdiction, the fugitive apprehension unit may assist in subsequent investigations or law enforcement efforts being carried out by the primary jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines are not within the agency's jurisdiction must be referred to the appropriate local law enforcement agency for further investigation or disposition.

Sec. 10. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies required under state law for law enforcement agencies. The fugitive apprehension unit also must develop a policy for contacting law enforcement agencies in a city or county before initiating any fugitive surveillance, investigation, or apprehension within the city or county. ~~These policies must be filed with the board of peace officers standards and training by November 1, 2000.~~ Revisions of any of these policies must be filed with the board within ten days of the effective date of the revision. The Department of Corrections shall train all of its peace officers regarding the application of these policies.

Sec. 11. **[241.252] FREE COMMUNICATION SERVICES FOR INCARCERATED PERSONS.**

Subdivision 1. **Free communication services.** (a) A state adult or juvenile facility under the control of the commissioner of corrections must provide incarcerated persons with voice communication services. A facility may supplement voice communication services with other communication services, including but not limited to video communication and email or electronic messaging services. A facility must at least continue to offer the services the facility offered as of January 1, 2023.

(b) To the extent that voice communication services are provided, which must not be limited beyond program participation and routine facility policies and procedures, neither the individual initiating the communication nor the individual receiving the communication must be charged for the service.

Subd. 2. **Voice communication services restrictions.** Nothing in this section allows an incarcerated person to violate an active protection order, harassment restraining order, or other no-contact order or directive.

Subd. 3. **State revenue prohibited.** A state agency must not receive revenue from the provision of voice communication services or any other communication services under this section, but an agency may collect commissions on communication services provided under any contract entered into before January 1, 2023.

Subd. 4. **Visitation programs.** (a) Facilities shall maintain in-person visits for incarcerated persons, and communication services must not be used to replace a facility's in-person visitation program.

(b) Notwithstanding paragraph (a), the commissioner may waive the in-person visitation program requirement under this subdivision if there is:

(1) a declared emergency under section 12.31; or

(2) a local-, state-, or federal-declared natural disaster.

Subd. 5. **Reporting.** The Department of Corrections must include the following information covering the previous calendar year in its annual performance report required under section 241.016:

(1) its efforts to renegotiate the agency's communication contracts, including the rates the agency is paying or charging incarcerated people or community members for any and all services in the contracts;

(2) a complete and detailed accounting of how legislatively appropriated funds for communication services are spent, including spending on expenses previously covered by commissions; and

(3) data on usage of all communication services, including monthly call and message volume.

Subd. 6. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "voice communications" means real-time, audio-only communication services, namely phone calls made over wireline telephony, voice over Internet protocol, or any other technology infrastructure; and

(2) "other communication services" means communication services other than voice communications, including but not limited to video calls and electronic messages.

Sec. 12. Minnesota Statutes 2022, section 241.90, is amended to read:

241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified service~~,~~ and may be removed only for just cause. The ombudsperson shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 13. Minnesota Statutes 2022, section 242.18, is amended to read:

242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION.

(a) When a person has been committed to the commissioner of corrections, the commissioner under rules shall forthwith cause the person to be examined and studied, and investigate all of the pertinent circumstances of the person's life and the antecedents of the crime or other delinquent conduct because of which the person has been committed to the commissioner, and thereupon order the treatment the commissioner determines to be most conducive to rehabilitation. Except as authorized in paragraph (b), persons convicted of crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent children be detained in institutions for persons convicted of crimes. The court and the prosecuting and police authorities and other public officials shall make available to the commissioner of corrections all pertinent data in their possession in respect to the case.

(b) Upon review of safety considerations and the treatment and programming needs of a juvenile convicted of a crime, the commissioner may commit the juvenile to the facility that best meets rehabilitative needs.

Sec. 14. Minnesota Statutes 2022, section 243.1606, is amended to read:

243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER SUPERVISION.

Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate Compact for Juveniles established by section 260.515 and consist of the following individuals or their designees:

(1) the governor;

(2) the chief justice of the supreme court;

(3) two senators, one from the majority and the other from the minority party, selected by the Subcommittee on Committees of the senate Committee on Rules and Administration;

(4) two representatives, one from the majority and the other from the minority party, selected by the house speaker;

(5) the compact administrator, selected as provided in section 243.1607;

(6) a representative from the Department of Human Services regarding the Interstate Compact for the Placement of Children;

~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of Public Safety; ~~and~~

(8) the deputy compact administrator as defined in section 260.515;

(9) a representative from the State Public Defender's Office;

(10) a representative from the Minnesota County Attorney's Association;

(11) a representative from the Minnesota Sheriff's Association;

(12) a representative from the Minnesota Association of County Probation Officers;

(13) a representative from the Minnesota Association of Community Corrections Act Counties;

(14) a representative from the community at large;

(15) a representative from a community organization working with victims of crimes; and

~~(7)~~ (16) other members as appointed by the commissioner of corrections.

The council may elect a chair from among its members.

Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council shall appoint the compact administrator as the state's commissioner. In addition to these duties, the council shall develop a model policy concerning the operations and procedures of the compact within the state.

Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor and the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy on its activities along with providing a copy of the annual report published by the national commission that includes the activities of the interstate commission and executive committee as described in section 243.1605 for the preceding year. The council's annual report must also include information required of the State Advisory Council for the Interstate Compact for Juveniles as described in Article IV in section 260.515.

Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

Sec. 15. **[243.1609] INTERSTATE ADULT OFFENDER TRANSFER TRANSPORTATION EXPENSES.**

Subject to the amount of money appropriated for this purpose, the commissioner of corrections may reimburse sheriffs for transportation expenses related to the return of probationers to the state who are being held in custody under section 243.1605. Reimbursement shall be based on a fee schedule agreed to by the Department of Corrections and the Minnesota Sheriffs' Association. The required return to the state of a probationer in custody as a result of a nationwide warrant issued pursuant to the Interstate Compact for Adult Supervision shall be arranged and supervised by the sheriff of the county in which the court proceedings are to be held and at the expense of the state as provided for in this section. This expense offset is not applicable to the transport of individuals from pickup locations within 250 miles of the office of the sheriff arranging and supervising the offender's return to the state.

Sec. 16. Minnesota Statutes 2022, section 243.58, is amended to read:

243.58 ~~ESCAPED INMATES; WARRANT; REWARD~~ ISSUING WARRANT FOR ESCAPED INMATE OR CONVICTED DEFENDANT.

If an inmate escapes from any state correctional facility under the control of the commissioner of corrections, the commissioner shall issue a warrant directed to any peace officer requiring that the fugitive be taken into immediate custody and returned to any state correctional facility designated by the commissioner. The commissioner may also issue such a warrant when a convicted defendant fails to report postsentencing to their county authority or to a state correctional facility. The chief executive officer of the facility from which the escape occurred shall use all proper means to apprehend and return the escapee, which may include the offer of a reward of not more than $100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee.

Sec. 17. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

(a) The commissioner may not contract with privately owned and operated prisons for the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

(b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner from contracting with privately owned residential facilities, such as halfway houses, group homes, work release centers, or treatment facilities, to provide for the care, custody, and rehabilitation of inmates who have been released from prison under section 241.26, 244.05, 244.0513, 244.065, or 244.172, or any other form of supervised or conditional release.

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

Sec. 18. Minnesota Statutes 2022, section 244.05, subdivision 6, is amended to read:

Subd. 6. **Intensive supervised release.** (a) The commissioner may order that an inmate be placed on intensive supervised release for:

(1) all or part of the inmate's supervised release or parole term ~~if the commissioner determines that the action will further the goals described in section 244.14, subdivision 1, clauses (2), (3), and (4). In addition, the commissioner may order that an inmate be placed on intensive supervised release for~~; or

(2) all of the inmate's conditional or supervised release term if the inmate was:

(i) convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or 609.3453; or

~~was~~ (ii) sentenced under ~~the provisions of~~ section 609.3455, subdivision 3a.

(b) The commissioner ~~shall~~ must order that all level III predatory offenders be placed on intensive supervised release for the entire supervised release, conditional release, or parole term.

~~(b)~~ (c) The commissioner may impose appropriate conditions of release on ~~the~~ an inmate, including but not limited to:

(1) unannounced searches by an intensive supervision agent of the inmate's person, vehicle, premises, computer, or other electronic devices capable of accessing the Internet ~~by an intensive supervision agent~~;

(2) compliance with court-ordered restitution, if any;

(3) random drug testing;

(4) house arrest;

(5) daily curfews;

(6) frequent face-to-face contacts with an assigned intensive supervision agent;

(7) work, education, or treatment requirements; and

(8) electronic surveillance.

~~In addition, any~~ (d) A sex offender placed on intensive supervised release may be ordered to participate in an appropriate sex offender program as a condition of release.

(e) If electronic surveillance is directed for an inmate on intensive supervised release, the commissioner must require that until electronic surveillance is activated:

(1) the inmate be kept in custody; or

(2) the inmate's intensive supervision agent, or the agent's designee, directly supervise the inmate.

(f) Before being released from custody or the direct supervision of an intensive supervision agent, an inmate placed on electronic surveillance must ensure that:

(1) the inmate's residence is properly equipped to support electronic surveillance; and

(2) the inmate's telecommunications system is properly configured to support electronic surveillance.

(g) An inmate who fails to comply with paragraph (f) may be found in violation of the inmate's conditions of release after a revocation hearing.

~~(e)~~ (h) As a condition of release for an inmate required to register under section 243.166 who is placed on intensive supervised release under this subdivision, the commissioner shall prohibit the inmate from accessing, creating, or maintaining a personal web page, profile, account, password, or ~~user name~~ username for~~:~~ (1) a social networking website, or (2) an instant messaging or chat room program, any of which permits persons under the age of 18 to become a member or to create or maintain a personal web page.

(i) An intensive ~~supervised release~~ supervision agent may modify the prohibition ~~described in this~~ under paragraph (h) if ~~doing so does~~:

(1) the modification would not jeopardize public safety; and

(2) the modification is specifically described and agreed to in advance by the agent.

~~(d)~~ (j) If ~~the~~ an inmate violates the conditions of ~~the~~ intensive supervised release, the commissioner ~~shall~~ may impose sanctions as provided in subdivision 3 and section 609.3455.

Sec. 19. Minnesota Statutes 2022, section 244.05, subdivision 8, is amended to read:

Subd. 8. **Conditional medical and epidemic release.** (a) Notwithstanding subdivisions 4 and 5, the commissioner may order that ~~any offender~~ an inmate be placed on conditional medical release before ~~the offender's~~ their scheduled supervised release date or target release date if:

(1) the ~~offender~~ inmate suffers from a grave illness or medical condition; and

(2) the release poses no threat to the public.

(b) If there is an epidemic of any potentially fatal infectious or contagious disease in the community or in a state correctional facility, the commissioner may also release an inmate to home confinement before the inmate's scheduled supervised release date or target release date if:

(1) the inmate has a medical condition or state of health that would make the inmate particularly vulnerable to the disease; and

(2) release to home confinement poses no threat to the public.

~~In making the decision to~~ (c) When deciding whether to release an ~~offender on this status~~ inmate according to this subdivision, the commissioner must consider:

(1) the ~~offender's~~ inmate's age and medical condition, ~~the~~ health care needs ~~of the offender~~, ~~the offender's~~ and custody classification and level of risk of violence~~,~~;

(2) the appropriate level of community supervision~~,~~; and

(3) alternative placements that may be available for the ~~offender~~ inmate.

(d) An inmate may not be released under this ~~provision~~ subdivision unless the commissioner has determined that the inmate's health costs are likely to be borne by:

(1) the inmate; or

(2) medical assistance, Medicaid, veteran's benefits, or ~~by~~ any other federal or state medical assistance programs ~~or by the inmate~~.

~~Conditional medical release is governed by provisions relating to supervised release except that it may be rescinded~~ (e) The commissioner may rescind conditional medical release without a hearing ~~by the commissioner~~ if the ~~offender's~~ commissioner considers that the inmate's medical condition ~~improves~~ has improved to the extent that ~~the continuation of the conditional medical release presents a more serious risk to the public.~~:

(1) the illness or condition is no longer grave or can be managed by correctional health care options; or

(2) the epidemic that precipitated release has subsided or effective vaccines or other treatments have become available.

(f) Release under this subdivision may also be revoked in accordance with subdivisions 2 and 3 if the inmate violates any conditions of release imposed by the commissioner.

Sec. 20. Minnesota Statutes 2022, section 244.0513, subdivision 2, is amended to read:

Subd. 2. **Conditional release of certain nonviolent controlled substance offenders.** An offender who has been committed to the commissioner's custody may petition the commissioner for conditional release from prison before the offender's scheduled supervised release date or target release date if:

(1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

(2) the offender committed the crime as a result of a controlled substance ~~addiction~~ use disorder;

(3) the offender has served at least:

(i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if the offense for which the offender is seeking conditional release is a violation of section 152.024 or 152.025; or

(ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if the offense for which the offender is seeking conditional release is a violation of section 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

(4) the offender successfully completed ~~a substance use disorder treatment program of the type described in this section while in prison~~ treatment recommendations as determined by a comprehensive substance use disorder assessment while incarcerated;

(5) the offender has not previously been conditionally released under this section; and

(6) the offender has not within the past ten years been convicted or adjudicated delinquent for a violent crime as defined in section 609.1095 other than the current conviction for the controlled substance offense.

Sec. 21. Minnesota Statutes 2022, section 244.0513, subdivision 4, is amended to read:

Subd. 4. **Substance use disorder treatment program components.** (a) The substance use disorder treatment program described in subdivisions 2 and 3 must:

(1) contain a ~~highly~~ structured ~~daily~~ schedule for the offender;

(2) contain ~~individualized educational programs designed to improve the basic educational skills of the offender and to provide vocational training, if appropriate~~ individual or group counseling or both to help the offender identify and address needs related to substance use and develop strategies to avoid harmful substance use after discharge and to help the offender

obtain the services necessary to establish a lifestyle free of the harmful effects of substance use disorder;

(3) contain programs designed to promote the offender's self-worth and the offender's acceptance of responsibility for the consequences of the offender's own decisions;

(4) be ~~licensed by the Department of Human Services and~~ designed to serve the inmate population; and

(5) require that each offender submit to a ~~chemical use assessment~~ substance use disorder assessment and that the offender receive the appropriate level of treatment as indicated by the assessment.

(b) The commissioner ~~shall~~ may expel from the substance use disorder treatment program any offender who:

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any criminal offense while in the program; or

(3) presents any risk to other inmates based on the offender's behavior or attitude.

Sec. 22. Minnesota Statutes 2022, section 244.171, subdivision 4, is amended to read:

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

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any misdemeanor, gross misdemeanor, or felony offense; or

(3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The removal of an offender from the challenge incarceration program is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

(b) An offender who is removed from the challenge incarceration program shall be imprisoned for a time period equal to the offender's term of imprisonment, minus earned good time if any, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

(c) Notwithstanding paragraph (b), an offender who has been removed from the challenge incarceration program but who remains otherwise eligible for acceptance into the program

may be readmitted at the commissioner's discretion. An offender readmitted to the program under this paragraph must participate from the beginning and complete all of the program's phases.

Sec. 23. Minnesota Statutes 2022, section 244.172, subdivision 1, is amended to read:

Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The offender must be confined at the Minnesota Correctional Facility - Willow River/Moose Lake ~~or~~, the Minnesota Correctional Facility - Togo, or the Minnesota Correctional Facility - Shakopee and must successfully participate in all intensive treatment, education, and work programs required by the commissioner. The offender must also submit on demand to random drug and alcohol testing at time intervals set by the commissioner. Throughout phase I, the commissioner must severely restrict the offender's telephone and visitor privileges.

Sec. 24. Minnesota Statutes 2022, section 260.515, is amended to read:

260.515 INTERSTATE COMPACT FOR JUVENILES.

The Interstate Compact for Juveniles is enacted into law and entered into with all other states legally joining in it in substantially the following form:

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, United States Code, title 4, section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

(A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;

(B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected;

(C) return juveniles who have run away, absconded, or escaped from supervision or control or have been accused of an offense to the state requesting their return;

(D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;

(E) provide for the effective tracking and supervision of juveniles;

(F) equitably allocate the costs, benefits, and obligations of the compact states;

(G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

(H) insure immediate notice to jurisdictions where defined juvenile offenders are authorized to travel or to relocate across state lines;

(I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;

(J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state; executive, judicial, and legislative branches; and juvenile criminal justice administrators;

(K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance;

(L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and

(M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the information of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles

subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purpose and policies of the compact.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Bylaws" means those bylaws established by the commission for its governance, or for directing or controlling its actions or conduct.

B. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact.

C. "Compacting state" means any state which has enacted the enabling legislation for this compact.

D. "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent children.

F. "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact.

G. "Interstate Commission" means the Interstate Commission for Juveniles created by Article III of this compact.

H. "Juvenile" means any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

(1) accused delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;

(2) adjudicated delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) accused status offender - a person charged with an offense that would not be a criminal offense if committed by an adult;

(4) adjudicated status offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(5) nonoffender - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

I. "Noncompacting state" means any state which has not enacted the enabling legislation for this compact.

J. "Probation" or "parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

K. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

L. "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas.

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

A. The compacting states hereby create the "Interstate Commission for Juveniles." The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Advisory Council for Interstate Supervision of Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact administrator. The commissioner of corrections or the commissioner's designee shall serve as the compact administrator, who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations. Such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its bylaws for such additional ex-officio (nonvoting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

E. The commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administer enforcement and compliance with the provisions of the compact, its bylaws, and rules; and perform such other duties as directed by the Interstate Commission or set forth in the bylaws.

G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

H. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

1. relate solely to the Interstate Commission's internal personnel practices and procedures;

2. disclose matters specifically exempted from disclosure by statute;

3. disclose trade secrets or commercial or financial information which is privileged or confidential;

4. involve accusing any person of a crime or formally censuring any person;

5. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. disclose investigative records compiled for law enforcement purposes;

7. disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

8. disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity;

9. specifically relate to the Interstate Commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and

the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.

2. To promulgate rules to affect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the Interstate Commission.

4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

5. To establish and maintain offices which shall be located within one or more of the compacting states.

6. To purchase and maintain insurance and bonds.

7. To borrow, accept, hire, or contract for services of personnel.

8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish

the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.

10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

13. To establish a budget, make expenditures, and levy dues as provided in Article VIII of this compact.

14. To sue and be sued.

15. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

18. To coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

19. To establish uniform standards of the reporting, collecting, and exchanging of data.

20. The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. Bylaws.

1. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

a. establishing the fiscal year of the Interstate Commission;

b. establishing an executive committee and such other committees as may be necessary;

c. provide: (i) for the establishment of committees, and (ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

d. providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;

e. establishing the titles and responsibilities of the officers of the Interstate Commission;

f. providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations;

g. providing "start-up" rules for initial administration of the compact;

h. establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and staff.

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chair and a vice-chair, each of whom shall have such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budget funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified immunity, defense, and indemnification.

1. The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a

reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant has a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

1. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

3. When promulgating a rule, the Interstate Commission shall, at a minimum:

a. publish the proposed rule's entire text stating the reasons for that proposed rule;

b. allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record, and be made publicly available;

c. provide an opportunity for an informal hearing if petitioned by ten or more persons; and

d. promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

4. The Interstate Commission shall allow, not later than 60 days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model (State) Administrative Procedures Act.

5. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

6. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

7. Upon determination by the Interstate Commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively

applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

ARTICLE VII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight.

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

3. The compact administrator shall assess and collect fines, fees, and costs from any state or local entity deemed responsible by the compact administrator for a default as determined by the Interstate Commission under Article XI.

Section B. Dispute resolution.

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and noncompacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII

FINANCE

1. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state, and shall promulgate a rule binding upon all compacting states which governs said assessment.

3. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

4. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

5. Minnesota's annual assessment shall not exceed $30,000. The Interstate Compact for Juveniles fund is established as a special fund in the Department of Corrections. The fund consists of money appropriated for the purpose of meeting financial obligations imposed on the state as a result of Minnesota's participation in this compact. An assessment levied or any other financial obligation imposed under this compact is effective against the state only to the extent that money to pay the assessment or meet the financial obligation has been appropriated and deposited in the fund established in this paragraph.

ARTICLE IX

THE STATE ADVISORY COUNCIL

Each member state shall create a State Advisory Council for the Interstate Compact for Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be combined with the Advisory Council on Interstate Adult Offender Supervision established by section 243.1606 and consist of the following individuals or their designees:

(1) the governor;

(2) the chief justice of the Supreme Court;

(3) two senators, one from the majority and the other from the minority party, selected by the Subcommittee on Committees of the senate Committee on Rules and Administration;

(4) two representatives, one from the majority and the other from the minority party, selected by the house speaker;

(5) a representative from the Department of Human Services regarding the Interstate Compact for the Placement of Children;

(6) the compact administrator, selected as provided in Article III;

(7) the executive director of the Office of Justice Programs or designee;

(8) the deputy compact administrator; ~~and~~

(9) a representative from the State Public Defender's Office;

(10) a representative from the Minnesota County Attorney's Association;

(11) a representative from the Minnesota Sheriff's Association;

(12) a representative from the Minnesota Association of County Probation Officers;

(13) a representative from the Minnesota Association of Community Corrections Act Counties;

(14) a representative from the community at large;

(15) a representative from a community organization working with victims of crimes; and

~~(9)~~ (16) other members as appointed by the commissioner of corrections.

The council may elect a chair from among its members.

The council shall oversee and administer the state's participation in the compact as described in Article III. The council shall appoint the compact administrator as the state's commissioner.

The state advisory council will advise and exercise advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

Expiration; expenses. The provisions of section 15.059 apply to the council except that it does not expire.

ARTICLE X

COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

2. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

3. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Section A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact specifically repealing the statute, which enacted the compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chair of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing

state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Technical assistance, fines, suspension, termination, and default.

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

a. remedial training and technical assistance as directed by the Interstate Commission;

b. alternative dispute resolution;

c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

d. suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice, or the chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature; and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly promulgated rules and any other grounds designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges,

and benefits conferred by this compact shall be terminated from the effective date of termination.

2. Within 60 days of the effective date of termination of a defaulting state, the commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

3. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial enforcement.

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

Section D. Dissolution of compact.

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

1. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of this compact shall be enforceable.

2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other laws.

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

2. All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding effect of the compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting state.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning of interpretation.

4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Sec. 25. Minnesota Statutes 2022, section 260B.176, is amended by adding a subdivision to read:

Subd. 1a. **Risk-assessment instrument.** (a) If a peace officer, probation officer, or parole officer who takes a child into custody does not release the child according to subdivision 1, the officer must communicate with or deliver the child to a juvenile secure detention facility to determine whether the child should be released or detained.

(b) To determine whether a child should be released or detained, a facility's supervisor must use an objective and racially, ethnically, and gender-responsive juvenile detention risk-assessment instrument developed by the commissioner of corrections, county, group of counties, or judicial district, in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention Alternative Initiative.

(c) The risk-assessment instrument must:

(1) assess the likelihood that a child released from preadjudication detention under this section or section 260B.178 would endanger others or not return for a court hearing;

(2) identify the appropriate setting for a child who might endanger others or not return for a court hearing pending adjudication, with either continued detention or placement in a noncustodial community-based supervision setting; and

(3) identify the type of noncustodial community-based supervision setting necessary to minimize the risk that a child who is released from custody will endanger others or not return for a court hearing.

(d) If, after using the instrument, a determination is made that the child should be released, the person taking the child into custody or the facility supervisor must release the child according to subdivision 1.

EFFECTIVE DATE. This section is effective August 15, 2023.

Sec. 26. Minnesota Statutes 2022, section 299A.41, subdivision 4, is amended to read:

Subd. 4. **Public safety officer.** "Public safety officer" includes:

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

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

(3) a corrections staff person working in a public agency and supervising offenders in the community as defined in sections 243.05, subdivision 6; 244.19, subdivision 1; and 401.01, subdivision 2;

~~(3)~~ (4) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:

(i) firefighting;

(ii) emergency motor vehicle operation;

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

(iv) the provision of emergency medical services; or

(v) hazardous material responder;

~~(4)~~ (5) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

~~(5)~~ (6) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;

~~(6)~~ (7) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;

~~(7)~~ (8) a driver or attendant with a licensed basic or advanced life-support transportation service who is engaged in providing emergency care;

~~(8)~~ (9) a first responder who is certified by the emergency medical services regulatory board to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance; and

~~(9)~~ (10) a person, other than a state trooper, employed by the commissioner of public safety and assigned to the State Patrol, whose primary employment duty is either Capitol security or the enforcement of commercial motor vehicle laws and regulations.

Sec. 27. Minnesota Statutes 2022, section 629.292, subdivision 2, is amended to read:

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

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

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

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

Sec. 28. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

Subdivision 1. **Placement prohibited.** After August 1, 2023, a sheriff shall not allow inmates committed to the custody of the sheriff who are not on probation, work release, or some other form of approved release status to be housed in facilities that are not owned and operated by a local government, or a group of local units of government.

Subd. 2. **Contracts prohibited.** (a) Except as provided in paragraph (b), the county board may not authorize the sheriff to contract with privately owned and operated prisons for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

(b) Nothing in this section prohibits a county board from contracting with privately owned residential facilities, such as halfway houses, group homes, work release centers, or treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are on probation, work release, or some other form of approved release status.

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

Sec. 29. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:

Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or

other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program. The county shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline, a mental health provider, or calls for the purpose of providing case management or mental health services as defined in section 245.462 to prisoners.

Sec. 30. Minnesota Statutes 2022, section 641.155, is amended to read:

641.155 DISCHARGE PLANS~~; OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS~~.

Subdivision 1. **Discharge plans.** The commissioner of corrections shall develop and distribute a model discharge planning process for every ~~offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more months and is being released from a~~ county jail or county regional jail. The commissioner may specify different model discharge plans for prisoners who have been detained pretrial and prisoners who have been sentenced to jail. The commissioner must consult best practices and the most current correctional health care standards from national accrediting organizations. The commissioner must review and update the model process as needed.

Subd. 2. **Discharge plans for people with serious and persistent mental illnesses.** ~~An offender~~ A person with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more months and is being released from a county jail or county regional jail shall be referred to the appropriate staff in the county human services department at least 60 days before being released. The county human services department ~~may carry out provisions of the model discharge planning process such as~~ must complete a discharge plan with the prisoner no less than 14 days before release that may include:

(1) providing assistance in filling out an application for medical assistance or MinnesotaCare;

(2) making a referral for case management as outlined under section 245.467, subdivision 4;

(3) providing assistance in obtaining a state photo identification;

(4) securing a timely appointment with a psychiatrist or other appropriate community mental health providers; and

(5) providing prescriptions for a 30-day supply of all necessary medications.

Subd. 3. **Reentry coordination programs.** A county may establish a program to provide services and assist prisoners with reentering the community. Reentry services may include but are not limited to:

(1) providing assistance in meeting the basic needs of the prisoner immediately after release, including but not limited to provisions for transportation, clothing, food, and shelter;

(2) providing assistance in filling out an application for medical assistance or MinnesotaCare;

(3) providing assistance in obtaining a state photo identification;

(4) providing assistance in obtaining prescriptions for all necessary medications;

(5) coordinating services with the local county services agency or the social services agency in the county where the prisoner is a resident; and

(6) coordinating services with a community mental health or substance use disorder provider.

Sec. 31. **MENTAL HEALTH UNIT PILOT PROGRAM.**

(a) The commissioner of corrections shall establish a pilot program with interested counties to provide mental health care to individuals with serious and persistent mental illness who are incarcerated in county jails. The pilot program must require the participating counties to pay according to Minnesota Statutes, section 243.51, a per diem for reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park Heights, and other costs incurred by the Department of Corrections.

(b) The commissioner in consultation with the Minnesota Sheriffs' Association shall develop program protocols, guidelines, and procedures and qualifications for participating counties and incarcerated individuals to be treated in the Mental Health Unit. The program is limited to a total of five incarcerated individuals from the participating counties at any one time. Incarcerated individuals must volunteer to be treated in the unit and be able to participate in programming with other incarcerated individuals.

(c) The Minnesota Correctional Facility - Oak Park Heights warden, director of psychology, and associate director of behavioral health, or a designee of each, in consultation with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

(d) On November 15, 2024, the warden shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over corrections describing the protocols, guidelines, and procedures for participation in the pilot program by counties and incarcerated individuals, challenges with staffing, cost sharing with counties, capacity of the program, services provided to the incarcerated individuals, program outcomes, concerns regarding the program, and recommendations for the viability of a long-term program.

(e) The pilot program expires November 16, 2024.

Sec. 32. **REVISED FACILITY PLANS.**

The commissioner of corrections must direct any juvenile facility licensed by the commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its restrictive-procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner, a facility must submit the revised plans to the commissioner within 60 days.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 33. **REGIONAL AND COUNTY JAILS; STUDY AND REPORT.**

Subdivision 1. **Study.** The commissioner of corrections must study and make recommendations on the consolidation or merger of county jails and alternatives to incarceration for persons experiencing mental health disorders. The commissioner must engage and solicit feedback from citizens who live in communities served by facilities that may be impacted by the commissioner's recommendations for the consolidation or merger of jails. The commissioner must consult with the following individuals on the study and recommendations:

(1) county sheriffs;

(2) county and city attorneys who prosecute offenders;

(3) chief law enforcement officers;

(4) administrators of county jail facilities; and

262.1 (5) district court administrators.

262.2 Each party receiving a request for information from the commissioner under this section
262.3 shall provide the requested information in a timely manner.

262.4 Subd. 2. **Report.** The commissioner of corrections must file a report with the chairs and
262.5 ranking minority members of the senate and house of representatives committees and
262.6 divisions with jurisdiction over public safety and capital investment on the study and
262.7 recommendations under subdivision 1 on or before December 1, 2024. The report must, at
262.8 a minimum, provide the following information:

262.9 (1) the daily average number of offenders incarcerated in each county jail facility:

262.10 (i) who are in pretrial detention;

262.11 (ii) who cannot afford to pay bail;

262.12 (iii) for failure to pay fines and fees;

262.13 (iv) for offenses that stem from controlled substance addiction or mental health disorders;

262.14 (v) for nonfelony offenses;

262.15 (vi) who are detained pursuant to contracts with other authorities; and

262.16 (vii) for supervised release and probation violations;

262.17 (2) the actual cost of building a new jail facility, purchasing another facility, or repairing
262.18 a current facility;

262.19 (3) the age of current jail facilities;

262.20 (4) county population totals and trends;

262.21 (5) county crime rates and trends;

262.22 (6) the proximity of current jails to courthouses, probation services, social services,
262.23 treatment providers, and work-release employment opportunities;

262.24 (7) specific recommendations for alternatives to incarceration for persons experiencing
262.25 mental health disorders; and

262.26 (8) specific recommendations on the consolidation or merger of county jail facilities
262.27 and operations, including:

262.28 (i) where consolidated facilities should be located;

262.29 (ii) which counties are best suited for consolidation;

(iii) the projected costs of construction, renovation, or purchase of the facility; and

(iv) the projected cost of operating the facility.

Subd. 3. **Evaluation.** The commissioner, in consultation with the commissioner of management and budget, must evaluate the need of any capital improvement project that requests an appropriation of state capital budget money during an odd-numbered year to construct a jail facility or for capital improvements to expand the number of incarcerated offenders at an existing jail facility. The commissioner shall use the report under subdivision 2 to inform the evaluation. The commissioner must submit all evaluations under this subdivision by January 15 of each even-numbered year to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over public safety and capital investment on the study and recommendations under this subdivision.

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

Sec. 34. **RULEMAKING.**

(a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to enforce the requirements under Minnesota Statutes, section 241.0215, including but not limited to training, facility audits, strip searches, disciplinary room time, time-outs, and seclusion. The commissioner may amend the rules to make technical changes and ensure consistency with Minnesota Statutes, section 241.0215.

(b) In amending or adopting rules according to paragraph (a), the commissioner must use the exempt rulemaking process under Minnesota Statutes, section 14.386. Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under this section is permanent. After the rule is adopted, the authorization to use the exempt rulemaking process expires.

(c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and 60, or any other law to the contrary, the joint rulemaking authority with the commissioner of human services does not apply to rule amendments applicable only to the Department of Corrections. A rule that is amending jointly administered rule parts must be related to requirements on strip searches, disciplinary room time, time-outs, and seclusion and be necessary for consistency with this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 35. **REPEALER.**

Minnesota Statutes 2022, sections 244.14; and 244.15, are repealed.

ARTICLE 12
MINNESOTA REHABILITATION AND REINVESTMENT ACT

Section 1. Minnesota Statutes 2022, section 244.03, is amended to read:

244.03 REHABILITATIVE PROGRAMS.

Subdivision 1. **Commissioner responsibility.** (a) For individuals committed to the commissioner's authority, the commissioner ~~shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed by the funds appropriated for such programs.~~ must develop, implement, and provide, as appropriate:

(1) substance use disorder treatment programs;

(2) sexual offender treatment programming;

(3) domestic abuse programming;

(4) medical and mental health services;

(5) spiritual and faith-based programming;

(6) culturally responsive programming;

(7) vocational, employment and career, and educational programming; and

(8) other rehabilitative programs.

(b) While evidence-based programs must be prioritized, selecting, designing, and implementing programs under this section are the sole responsibility of the commissioner, acting within the limitations imposed by the funds appropriated for the programs under this section.

Subd. 2. **Challenge prohibited.** No action challenging the level of expenditures for rehabilitative programs authorized under this section, nor any action challenging the selection, design, or implementation of these programs, including employee assignments, may be maintained by an inmate in any court in this state.

Subd. 3. **Disciplinary sanctions.** The commissioner may impose disciplinary sanctions ~~upon~~ on any inmate who refuses to participate in rehabilitative programs.

Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

Subd. 1b. **Supervised release; ~~offenders~~ inmates who commit crimes on or after August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for a felony offense committed on or after August 1, 1993, shall serve a supervised release term upon completion of the inmate's term of imprisonment and any disciplinary confinement period imposed by the commissioner due to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative program required under section 244.03. The amount of time the inmate serves on supervised release ~~shall be~~ is equal ~~in length to the amount of time remaining in~~ to one-third of the inmate's fixed executed sentence ~~after the inmate has served the term of imprisonment and any disciplinary confinement period imposed by the commissioner~~, less any disciplinary confinement period imposed by the commissioner and regardless of any earned incentive release credit applied toward the individual's term of imprisonment under section 244.44.

(b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative program as required under section 244.03 shall be placed on supervised release until the inmate has served the disciplinary confinement period for that disciplinary sanction or until the inmate is discharged or released from punitive ~~segregation~~ restrictive-housing confinement, whichever is later. The imposition of a disciplinary confinement period shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for imposing the disciplinary confinement period and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

(c) For purposes of this subdivision, "earned incentive release credit" has the meaning given in section 244.41, subdivision 7.

Sec. 3. **[244.40] MINNESOTA REHABILITATION AND REINVESTMENT ACT.**

Sections 244.40 to 244.51 may be cited as the "Minnesota Rehabilitation and Reinvestment Act."

Sec. 4. **[244.41] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of the act, the terms defined in this section have the meanings given.

Subd. 2. **Act.** "Act" means the Minnesota Rehabilitation and Reinvestment Act.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections.

Subd. 4. **Correctional facility.** "Correctional facility" means a state facility under the direct operational authority of the commissioner but does not include a commissioner-licensed local detention facility.

Subd. 5. **Direct-cost per diem.** "Direct-cost per diem" means the actual nonsalary expenditures, including encumbrances as of July 31 following the end of the fiscal year, from the Department of Corrections expense budgets for food preparation; food provisions; personal support for incarcerated persons, including clothing, linen, and other personal supplies; transportation; and professional technical contracted health care services.

Subd. 6. **Earned compliance credit.** "Earned compliance credit" means a one-month reduction from the period during active supervision of the supervised release term for every two months that a supervised individual exhibits compliance with the conditions and goals of the individual's supervision plan.

Subd. 7. **Earned incentive release credit.** "Earned incentive release credit" means credit that is earned and included in calculating an incarcerated person's term of imprisonment for completing objectives established by their individualized rehabilitation plan under section 244.42.

Subd. 8. **Earned incentive release savings.** "Earned incentive release savings" means the calculation of the direct-cost per diem multiplied by the number of incarcerated days saved for the period of one fiscal year.

Subd. 9. **Executed sentence.** "Executed sentence" means the total period for which an incarcerated person is committed to the custody of the commissioner.

Subd. 10. **Incarcerated days saved.** "Incarcerated days saved" means the number of days of an incarcerated person's original term of imprisonment minus the number of actual days served, excluding days not served due to death or as a result of time earned in the challenge incarceration program under sections 244.17 to 244.173.

Subd. 11. **Incarcerated person.** "Incarcerated person" has the meaning given "inmate" in section 244.01, subdivision 2.

Subd. 12. **Supervised release.** "Supervised release" means the release of an incarcerated person according to section 244.05.

Subd. 13. **Supervised release term.** "Supervised release term" means the period equal to one-third of the individual's fixed executed sentence, less any disciplinary confinement period or punitive restrictive-housing confinement imposed under section 244.05, subdivision 1b.

Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end to active correctional supervision of a supervised individual without effect on the legal expiration date of the individual's executed sentence less any earned incentive release credit.

Subd. 15. **Term of imprisonment.** "Term of imprisonment" has the meaning given in section 244.01, subdivision 8.

Sec. 5. **[244.42] COMPREHENSIVE ASSESSMENT AND INDIVIDUALIZED REHABILITATION PLAN REQUIRED.**

Subdivision 1. **Comprehensive assessment.** (a) The commissioner must develop a comprehensive assessment process for each person who:

(1) is committed to the commissioner's custody and confined in a state correctional facility on or after January 1, 2025; and

(2) has 365 or more days remaining until the person's scheduled supervised release date or parole eligibility date.

(b) As part of the assessment process, the commissioner must take into account appropriate rehabilitative programs under section 244.03.

Subd. 2. **Individualized rehabilitation plan.** After completing the assessment process, the commissioner must ensure the development of an individualized rehabilitation plan, along with identified goals, for every person committed to the commissioner's custody. The individualized rehabilitation plan must be holistic in nature by identifying intended outcomes for addressing:

(1) the incarcerated person's needs and risk factors;

(2) the person's identified strengths; and

(3) available and needed community supports, including victim safety considerations as required under section 244.47, if applicable.

Subd. 3. **Victim input.** (a) If an individual is committed to the commissioner's custody for a crime listed in section 609.02, subdivision 16, the commissioner must make reasonable efforts to notify a victim of the opportunity to provide input during the assessment and rehabilitation plan process. Victim input may include:

(1) a summary of victim concerns relative to release;

(2) concerns related to victim safety during the committed individual's term of imprisonment; or

(3) requests for imposing victim safety protocols as additional conditions of imprisonment or supervised release.

(b) The commissioner must consider all victim input statements when developing an individualized rehabilitation plan and establishing conditions governing confinement or release.

Subd. 4. **Transition and release plan.** For an incarcerated person with less than 365 days remaining until the person's supervised release date, the commissioner, in consultation with the incarcerated person, must develop a transition and release plan.

Subd. 5. **Scope of act.** This act is separate and distinct from other legislatively authorized release programs, including the challenge incarceration program, work release, conditional medical release, or the program for the conditional release of nonviolent controlled substance offenders.

Sec. 6. **[244.43] EARNED INCENTIVE RELEASE CREDIT.**

Subdivision 1. **Policy for earned incentive release credit; stakeholder consultation.** (a) To encourage and support rehabilitation when consistent with the public interest and public safety, the commissioner must establish a policy providing for earned incentive release credit as a part of the term of imprisonment. The policy must be established in consultation with the following organizations:

(1) Minnesota County Attorneys Association;

(2) Minnesota Board of Public Defense;

(3) Minnesota Association of Community Corrections Act Counties;

(4) Minnesota Indian Women's Sexual Assault Coalition;

(5) Violence Free Minnesota;

(6) Minnesota Coalition Against Sexual Assault;

(7) Minnesota Alliance on Crime;

(8) Minnesota Sheriffs' Association;

(9) Minnesota Chiefs of Police Association;

(10) Minnesota Police and Peace Officers Association; and

(11) faith-based organizations that reflect the demographics of the incarcerated population.

(b) The policy must:

(1) provide circumstances upon which an incarcerated person may receive earned incentive release credits, including participation in rehabilitative programming under section 244.03; and

(2) address circumstances where:

(i) the capacity to provide rehabilitative programming in the correctional facility is diminished but the programming is available in the community; and

(ii) the conditions under which the incarcerated person could be released to the community-based resource but remain subject to commitment to the commissioner and could be considered for earned incentive release credit.

Subd. 2. **Policy on disparities.** The commissioner must develop a policy establishing a process for assessing and addressing any systemic and programmatic gender and racial disparities that may be identified when awarding earned incentive release credits.

Sec. 7. **[244.44] APPLYING EARNED INCENTIVE RELEASE CREDIT.**

Earned incentive release credits are included in calculating the term of imprisonment but are not added to the person's supervised release term, the total length of which remains unchanged. The maximum amount of earned incentive release credit that can be earned and subtracted from the term of imprisonment is 17 percent of the total executed sentence. Earned credit cannot reduce the term of imprisonment to less than one-half of the incarcerated person's executed sentence. Once earned, earned incentive release credits are nonrevocable.

Sec. 8. **[244.45] INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.**

The following individuals are ineligible for earned incentive release credit:

(1) those serving life sentences;

(2) those given indeterminate sentences for crimes committed on or before April 30, 1980; or

(3) those subject to good time under section 244.04 or similar laws.

Sec. 9. **[244.46] EARNED COMPLIANCE CREDIT AND SUPERVISION ABATEMENT STATUS.**

Subdivision 1. **Adopting policy for earned compliance credit; supervision abatement status.** (a) The commissioner must adopt a policy providing for earned compliance credit.

(b) Except as otherwise provided in the act, once the time served on active supervision plus earned compliance credits equals the total length of the supervised release term, the commissioner must place the individual on supervision abatement status for the remainder of the supervised release term.

Subd. 2. **Violating conditions of release; commissioner action.** If an individual violates the conditions of release while on supervision abatement status, the commissioner may:

(1) return the individual to active supervision for the remainder of the supervised release term, with or without modifying the conditions of release; or

(2) revoke the individual's supervised release in accordance with section 244.05, subdivision 3.

Subd. 3. **Supervision abatement status; requirements.** A person who is placed on supervision abatement status under this section must not be required to regularly report to a supervised release agent or pay a supervision fee but must continue to:

(1) obey all laws;

(2) report any new criminal charges; and

(3) abide by section 243.1605 before seeking written authorization to relocate to another state.

Subd. 4. **Applicability.** This section does not apply to individuals:

(1) serving life sentences;

(2) given indeterminate sentences for crimes committed on or before April 30, 1980; or

(3) subject to good time under section 244.04 or similar laws.

Sec. 10. **[244.47] VICTIM INPUT.**

Subdivision 1. **Notifying victim; victim input.** (a) If an individual is committed to the custody of the commissioner for a crime listed in section 609.02, subdivision 16, and is eligible for earned incentive release credit, the commissioner must make reasonable efforts to notify the victim that the committed individual is eligible for earned incentive release credit.

(b) Victim input may include:

(1) a summary of victim concerns relative to eligibility of earned incentive release credit;

(2) concerns related to victim safety during the committed individual's term of imprisonment; or

(3) requests for imposing victim safety protocols as additional conditions of imprisonment or supervised release.

Subd. 2. **Victim input statements.** The commissioner must consider victim input statements when establishing requirements governing conditions of release. The commissioner must provide the name and telephone number of the local victim agency serving the jurisdiction of release to any victim providing input on earned incentive release credit.

Sec. 11. **[244.48] VICTIM NOTIFICATION.**

Nothing in this act limits any victim notification obligations of the commissioner required by statute related to a change in custody status, committing offense, end-of-confinement review, or notification registration.

Sec. 12. **[244.49] INTERSTATE COMPACT.**

(a) This section applies to a person serving a Minnesota sentence while being supervised in another state according to the Interstate Compact for Adult Supervision.

(b) As may be allowed under section 243.1605, a person may be eligible for supervision abatement status according to the act only if they meet eligibility criteria for earned compliance credit as established under section 244.46.

Sec. 13. **[244.50] REALLOCATING EARNED INCENTIVE RELEASE SAVINGS.**

Subdivision 1. **Establishing reallocation revenue account.** The reallocation of earned incentive release savings account is established in the special revenue fund in the state treasury. Funds in the account are appropriated to the commissioner and must be expended in accordance with the allocation established in subdivision 4 after the requirements of subdivision 2 are met. Funds in the account are available until expended.

Subd. 2. **Certifying earned incentive release savings.** On or before the final closeout date of each fiscal year, the commissioner must certify to Minnesota Management and Budget the earned incentive release savings from the previous fiscal year. The commissioner must provide the detailed calculation substantiating the savings amount, including accounting-system-generated data where possible, supporting the direct-cost per diem and the incarcerated days saved.

Subd. 3. **Savings to be transferred to reallocation revenue account.** After the certification in subdivision 2 is completed, the commissioner must transfer funds from the appropriation from which the savings occurred to the reallocation revenue account according to the allocation in subdivision 4. Transfers must occur by September 1 each year.

Subd. 4. **Distributing reallocation funds.** The commissioner must distribute funds as follows:

(1) 25 percent must be transferred to the Office of Justice Programs in the Department of Public Safety for crime victim services;

(2) 25 percent must be transferred to the Community Corrections Act subsidy appropriation and to the Department of Corrections for supervised release and intensive supervision services, based upon a three-year average of the release jurisdiction of supervised releasees and intensive supervised releasees across the state;

(3) 25 percent must be transferred to the Department of Corrections for:

(i) grants to develop and invest in community-based services that support the identified needs of correctionally involved individuals or individuals at risk of becoming involved in the criminal justice system; and

(ii) sustaining the operation of evidence-based programming in state and local correctional facilities; and

(4) 25 percent must be transferred to the general fund.

Sec. 14. **[244.51] REPORTING REQUIRED.**

Subdivision 1. **Annual report required.** (a) Beginning January 15, 2026, and by January 15 each year thereafter for ten years, the commissioner must provide a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary.

(b) For the 2026 report, the commissioner must report on implementing the requirements in this act. Starting with the 2027 report, the commissioner must report on the status of the requirements in this act for the previous fiscal year.

(c) Each report must be provided to the sitting president of the Minnesota Association of Community Corrections Act Counties and the executive directors of the Minnesota Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition, the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against Sexual Assault, and the Minnesota County Attorneys Association.

(d) The report must include but not be limited to:

(1) a qualitative description of policy development; implementation status; identified implementation or operational challenges; strategies identified to mitigate and ensure that the act does not create or exacerbate gender, racial, and ethnic disparities; and proposed mechanisms for projecting future savings and reallocation of savings;

(2) the number of persons who were granted earned incentive release credit, the total number of days of incentive release earned, a summary of committing offenses for those persons who earned incentive release credit, a summary of earned incentive release savings, and the demographic data for all persons eligible for earned incentive release credit and the reasons and demographic data of those eligible persons for whom earned incentive release credit was unearned or denied;

(3) the number of persons who earned supervision abatement status, the total number of days of supervision abatement earned, the committing offenses for those persons granted supervision abatement status, the number of revocations for reoffense while on supervision abatement status, and the demographic data for all persons eligible for, considered for, granted, or denied supervision abatement status and the reasons supervision abatement status was unearned or denied;

(4) the number of persons deemed ineligible to receive earned incentive release credits and supervise abatement and the demographic data for the persons; and

(5) the number of victims who submitted input, the number of referrals to local victim-serving agencies, and a summary of the kinds of victim services requested.

Subd. 2. **Soliciting feedback.** (a) The commissioner must solicit feedback on victim-related operational concerns from the Minnesota Indian Women's Sexual Assault Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and Violence Free Minnesota.

(b) The feedback should relate to applying earned incentive release credit and supervision abatement status options. A summary of the feedback from the organizations must be included in the annual report.

Subd. 3. **Evaluating earned incentive release credit and act.** The commissioner must direct the Department of Corrections' research unit to regularly evaluate earned incentive release credits and other provisions of the act. The findings must be published on the Department of Corrections' website and in the annual report.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 14 are effective August 1, 2023.

ARTICLE 13
FIREARMS BACKGROUND CHECKS

Section 1. Minnesota Statutes 2022, section 624.7131, is amended to read:

624.7131 TRANSFEREE PERMIT; PENALTY.

Subdivision 1. **Information.** Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and

(4) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

The statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff

shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or sheriff ~~that~~ shall refuse to grant a transferee permit if the applicant is: (1) prohibited by ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault weapon ~~shall be the only basis for refusal to grant a transferee permit~~; (2) determined to be a danger to self or the public when in possession of firearms under paragraph (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

(b) A chief of police or sheriff shall refuse to grant a permit to a person if there exists a substantial likelihood that the applicant is a danger to self or the public when in possession of a firearm. To deny the application pursuant to paragraph (a), clause (2), the chief of police or sheriff must provide the applicant with written notification and the specific factual basis justifying the denial, including the source of the factual basis. The chief of police or sheriff must inform the applicant of the applicant's right to submit, within 20 business days, any additional documentation relating to the propriety of the denial. Upon receiving any additional documentation, the chief of police or sheriff must reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant must be informed of the right to seek de novo review of the denial as provided in subdivision 8.

(c) A person is not eligible to submit a permit application under this section if the person has had an application denied pursuant to paragraph (b) and less than six months have elapsed since the denial was issued or the person's appeal under subdivision 8 was denied, whichever is later.

(d) A chief of police or sheriff who denies a permit application pursuant to paragraph (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with joint jurisdiction over the proposed transferee's residence.

Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee permit or deny the application within ~~seven~~ 30 days of application for the permit.

(b) In the case of a denial, the chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial.

(c) The permits and their renewal shall be granted free of charge.

Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained, except that all renewed permits must comply with the standards adopted by the commissioner under section 624.7151. Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time that the holder becomes prohibited from possessing or receiving a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. If the chief law enforcement officer who issued the permit has knowledge that the permit holder is ineligible to possess firearms, the chief law enforcement officer must revoke the permit and give notice to the holder in writing. Failure of the holder to return the permit within the five days of learning that the permit is void or revoked is a gross misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

(b) When a permit holder receives a court disposition that prohibits the permit holder from possessing a firearm, the court must take possession of the permit, if it is available, and send it to the issuing law enforcement agency. If the permit holder does not have the permit when the court imposes a firearm prohibition, the permit holder must surrender the permit to the assigned probation officer, if applicable. When a probation officer is assigned upon disposition of the case, the court shall inform the probation agent of the permit holder's obligation to surrender the permit. Upon surrender, the probation officer must send the permit to the issuing law enforcement agency. If a probation officer is not assigned to the permit holder, the holder shall surrender the permit as provided for in paragraph (a).

Subd. 8. **Hearing upon denial.** (a) Any person aggrieved by denial of a transferee permit may appeal ~~the denial to the district court having jurisdiction over the county or municipality in which the denial occurred.~~ by petition to the district court having jurisdiction over the county or municipality where the application was submitted. The petition must list the applicable chief of police or sheriff as the respondent. The district court must hold a hearing

at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The court may not grant or deny any relief before the completion of the hearing. The record of the hearing must be sealed. The matter must be heard de novo without a jury.

(b) The court must issue written findings of fact and conclusions of law regarding the issues submitted by the parties. The court must issue its writ of mandamus directing that the permit be issued and order other appropriate relief unless the chief of police or sheriff establishes by clear and convincing evidence that:

(1) the applicant is disqualified from possessing a firearm under state or federal law;

(2) there exists a substantial likelihood that the applicant is a danger to self or the public when in possession of a firearm. Incidents of alleged criminal misconduct that are not investigated and documented may not be considered; or

(3) the applicant is listed in the criminal gang investigative data system under section 299C.091.

(c) If an application is denied because the proposed transferee is listed in the criminal gang investigative data system under section 299C.091, the applicant may challenge the denial, after disclosure under court supervision of the reason for that listing, based on grounds that the person:

(1) was erroneously identified as a person in the data system;

(2) was improperly included in the data system according to the criteria outlined in section 299C.091, subdivision 2, paragraph (b); or

(3) has demonstrably withdrawn from the activities and associations that led to inclusion in the data system.

Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and ~~section~~ sections 624.7132 and 624.7134.

Subd. 10. **Transfer report not required.** A person who transfers a pistol or semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a ~~gross misdemeanor~~ felony.

Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the issuance of transferee permits.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2022, section 624.7132, is amended to read:

624.7132 REPORT OF TRANSFER.

Subdivision 1. **Required information.** Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the proposed transferee resides or to the appropriate county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1;

(4) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(5) the address of the place of business of the transferor.

The report shall be signed and dated by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until ~~five business~~ 30 days after the date the agreement to transfer is delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive all or a portion of the ~~five business day~~ waiting period in writing if the chief of police or sheriff: (1) determines the proposed transferee is not disqualified prior to the waiting period concluding; or (2) finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee. Prior to modifying the waiting period under the authority granted in clause (2), the chief of police or sheriff must first determine that the proposed transferee is not prohibited from possessing a firearm under state or federal law.

No person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within ~~five~~ 30 business days after delivery of the agreement to transfer, the pistol or semiautomatic military-style assault weapon may be delivered to the transferee, unless the transferor knows the transferee is ineligible to possess a pistol or semiautomatic military-style assault weapon.

Subd. 5. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or sheriff ~~that~~ shall deny an application if the proposed transferee is: (1) prohibited by ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault weapon ~~shall be the sole basis for a notification of disqualification under this section~~; (2) determined to be a danger to self or the public when in possession of firearms under paragraph (b); or (3) listed in the criminal gang investigative data system under section 299C.091.

(b) A chief of police or sheriff shall deny an application if there exists a substantial likelihood that the proposed transferee is a danger to self or the public when in possession of a firearm. To deny the application under this paragraph, the chief of police or sheriff must provide the applicant with written notification and the specific factual basis justifying the denial, including the source of the factual basis. The chief of police or sheriff must inform the applicant of the applicant's right to submit, within 20 business days, any additional documentation relating to the propriety of the denial. Upon receiving any additional documentation, the chief of police or sheriff must reconsider the denial and inform the applicant within 15 business days of the result of the reconsideration. Any denial after reconsideration must be in the same form and substance as the original denial and must specifically address any continued deficiencies in light of the additional documentation submitted by the applicant. The applicant must be informed of the right to seek de novo review of the denial as provided in subdivision 13.

(c) A chief of police or sheriff need not process an application under this section if the person has had an application denied pursuant to paragraph (b) and less than six months have elapsed since the denial was issued or the person's appeal under subdivision 13 was denied, whichever is later.

(d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with joint jurisdiction over the applicant's residence.

Subd. 6. **Transferee permit.** If a chief of police or sheriff ~~determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon~~ does not deny a proposed transferee's application under subdivision 5, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee permit issued under section 624.7131 or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any number of pistols or semiautomatic military-style assault weapons may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols or semiautomatic military-style assault weapons a person may acquire.

Subd. 10. **Restriction on records.** Except as provided for in section 624.7134, subdivision 3, paragraph (e), if, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, a transferee requests that no record be maintained of the fact of who is the transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer.

Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f, this section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(1) a transfer by a person other than a federally licensed firearms dealer;

(2) a loan to a prospective transferee if the loan is intended for a period of no more than one day;

(3) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;

(4) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

(5) a loan between persons at a firearms collectors exhibition;

(6) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(7) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(8) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Subd. 13. **Appeal.** (a) A person aggrieved by the determination of a chief of police or sheriff ~~that the person is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon may appeal the determination as provided in this subdivision. The district court shall have jurisdiction of proceedings under this subdivision.~~ under subdivision 5 may appeal by petition to the district court having jurisdiction over the county or municipality where the application was submitted. The petition must list the applicable chief of police or sheriff as the respondent. The district court must hold a hearing at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The court may not grant or deny any relief before the completion of the hearing. The record of the hearing must be sealed. The matter must be heard de novo without a jury.

~~On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol or semiautomatic military-style assault weapon by section 624.713.~~

(b) The court must issue written findings of fact and conclusions of law regarding the issues submitted by the parties. The court must issue its writ of mandamus directing that the permit be issued and order other appropriate relief unless the chief of police or sheriff establishes by clear and convincing evidence that:

(1) the applicant is disqualified under state or federal law from possession of firearms;

(2) there exists a substantial likelihood that the applicant is a danger to self or the public when in possession of a firearm. Incidents of alleged criminal misconduct that are not investigated and documented may not be considered; or

(3) the applicant is listed in the criminal gang investigative data system under section 299C.091.

(c) If an application is denied because the proposed transferee is listed in the criminal gang investigative data system under section 299C.091, the proposed transferee may challenge the denial, after disclosure under court supervision of the reason for that listing, based on grounds that the person:

(1) was erroneously identified as a person in the data system;

(2) was improperly included in the data system according to the criteria outlined in section 299C.091, subdivision 2, paragraph (b); or

(3) has demonstrably withdrawn from the activities and associations that led to inclusion in the data system.

~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor.~~

~~(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.~~

~~(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.~~

~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this subdivision is guilty of a misdemeanor.~~

Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:

(1) transfers a pistol or semiautomatic military-style assault weapon in violation of subdivisions 1 to 13;

(2) transfers a pistol or semiautomatic military-style assault weapon to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(4) makes a false statement in order to become a transferee of a pistol or semiautomatic military-style assault weapon knowing or having reason to know the statement is false.

(b) A person who does either of the following is guilty of a felony:

(1) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 in violation of subdivisions 1 to 13; or

(2) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement.

Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the transfer of pistols.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK REQUIRED.**

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

(b) "Firearms dealer" means a person who is licensed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code, title 18, section 923(a).

(c) "State or federally issued identification" means a document or card made or issued by or under the authority of the United States government or the state that contains the person's name, residence address, date of birth, and photograph and is of a type commonly accepted for the purpose of identification of individuals.

(d) "Unlicensed person" means a person who does not hold a license under United States Code, title 18, section 923(a).

Subd. 2. **Background check and evidence of identity.** An unlicensed person is prohibited from transferring a pistol or semiautomatic military-style assault weapon to any other unlicensed person, unless: (1) the transfer is made through a firearms dealer as provided for in subdivision 3; or (2) the transferee presents a valid transferee permit issued under section 624.7131 and a current state or federally issued identification.

Subd. 3. **Background check conducted by federally licensed firearms dealer.** (a) Where both parties to a prospective transfer of a pistol or semiautomatic military-style assault weapon are unlicensed persons, the transferor and transferee may appear jointly before a federally licensed firearms dealer with the firearm and request that the federally licensed firearms dealer conduct a background check on the transferee and facilitate the transfer.

(b) Except as otherwise provided in this section, a federally licensed firearms dealer who agrees to facilitate a transfer under this section shall:

(1) process the transfer as though transferring the firearm from the dealer's inventory to the transferee; and

(2) comply with all requirements of federal and state law that would apply if the firearms dealer were making the transfer, including at a minimum all background checks and record keeping requirements. The exception to the report of transfer process in section 624.7132, subdivision 12, clause (1), does not apply to transfers completed under this subdivision.

(c) If the transferee is prohibited by federal law from purchasing or possessing the firearm or not entitled under state law to possess the firearm, neither the federally licensed firearms dealer nor the transferor shall transfer the firearm to the transferee.

(d) Notwithstanding any other law to the contrary, this section shall not prevent the transferor from:

(1) removing the firearm from the premises of the federally licensed firearms dealer, or the gun show or event where the federally licensed firearms dealer is conducting business, as applicable, while the background check is being conducted, provided that the transferor must return to the federally licensed firearms dealer with the transferee before the transfer takes place, and the federally licensed firearms dealer must take possession of the firearm in order to complete the transfer; and

(2) removing the firearm from the business premises of the federally licensed firearms dealer if the results of the background check indicate the transferee is prohibited by federal law from purchasing or possessing the firearm or not entitled under state law to possess the firearm.

(e) A transferee who consents to participate in a transfer under this subdivision is not entitled to have the transfer report returned as provided for in section 624.7132, subdivision 10.

(f) A firearms dealer may charge a reasonable fee for conducting a background check and facilitating a transfer between the transferor and transferee pursuant to this section.

Subd. 4. **Record of transfer; required information.** (a) Unless a transfer is made through a firearms dealer as provided for in subdivision 3, when two unlicensed persons complete the transfer of a pistol or semiautomatic military-style assault weapon, the transferor and transferee must complete a record of transfer on a form designed and made publicly available without fee for this purpose by the superintendent of the Bureau of Criminal

Apprehension. Each page of the record of transfer must be signed and dated by the transferor and the transferee and contain the serial number of the pistol or semiautomatic military-style assault weapon.

(b) The record of transfer must contain the following information:

(1) a clear copy of each person's current state or federally issued identification;

(2) a clear copy of the transferee permit presented by the transferee; and

(3) a signed statement by the transferee swearing that the transferee is not currently prohibited by state or federal law from possessing a firearm.

(c) The record of transfer must also contain the following information regarding the transferred pistol or semiautomatic military-style assault weapon:

(1) the type of pistol or semiautomatic military-style assault weapon;

(2) the manufacturer, make, and model of the pistol or semiautomatic military-style assault weapon; and

(3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned serial number.

(d) Both the transferor and the transferee must retain a copy of the record of transfer and any attachments to the record of transfer for 10 years from the date of the transfer. A copy in digital form shall be acceptable for the purposes of this paragraph.

Subd. 5. **Compulsory production of a record of transfer; misdemeanor penalty.** (a) Unless a transfer was completed under subdivision 3, the transferor and transferee of a pistol or semiautomatic military-style assault weapon transferred under subdivision 4 must produce the record of transfer when a peace officer requests the record as part of a criminal investigation.

(b) A person who refuses or is unable to produce a record of transfer for a firearm transferred under this section in response to a request for production made by a peace officer pursuant to paragraph (a) is guilty of a misdemeanor. A prosecution or conviction for violation of this subdivision is not a bar to conviction of, or punishment for, any other crime committed involving the transferred firearm.

Subd. 6. **Immunity.** A person is immune to a charge of violating this section if the person presents a record of transfer that satisfies the requirements of subdivision 4.

Subd. 7. **Exclusions.** (a) This section shall not apply to the following transfers:

(1) a transfer by or to a federally licensed firearms dealer;

(2) a transfer by or to any law enforcement agency;

(3) to the extent the transferee is acting within the course and scope of employment and official duties, a transfer to:

(i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

(ii) a member of the United States armed forces, the National Guard, or the Reserves of the United States armed forces;

(iii) a federal law enforcement officer; or

(iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

(4) a transfer between immediate family members, which for the purposes of this section means spouses, domestic partners, parents, children, siblings, grandparents, and grandchildren;

(5) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of the former owner of the firearm;

(6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

(7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27, section 478.11, if the transfer is between collectors of firearms as curios or relics as defined by United States Code, title 18, section 921(a)(13), who each have in their possession a valid collector of curio and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;

(8) the temporary transfer of a firearm if:

(i) the transfer is necessary to prevent imminent death or great bodily harm; and

(ii) the person's possession lasts only as long as immediately necessary to prevent such imminent death or great bodily harm;

(9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in the person's official role as an auctioneer to facilitate or conduct an auction of the firearm; and

(10) a temporary transfer if the transferee's possession of the firearm following the transfer is only:

(i) at a shooting range that operates in compliance with the performance standards under chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance

is not required by the governing body of the jurisdiction, at an established shooting range operated consistently with local law in the jurisdiction;

(ii) at a lawfully organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as part of the performance;

(iii) while hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for hunting or trapping;

(iv) at a lawfully organized educational or instructional course and under the direct supervision of a certified instructor, as that term is defined in section 624.714, subdivision 2a, paragraph (d); or

(v) while in the actual presence of the transferor.

(b) A transfer under this subdivision is permitted only if the transferor has no reason to believe:

(1) that the transferee is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms;

(2) if the transferee is under 18 years of age and is receiving the firearm under direct supervision and control of an adult, that the adult is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms; or

(3) that the transferee will use or intends to use the firearm in the commission of a crime.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

ARTICLE 14
EXTREME RISK PROTECTION ORDERS

Section 1. Minnesota Statutes 2022, section 624.713, subdivision 1, is amended to read:

Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual

presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person's ability to possess a firearm and ammunition has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the

treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm or ammunition for the period determined by the sentencing court;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02;

(v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

(vii) has renounced the person's citizenship having been a citizen of the United States; or

(viii) is disqualified from possessing a firearm under United States Code, title 18, section 922(g)(8) or (9), as amended through March 1, 2014;

(11) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (harassment or stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state;

(12) a person who has been convicted of a violation of section 609.224 if the court determined that the assault was against a family or household member in accordance with section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of another violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

(13) a person who is subject to an order for protection as described in section 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

(14) a person who is subject to an extreme risk protection order as described in section 624.7172 or 624.7174.

A person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm or ammunition committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

Sec. 2. **[624.7171] EXTREME RISK PROTECTION ORDERS.**

Subdivision 1. **Definitions.** (a) As used in sections 624.7171 to 624.7178, the following terms have the meanings given.

(b) "Family or household members" means:

(1) spouses and former spouses of the respondent;

(2) parents and children of the respondent;

(3) persons who are presently residing with the respondent; or

(4) a person involved in a significant romantic or sexual relationship with the respondent.

In determining whether persons are in a significant romantic or sexual relationship under clause (4), the court shall consider the length of time of the relationship; type of relationship; and frequency of interaction between the parties.

(c) "Firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

(d) "Mental health professional" has the meaning given in section 245I.02, subdivision 27.

Subd. 2. **Court jurisdiction.** (a) An application for relief under sections 624.7172 and 624.7174 may be filed in the county of residence of the respondent except as provided for in paragraph (b). Actions under sections 624.7172 and 624.7174 shall be given docket priorities by the court.

(b) At the time of filing, a petitioner may request that the court allow the petitioner to appear virtually at all proceedings. If the court denies the petitioner's request for virtual participation, the petitioner may refile the petition in the county where the petitioner resides or is officed.

Subd. 3. **Information on petitioner's location or residence.** Upon the petitioner's request, information maintained by the court regarding the petitioner's location or residence is not accessible to the public and may be disclosed only to court personnel or law enforcement for purposes of service of process, conducting an investigation, or enforcing an order.

Subd. 4. **Generally.** (a) There shall exist an action known as a petition for an extreme risk protection order, which order shall enjoin and prohibit the respondent from possessing or purchasing firearms for as long as the order remains in effect.

(b) A petition for relief under sections 624.7171 to 624.7178 may be made by the chief law enforcement officer, the chief law enforcement officer's designee, a city or county attorney, any family or household members of the respondent, or a guardian, as defined in section 524.1-201, clause (27), of the respondent.

(c) A petition for relief shall allege that the respondent poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm. The petition shall be accompanied by an affidavit made under oath stating specific facts and circumstances forming a basis to allege that an extreme risk protection order should be granted. The affidavit may include but is not limited to evidence showing any of the factors described in section 624.7172, subdivision 2.

(d) A petition for emergency relief under section 624.7174 shall additionally allege that the respondent presents an immediate and present danger of either bodily harm to others or of taking their life.

(e) A petition for relief must describe, to the best of the petitioner's knowledge, the types and location of any firearms believed by the petitioner to be possessed by the respondent.

(f) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(g) The state court administrator shall create all forms necessary under sections 624.7171 to 624.7178.

(h) The filing fees for an extreme risk protection order 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.

(i) The court shall advise the petitioner of the right to serve the respondent by alternate notice under section 624.7172, subdivision 1, paragraph (e), if the respondent is avoiding personal service by concealment or otherwise, and shall assist in the writing and filing of the affidavit.

(j) The court shall advise the petitioner of the right to request a hearing under section 624.7174. If the petitioner does not request a hearing, the court shall advise the petitioner

that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(k) Any proceeding under sections 624.7171 to 624.7178 shall be in addition to other civil or criminal remedies.

(l) All health records and other health information provided in a petition or considered as evidence in a proceeding under sections 624.7171 to 624.7178 shall be protected from public disclosure but may be provided to law enforcement agencies as described in this section.

(m) Any extreme risk protection order or subsequent extension issued under sections 624.7171 to 624.7178 shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the respondent and electronically transmitted within three business days to the National Instant Criminal Background Check System. When an order expires or is terminated by the court, the court must submit a request that the order be removed from the National Instant Background Check System. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any extreme risk protection order issued under sections 624.7171 to 624.7178.

Subd. 5. **Mental health professionals.** When a mental health professional has a statutory duty to warn another of a client's serious threat of physically violent behavior or determines that a client presents a significant risk of suicide by possessing a firearm, the mental health professional must communicate the threat or risk to the sheriff of the county where the client resides and make a recommendation to the sheriff regarding the client's fitness to possess firearms.

Sec. 3. **[624.7172] EXTREME RISK PROTECTION ORDERS ISSUED AFTER HEARING.**

Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the court must schedule and hold a hearing within 14 days from the date the petition was received.

(b) The court shall advise the petitioner of the right to request an emergency extreme risk protection order under section 624.7174 separately from or simultaneously with the petition under this subdivision.

(c) The petitioning agency shall be responsible for service of an extreme risk protection order issued by the court and shall further be the agency responsible for the execution of

any legal process required for the seizure and storage of firearms subject to the order. Nothing in this provision limits the ability of the law enforcement agency of record from cooperating with other law enforcement entities. When a court issues an extreme risk protection order for a person who resides on Tribal territory, the chief law enforcement officer of the law enforcement agency responsible for serving the order must request the assistance and counsel of the appropriate Tribal police department prior to serving the respondent. When the petitioner is a family or household member of the respondent, the primary law enforcement agency serving the jurisdiction of residency of the respondent shall be responsible for the execution of any legal process required for the seizure and storage of firearms subject to the order.

(d) Personal service of notice for the hearing may be made upon the respondent at any time up to 48 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to 14 days if the respondent is served less than five days prior to the hearing, which continuance shall be granted unless there are compelling reasons not to do so. If the court grants the requested continuance, and an existing emergency order under section 624.7174 will expire due to the continuance, the court shall also issue a written order continuing the emergency order pending the new time set for the hearing.

(e) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means. 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.

(f) When a petitioner who is not the sheriff of the county where the respondent resides, the sheriff's designee, or a family or household member files a petition, the petitioner must provide notice of the action to the sheriff of the county where the respondent resides. When

a family or household member is the petitioner, the court must provide notice of the action to the sheriff of the county where the respondent resides.

Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by clear and convincing evidence that the respondent poses a significant danger to other persons or is at significant risk of suicide by possessing a firearm.

(b) In determining whether to grant the order after a hearing, the court shall consider evidence of the following, whether or not the petitioner has provided evidence of the same:

(1) a history of threats or acts of violence by the respondent directed toward another person;

(2) the history of use, attempted use, or threatened use of physical force by the respondent against another person;

(3) a violation of any court order, including but not limited to orders issued under sections 624.7171 to 624.7178 or chapter 260C or 518B;

(4) a prior arrest for a violent felony offense;

(5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense under section 609.749, or for domestic assault under section 609.2242;

(6) a conviction for an offense of cruelty to animals under chapter 343;

(7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

(8) suicide attempts by the respondent or a serious mental illness; and

(9) whether the respondent is named in an existing order in effect under sections 624.7171 to 624.7178 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or other action under sections 624.7171 to 624.7178 or chapter 518B.

(c) In determining whether to grant the order after a hearing, the court may:

(1) subpoena peace officers who have had contact with the respondent to provide written or sworn testimony regarding the officer's contacts with the respondent; and

(2) consider any other evidence that bears on whether the respondent poses a danger to others or is at risk of suicide.

(d) If the court finds there is clear and convincing evidence to issue an extreme risk protection order, the court shall issue the order prohibiting the person from possessing or purchasing a firearm for the duration of the order. The court shall inform the respondent that the respondent is prohibited from possessing or purchasing firearms and shall issue a

transfer order under section 624.7175. The court shall also give notice to the county attorney's office, which may take action as it deems appropriate.

(e) The court shall determine the length of time the order is in effect, but may not set the length of time for less than six months or more than one year, subject to renewal or extension under section 624.7173.

(f) If there is no existing emergency order under section 624.7174 at the time an order is granted under this section, the court shall determine by clear and convincing evidence whether the respondent presents an immediate and present danger of bodily harm. If the court so determines, the transfer order shall include the provisions described in section 624.7175, paragraph (d).

(g) If, after a hearing, the court does not issue an order of protection, the court shall vacate any emergency extreme risk protection order currently in effect.

(h) A respondent may waive the respondent's right to contest the hearing and consent to the court's imposition of an extreme risk protection order. The court shall seal the petition filed under this section and section 624.7174 if a respondent who consents to imposition of an extreme risk protection order requests that the petition be sealed, unless the court finds that there is clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk protection orders based on the respondent being a danger to others shall remain public. Extreme risk protection orders issued for respondents who are solely at risk of suicide shall not be public.

Sec. 4. **[624.7173] SUBSEQUENT EXTENSIONS AND TERMINATION.**

(a) Upon application by any party entitled to petition for an order under section 624.7172, and after notice to the respondent and a hearing, the court may extend the relief granted in an existing order granted after a hearing under section 624.7172. Application for an extension may be made any time within the three months before the expiration of the existing order. The court may extend the order if the court makes the same findings by clear and convincing evidence as required for granting of an initial order under section 624.7172, subdivision 2, paragraph (d). The minimum length of time of an extension is six months and the maximum length of time of an extension is one year. The court shall consider the same types of evidence as required for the initial order under section 624.7172, subdivision 2, paragraphs (b) and (c).

(b) Upon application by the respondent to an order issued under section 624.7172, the court may terminate an order after a hearing at which the respondent shall bear the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger to other persons or is at significant risk of suicide by possessing a firearm. Application for termination may be made one time for every six months an order is in effect. If an order has been issued for a period of six months, the respondent may apply for termination one time.

Sec. 5. **[624.7174] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION ORDER.**

(a) In determining whether to grant an emergency extreme risk protection order, the court shall consider evidence of all facts identified in section 624.7172, subdivision 2, paragraphs (b) and (c).

(b) The court shall advise the petitioner of the right to request an order after a hearing under section 624.7172 separately from or simultaneously with the petition.

(c) If the court finds there is probable cause that (1) the respondent poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and (2) the respondent presents an immediate and present danger of either bodily harm to others or of taking their life, the court shall issue an ex parte emergency order prohibiting the respondent from possessing or purchasing a firearm for the duration of the order. The order shall inform the respondent that the respondent is prohibited from possessing or purchasing firearms and shall issue a transfer order under section 624.7175, paragraph (d).

(d) A finding by the court that there is a basis for issuing an emergency extreme risk protection order constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(e) The emergency order shall have a fixed period of 14 days unless a hearing is set under section 624.7172 on an earlier date, in which case the order shall expire upon a judge's finding that no order is issued under section 624.7172.

(f) Except as provided in paragraph (g), the respondent shall be personally served immediately with a copy of the emergency order and a copy of the petition and, if a hearing is requested by the petitioner under section 624.7172, notice of the date set for the hearing. If the petitioner does not request a hearing under section 624.7172, an order served on a respondent under this section must include a notice advising the respondent of the right to

request a hearing challenging the issuance of the emergency order, and must be accompanied by a form that can be used by the respondent to request a hearing.

(g) Service of the emergency order may be made by alternate service as provided under section 624.7172, subdivision 1, paragraph (e), provided that the petitioner files the affidavit required under that subdivision. If the petitioner does not request a hearing under section 624.7172, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing described in paragraph (f).

Sec. 6. **[624.7175] TRANSFER OF FIREARMS.**

(a) Except as provided in paragraph (b), upon issuance of an extreme risk protection order, the court shall direct the respondent to transfer any firearms the person possesses as soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency. If the respondent elects to transfer the respondent's firearms to a law enforcement agency, the agency must accept the transfer. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm and does not transfer ownership or title. If the respondent makes a temporary transfer to a federally licensed firearms dealer, the dealer may charge the respondent a reasonable fee to store the firearms. If the temporary transfer is made to a law enforcement agency, the agency may not charge the respondent any storage or other associated fee. A dealer or agency may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms. If a respondent permanently transfers the respondent's firearms to a law enforcement agency, the agency must compensate the respondent at fair market value and may not charge the respondent any processing or other fees.

(b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a), clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title 27, section 478.11, as amended, to a relative who does not live with the respondent after confirming that the relative may lawfully own or possess a firearm.

(c) The respondent must file proof of transfer as provided in this paragraph.

(1) A law enforcement agency or federally licensed firearms dealer accepting transfer of a firearm pursuant to this section shall provide proof of transfer to the respondent. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and must include the name of the respondent, date of transfer, and the serial number, manufacturer, and model of all transferred firearms. If transfer is made to a federally

licensed firearms dealer, the respondent shall, within two business days after being served with the order, file a copy of proof of transfer with the law enforcement agency and attest that all firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the person currently does not possess any firearms. If the respondent claims not to own or possess firearms, the respondent shall file a declaration of nonpossession with the law enforcement agency attesting that, at the time of the order, the respondent neither owned nor possessed any firearms, and that the respondent currently neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to paragraph (b), the relative must sign an affidavit under oath before a notary public either acknowledging that the respondent permanently transferred the respondent's antique firearms, curios, or relics to the relative or agreeing to temporarily store the respondent's antique firearms, curios, or relics until such time as the respondent is legally permitted to possess firearms. To the extent possible, the affidavit shall indicate the serial number, make, and model of all antique firearms, curios, or relics transferred by the respondent to the relative.

(2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession filed pursuant to this paragraph.

(d) If a court issues an emergency order under section 624.7174, or makes a finding of immediate and present danger under section 624.7172, subdivision 2, paragraph (f), and there is probable cause to believe the respondent possesses firearms, the court shall issue a search warrant to the local law enforcement agency to take possession of all firearms in the respondent's possession as soon as practicable. The chief law enforcement officer, or the chief's designee, shall notify the respondent of the option to voluntarily comply with the order by surrendering the respondent's firearms to law enforcement prior to execution of the search warrant. Only if the respondent refuses to voluntarily comply with the order to surrender the respondent's firearms shall the officer or officers tasked with serving the search warrant execute the warrant. The local law enforcement agency shall, upon written notice from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the federally licensed firearms dealer receiving the firearm to submit a proof of transfer that complies with the requirements for proofs of transfer established in paragraph (c). The agency shall file all proofs of transfer received by the court within two business days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer directly from the respondent. A law enforcement agency may establish policies for disposal

of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms.

Sec. 7. **[624.7176] RETURN OF FIREARMS.**

Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted temporary transfer of firearms under section 624.7175 shall return the firearms to the respondent after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law.

Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary transfer of firearms under section 624.7175 shall return the transferred firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law. A federally licensed firearms dealer returning firearms shall comply with state and federal law as though transferring a firearm from the dealer's own inventory.

Sec. 8. **[624.7177] OFFENSES.**

Subdivision 1. **False information or harassment.** A person who petitions for an extreme risk protection order under section 624.7172 or 624.7174, knowing any information in the petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a gross misdemeanor.

Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should have known that the person is prohibited from doing so by an extreme risk protection order under section 624.7172 or 624.7174, or by an order of protection granted by a judge or referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor and shall be prohibited from possessing firearms for a period of five years. Each extreme risk protection order granted under this chapter must contain a conspicuous notice to the respondent regarding the penalty for violation of the order.

Sec. 9. **[624.7178] LIABILITY PROTECTION.**

Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, the chief law enforcement officer's designee, or a city or county attorney who, in good faith, decides not to petition for an extreme risk protection order or emergency extreme risk protection order shall be immune from criminal or civil liability.

Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms,

ammunition, or weapons stored or transported pursuant to section 624.7175. This subdivision shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

Subd. 3. **Liability protection for harm following service of an order or execution of a search warrant.** A peace officer, law enforcement agency, and the state or a political subdivision by which a peace officer is employed has immunity from any liability, civil or criminal, for harm caused by a person who is the subject of an extreme risk protection order, a search warrant issued pursuant to section 624.7175, paragraph (d), or both, after service of the order or execution of the warrant, whichever comes first, if the peace officer acts in good faith in serving the order or executing the warrant.

Subd. 4. **Liability protection for mental health professionals.** A mental health professional who provides notice to the sheriff under section 626.7171, subdivision 5, is immune from monetary liability and no cause of action, or disciplinary action by the person's licensing board may arise against the mental health professional for disclosure of confidences to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous disclosure of confidences to the sheriff in a good faith effort to warn against or take precautions against a client's violent behavior or threat of suicide.

Sec. 10. **[626.8481] EXTREME RISK PROTECTION ORDER; DEVELOPMENT OF MODEL PROCEDURES.**

By December 1, 2023, the Peace Officer Standards and Training Board, after consulting with the National Alliance on Mental Illness Minnesota, the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop model procedures and standards for the storage of firearms transferred to law enforcement under section 624.7175.

Sec. 11. **FEDERAL BYRNE STATE CRISIS INTERVENTION PROGRAM.**

The Department of Public Safety is designated the state agency with the exclusive authority to apply for federal Byrne State Crisis Intervention Program grants.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 9 are effective January 1, 2024, and apply to firearm permit background checks made on or after that date.

ARTICLE 15
CONTROLLED SUBSTANCES POLICY

Section 1. Minnesota Statutes 2022, section 121A.28, is amended to read:

121A.28 LAW ENFORCEMENT RECORDS.

A law enforcement agency shall provide notice of any drug incident occurring within the agency's jurisdiction, in which the agency has probable cause to believe a student violated section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027, ~~152.092,~~ 152.097, or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided, within two weeks after an incident occurs, to the chemical abuse preassessment team in the school where the student is enrolled.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 151.01, is amended by adding a subdivision to read:

Subd. 43. **Syringe services provider.** "Syringe services provider" means a community-based public health program that offers cost-free comprehensive harm reduction services, which may include: providing sterile needles, syringes, and other injection equipment; making safe disposal containers for needles and syringes available; educating participants and others about overdose prevention, safer injection practices, and infectious disease prevention; providing blood-borne pathogen testing or referrals to blood-borne pathogen testing; offering referrals to substance use disorder treatment, including substance use disorder treatment with medications for opioid use disorder; and providing referrals to medical treatment and services, mental health programs and services, and other social services.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 151.40, subdivision 1, is amended to read:

Subdivision 1. **Generally.** It is unlawful for any person to ~~possess, control,~~ manufacture~~,~~ or sell~~, furnish, dispense, or otherwise dispose of~~ hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections, except for:

(1) the following persons when acting in the course of their practice or employment:

(i) licensed practitioners and their employees, agents, or delegates;

(ii) licensed pharmacies and their employees or agents;

(iii) licensed pharmacists;

(iv) registered nurses and licensed practical nurses;

(v) registered medical technologists;

(vi) medical interns and residents;

(vii) licensed drug wholesalers and their employees or agents;

(viii) licensed hospitals;

(ix) bona fide hospitals in which animals are treated;

(x) licensed nursing homes;

(xi) licensed morticians;

(xii) syringe and needle manufacturers and their dealers and agents;

(xiii) persons engaged in animal husbandry;

(xiv) clinical laboratories and their employees;

(xv) persons engaged in bona fide research or education or industrial use of hypodermic syringes and needles provided such persons cannot use hypodermic syringes and needles for the administration of drugs to human beings unless such drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so; ~~and~~

(xvi) persons who administer drugs pursuant to an order or direction of a licensed practitioner; and

(xvii) syringe services providers and their employees and agents;

(2) a person who self-administers drugs pursuant to either the prescription or the direction of a practitioner, or a family member, caregiver, or other individual who is designated by such person to assist the person in obtaining and using needles and syringes for the administration of such drugs;

(3) a person who is disposing of hypodermic syringes and needles through an activity or program developed under section 325F.785; ~~or~~

(4) a person who sells~~, possesses,~~ or handles hypodermic syringes and needles pursuant to subdivision 2~~.~~; or

(5) a participant receiving services from a syringe services provider, who accesses or receives new syringes or needles from a syringe services provider or returns used syringes or needles to a syringe services provider.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 151.40, subdivision 2, is amended to read:

Subd. 2. **Sales ~~of limited quantities~~ of clean needles and syringes.** (a) A registered pharmacy or a licensed pharmacist may sell, without the prescription or direction of a practitioner, unused hypodermic needles and syringes ~~in quantities of ten or fewer,~~ provided the pharmacy or pharmacist complies with all of the requirements of this subdivision.

(b) At any location where hypodermic needles and syringes are kept for retail sale under this subdivision, the needles and syringes shall be stored in a manner that makes them available only to authorized personnel and not openly available to customers.

(c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or syringes under this subdivision may give the purchaser the materials developed by the commissioner of health under section 325F.785.

(d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or syringes under this subdivision must certify to the commissioner of health participation in an activity, including but not limited to those developed under section 325F.785, that supports proper disposal of used hypodermic needles or syringes.

Sec. 5. Minnesota Statutes 2022, section 152.01, subdivision 12a, is amended to read:

Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the federal government, the state, a local unit of government, a park district board, ~~or~~ a park and recreation board in a city of the first class, or a federally recognized Indian Tribe. "Park zone" includes the area within 300 feet or one city block, whichever distance is greater, of the park boundary.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2022, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, or (3) ~~testing the strength,~~

~~effectiveness, or purity of a controlled substance, or (4)~~ enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of: (1) ~~hypodermic needles or syringes in accordance with section 151.40, subdivision 2~~ hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2022, section 152.01, is amended by adding a subdivision to read:

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2022, section 152.021, subdivision 1, is amended to read:

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

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

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

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

(ii) the offense involves two aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more, or 40 dosage units or more, containing heroin or fentanyl;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, fentanyl, or methamphetamine;

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2022, section 152.021, subdivision 2, is amended to read:

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

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

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

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

(ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more, or 100 dosage units or more, containing heroin or fentanyl;

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

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

(6) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or more marijuana plants.

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2022, section 152.022, subdivision 1, is amended to read:

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

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

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

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

(ii) the offense involves three aggravating factors;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more, or 12 dosage units or more, containing heroin or fentanyl;

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

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

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

(7) the person unlawfully sells any of the following in a school zone, a park zone, a public housing zone, or a drug treatment facility:

(i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

(ii) one or more mixtures containing methamphetamine or amphetamine; or

(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2022, section 152.022, subdivision 2, is amended to read:

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

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

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

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

(ii) the offense involves three aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more, or 50 dosage units or more, containing heroin or fentanyl;

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2022, section 152.023, subdivision 2, is amended to read:

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

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

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

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

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-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 one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2022, 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 a small amount of marijuana 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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2022, section 152.093, is amended to read:

152.093 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA PROHIBITED.

It is unlawful for any person ~~knowingly or intentionally to deliver drug paraphernalia or knowingly or~~ to intentionally ~~to possess or~~ manufacture drug paraphernalia for delivery. Any violation of this section is a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2022, section 152.205, is amended to read:

152.205 LOCAL REGULATIONS.

Sections 152.01, subdivision 18, and ~~152.092~~ 152.093 to 152.095 do not preempt enforcement or preclude adoption of municipal or county ordinances prohibiting or otherwise regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 16. **[626.8443] OPIATE ANTAGONISTS; TRAINING; CARRYING; USE.**

Subdivision 1. **Training.** A chief law enforcement officer must provide basic training to peace officers employed by the chief's agency on:

(1) identifying persons who are suffering from narcotics overdoses; and

(2) the proper use of opiate antagonists to treat a narcotics overdose.

Subd. 2. **Mandatory supply.** A chief law enforcement officer must maintain a sufficient supply of opiate antagonists to ensure that officers employed by the chief's agency can satisfy the requirements of subdivision 3.

Subd. 3. **Mandatory carrying.** Each on-duty peace officer who is assigned to respond to emergency calls must have at least two unexpired opiate antagonist doses readily available when the officer's shift begins. An officer who depletes their supply of opiate antagonists during the officer's shift shall replace the expended doses from the officer's agency's supply so long as replacing the doses will not compromise public safety.

Subd. 4. **Authorization of use.** (a) A chief law enforcement officer must authorize peace officers employed by the chief's agency to perform administration of an opiate antagonist when an officer believes a person is suffering a narcotics overdose.

(b) In order to administer opiate antagonists, a peace officer must comply with section 151.37, subdivision 12, paragraph (b), clause (1).

Sec. 17. **REPEALER.**

Minnesota Statutes 2022, section 152.092, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2023.

ARTICLE 16
CONTROLLED SUBSTANCES SCHEDULES

Section 1. Minnesota Statutes 2022, section 152.02, subdivision 2, is amended to read:

Subd. 2. **Schedule I.** (a) Schedule I consists of the substances listed in this subdivision.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following substances, including their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the analogs, isomers, esters, ethers, and salts is possible:

(1) acetylmethadol;

(2) allylprodine;

(3) alphacetylmethadol (except levo-alphacetylmethadol, also known as levomethadyl acetate);

(4) alphameprodine;

(5) alphamethadol;

(6) alpha-methylfentanyl benzethidine;

(7) betacetylmethadol;

(8) betameprodine;

(9) betamethadol;

(10) betaprodine;

(11) clonitazene;

(12) dextromoramide;

(13) diampromide;

(14) diethyliambutene;

(15) difenoxin;

(16) dimenoxadol;

(17) dimepheptanol;

(18) dimethyliambutene;

(19) dioxaphetyl butyrate;

(20) dipipanone;

(21) ethylmethylthiambutene;

(22) etonitazene;

(23) etoxeridine;

(24) furethidine;

(25) hydroxypethidine;

(26) ketobemidone;

(27) levomoramide;

(28) levophenacylmorphan;

(29) 3-methylfentanyl;

(30) acetyl-alpha-methylfentanyl;

(31) alpha-methylthiofentanyl;

(32) benzylfentanyl beta-hydroxyfentanyl;

(33) beta-hydroxy-3-methylfentanyl;

(34) 3-methylthiofentanyl;

(35) thenylfentanyl;

(36) thiofentanyl;

(37) para-fluorofentanyl;

(38) morpheridine;

(39) 1-methyl-4-phenyl-4-propionoxypiperidine;

(40) noracymethadol;

(41) norlevorphanol;

(42) normethadone;

(43) norpipanone;

(44) 1-(2-phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);

(45) phenadoxone;

(46) phenampromide;

(47) phenomorphan;

(48) phenoperidine;

(49) piritramide;

(50) proheptazine;

(51) properidine;

(52) propiram;

(53) racemoramide;

(54) tilidine;

(55) trimeperidine;

(56) N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);

(57) 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide(U47700);

(58) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide(furanylfentanyl);

(59) 4-(4-bromophenyl)-4-dimethylamino-1-phenethylcyclohexanol (bromadol);

(60) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropryl fentanyl);

(61) N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide) (butyryl fentanyl);

(62) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) (MT-45);

(63) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl fentanyl);

(64) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl);

(65) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl fentanyl);

(66) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-chloroisobutyryl fentanyl);

(67) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-fluorobutyryl fentanyl);

(68) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (para-methoxybutyryl fentanyl);

(69) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil);

(70) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (4-fluoroisobutyryl fentanyl or para-fluoroisobutyryl fentanyl);

(71) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl or acryloylfentanyl);

(72) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl);

(73) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl or 2-fluorofentanyl);

(74) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (tetrahydrofuranyl fentanyl); ~~and~~

(75) Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers, meaning any substance not otherwise listed under another federal Administration Controlled Substance Code Number or not otherwise listed in this section, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act, United States Code , title 21, section 355, that is structurally related to fentanyl by one or more of the following modifications:

(i) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(ii) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(iii) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(iv) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or

(v) replacement of the N-propionyl group by another acyl group~~.~~;

(76) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one (brorphine);

(77) 4'-methyl acetyl fentanyl;

(78) beta-hydroxythiofentanyl;

(79) beta-methyl fentanyl;

(80) beta'-phenyl fentanyl;

(81) crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);

(82) cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);

(83) fentanyl carbamate;

(84) isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);

(85) para-fluoro furanyl fentanyl;

(86) para-methylfentanyl;

(87) phenyl fentanyl;

(88) ortho-fluoroacryl fentanyl;

(89) ortho-fluorobutyryl fentanyl;

(90) ortho-fluoroisobutyryl fentanyl;

(91) ortho-methyl acetylfentanyl;

(92) thiofuranyl fentanyl;

(93) metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);

(94) metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);

(95) etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);

(96) protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);

(97) butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);

(98) flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine); and

(99) N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole).

(c) Opium derivatives. Any of the following substances, their analogs, salts, isomers, and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) acetorphine;

(2) acetyldihydrocodeine;

(3) benzylmorphine;

(4) codeine methylbromide;

(5) codeine-n-oxide;

(6) cyprenorphine;

(7) desomorphine;

(8) dihydromorphine;

(9) drotebanol;

(10) etorphine;

(11) heroin;

(12) hydromorphinol;

(13) methyldesorphine;

(14) methyldihydromorphine;

(15) morphine methylbromide;

(16) morphine methylsulfonate;

(17) morphine-n-oxide;

(18) myrophine;

(19) nicocodeine;

(20) nicomorphine;

(21) normorphine;

(22) pholcodine; and

(23) thebacon.

(d) Hallucinogens. Any material, compound, mixture or preparation which contains any quantity of the following substances, their analogs, salts, isomers (whether optical, positional,

or geometric), and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) methylenedioxy amphetamine;

(2) methylenedioxymethamphetamine;

(3) methylenedioxy-N-ethylamphetamine (MDEA);

(4) n-hydroxy-methylenedioxyamphetamine;

(5) 4-bromo-2,5-dimethoxyamphetamine (DOB);

(6) 2,5-dimethoxyamphetamine (2,5-DMA);

(7) 4-methoxyamphetamine;

(8) 5-methoxy-3, 4-methylenedioxyamphetamine;

(9) alpha-ethyltryptamine;

(10) bufotenine;

(11) diethyltryptamine;

(12) dimethyltryptamine;

(13) 3,4,5-trimethoxyamphetamine;

(14) 4-methyl-2, 5-dimethoxyamphetamine (DOM);

(15) ibogaine;

(16) lysergic acid diethylamide (LSD);

(17) mescaline;

(18) parahexyl;

(19) N-ethyl-3-piperidyl benzilate;

(20) N-methyl-3-piperidyl benzilate;

(21) psilocybin;

(22) psilocyn;

(23) tenocyclidine (TPCP or TCP);

(24) N-ethyl-1-phenyl-cyclohexylamine (PCE);

(25) 1-(1-phenylcyclohexyl) pyrrolidine (PCPy);

(26) 1-[1-(2-thienyl)cyclohexyl]-pyrrolidine (TCPy);

(27) 4-chloro-2,5-dimethoxyamphetamine (DOC);

(28) 4-ethyl-2,5-dimethoxyamphetamine (DOET);

(29) 4-iodo-2,5-dimethoxyamphetamine (DOI);

(30) 4-bromo-2,5-dimethoxyphenethylamine (2C-B);

(31) 4-chloro-2,5-dimethoxyphenethylamine (2C-C);

(32) 4-methyl-2,5-dimethoxyphenethylamine (2C-D);

(33) 4-ethyl-2,5-dimethoxyphenethylamine (2C-E);

(34) 4-iodo-2,5-dimethoxyphenethylamine (2C-I);

(35) 4-propyl-2,5-dimethoxyphenethylamine (2C-P);

(36) 4-isopropylthio-2,5-dimethoxyphenethylamine (2C-T-4);

(37) 4-propylthio-2,5-dimethoxyphenethylamine (2C-T-7);

(38) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (2-CB-FLY);

(39) bromo-benzodifuranyl-isopropylamine (Bromo-DragonFLY);

(40) alpha-methyltryptamine (AMT);

(41) N,N-diisopropyltryptamine (DiPT);

(42) 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT);

(43) 4-acetoxy-N,N-diethyltryptamine (4-AcO-DET);

(44) 4-hydroxy-N-methyl-N-propyltryptamine (4-HO-MPT);

(45) 4-hydroxy-N,N-dipropyltryptamine (4-HO-DPT);

(46) 4-hydroxy-N,N-diallyltryptamine (4-HO-DALT);

(47) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

(48) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DiPT);

(49) 5-methoxy-α-methyltryptamine (5-MeO-AMT);

(50) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(51) 5-methylthio-N,N-dimethyltryptamine (5-MeS-DMT);

(52) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);

(53) 5-methoxy-α-ethyltryptamine (5-MeO-AET);

(54) 5-methoxy-N,N-dipropyltryptamine (5-MeO-DPT);

(55) 5-methoxy-N,N-diethyltryptamine (5-MeO-DET);

(56) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT);

(57) methoxetamine (MXE);

(58) 5-iodo-2-aminoindane (5-IAI);

(59) 5,6-methylenedioxy-2-aminoindane (MDAI);

(60) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);

(61) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe);

(62) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);

(63) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(64) 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2);

(65) N,N-Dipropyltryptamine (DPT);

(66) 3-[1-(Piperidin-1-yl)cyclohexyl]phenol (3-HO-PCP);

(67) N-ethyl-1-(3-methoxyphenyl)cyclohexanamine (3-MeO-PCE);

(68) 4-[1-(3-methoxyphenyl)cyclohexyl]morpholine (3-MeO-PCMo);

(69) 1-[1-(4-methoxyphenyl)cyclohexyl]-piperidine (methoxydine, 4-MeO-PCP);

(70) 2-(2-Chlorophenyl)-2-(ethylamino)cyclohexan-1-one (N-Ethylnorketamine, ethketamine, NENK);

(71) methylenedioxy-N,N-dimethylamphetamine (MDDMA);

(72) 3-(2-Ethyl(methyl)aminoethyl)-1H-indol-4-yl (4-AcO-MET); and

(73) 2-Phenyl-2-(methylamino)cyclohexanone (deschloroketamine).

(e) Peyote. All parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds or extracts. The listing of peyote as a controlled substance in Schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian Church, and members of the American Indian Church are exempt from registration. Any

person who manufactures peyote for or distributes peyote to the American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(f) Central nervous system depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) mecloqualone;

(2) methaqualone;

(3) gamma-hydroxybutyric acid (GHB), including its esters and ethers;

(4) flunitrazepam;

(5) 2-(2-Methoxyphenyl)-2-(methylamino)cyclohexanone (2-MeO-2-deschloroketamine, methoxyketamine);

(6) tianeptine;

(7) clonazolam;

(8) etizolam;

(9) flubromazolam; and

(10) flubromazepam.

(g) Stimulants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances, their analogs, salts, isomers, and salts of isomers whenever the existence of the analogs, salts, isomers, and salts of isomers is possible:

(1) aminorex;

(2) cathinone;

(3) fenethylline;

(4) methcathinone;

(5) methylaminorex;

(6) N,N-dimethylamphetamine;

(7) N-benzylpiperazine (BZP);

(8) methylmethcathinone (mephedrone);

(9) 3,4-methylenedioxy-N-methylcathinone (methylone);

(10) methoxymethcathinone (methedrone);

(11) methylenedioxypyrovalerone (MDPV);

(12) 3-fluoro-N-methylcathinone (3-FMC);

(13) methylethcathinone (MEC);

(14) 1-benzofuran-6-ylpropan-2-amine (6-APB);

(15) dimethylmethcathinone (DMMC);

(16) fluoroamphetamine;

(17) fluoromethamphetamine;

(18) α-methylaminobutyrophenone (MABP or buphedrone);

(19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);

(20) 2-(methylamino)-1-(4-methylphenyl)butan-1-one (4-MEMABP or BZ-6378);

(21) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl) pentan-1-one (naphthylpyrovalerone or naphyrone);

(22) (alpha-pyrrolidinopentiophenone (alpha-PVP);

(23) (RS)-1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-hexanone (4-Me-PHP or MPHP);

(24) 2-(1-pyrrolidinyl)-hexanophenone (Alpha-PHP);

(25) 4-methyl-N-ethylcathinone (4-MEC);

(26) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);

(27) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);

(28) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone);

(29) 4-fluoro-N-methylcathinone (4-FMC);

(30) 3,4-methylenedioxy-N-ethylcathinone (ethylone);

(31) alpha-pyrrolidinobutiophenone (α-PBP);

(32) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

(33) 1-phenyl-2-(1-pyrrolidinyl)-1-heptanone (PV8);

(34) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

(35) 4-methyl-alpha-ethylaminopentiophenone (4-MEAPP);

(36) 4'-chloro-alpha-pyrrolidinopropiophenone (4'-chloro-PPP);

(37) 1-(1,3-Benzodioxol-5-yl)-2-(dimethylamino)butan-1-one (dibutylone, bk-DMBDB);

(38) 1-(3-chlorophenyl) piperazine (meta-chlorophenylpiperazine or mCPP);

(39) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone); ~~and~~

(40) any other substance, except bupropion or compounds listed under a different schedule, that is structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(ii) by substitution at the 3-position with an acyclic alkyl substituent;

(iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure~~.~~;

(41) 4,4'-dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine);

(42) 4-chloro-alpha-pyrrolidinovalerophenone (4-chloro-A-PVP);

(43) para-methoxymethamphetamine (PMMA), 1-(4-methoxyphenyl)-N-methylpropan-2-amine; and

(44) N-ethylhexedrone.

(h) Marijuana, tetrahydrocannabinols, and synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of the following substances, their analogs, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible:

(1) marijuana;

(2) tetrahydrocannabinols naturally contained in a plant of the genus Cannabis, except that tetrahydrocannabinols do not include any material, compound, mixture, or preparation that qualifies as industrial hemp as defined in section 18K.02, subdivision 3; synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of the plant; or synthetic substances with similar chemical structure and pharmacological activity to those substances contained in the plant or resinous extract, including, but not limited to, 1 cis or trans tetrahydrocannabinol, 6 cis or trans tetrahydrocannabinol, and 3,4 cis or trans tetrahydrocannabinol;

(3) synthetic cannabinoids, including the following substances:

(i) Naphthoylindoles, which are any compounds containing a 3-(1-napthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthoylindoles include, but are not limited to:

(A) 1-Pentyl-3-(1-naphthoyl)indole (JWH-018 and AM-678);

(B) 1-Butyl-3-(1-naphthoyl)indole (JWH-073);

(C) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081);

(D) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(E) 1-Propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015);

(F) 1-Hexyl-3-(1-naphthoyl)indole (JWH-019);

(G) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(H) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210);

(I) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(J) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

(ii) Napthylmethylindoles, which are any compounds containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples of naphthylmethylindoles include, but are not limited to:

(A) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane (JWH-175);

(B) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane (JWH-184).

(iii) Naphthoylpyrroles, which are any compounds containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of naphthoylpyrroles include, but are not limited to, (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone (JWH-307).

(iv) Naphthylmethylindenes, which are any compounds containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of naphthylemethylindenes include, but are not limited to, E-1-[1-(1-naphthalenylmethylene)-1H-inden-3-yl]pentane (JWH-176).

(v) Phenylacetylindoles, which are any compounds containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Examples of phenylacetylindoles include, but are not limited to:

(A) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8);

(B) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

(C) 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251);

(D) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

(vi) Cyclohexylphenols, which are compounds containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent. Examples of cyclohexylphenols include, but are not limited to:

(A) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497);

(B) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (Cannabicyclohexanol or CP 47,497 C8 homologue);

(C) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl] -phenol (CP 55,940).

(vii) Benzoylindoles, which are any compounds containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of benzoylindoles include, but are not limited to:

(A) 1-Pentyl-3-(4-methoxybenzoyl)indole (RCS-4);

(B) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694);

(C) (4-methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (WIN 48,098 or Pravadoline).

(viii) Others specifically named:

(A) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);

(B) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (Dexanabinol or HU-211);

(C) 2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de] -1,4-benzoxazin-6-yl-1-naphthalenylmethanone (WIN 55,212-2);

(D) (1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);

(E) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11);

(F) 1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indazole-3-carboxamide (AKB-48(APINACA));

(G) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5-Fluoro-AKB-48);

(H) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

(I) 8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid (5-Fluoro PB-22);

(J) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole- 3-carboxamide (AB-PINACA);

(K) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (AB-FUBINACA);

(L) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide(AB-CHMINACA);

(M) (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3- methylbutanoate (5-fluoro-AMB);

(N) [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl) methanone (THJ-2201);

(O) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone) (FUBIMINA);

(P) (7-methoxy-1-(2-morpholinoethyl)-N-((1S,2S,4R)-1,3,3-trimethylbicyclo [2.2.1]heptan-2-yl)-1H-indole-3-carboxamide (MN-25 or UR-12);

(Q) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide (5-fluoro-ABICA);

(R) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indole-3-carboxamide;

(S) N-(1-amino-3-phenyl-1-oxopropan-2-yl)-1-(5-fluoropentyl) -1H-indazole-3-carboxamide;

(T) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido) -3,3-dimethylbutanoate;

(U) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1(cyclohexylmethyl)-1 H-indazole-3-carboxamide (MAB-CHMINACA);

(V) N-(1-Amino-3,3-dimethyl-1-oxo-2-butanyl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);

(W) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate (FUB-AMB);

(X) N-[(1S)-2-amino-2-oxo-1-(phenylmethyl)ethyl]-1-(cyclohexylmethyl)-1H-Indazole-3-carboxamide. (APP-CHMINACA);

(Y) quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22); and

(Z) methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (MMB-CHMICA).

(ix) Additional substances specifically named:

(A) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1 H-pyrrolo[2,3-B]pyridine-3-carboxamide (5F-CUMYL-P7AICA);

(B) 1-(4-cyanobutyl)-N-(2- phenylpropan-2-yl)-1 H-indazole-3-carboxamide (4-CN-Cumyl-Butinaca);

(C) naphthalen-1-yl-1-(5-fluoropentyl)-1-H-indole-3-carboxylate (NM2201; CBL2201);

(D) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1 H-indazole-3-carboxamide (5F-ABPINACA);

(E) methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (MDMB CHMICA);

(F) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (5F-ADB; 5F-MDMB-PINACA); ~~and~~

(G) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl) 1H-indazole-3-carboxamide (ADB-FUBINACA)~~.~~;

(H) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide;

(I) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3- tetramethylcyclopropyl)methanone;

(J) methyl 2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3,3-dimethylbutanoate;

(K) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate;

(L) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate;

(M) methyl 2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3- methylbutanoate;

(N) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide; and

(O) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide.

(i) A controlled substance analog, to the extent that it is implicitly or explicitly intended for human consumption.

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

Sec. 2. Minnesota Statutes 2022, section 152.02, subdivision 3, is amended to read:

Subd. 3. **Schedule II.** (a) Schedule II consists of the substances listed in this subdivision.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable

origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(i) Excluding:

(A) apomorphine;

(B) thebaine-derived butorphanol;

(C) dextrophan;

(D) nalbuphine;

(E) nalmefene;

(F) naloxegol;

(G) naloxone;

(H) naltrexone; and

(I) their respective salts;

(ii) but including the following:

(A) opium, in all forms and extracts;

(B) codeine;

(C) dihydroetorphine;

(D) ethylmorphine;

(E) etorphine hydrochloride;

(F) hydrocodone;

(G) hydromorphone;

(H) metopon;

(I) morphine;

(J) oxycodone;

(K) oxymorphone;

(L) thebaine;

(M) oripavine;

(2) any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, cocaine compound, derivative, or preparation of coca leaves (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine;

(5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy).

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) alfentanil;

(2) alphaprodine;

(3) anileridine;

(4) bezitramide;

(5) bulk dextropropoxyphene (nondosage forms);

(6) carfentanil;

(7) dihydrocodeine;

(8) dihydromorphinone;

(9) diphenoxylate;

(10) fentanyl;

(11) isomethadone;

(12) levo-alpha-acetylmethadol (LAAM);

(13) levomethorphan;

(14) levorphanol;

(15) metazocine;

(16) methadone;

(17) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

(18) moramide - intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

(19) pethidine;

(20) pethidine - intermediate - a, 4-cyano-1-methyl-4-phenylpiperidine;

(21) pethidine - intermediate - b, ethyl-4-phenylpiperidine-4-carboxylate;

(22) pethidine - intermediate - c, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(23) phenazocine;

(24) piminodine;

(25) racemethorphan;

(26) racemorphan;

(27) remifentanil;

(28) sufentanil;

(29) tapentadol;

(30) 4-Anilino-N-phenethylpiperidine~~.~~;

(31) oliceridine;

(32) norfentanyl (N-phenyl-N-(piperidin-4-yl) propionamide).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) methamphetamine, its salts, isomers, and salts of its isomers;

(3) phenmetrazine and its salts;

(4) methylphenidate;

(5) lisdexamfetamine.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) amobarbital;

(2) glutethimide;

(3) secobarbital;

(4) pentobarbital;

(5) phencyclidine;

(6) phencyclidine immediate precursors:

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile;

(7) phenylacetone.

(f) Cannabinoids:

(1) nabilone;

(2) dronabinol [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration.

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

Sec. 3. Minnesota Statutes 2022, section 152.02, subdivision 5, is amended to read:

Subd. 5. **Schedule IV.** (a) Schedule IV consists of the substances listed in this subdivision.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows:

(1) not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) dextropropoxyphene (Darvon and Darvocet);

(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers (including tramadol);

(4) eluxadoline;

(5) pentazocine; and

(6) butorphanol (including its optical isomers).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible:

(1) alfaxalone (5α-pregnan-3α-ol-11,20-dione);

(2) alprazolam;

(3) barbital;

(4) bromazepam;

(5) camazepam;

(6) carisoprodol;

(7) chloral betaine;

(8) chloral hydrate;

(9) chlordiazepoxide;

(10) clobazam;

(11) clonazepam;

(12) clorazepate;

(13) clotiazepam;

(14) cloxazolam;

(15) delorazepam;

(16) diazepam;

(17) dichloralphenazone;

(18) estazolam;

(19) ethchlorvynol;

(20) ethinamate;

(21) ethyl loflazepate;

(22) fludiazepam;

(23) flurazepam;

(24) fospropofol;

(25) halazepam;

(26) haloxazolam;

(27) ketazolam;

(28) loprazolam;

(29) lorazepam;

(30) lormetazepam mebutamate;

(31) medazepam;

(32) meprobamate;

(33) methohexital;

(34) methylphenobarbital;

(35) midazolam;

(36) nimetazepam;

(37) nitrazepam;

(38) nordiazepam;

(39) oxazepam;

(40) oxazolam;

(41) paraldehyde;

(42) petrichloral;

(43) phenobarbital;

(44) pinazepam;

(45) prazepam;

(46) quazepam;

(47) suvorexant;

(48) temazepam;

(49) tetrazepam;

(50) triazolam;

(51) zaleplon;

(52) zolpidem;

(53) zopiclone~~.~~;

(54) brexanolone (3α-hydroxy-5α-pregnan-20-one);

(55) lemborexant;

(56) remimazolam (4H-imidazol[1,2-a][1,4]benzodiazepine4-propionic acid).

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: fenfluramine.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) cathine (norpseudoephedrine);

(2) diethylpropion;

(3) fencamfamine;

(4) fenproporex;

(5) mazindol;

(6) mefenorex;

(7) modafinil;

(8) pemoline (including organometallic complexes and chelates thereof);

(9) phentermine;

(10) pipradol;

(11) sibutramine;

(12) SPA (1-dimethylamino-1,2-diphenylethane)~~.~~;

(13) serdexmethylphenidate;

(14) solriamfetol (2-amino-3-phenylpropyl car-bamate; benzenepropanol, beta-amino-, carbamate (ester)).

(f) lorcaserin.

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

Sec. 4. Minnesota Statutes 2022, section 152.02, subdivision 6, is amended to read:

Subd. 6. **Schedule V; restrictions on methamphetamine precursor drugs.** (a) As used in this subdivision, the following terms have the meanings given:

(1) "methamphetamine precursor drug" means any compound, mixture, or preparation intended for human consumption containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients; and

(2) "over-the-counter sale" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

(b) The following items are listed in Schedule V:

(1) any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(iv) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; or

(v) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substance having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers: pyrovalerone.

(3) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substance having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(i) ezogabine;

(ii) pregabalin;

(iii) lacosamide~~.~~;

(iv) cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl]carbamate.

(4) Any compound, mixture, or preparation containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients.

(c) No person may sell in a single over-the-counter sale more than two packages of a methamphetamine precursor drug or a combination of methamphetamine precursor drugs or any combination of packages exceeding a total weight of six grams, calculated as the base.

(d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

(1) packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine base; or

(2) for nonliquid products, sales in blister packs, where each blister contains not more than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit dose packets or pouches.

(e) A business establishment that offers for sale methamphetamine precursor drugs in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted and are offered for sale only by a licensed pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall ensure that the person making the sale requires the buyer:

(1) to provide photographic identification showing the buyer's date of birth; and

(2) to sign a written or electronic document detailing the date of the sale, the name of the buyer, and the amount of the drug sold.

A document described under clause (2) must be retained by the establishment for at least three years and must at all reasonable times be open to the inspection of any law enforcement agency.

Nothing in this paragraph requires the buyer to obtain a prescription for the drug's purchase.

(f) No person may acquire through over-the-counter sales more than six grams of methamphetamine precursor drugs, calculated as the base, within a 30-day period.

(g) No person may sell in an over-the-counter sale a methamphetamine precursor drug to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

(h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than $1,000, or both.

(i) An owner, operator, supervisor, or manager of a business establishment that offers for sale methamphetamine precursor drugs whose employee or agent is convicted of or charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties for violating any of those paragraphs if the person:

(1) did not have prior knowledge of, participate in, or direct the employee or agent to commit the violation; and

(2) documents that an employee training program was in place to provide the employee or agent with information on the state and federal laws and regulations regarding methamphetamine precursor drugs.

(j) Any person employed by a business establishment that offers for sale methamphetamine precursor drugs who sells such a drug to any person in a suspicious transaction shall report the transaction to the owner, supervisor, or manager of the establishment. The owner, supervisor, or manager may report the transaction to local law enforcement. A person who reports information under this subdivision in good faith is immune from civil liability relating to the report.

(k) Paragraphs (b) to (j) do not apply to:

(1) pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instructions;

(2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine;

(3) methamphetamine precursor drugs in gel capsule or liquid form; or

(4) compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of its total weight and is not its sole active ingredient.

(l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall certify methamphetamine precursor drugs that meet the requirements of paragraph (k), clause (2), and publish an annual listing of these drugs.

(m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy pursuant to sections ~~151.42 to 151.51~~ 151.43 to 151.471 and registered with and regulated by the United States Drug Enforcement Administration are exempt from the methamphetamine precursor drug storage requirements of this section.

(n) This section preempts all local ordinances or regulations governing the sale by a business establishment of over-the-counter products containing ephedrine or pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

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

ARTICLE 17
COMMUNITY SUPERVISION REFORM

Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1, is amended to read:

Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(1) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(2) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(4) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change.

(b) Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

(c) The written order of the commissioner of corrections, is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on parole or supervised release. In addition, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without order of warrant, take and detain a parolee or person on supervised release or work release and bring the person to the commissioner for action.

(d) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135. Additionally, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without an order, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14.

(e) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to detain any person on pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(f) Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

(g) Except as otherwise provided in subdivision 1b, in considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the Department of Corrections in favor of or against the parole or release of any inmates. The

commissioner may institute inquiries by correspondence, taking testimony, or otherwise, as to the previous history, physical or mental condition, and character of the inmate and, to that end, has the authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

~~(h) Unless the district court directs otherwise, state parole and probation agents may require a person who is under the supervision of the commissioner of corrections to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Agents may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. The commissioner may authorize an additional 40 hours of community work services, for a total of 64 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, parole and probation agents are required to provide written notice to the offender that states:~~

~~(1) the condition of probation that has been violated;~~

~~(2) the number of hours of community work service imposed for the violation; and~~

~~(3) the total number of hours of community work service imposed to date in the 12-month period.~~

~~An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.~~

~~Community work service includes sentencing to service.~~

~~(i) Prior to~~ (h) Before revoking a nonviolent controlled substance offender's parole or probation based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a parole or probation agent must identify community options to address and correct the violation including, but not limited to, inpatient substance use disorder treatment. If a probation or parole agent determines that community options are appropriate and available in the state,

the agent ~~shall~~ must seek to restructure the offender's terms of release to incorporate those options. If an offender on probation stipulates in writing to restructure the terms of release, a probation agent must forward a report to the district court containing:

(1) the specific nature of the technical violation of probation;

(2) the recommended restructure to the terms of probation; and

(3) a copy of the offender's signed stipulation indicating that the offender consents to the restructuring of probation.

(i) The recommended restructuring of probation becomes effective when confirmed by a judge. The order of the court ~~shall be~~ is proof of ~~such~~ confirmation and ~~amend~~ amends the terms of the sentence imposed by the court under section 609.135.

(j) If a nonviolent controlled substance offender's parole or probation is revoked, the offender's agent must first attempt to place the offender in a local jail.

(k) For purposes of ~~this paragraph,~~ paragraphs (h) to (k):

(1) "nonviolent controlled substance offender" ~~is~~ means a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5)~~,~~; and

(2) "technical violation" means any violation of a court order of probation or a condition of parole, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

Subd. 3. **~~Sanctions for violation~~ Revoking supervised release; alternative interventions.** (a) If ~~an inmate~~ a supervised individual violates the conditions of ~~the inmate's~~ supervised release imposed on that individual by the commissioner, the commissioner may:

(1) continue the ~~inmate's~~ individual's supervised release term~~,~~ with or without:

(i) modifying or enlarging the conditions imposed on the ~~inmate~~ individual; or

(ii) transferring the individual's case to a specialized caseload; or

(2) revoke the ~~inmate's~~ supervised individual's supervised release and reimprison ~~the inmate~~ that individual for the appropriate period ~~of time~~.

~~Prior to revoking a nonviolent controlled substance offender's supervised release based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, the commissioner must identify community options to address and correct the violation including, but not limited~~

~~to, inpatient substance use disorder treatment. If the commissioner determines that community options are appropriate, the commissioner shall restructure the inmate's terms of release to incorporate those options. If a nonviolent controlled substance offender's supervised release is revoked, the offender's agent must first attempt to place the offender in a local jail. For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.~~

(b) Before revoking an individual's supervised release because of a technical violation that would result in reimprisonment, the commissioner must identify alternative interventions to address and correct the violation only if:

(1) the individual does not present a risk to the public; and

(2) the individual is amenable to continued supervision in the community.

(c) If alternative interventions are appropriate and available, the commissioner must restructure the supervised individual's terms of release to incorporate the alternative interventions.

(d) The period ~~of time~~ for which ~~a~~ supervised release may be revoked may not exceed the period ~~of time~~ remaining in the ~~inmate's~~ supervised individual's sentence, ~~except that~~ but if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the period ~~of time~~ for which conditional release may be revoked may not exceed the balance of the conditional release term.

(e) For purposes of this subdivision:

(1) "supervised individual" has the meaning given to "inmate" in section 244.01; and

(2) "technical violation" means a violation of a condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Sec. 3. Minnesota Statutes 2022, section 244.18, is amended to read:

244.18 ~~LOCAL~~ CORRECTIONAL FEES; ~~IMPOSITION ON OFFENDERS~~ SCHEDULE, COLLECTION, AND USE.

Subdivision 1. ~~**Definition**~~ **Definitions.** ~~As used in~~ (a) For purposes of this section, ~~"local correctional fees"~~ the terms defined in this subdivision have the meanings given them.

(b) "Correctional fees":

(1) effective August 1, 2027, means fees charged or contracted for by a probation agency or the commissioner of corrections for court-ordered or community-provided correctional services, including but not limited to drug testing, electronic home monitoring, treatment, and programming; and

(2) effective August 1, 2023, through July 31, 2027, include fees for the following correctional services:

~~(1)~~ (i) community service work placement and supervision;

~~(2)~~ (ii) restitution collection;

~~(3)~~ (iii) supervision;

~~(4) court ordered~~ (iv) court-ordered investigations;

~~(5)~~ (v) any other ~~court ordered~~ court-ordered service;

~~(6)~~ (vi) postprison supervision or other form of release; ~~or~~ and

~~(7)~~ (vii) supervision or other probation-related services provided ~~to probationers or parolees under section 243.1605 to be provided by a local probation and parole agency established under section 244.19 or community corrections agency established under chapter 401~~ by a probation agency or by the Department of Corrections for individuals supervised by the commissioner of corrections.

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Probation agency" means a probation agency, including a Tribal Nation, organized under section 244.19 or chapter 401.

Subd. 2. ~~**Local correctional fees**~~ **Fee schedule.** A ~~local correctional agency~~ probation agency or the commissioner of corrections may establish a schedule of ~~local~~ correctional fees to charge ~~persons~~ individuals under the supervision and control of the ~~local correctional~~ agency or the commissioner, including individuals on supervised release, to defray costs associated with correctional services. The ~~local~~ correctional fees on ~~the~~ an agency's and the commissioner's schedule must be reasonably related to defendants' abilities to pay and the actual cost of correctional services.

Subd. 3. ~~**Fee collection**~~ **Imposing and collecting fees.** (a) The chief executive officer of a ~~local correctional~~ probation agency or the commissioner may impose and collect ~~local~~ a correctional ~~fees~~ fee from individuals under the supervision and control of the agency or the commissioner. The ~~local correctional~~ probation agency or commissioner may collect

the fee at any time while the ~~offender~~ individual is under sentence or after the sentence has been discharged.

(b) A ~~local~~ probation ~~and parole~~ agency ~~established under section 244.19 or community corrections agency established under section 401.02~~ may not impose a fee under this section on an individual under the agency's supervision and control if:

(1) the ~~offender~~ individual is supervised by the commissioner ~~of corrections~~; and

(2) the commissioner ~~of corrections~~ imposes and collects a fee under this section ~~241.272~~.

(c) The agency or the commissioner may use any available civil means of debt collection ~~in collecting~~ to collect a ~~local~~ correctional fee.

Subd. 4. **~~Exemption from~~ Waiving fee.** The chief executive officer of ~~the local correctional~~ a probation agency ~~may waive payment of the~~ or the commissioner must waive a correctional fee for an individual under the agency's or commissioner's supervision and control if the officer or commissioner determines that:

(1) the ~~offender~~ individual does not have the ability to pay the fee~~,~~;

(2) the prospects for payment are poor~~,~~; or

(3) there are extenuating circumstances justifying a waiver ~~of the fee~~.

(b) Instead of waiving ~~the~~ a fee, the ~~local correctional agency~~ chief executive officer or commissioner may:

(1) require the ~~offender~~ individual to perform community work service ~~as a means~~ in lieu of paying the fee; or

(2) credit the individual's involvement in programming at a rate established by the chief executive officer or commissioner.

Subd. 5. **Prioritizing restitution payment ~~priority~~.** If a defendant has been ordered by a court to pay restitution, the defendant ~~shall be obligated to~~ must pay the restitution ~~ordered~~ before paying ~~the local~~ a correctional fee. However, if the defendant is making reasonable payments to satisfy the restitution obligation, the ~~local correctional~~ probation agency or commissioner may ~~also~~ simultaneously collect a ~~local~~ correctional fee, subject to subdivision 4.

Subd. 6. **~~Use of~~ Using fees.** ~~The local~~ (a) Except as provided under paragraph (b), clause (1), for a probation agency and the Department of Corrections, correctional fees ~~shall~~ must be used by the ~~local correctional~~ agency or the department to pay the costs of local

correctional services~~. Local correctional fees may~~ but must not be used to supplant existing local funding for local correctional services.

(b) Correctional fees must be deposited as follows:

(1) correctional fees collected by Department of Corrections agents providing felony supervision under section 244.20 go to the general fund; and

(2) all other correctional fees collected by Department of Corrections agents and probation agents go to the county or Tribal Nation treasurer in the county or Tribal Nation where supervision is provided, as applicable under section 244.19, subdivision 1f.

Subd. 7. **Annual report.** (a) By January 15 each year, the commissioner must submit an annual report on implementing the commissioner's duties under this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report must include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

(b) This subdivision expires August 1, 2027.

Subd. 8. **Treatment fee for sex offenders.** (a) The commissioner may authorize providers of sex offender treatment to charge and collect treatment co-pays from all offenders in their treatment program, with a co-pay assessed to each offender based on a fee schedule approved by the commissioner.

(b) Fees collected under this subdivision must be used by the treatment provider to fund the cost of treatment.

Subd. 9. **Sunsetting supervision fees; sunset plan.** (a) By August 1, 2025, each probation agency must provide to the commissioner a written plan for phasing out supervision fees for individuals under the agency's supervision and control, and the commissioner must review and approve the plan by August 1, 2027. By August 1, 2027, the commissioner must develop a written plan for phasing out supervision fees for individuals under the commissioner's supervision and control.

(b) A copy of an approved plan must be provided to all individuals under the supervision and control of the agency or the commissioner and in a language and manner that each individual can understand.

(c) Supervision fees must not be increased from August 1, 2023, through July 31, 2027.

(d) This subdivision expires August 1, 2027.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 244.19, is amended to read:

244.19 PROBATION SERVICES AND OFFICERS.

Subdivision 1. ~~**Appointment; joint services; state services**~~ **Probation services; how provided for CPO and non-CPO jurisdictions.** ~~(a) If a county or group of counties has established a human services board pursuant to chapter 402, the district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide adult misdemeanant and juvenile probation services to district courts in one of the following ways:~~

(a) If a county or Tribal Nation is not a Community Corrections Act jurisdiction under chapter 401, the county must, or the Tribal Nation may, provide adult misdemeanant and juvenile probation services to district courts according to subdivision 1b.

(b) This section applies to CPO and non-CPO jurisdictions.

Subd. 1a. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "CPO jurisdiction" means:

(1) a county or Tribal Nation providing probation services under subdivision 1b, paragraph (b); or

(2) a group of counties or Tribal Nations providing probation services under subdivision 1b, paragraph (c).

(c) "Non-CPO jurisdiction" means a county, Tribal Nation, group of counties, or group of Tribal Nations receiving probation services under subdivision 1b, paragraph (d).

(d) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries of the state of Minnesota.

Subd. 1b. **CPO and non-CPO jurisdictions; establishment.** (a) Adult misdemeanant and juvenile probation services for CPO and non-CPO jurisdictions must be provided according to this subdivision.

~~(1)~~ (b) The court, with the approval of the county boards or respective Tribal Nation governments, may appoint one or more salaried county or Tribal probation officers to serve ~~during~~ at the pleasure of the court~~;~~.

~~(2) when~~ (c) If two or more counties or Tribal Nations offer probation services, the district court through the county boards or respective Tribal Nation governments may appoint common salaried county or Tribal probation officers to serve in the ~~several~~ counties~~;~~ or Tribal Nations, or both, if applicable.

~~(3)~~ (d) A county or ~~a district court~~ Tribal Nation may request the commissioner of corrections to furnish probation services in accordance with ~~the provisions of~~ this section, and the commissioner ~~of corrections shall~~ must furnish ~~such~~ the services to any county or ~~court~~ Tribal Nation that fails to provide its own probation officer ~~by one of the two procedures listed above;~~ according to paragraph (b) or (c).

~~(4)~~ (e) If a county or ~~district court~~ Tribal Nation providing probation services under ~~clause (1) or (2)~~ paragraph (b) or (c) asks the commissioner ~~of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections~~ to furnish probation services ~~to the district court~~ or the legislature mandates the commissioner to furnish probation services, the probation officers and other employees displaced by the changeover ~~shall~~ must be employed by the commissioner ~~of corrections~~ at no loss of salary. Years of service in the county or Tribal probation department are to be given full credit for future sick leave and vacation accrual purposes~~;~~. This paragraph applies to the extent consistent with state and Tribal law.

~~(5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to serve in the county or counties they are now serving.~~

(f) If a county or Tribal Nation receiving probation services under paragraph (d) decides to provide the services under paragraph (b) or (c), the probation officers and other employees displaced by the changeover must be employed by the county or Tribal Nation at no loss of salary. Years of service in the state are to be given full credit for future sick leave and vacation accrual purposes. This paragraph applies to the extent consistent with state and Tribal law.

(g) In accordance with this section, a Tribal Nation may elect to provide probation services to the following individuals in any Tribal Nation or county in which the individuals reside:

(1) an individual who is enrolled or eligible to be enrolled in a Tribal Nation; and

(2) an individual who resides in an enrolled member's household.

Subd. 1c. **Community supervision funding; eligibility for funding formula.** (a) A CPO jurisdiction:

(1) must collaborate with the commissioner to develop a comprehensive plan under section 401.06; and

(2) is subject to all applicable eligibility provisions under chapter 401 necessary to receive a subsidy under section 401.10.

(b) A non-CPO jurisdiction is eligible to receive a subsidy under section 401.10 but is not a Community Corrections Act jurisdiction under chapter 401, and the commissioner:

(1) is appropriated the jurisdiction's share of funding under section 401.10 for providing probation services; and

(2) may seek reimbursement from the jurisdiction according to subdivision 5a.

Subd. 1d. **Commissioner of corrections; reimbursing CPO and non-CPO jurisdictions.** As calculated by the community supervision formula under section 401.10, the commissioner must:

(1) reimburse a CPO jurisdiction for the cost that the jurisdiction assumes under this section for providing probation services, including supervising juveniles committed to the commissioner of corrections; and

(2) reimburse a non-CPO jurisdiction for the commissioner's provision of probation services to the jurisdiction under this section.

Subd. 1e. **Commissioner of management and budget.** ~~(b)~~ (a) The commissioner of management and budget ~~shall~~ must place employees transferred to state service under ~~paragraph (a), clause (4)~~ subdivision 1b, paragraph (e), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position.

(b) An employee appointed under ~~paragraph (a), clause (4), shall~~ subdivision 1b, paragraph (e), must serve a six-month probationary period ~~of six months~~. ~~After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of management~~

~~and budget is final.~~ If an employee is not certified after the probationary period, the employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision not to certify, extend the probationary period, or certify the employee. An employee may not appeal the commissioner's initial decision until after exhausting labor contract remedies, and the commissioner's decision is final after appeal.

(c) The state ~~shall~~ must negotiate the employees' seniority with the exclusive representative for the bargaining unit to which the employees are transferred ~~regarding their seniority~~. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

Subd. 1f. **Tribal Nations; sovereignty; state consultation.** (a) Nothing in this chapter relating to probation services is intended to infringe on the sovereignty of a Tribal Nation. Notwithstanding any other law to the contrary and to the extent consistent with a Tribal Nation's sovereignty, a Tribal Nation is subject to the same requirements and has the same authority as a county providing or receiving probation services under this section.

(b) The Department of Corrections and Minnesota Management and Budget must consult with Tribal Nations and offer guidance as necessary to implement and fulfill the purposes of this chapter.

~~Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to meet the needs of the district court in each county. County probation officers serving district courts in all counties of not more than 200,000 population shall also, pursuant to subdivision 3, provide probation and parole services to wards of the commissioner of corrections resident in their counties. To provide these probation services counties containing a city of 10,000 or more population shall, as far as practicable, have one probation officer for not more than 35,000 population; in counties that do not contain a city of such size, the commissioner of corrections shall, after consultation with the chief judge of the district court and the county commissioners and in the light of experience, establish probation districts to be served by one officer.~~

~~All probation officers appointed for any district court or community corrections agency shall be selected from a list of eligible candidates who have minimally qualified according to the same or equivalent examining procedures as used by the commissioner of management and budget to certify eligibles to the commissioner of corrections in appointing parole agents, and the Department of Management and Budget shall furnish the names of such~~

~~candidates on request. This subdivision shall not apply to a political subdivision having a civil service or merit system unless the subdivision elects to be covered by this subdivision.~~

Subd. 3. **Probation officers; powers and duties.** ~~All county probation officers serving a district court shall act under the orders of the court in reference to any person committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any person as may be required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any person before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order.~~

~~All county probation officers serving a district court shall, in addition, provide probation and parole services to wards of the commissioner of corrections resident in the counties they serve, and shall act under the orders of said commissioner of corrections in reference to any ward committed to their care by the commissioner of corrections.~~

~~All probation officers serving a district court shall, under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with the prevention of crime and delinquency and the rehabilitation of persons convicted of crime and delinquency.~~

~~All probation officers serving a district court shall make monthly and annual reports to the commissioner of corrections, on forms furnished by the commissioner, containing such information on number of cases cited to the juvenile division of district court, offenses, adjudications, dispositions, and related matters as may be required by the commissioner of corrections. The reports shall include the information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).~~

All county and Tribal Nation probation officers serving a district court:

(1) must:

(i) act under the orders of the court in reference to any person committed to their care by the court;

(ii) provide probation services, including supervising juveniles committed to the commissioner of corrections, for all individuals on probation who reside in the counties and Tribal Nations that the officers serve;

(iii) act under the orders of the commissioner in reference to any juvenile committed to their care by the commissioner;

(iv) under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation; and

(v) under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with preventing crime and delinquency and rehabilitating persons convicted of crime and delinquency;

(2) in the performance of their duties have the general powers of a peace officer; and

(3) are responsible for:

(i) investigating any person as may be required by the court before, during, or after the trial or hearing and furnishing to the court information and assistance as may be required;

(ii) supervising any person before, during, or after trial or hearing when directed by the court; and

(iii) keeping records and making reports to the court as the court may order.

Subd. 5. **Commissioner compensation to non-CPO jurisdiction.** ~~In counties of more than 200,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board, and in addition thereto shall be reimbursed for all necessary expenses incurred in the performance of their official duties. In all counties which obtain probation services from the commissioner of corrections~~ For a non-CPO jurisdiction, the commissioner ~~shall~~ must, out of appropriations provided ~~therefor~~ under subdivision 5a, paragraph (b), pay probation officers the salary and all benefits fixed by the state law or applicable bargaining unit and all necessary expenses, including secretarial service, office equipment and supplies, postage, telephone ~~and telegraph~~ services, and travel and subsistence.

Subd. 5a. **Department of Corrections billing; CPO and non-CPO jurisdiction reimbursement.** (a) At least every six months, the commissioner must bill for the total cost

and expenses incurred by the commissioner on behalf of each non-CPO jurisdiction that has received probation services. The commissioner must notify each non-CPO jurisdiction of the cost and expenses, and the jurisdiction must pay to the commissioner the amount due for reimbursement.

(b) Each ~~county receiving probation services from the commissioner of corrections shall~~ CPO and non-CPO jurisdiction must reimburse the Department of Corrections for the total cost and expenses of ~~such~~ the probation services as incurred by the commissioner ~~of corrections~~, excluding the cost and expense of services provided under the state's obligation for adult felony supervision in section 244.20. ~~Total annual costs for each county shall be that portion of the total costs and expenses for the services of one probation officer represented by the ratio which the county's population bears to the total population served by one officer. For the purposes of this section, the population of any county shall be the most recent estimate made by the Department of Health. At least every six months the commissioner of corrections shall bill for the total cost and expenses incurred by the commissioner on behalf of each county which has received probation services. The commissioner of corrections shall notify each county of the cost and expenses and the county shall pay to the commissioner the amount due for reimbursement. All such reimbursements shall be deposited in the general fund.~~ Money received under this paragraph from a non-CPO jurisdiction must be annually appropriated to the commissioner for providing probation services to the jurisdiction.

(c) Objections by a ~~county~~ non-CPO jurisdiction to all allocation of ~~such~~ cost and expenses ~~shall~~ must be presented to and determined by the commissioner ~~of corrections~~. ~~Each county providing probation services under this section is hereby authorized to use unexpended funds and to levy additional taxes for this purpose.~~

(d) In addition to the billing and reimbursement requirements under this section, invoicing and payments for probation services are as provided under sections 401.14 and 401.15.

Subd. 5b. **Office assistance.** The county commissioners of any county of not more than 200,000 population shall, when requested to do so by the juvenile judge, provide probation officers with suitable offices, and may provide equipment, and secretarial help needed to render the required services.

~~Subd. 6. **Reimbursement of counties.** In order to reimburse the counties for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that~~

~~purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties which provide their own probation services to the district court under subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.~~

~~Subd. 7.~~ ~~**Certificate of counties entitled to state aid.**~~ ~~On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of management and budget a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the commissioner of management and budget shall issue a payment to the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of management and budget shall transmit such payment to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.~~

~~Subd. 8.~~ ~~**Exception.**~~ ~~This section shall not apply to Ramsey County.~~

Sec. 5. Minnesota Statutes 2022, section 244.195, is amended to read:

244.195 ~~DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES~~ DEFINITIONS.

Subdivision 1. **~~Definitions~~ Scope.** ~~(a) As used in this subdivision~~ For purposes of sections 244.195 to 244.24, the ~~following~~ terms defined in this section have the meanings given them.

~~(b) "Commissioner" means the commissioner of corrections.~~

~~(c) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.~~

~~(d) "Court services director" means the director or designee of a county probation agency that is not organized under chapter 401.~~

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

~~(f) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.~~

~~(g) "Release" means to release from actual custody.~~

~~Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline or to prevent a person on conditional release from escaping or absconding from supervision, a court services director has the authority to issue a written order directing any peace officer or any probation officer in the state serving the district and juvenile courts to detain and bring the person before the court or the commissioner, whichever is appropriate, for disposition. This written order is sufficient authority for the peace officer or probation officer to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner.~~

~~Subd. 3. **Release before hearing.** A court services director has the authority to issue a written order directing any peace officer or probation officer serving the district and juvenile courts in the state to release a person detained under subdivision 2 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner. This written order is sufficient authority for the peace officer or probation officer to release the detained person.~~

~~Subd. 4. **Detention of pretrial releasee.** A court services director has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts in the state to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release. A written order issued under this subdivision is sufficient authority for the peace officer or probation officer to detain the person.~~

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of corrections.

Subd. 7. **Detain.** "Detain" means to take into actual custody, including custody within a local correctional facility.

Subd. 8. **Probation.** "Probation" has the meaning given in section 609.02, subdivision 15.

Subd. 9. **Probation agency.** "Probation agency" means an entity supervising an individual on probation, which may include the Department of Corrections field services or an agency, including a Tribal Nation, organized under section 244.19 or chapter 401.

Subd. 10. **Probation officer.** "Probation officer" means a county or Tribal probation officer or community supervision officer employed by a probation agency.

Subd. 11. **Probation violation sanction.** "Probation violation sanction":

(1) includes but is not limited to electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, substance use disorder or mental health treatment or counseling, community work service, remote electronic alcohol monitoring, random drug testing, and participation in an educational or restorative justice program; and

(2) does not include any type of custodial sanction, including but not limited to detention and incarceration.

Subd. 12. **Release.** "Release" means to release from actual custody.

Subd. 13. **Sanctions conference.** "Sanctions conference" means a voluntary conference at which a probation officer; an individual on probation; and, if appropriate, other interested parties meet to discuss the probation violation sanction imposed because of the individual's technical violation.

Subd. 14. **Sanctions conference form.** "Sanctions conference form" means a plain-language form developed by a probation agency with the approval of the district court that explains the sanctions conference and that the individual on probation may elect to participate in the sanctions conference or proceed to a judicial hearing.

Subd. 15. **Technical violation.** "Technical violation" means any violation of a court order of probation, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Sec. 6. **[244.1951] DETENTION AND RELEASE; INTERMEDIATE SANCTIONS; SUPERVISION CONTACTS.**

Subdivision 1. **Detention pending hearing.** (a) If necessary to enforce discipline or to prevent an individual on probation from escaping or absconding from supervision, a probation agency has the authority to issue a written order directing any peace officer or any probation officer in the state serving the district and juvenile courts to detain and bring the individual before the court or the commissioner, whichever is appropriate, for disposition.

(b) If an individual on probation commits a violation under section 609.14, subdivision 1a, paragraph (a), the probation agency must have a reasonable belief before issuing the order that:

(1) the order is necessary to prevent the person from escaping or absconding from supervision; or

(2) the continued presence of the person in the community presents the potential to cause further harm to the public or self.

(c) An order under this subdivision is sufficient authority for the peace officer or probation officer to detain the person for no more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner.

Subd. 2. **Release before hearing.** (a) A probation agency has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts in the state to release a person detained under subdivision 1 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner.

(b) An order under this subdivision is sufficient authority for the peace officer or probation officer to release the detained person.

Subd. 3. **Detaining pretrial releasee.** (a) A probation agency has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts in the state to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(b) An order issued under this subdivision is sufficient authority for the peace officer or probation officer to detain the person.

Subd. 4. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a probation officer may require a person committed to the officer's care by the court to perform community work service for violating a court-imposed condition of probation. Community work service may be imposed to deter behaviors that place the public at risk or to aid the person's rehabilitation, or both.

(b) Community work service may be imposed as follows:

(1) a probation officer may impose up to eight hours of community work service for each violation and up to a total of 24 hours per person per 12-month period, beginning on the date on which community work service is first imposed; and

(2) the officer's probation agency may authorize an additional 40 hours of community work service, for a total of 64 hours per person per 12-month period, beginning with the date on which community work service is first imposed.

(c) If community work service is imposed, a probation officer must provide written notice to the person in their care that states:

(1) the condition of probation that has been violated;

(2) the number of hours of community work service imposed for the violation; and

(3) the total number of hours of community work service imposed to date in the 12-month period.

(d) A person on probation supervision may challenge the imposition of community work service by filing a petition in district court within five days of receiving written notice that community work service is being imposed. If the person challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that imposing community work service is reasonable under the circumstances.

(e) For purposes of this subdivision, "community work service" includes sentencing to service.

Subd. 5. **Supervision contacts.** Supervision contacts or appointments may be conducted over videoconference technology in accordance with the probation agency's established policy.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to violations committed on or after that date.

Sec. 7. Minnesota Statutes 2022, section 244.197, is amended to read:

244.197 ~~INITIATION OF~~ INITIATING SANCTIONS CONFERENCE.

Subdivision 1. **Authority; scope.** (a) Unless the district court directs otherwise, a probation agency may use a sanctions conference to address ~~an offender's~~ a technical violation of ~~probation~~ an individual on probation. If a sanctions conference is used, sections 244.197 to 244.1995 apply.

(b) Sections 244.197 to 244.1995 apply to both adults and juveniles on probation.

Subd. 2. **Violation notice ~~of violation.~~** ~~When~~ (a) If a probation agency has reason to believe that ~~an offender~~ an individual on probation has committed a technical violation ~~of probation~~, the agency ~~shall~~ must:

(1) notify the ~~offender~~ individual in writing of the specific nature of the technical violation; and ~~the scheduling of~~

(2) schedule a sanctions conference~~, including the date, time, and location of the sanctions conference~~.

(b) The notice ~~shall~~ must also state that if the ~~offender~~ individual on probation fails to appear at the sanctions conference, the probation agency may apprehend and detain the ~~offender~~ individual under section ~~244.195~~ 244.1951 and ask the court to ~~commence~~ initiate revocation proceedings under section 609.14 and rule 27.04 of the Rules of Criminal Procedure.

(c) To the extent feasible, the sanctions conference must take place within seven days ~~of mailing of the notice to~~ after the ~~offender~~ individual on probation is mailed the notice. The notice must include the conference's date, time, and location.

Subd. 3. **Providing sanctions conference form; signed stipulation.** At ~~the~~ a sanctions conference, ~~the county~~ a probation officer ~~shall~~ must provide the ~~offender~~ individual on probation with a copy of a sanctions conference form ~~explaining the sanctions conference and the offender's options for proceeding~~. The ~~offender~~ individual must:

(1) stipulate~~,~~ in writing~~,~~ that the ~~offender has~~ individual:

(i) has received a copy of the sanctions conference form; and ~~that the offender understands~~

(ii) understands the information ~~contained~~ in the form and the options available to ~~the offender. The offender also must~~ the individual; and

(2) declare~~,~~ in writing~~, the offender's decision to either~~ whether the individual will participate in the sanctions conference or proceed with a judicial hearing.

Sec. 8. Minnesota Statutes 2022, section 244.198, is amended to read:

244.198 ~~PARTICIPATION~~ PARTICIPATING IN SANCTIONS CONFERENCE.

Subdivision 1. **~~Election~~ Electing to participate.** If ~~the offender~~ an individual on probation elects to participate in the sanctions conference, the ~~county~~ individual's probation officer ~~shall~~ must inform the ~~offender,~~ individual:

(1) orally ~~and~~, in writing, and in a language and manner that the individual can understand of the probation violation sanction that the ~~county~~ probation officer is recommending for the technical violation ~~of probation. The county probation officer shall inform the offender~~; and

(2) that the probation violation sanction becomes effective ~~upon confirmation~~ when confirmed by a district court judge ~~of the district court~~.

Subd. 1a. **Alternatives to incarceration.** ~~At a sanctions conference regarding a nonviolent controlled substance offender, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a probation agency must identify community options to address and correct the violation including, but not limited to, inpatient substance use disorder treatment. If the agency determines that community options are appropriate, the county probation officer shall recommend a sanction that incorporates those options. For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5).~~

(a) At a sanctions conference for a nonviolent controlled substance offender, a probation agency must identify community options to address and correct an offender's technical violation only if:

(1) the offender does not present a risk to the public; and

(2) the offender is amenable to continued supervision in the community.

(b) If the probation agency determines that community options are appropriate and available in the state, the probation officer must recommend a probation violation sanction that incorporates the community options.

(c) For purposes of this subdivision, "nonviolent controlled substance offender" means an individual who meets the criteria under section 244.0513, subdivision 2, clauses (1), (2), and (5).

Subd. 2. **Report to district court.** (a) If ~~the offender~~ an individual on probation elects to participate in the sanctions conference, the ~~county~~ probation officer conducting the sanctions conference ~~shall~~ must provide a report to the district court containing:

(1) the specific nature of the technical violation ~~of probation~~;

(2) the notice provided to the ~~offender of the technical violation of probation and the scheduling of the sanctions conference~~ individual under section 244.197, subdivision 2;

(3) a copy of the ~~offender's~~ individual's signed stipulation ~~indicating that the offender received a copy of the sanctions conference form and understood it~~ and declaration under section 244.197, subdivision 3; and

~~(4) a copy of the offender's written declaration to participate in the sanctions conference; and~~

~~(5)~~ (4) the recommended probation violation sanction under subdivision 1 or 1a.

(b) The recommended probation violation sanction ~~becomes~~ is effective when confirmed by a judge~~.~~, and the order of the court ~~shall be~~ is proof of ~~such~~ confirmation.

Subd. 3. **Response to district court action.** (a) ~~Upon the county probation officer's receipt of a confirmed order by the judge~~ If a probation officer receives a judge's confirmed order, the ~~county probation~~ officer ~~shall~~ must notify both the ~~offender~~ individual on probation and the prosecuting authority in writing that the court has approved the probation violation sanction ~~has been approved by the court~~.

(b) If the court does not confirm the officer's recommendation ~~of the county probation officer,~~:

(1) the probation violation sanction ~~shall~~ does not go into effect~~.~~;

(2) the ~~county~~ probation officer ~~shall~~ must notify the ~~offender~~ individual on probation that the court has not confirmed the sanction~~.~~; and

~~(c) If the court does not confirm the recommendation,~~ (3) the ~~county~~ probation officer may ask the court to ~~commence~~ initiate revocation proceedings under section 609.14.

Subd. 4. **Appeal.** ~~An offender~~ An individual on probation may appeal the judge's confirmation of the probation violation sanction as provided in rule 28.05 of the Rules of Criminal Procedure.

Sec. 9. Minnesota Statutes 2022, section 244.199, is amended to read:

244.199 ~~ELECTION~~ ELECTING NOT TO PARTICIPATE.

If ~~the offender~~ an individual on probation elects not to participate in the sanctions conference, the ~~county~~ probation officer may:

(1) ask the court to initiate revocation proceedings or refer the matter to the appropriate prosecuting authority for action under section 609.14~~. The county probation officer also may~~; or

(2) take action to apprehend and detain the ~~offender~~ individual under section ~~244.195~~ 244.1951.

Sec. 10. Minnesota Statutes 2022, section 244.1995, is amended to read:

244.1995 SANCTIONS CONFERENCE PROCEDURES.

The chief executive officer of a ~~local corrections agency~~ probation agency, with approval of the district court, ~~shall~~ must develop procedures for the sanctions conference ~~identified in~~ under sections ~~244.196~~ 244.197 to 244.199~~,~~ and develop a sanctions conference form that includes notice to the ~~offender~~ individual on probation:

(1) of the specific court-ordered condition of ~~release~~ probation that the ~~offender~~ individual has allegedly violated, the probation officer's authority to ask the court to revoke the ~~offender's~~ individual's probation for the technical violation, and the ~~offender's~~ individual's right to elect to participate in a sanctions conference to address the technical violation in lieu of the probation officer asking the court to revoke the ~~offender's~~ individual's probation;

(2) that participation in the sanctions conference is in lieu of a court hearing under section 609.14~~,~~ and that~~,~~ if the ~~offender~~ individual elects to participate in the sanctions conference, the ~~offender~~ individual must admit, or agree not to contest, the alleged technical violation and must waive the right to contest the violation at a judicial hearing, present evidence, call witnesses, cross-examine the state's witnesses, and be represented by counsel;

(3) that, if the ~~offender~~ individual chooses, the ~~offender has a right~~ individual is entitled to a hearing before the court under section 609.14~~,~~ for a determination of whether the ~~offender~~ individual committed the alleged violation, including the right to be present at the hearing, to cross-examine witnesses, to have witnesses subpoenaed for the ~~offender~~ individual, to have an attorney present or to have an attorney appointed if the ~~offender~~ individual cannot afford one, and to require the state to prove the allegations against the ~~offender~~ individual;

(4) that if, after a hearing, the court finds that the violations have been proven, the court may continue the sentence, subject to the same, modified, or additional conditions, or order a sanction that may include incarceration, additional fines, revocation of the stay of sentence, imposition of sentence, or other sanctions;

(5) that the decision to participate in the sanctions conference will not result in the probation officer recommending revocation of the ~~offender's~~ individual's stay of sentence~~,~~ unless the ~~offender~~ individual subsequently fails to successfully complete the probation violation sanction by a specified date;

(6) that various types of probation violation sanctions may be imposed and that the probation violation sanctions imposed on the ~~offender~~ individual will depend on the nature of the individual's technical violation, ~~the offender's~~ criminal history, and ~~the offender's~~ level of supervision;

(7) that the probation violation sanctions supplement any existing conditions of ~~release~~ probation; and

(8) that participation in the sanctions conference requires ~~completion of~~ completing all probation violation sanctions imposed by the probation agency~~,~~ and that ~~failure~~ failing to successfully complete ~~the~~ any imposed probation violation ~~sanctions~~ sanction could result in additional sanctions or ~~the commencement of~~ initiation of revocation proceedings under section 609.14.

Sec. 11. Minnesota Statutes 2022, section 244.20, is amended to read:

244.20 PROBATION; FELONY SUPERVISION.

Notwithstanding sections 244.19, ~~subdivision 1~~ subdivisions 1 to 1d, and 609.135, subdivision 1, the Department of Corrections ~~shall have~~:

(1) has exclusive responsibility for providing probation services for adult felons in counties and Tribal Nations that do not take part in the Community Corrections Act~~. In counties that do not take part in the Community Corrections Act, the responsibility for providing probation services for individuals convicted of gross misdemeanor offenses shall be discharged according to local judicial policy.~~ subsidy program under chapter 401; and

(2) to provide felony supervision, retains the county's or Tribal Nation's funding allotted under section 401.10 for providing felony probation services.

Sec. 12. Minnesota Statutes 2022, section 244.21, is amended to read:

244.21 INFORMATION ON ~~OFFENDERS UNDER SUPERVISION~~ INDIVIDUALS ON PROBATION; REPORTS.

Subdivision 1. ~~**Collection of**~~ **Collecting information by probation service providers; report required.** ~~By January 1, 1998,~~ (a) Probation service providers ~~shall begin collecting and maintaining~~ must collect and maintain information on ~~offenders under supervision.~~ individuals on probation, and the commissioner of corrections ~~shall~~ must specify the nature and extent of the information to be collected and made available to the commissioner.

(b) As a condition of state subsidy funding under section 401.10, each probation agency must by April 1 ~~of every~~ each year~~, each probation service provider shall~~ report:

(1) a summary of the information collected to the commissioner under paragraph (a); and

(2) any other probation- and supervision-related data necessary for the Department of Corrections' mandated legislative reports.

Subd. 2. **Commissioner of corrections; report.** By January 15~~, 1998~~ each year, the commissioner ~~of corrections shall~~ must report to the chairs of the ~~senate crime prevention and house of representatives judiciary~~ legislative committees with jurisdiction over public safety policy and finance on recommended methods of coordinating the exchange of information collected on ~~offenders~~ individuals on probation under subdivision 1:

(1) between probation service providers; and

(2) between probation service providers and the Department of Corrections~~, without requiring service providers to acquire uniform computer software~~.

Sec. 13. Minnesota Statutes 2022, section 244.24, is amended to read:

244.24 ~~CLASSIFICATION SYSTEM FOR ADULT OFFENDERS~~ ASSESSING RISK FOR INDIVIDUALS ON PROBATION.

~~By February 1, 1998,~~ All probation agencies ~~shall~~ must adopt written policies for ~~classifying adult offenders. The commissioner of corrections shall assist probation agencies in locating organizations that may provide training and technical assistance to the agencies concerning methods to develop and implement effective, valid classification systems~~ assessing risk levels for individuals on probation. A probation agency must use a risk screener and risk and needs assessment tools as prescribed by its written policies.

Sec. 14. **[244.33] COMMUNITY SUPERVISION; TARGETED INNOVATION GRANTS.**

(a) The community supervision targeted innovation grant account is established in the special revenue fund in the state treasury. Appropriations and transfers to the account are credited to the account. Earnings, such as interest, dividends, and any other earnings arising from assets of the account, are credited to the account. Money remaining in the account at the end of the fiscal year is not canceled to the general fund but remains in the account until expended. Money in the account is annually appropriated to the commissioner.

(b) The commissioner must award grants to applicants that operate, or intend to operate, innovative programs that target specific aspects of community supervision that align with risk, need, and responsivity principles. When awarding grants, the commissioner must seek to ensure geographical and equitable representation across the state. The programs may include but are not limited to:

(1) access to community treatment options to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of supervision or release;

(2) reentry services;

(3) restorative justice;

(4) juvenile diversion;

(5) family-centered approaches to supervision;

(6) funding the cost to implement programming and support services that decrease an individual's level of risk for continued recidivism or revocation based on interventions found effective through research-guided practices; and

(7) alternatives to incarceration programs.

(c) Grant recipients must provide an annual report to the commissioner that includes:

(1) the services provided by the grant recipient;

(2) the number of individuals served in the previous year and their supervision and risk assessment levels;

(3) measurable outcomes of the recipient's program; and

(4) any other information required by the commissioner.

(d) By January 15, 2025, and each year thereafter, the commissioner must report to the chairs and ranking minority members of the legislative committees with jurisdiction over

criminal justice policy and finance on how the grant funding in this section was used. The report must detail the impact that the funding had on improving community supervision practices and outcomes.

(e) For any appropriation under this section, the commissioner may use up to five percent of the appropriation to administer the grants.

Sec. 15. Minnesota Statutes 2022, section 401.01, is amended to read:

401.01 COMMUNITY CORRECTIONS ACT; PURPOSE AND DEFINITION~~;~~ ~~ASSISTANCE GRANTS~~.

Subdivision 1. ~~Grants~~ **Subsidies for community-based correctional programs.** ~~For the purpose of~~ (a) To more effectively ~~protecting~~ protect society and ~~to~~ promote efficiency and economy in ~~the delivery of~~ delivering correctional services, the commissioner ~~is authorized to make grants to assist~~ may subsidize counties ~~in the development~~ and Tribal Nations to help them develop, ~~implementation~~ implement, and ~~operation of~~ operate community-based ~~corrections~~ correctional programs, including:

(1) preventive or diversionary correctional programs~~,~~;

(2) conditional release programs~~,~~;

(3) community corrections centers~~,~~; and

(4) facilities for ~~the detention~~ detaining or ~~confinement~~ confining, ~~care~~ caring, and ~~treatment of~~ treating persons convicted of crime or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a grant for the operation of an emergency shelter or make a separate grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring the facility into compliance with state and local laws pertaining to health, fire, and safety, and to provide security.~~

(b) Counties and Tribal Nations must use risk, need, and responsivity principles in their correctional programming.

Subd. 2. **Definitions.** (a) For ~~the~~ purposes of ~~sections 401.01 to 401.16~~ this chapter, the ~~following~~ terms defined in this subdivision have the meanings given them.

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

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

(d) "Conditional release" means:

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

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

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

~~(e) "County probation officer" means a probation officer appointed under section 244.19.~~

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

~~(g)~~ (f) "Joint board" means the board ~~provided in~~ under section 471.59.

~~(h) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.~~

~~(i) "Local correctional service" means those services authorized by and employees, officers, and agents appointed under section 244.19, subdivision 1.~~

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

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

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

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

Sec. 16. Minnesota Statutes 2022, section 401.02, is amended to read:

401.02 COUNTIES OR REGIONS; INCLUDED CORRECTIONAL SERVICES ~~INCLUDABLE~~.

Subdivision 1. **Qualification ~~of counties~~ requirements.** (a) ~~One or more counties, having an aggregate population of 30,000 or more persons,~~ A county or Tribal Nation may qualify for ~~a grant as provided in~~ the subsidy program under section 401.01 by ~~the enactment of appropriate resolutions creating and establishing a corrections advisory board,~~:

(1) designating ~~the~~ an officer or agency ~~to be~~ responsible for administering ~~grant funds,~~ the subsidy; and ~~providing for the preparation of~~

(2) preparing a comprehensive plan for ~~the development~~ developing, ~~implementation~~ implementing, and ~~operation of~~ operating the correctional services ~~described in section 401.01, including the assumption of those correctional services, other than the operation of state facilities, presently provided in such counties by the Department of Corrections, and providing for centralized administration and control of those correctional services described in section 401.01~~ under this chapter.

(b) When preparing a comprehensive plan, a county or Tribal Nation must:

(1) provide correctional services, not including the operation of state facilities, that are currently provided by the Department of Corrections or, for Tribal Nations, probation services in a Tribal Nation;

(2) provide for centralized administration and control of the correctional services; and

(3) enact the appropriate resolutions to create and establish a local advisory board.

~~Where~~ (c) If counties or Tribal Nations combine as authorized ~~in~~ under this section, they ~~shall~~ must comply with ~~the provisions of~~ section 471.59. Unless the context indicates otherwise, a CCA or non-CCA jurisdiction includes a group of counties or a group of Tribal Nations.

Subd. 1a. **Continued eligibility.** ~~(b)~~ A ~~county~~ single CCA jurisdiction that has participated in the Community Corrections Act for five or more years ~~is eligible to~~ may continue to participate in the Community Corrections Act.

Subd. 2. **Planning counties; expenses of corrections advisory board members ~~expenses.~~** (a) To assist ~~counties which have~~ a county or Tribal Nation that has complied with ~~the provisions of~~ subdivision 1 and ~~require~~ requires financial aid to defray all or a part of the expenses incurred by corrections advisory board members in discharging their official duties ~~pursuant~~ according to section 401.08, the commissioner may:

(1) designate ~~counties~~ the county or Tribal Nation as ~~"planning counties",~~ a "planning county"; and~~,~~

(2) upon ~~receipt of resolutions~~ receiving a resolution by the governing ~~boards~~ board of the ~~counties~~ county or Tribal Nation certifying the need for and inability to pay the expenses ~~described in~~ under this subdivision, advance to the ~~counties~~ county or Tribal Nation an amount not to exceed five percent of the maximum quarterly subsidy for which the ~~counties are~~ county or Tribal Nation is eligible.

(b) The expenses ~~described in~~ under this subdivision ~~shall~~ must be paid in the same manner and amount as for state employees.

Subd. 3. ~~**Establishment**~~ **Establishing and** ~~**reorganization of**~~ **reorganizing administrative structure.** (a) Any county or ~~group of counties which have~~ Tribal Nation that has qualified for ~~participation~~ participating in the ~~community corrections~~ subsidy program ~~provided by this chapter~~ may establish, organize, and reorganize an administrative structure and ~~provide for the budgeting~~:

(1) budget, ~~staffing~~ staff, and ~~operation of~~ operate court services and probation~~,~~ ~~construction~~;

(2) construct or ~~improvement to~~ improve juvenile detention and juvenile correctional facilities and adult detention and correctional facilities~~,~~; and

(3) provide for other activities required to conform to ~~the purposes of~~ this chapter.

(b) No ~~contrary general or special statute~~ other law divests any county or ~~group of counties~~ Tribal Nation of the authority granted ~~by~~ under this subdivision.

~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county probation officers may require a person committed to the officer's care by the court to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12-month period, beginning on the date on which community work service is first imposed. The chief executive officer of a community corrections agency may authorize an additional 40 hours of community work service, for a total of 64 hours per offender per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, probation officers are required to provide written notice to the offender that states:~~

~~(1) the condition of probation that has been violated;~~

~~(2) the number of hours of community work service imposed for the violation; and~~

~~(3) the total number of hours of community work service imposed to date in the 12-month period.~~

~~An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a~~

~~preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.~~

~~Community work service includes sentencing to service.~~

Subd. 6. **Tribal Nation; sovereignty; state consultation.** (a) Nothing in this chapter relating to correctional services is intended to infringe on the sovereignty of a Tribal Nation. Notwithstanding any other law to the contrary and to the extent consistent with a Tribal Nation's sovereignty, a Tribal Nation is subject to the same requirements and has the same authority as a county participating in the subsidy program or as a non-CCA jurisdiction under this chapter.

(b) The Department of Corrections and the Community Supervision Advisory Committee under section 401.17 must consult with Tribal Nations and offer guidance as necessary to implement and fulfill the purposes of this chapter.

Sec. 17. Minnesota Statutes 2022, section 401.025, is amended to read:

401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES.

Subdivision 1. **Peace officers and probation officers serving CCA ~~counties~~ jurisdictions.** ~~(a) When it appears~~ If necessary to enforce discipline or to prevent a person on conditional release from escaping or absconding from supervision, the chief executive officer or designee of ~~a community corrections agency in~~ a CCA ~~county~~ jurisdiction has the authority to issue a written order ~~directing any peace officer or any probation officer in the state serving the district and juvenile courts to detain and bring the person before the court or the commissioner, whichever is appropriate, for disposition. This written order is sufficient authority for the peace officer or probation officer to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner~~ as provided under section 244.1951, subdivisions 1 to 3.

~~(b) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing a peace officer or probation officer serving the district and juvenile courts to release a person detained under paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner. This written order is sufficient authority for the peace officer or probation officer to release the detained person.~~

~~(c) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any peace officer or any probation~~

~~officer serving the district and juvenile courts to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release. A written order issued under this paragraph is sufficient authority for the peace officer or probation officer to detain the person.~~

Subd. 2. **Peace officers and probation officers in other counties and state correctional investigators.** (a) The chief executive officer or designee of a ~~community corrections agency in a~~ CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional investigator ~~or any~~, peace officer, or probation officer~~, or county probation officer from another county~~ to detain a person under sentence or on probation who:

(1) fails to report to serve a sentence at a local correctional facility;

(2) fails to return from furlough or authorized temporary release from a local correctional facility;

(3) escapes from a local correctional facility; or

(4) absconds from court-ordered home detention.

(b) The chief executive officer or designee of a ~~community corrections agency in a~~ CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional investigator ~~or any~~, peace officer, or probation officer~~, or county probation officer from another county~~ to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(c) ~~A written~~ An order issued under paragraph (a) or (b) is sufficient authority for the state correctional investigator, peace officer, or probation officer~~, or county probation officer~~ to detain the person.

Subd. 3. **~~Offenders~~ Individuals under Department of Corrections commitment.** ~~CCA~~ All counties ~~shall~~ and Tribal Nations must comply with the policies prescribed by the commissioner when providing supervision and other correctional services to ~~persons~~ individuals conditionally released ~~pursuant~~ according to sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty transfer of ~~persons~~ individuals on conditional release and the conduct of presentence investigations.

Sec. 18. Minnesota Statutes 2022, section 401.03, is amended to read:

401.03 RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.

(a) The commissioner ~~shall~~ must, as provided in chapter 14, ~~promulgate~~ adopt rules ~~for the implementation of sections 401.01 to 401.16,~~ to implement this chapter and ~~shall~~ provide

consultation and technical assistance to counties and Tribal Nations to ~~aid~~ help them ~~in the development of~~ develop comprehensive plans.

(b) The time limit to adopt rules under section 14.125 does not apply.

Sec. 19. Minnesota Statutes 2022, section 401.04, is amended to read:

401.04 ~~ACQUISITION OF~~ ACQUIRING PROPERTY; ~~SELECTION OF~~ SELECTING ADMINISTRATIVE STRUCTURE; EMPLOYEES.

Subdivision 1. **County and Tribal Nation authority.** Any county or ~~group of counties~~ Tribal Nation electing to ~~come within the provisions of sections 401.01 to 401.16~~ become a CCA jurisdiction may ~~(a)~~:

(1) acquire by any lawful means, including purchase, lease, or transfer of custodial control, the lands, buildings, and equipment necessary and incident to ~~the accomplishment of~~ accomplishing the purposes of ~~sections 401.01 to 401.16, (b)~~ this chapter;

(2) determine and establish ~~the~~ an administrative structure best suited to the efficient administration and delivery of ~~the~~ correctional services ~~described in section 401.01, and (c)~~; and

(3) employ a director and other officers, employees, and agents as deemed necessary to ~~carry out the provisions of sections 401.01 to 401.16~~ implement this chapter.

Subd. 2. **Providing for displaced employees.** (a) To the extent that ~~participating counties shall assume and take~~ a county assumes and takes over state and local correctional services presently provided in ~~counties, employment shall be given to those state and local officers, employees and agents thus displaced;~~ the county, the probation officers and other employees displaced by the changeover must be employed by the county at no loss of salary. Years of service in the state are to be given full credit for future sick leave and vacation accrual purposes.

(b) If an officer or other employee is hired by a county, employment ~~shall~~ must, to the extent possible and notwithstanding ~~the provisions of~~ any other law ~~or ordinance~~ to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by ~~such~~ the officer~~,~~ or employee ~~or agent~~ while in the service of the state or local correctional service.

(c) State or local employees displaced by county participation in the subsidy program ~~provided by this chapter~~ are on layoff status and, if not hired by a participating county as provided ~~herein~~ under this subdivision, may exercise their rights under layoff procedures established by law or ~~union~~ collective-bargaining agreement, whichever is applicable.

(d) State or local officers and employees displaced by a county's participation in the Community Corrections Act and hired by the participating county ~~shall~~ retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.

(e) This subdivision applies to the extent consistent with state and Tribal law.

Sec. 20. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

Subdivision 1. **Authorization to use and accept funds.** (a) Any county ~~or group of counties~~ electing to ~~come within the provisions of sections 401.01 to 401.16~~ become a CCA jurisdiction may, through ~~their~~ its governing ~~bodies,~~ body:

(1) use unexpended funds;

(2) accept gifts, grants, and subsidies from any lawful source; and

(3) apply for and accept federal funds.

(b) This section applies to Tribal Nations, to the extent consistent with the laws of their respective Tribal governments.

Sec. 21. Minnesota Statutes 2022, section 401.06, is amended to read:

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.

Subdivision 1. **Commissioner approval required.** ~~No~~ (a) A county or ~~group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible~~ Tribal Nation is ineligible for ~~the~~ its calculated subsidy ~~herein provided~~ under section 401.10 unless ~~and until~~ its comprehensive plan ~~shall have~~ has been approved by the commissioner.

(b) A non-CCA jurisdiction providing adult misdemeanant and juvenile probation services to district courts according to section 244.19, subdivision 1b, paragraph (b) or (c), must develop a comprehensive plan in consultation with the commissioner. To the extent consistent with this chapter and section 244.19, a non-CCA jurisdiction under this paragraph is subject to all the subsidy-related standards and requirements under this chapter and to all supervision standards and commissioner-prescribed policies.

(c) If the commissioner provides probation services to a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (d), the commissioner must prepare a comprehensive plan for the non-CCA jurisdiction and present it to the local county board

of commissioners or Tribal government. To the extent consistent with this chapter and section 244.19, the commissioner is subject to all the subsidy-related standards and requirements under this chapter and to all supervision standards and commissioner-prescribed policies.

(d) All comprehensive plans must:

(1) comply with commissioner-developed standards and reporting requirements, including requirements under section 401.11, subdivision 1;

(2) provide a budget for planned correctional services and programming; and

(3) sufficiently address community needs and supervision standards, including strategic planning that ties planned correctional services and programming to successful community supervision outcomes, including but not limited to reducing an individual's assessed level of risk for recidivism and addressing an individual's needs that lead to positive adjustment and prosocial behavior.

(e) Each CCA and non-CCA jurisdiction must track and report on the use of correctional fees under section 244.18 in their comprehensive plans. At a minimum, each jurisdiction must report on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

(f) A comprehensive plan is valid for four years, and a corrections advisory board or non-CCA jurisdiction must review and update its plan two years after the plan has been approved or two years after submission to the commissioner, whichever is earlier. An updated plan must include an updated budget and list which services that a county or Tribal Nation plans to provide before its next four-year comprehensive plan.

(g) All approved comprehensive plans, including updated plans, must be made publicly available on the Department of Corrections website.

Subd. 2. **Rulemaking.** The commissioner ~~shall, pursuant to~~ must, in accordance with the Administrative Procedure Act, ~~promulgate~~ adopt rules establishing standards of eligibility for counties and Tribal Nations to receive a subsidy and other funds under ~~sections 401.01 to 401.16~~ this chapter.

Subd. 3. **Substantial compliance required.** (a) To remain eligible for the subsidy ~~counties shall~~, a CCA and non-CCA jurisdiction must maintain substantial compliance with the minimum standards, as applicable, established ~~pursuant~~ according to ~~sections 401.01 to 401.16 and~~ this chapter and the policies and procedures governing the services ~~described~~

~~in~~ under section 401.025, subdivision 3, as prescribed by the commissioner. ~~Counties shall also~~

(b) A CCA and non-CCA jurisdiction must:

(1) be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner; and ~~shall~~

(2) report ~~statistics~~ data required by the commissioner in accordance with section 244.21, including but not limited to data under this chapter and information on individuals convicted as an extended jurisdiction juvenile ~~identified in~~ under section 241.016, subdivision 1, paragraph (c).

Subd. 4. **Commissioner review.** (a) The commissioner ~~shall~~ must review ~~annually the comprehensive plans submitted by participating counties~~ all comprehensive plans, including the facilities and programs operated under the plans. The commissioner ~~is hereby authorized to~~ may enter ~~upon~~ any facility operated under the plan~~,~~ and inspect books and records~~,~~ for purposes of recommending needed changes or improvements.

~~When~~ (b) If the commissioner ~~shall determine~~ determines that there are reasonable grounds to believe that a ~~county or group of counties~~ CCA or non-CCA jurisdiction is not in substantial compliance with minimum standards, the commissioner must provide at least 30 days' notice ~~shall be given~~ to the ~~county or counties and~~ CCA or non-CCA jurisdiction of a commissioner-conducted hearing ~~conducted by the commissioner~~ to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance.

Subd. 5. **Noncompliance; remedies.** (a) After a hearing, the commissioner may sanction a CCA or non-CCA jurisdiction according to this subdivision if the commissioner determines that the CCA or non-CCA jurisdiction is not maintaining substantial compliance with minimum standards or that satisfactory progress toward compliance has not been made.

(b) The commissioner may:

(1) suspend all or a portion of any subsidy ~~until the required standard of operation has been met.~~ without issuing a corrective action plan; or

(2) issue a corrective action plan.

(c) A corrective action plan must:

(1) be in writing;

(2) identify all deficiencies;

(3) detail the corrective action required to remedy the deficiencies; and

(4) provide a deadline to:

(i) correct each deficiency; and

(ii) report to the commissioner progress toward correcting the deficiency.

(d) After the deficiency has been corrected, documentation must be submitted to the commissioner detailing compliance with the corrective action plan. If the commissioner determines that the CCA or non-CCA jurisdiction has not complied with the plan, the commissioner may suspend all or a portion of the subsidy.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to all four-year comprehensive plans submitted on or after that date.

Sec. 22. Minnesota Statutes 2022, section 401.08, is amended to read:

401.08 CORRECTIONS ADVISORY BOARD.

Subdivision 1. **Board members ~~of board~~.** ~~The~~ A corrections advisory board ~~provided in section 401.02, subdivision 1, shall~~ must consist of at least nine members~~,~~ who ~~shall~~ must be representative of law enforcement, prosecution, the judiciary, education, corrections, ~~ethnic minorities~~ different ethnicities, the social services, and the ~~lay citizen~~ general public.

Subd. 2. **Appointment; terms.** (a) The members of ~~the~~ a corrections advisory board ~~shall~~ must:

(1) be appointed by the board of county commissioners ~~or~~, respective Tribal Nation government, or the joint board in the case of multiple counties ~~and shall~~ or Tribal Nations;

(2) serve for terms of two years ~~from and after the date of their appointment,~~; and ~~shall~~

(3) remain in office until their successors are duly appointed.

~~The~~ (b) A board may elect its own officers.

Subd. 3. **Joint corrections advisory board.** ~~Where~~ If two or more counties or Tribal Nations combine to ~~come within the provisions of sections 401.01 to 401.16~~ become a CCA jurisdiction, the joint corrections advisory board ~~shall~~ must contain representation as provided ~~in~~ under subdivision 1, but the board members ~~comprising the board~~ may come from each of the participating counties or Tribal Nations as may be determined by agreement of the counties or Tribal Nations.

Subd. 4. **Comprehensive plan.** ~~The~~ A corrections advisory board ~~provided in sections 401.01 to 401.16, shall~~ must:

(1) actively participate in ~~the formulation of~~ formulating the comprehensive plan for ~~the development, implementation, and operation of~~ developing, implementing, and operating ~~the~~ correctional ~~program~~ programming and services ~~described in section 401.01,~~ under this chapter; and ~~shall~~

(2) make a formal recommendation to the ~~county board or joint board~~ CCA jurisdiction at least annually ~~concerning~~ on the comprehensive plan and its implementation during the ensuing year.

Subd. 5. **Committee structure.** (a) If a corrections advisory board carries out its duties ~~through the implementation of~~ with a committee structure, the composition of each committee or subgroup ~~shall generally~~ should reflect the membership of the entire board.

(b) All proceedings of the corrections advisory board and any board committee or other subgroup of the board ~~shall~~ must be open to the public~~;~~, and all votes taken of board members ~~of the board shall~~ must be recorded and ~~shall~~ become matters of public record.

Subd. 6. **Board rules.** ~~The~~ A corrections advisory board ~~shall promulgate~~ must adopt and implement rules ~~concerning attendance of members~~ on member attendance at board meetings. A rule under this subdivision does not meet the definition of a rule under section 14.02, subdivision 4.

Sec. 23. Minnesota Statutes 2022, section 401.09, is amended to read:

401.09 OTHER GRANT OR SUBSIDY PROGRAMS; ~~PURCHASE OF~~ PURCHASING STATE SERVICES.

Subdivision 1. **Eligibility for other programs.** ~~Failure of a county or group of counties~~ A decision by a county or Tribal Nation to elect to ~~come within the provisions of sections 401.01 to 401.16 shall~~ not become a CCA jurisdiction does not affect ~~their~~ its eligibility for any other state grant or subsidy for correctional purposes otherwise provided by law.

Subd. 2. **Contracting for correctional services.** ~~Any~~ A comprehensive plan submitted ~~pursuant~~ according to ~~sections 401.01 to 401.16~~ this chapter may ~~include the purchase of selected~~ allow for contracting with the state to provide certain correctional services ~~from the state by contract~~, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent~~;~~, with confinement ~~to be~~ in an appropriate state facility as otherwise provided by law.

Subd. 3. **Determining cost of correctional services.** The commissioner ~~shall~~ must annually determine the costs of the ~~purchase of~~ contracted services under ~~this section~~ subdivision 2 and deduct them from the subsidy due and payable to the county ~~or counties~~

~~concerned; provided that no~~ or Tribal Nation if a contract ~~shall~~ under subdivision 2 does not exceed in cost the amount of subsidy to which the participating county or ~~counties are~~ Tribal Nation is eligible.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to all four-year comprehensive plans submitted on or after that date.

Sec. 24. Minnesota Statutes 2022, section 401.10, is amended to read:

401.10 FUNDING COMMUNITY ~~CORRECTIONS AID~~ SUPERVISION.

Subdivision 1. ~~**Aid calculations**~~ **Community supervision funding formula.** ~~To determine the community corrections aid amount to be paid to each participating county, the commissioner of corrections must apply the following formula:~~

~~(1) For each of the 87 counties in the state, a percent score must be calculated for each of the following five factors:~~

~~(i) percent of the total state population aged ten to 24 residing within the county according to the most recent federal census, and, in the intervening years between the taking of the federal census, according to the most recent estimate of the state demographer;~~

~~(ii) percent of the statewide total number of felony case filings occurring within the county, as determined by the state court administrator;~~

~~(iii) percent of the statewide total number of juvenile case filings occurring within the county, as determined by the state court administrator;~~

~~(iv) percent of the statewide total number of gross misdemeanor case filings occurring within the county, as determined by the state court administrator; and~~

~~(v) percent of the total statewide number of convicted felony offenders who did not receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines Commission.~~

~~The percents in items (ii) to (v) must be calculated by combining the most recent three-year period of available data. The percents in items (i) to (v) each must sum to 100 percent across the 87 counties.~~

~~(2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must be weighted, summed, and divided by the sum of the weights to yield an average percent for each county, referred to as the county's "composite need percent." When performing this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The composite need percent must sum to 100 percent across the 87 counties.~~

~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the county's adjusted net tax capacity amount, defined in the same manner as it is defined for cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the 87 counties.~~

~~(4) For each of the 87 counties, the county's composite need percent must be divided by the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by the county's composite need percent, results in the county's "tax base adjusted need percent."~~

~~(5) For each of the 87 counties, the county's tax base adjusted need percent must be added to twice the composite need percent, and the sum must be divided by 3, to yield the county's "weighted need percent."~~

~~(6) Each participating county's weighted need percent must be added to the weighted need percent of each other participating county to yield the "total weighted need percent for participating counties."~~

~~(7) Each participating county's weighted need percent must be divided by the total weighted need percent for participating counties to yield the county's "share percent." The share percents for participating counties must sum to 100 percent.~~

~~(8) Each participating county's "base funding amount" is the aid amount that the county received under this section for fiscal year 1995 plus the amount received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter, no county's aid amount under this section may be less than its base funding amount, provided that the total amount appropriated for this purpose is at least as much as the aggregate base funding amount defined in clause (9).~~

~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts for all participating counties. If a county that participated under this section chooses not to participate in any given year, then the aggregate base funding amount must be reduced by that county's base funding amount. If a county that did not participate under this section in fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base funding amount must be increased by the amount of aid that the county would have received had it participated in fiscal year 1995 plus the estimated amount it would have received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount of increase shall be that county's base funding amount.~~

~~(10) In any given year, the total amount appropriated for this purpose first must be allocated to participating counties in accordance with each county's base funding amount. Then, any remaining amount in excess of the aggregate base funding amount must be allocated to participating counties in proportion to each county's share percent, and is referred to as the county's "formula amount."~~

~~Each participating county's "community corrections aid amount" equals the sum of (i) the county's base funding amount, and (ii) the county's formula amount.~~

~~(11) However, if in any year the total amount appropriated for the purpose of this section is less than the aggregate base funding amount, then each participating county's community corrections aid amount is the product of (i) the county's base funding amount multiplied by (ii) the ratio of the total amount appropriated to the aggregate base funding amount.~~

~~For each participating county, the county's community corrections aid amount calculated in this subdivision is the total amount of subsidy to which the county is entitled under sections 401.01 to 401.16.~~

(a) Beginning July 1, 2023, the community supervision subsidy paid to each county, the commissioner for supervision of non-CCA jurisdictions served by the Department of Corrections, and each applicable Tribal Nation under paragraph (e) equals the sum of:

(1) a base funding amount equal to $150,000; and

(2) a community supervision formula equal to the sum of:

(i) for each individual with a felony sentence, a felony per diem rate of $5.62 multiplied by the sum of the county's or Tribal Nation's adult felony population, adult supervised release and parole populations, and juvenile supervised release and parole populations as reported in the most recent probation survey published by the commissioner, multiplied by 365; and

(ii) for each individual sentenced for a gross misdemeanor or misdemeanor or under juvenile probation, the felony per diem rate of $5.62 multiplied by 0.5 and then multiplied by the sum of the county's or Tribal Nation's gross misdemeanor, misdemeanor, and juvenile populations as reported in the most recent probation survey published by the commissioner, multiplied by 365.

(b) For a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or (c), the base funding amount must be shared equally between the jurisdiction and the commissioner for the provision of felony supervision under section 244.20.

(c) If in any year the total amount appropriated for the purpose of this section is more than or less than the total of base funding plus community supervision formula funding for all counties and applicable Tribal Nations, the sum of each county's and applicable Tribal Nation's base funding plus community supervision formula funding is adjusted by the ratio of amounts appropriated for this purpose divided by the total of base funding plus community supervision formula funding for all counties and applicable Tribal Nations.

(d) If in any year the base funding plus the community supervision formula amount based on what was appropriated in fiscal year 2024 is less than the funding paid to the county in fiscal year 2023, the difference is added to the community supervision formula amount for that county. A county is not eligible for additional funding under this paragraph unless the base funding plus community supervision formula results in an increase in funding for the county based on what was appropriated in the previous fiscal year. This paragraph expires June 30, 2029.

(e) For each Tribal Nation, a funding amount of $250,000 is allotted annually to purchase probation services or probation-related services, including contracted services, but a Tribal Nation that becomes a CCA jurisdiction or a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or (c), is an applicable Tribal Nation under paragraphs (a) to (c) and:

(1) has the Tribal Nation's funding amount of $250,000 transferred to the total community supervision subsidy amount appropriated for the purposes of this section; and

(2) is allotted a base funding amount equal to $150,000 plus an amount as determined according to the community supervision formula under paragraph (a), clause (2).

~~Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner of corrections, after notifying the committees on finance of the senate and ways and means of the house of representatives, may, at the end of any fiscal year, transfer any unobligated funds in any appropriation to the Department of Corrections to the appropriation under sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes of sections 401.01 to 401.16.~~

~~Subd. 3. **Formula review.** Prior to January 16, 2002, the committees with jurisdiction over community corrections funding decisions in the house of representatives and the senate, in consultation with the Department of Corrections and any interested county organizations, must review the formula in subdivision 1 and make recommendations to the legislature for its continuation, modification, replacement, or discontinuation.~~

Subd. 4. **Report.** (a) By January 15, 2025, and every year thereafter, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy. At a minimum, the report must summarize and contain the following data:

(1) the commissioner's workload study under section 401.17, subdivision 4;

(2) the commissioner's collected caseload data under section 244.21, subdivision 1; and

(3) projected growth in the community supervision formula calculated by analyzing caseload trends and data.

(b) The report may be made in conjunction with reporting under section 244.21.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 25. Minnesota Statutes 2022, section 401.11, is amended to read:

401.11 COMPREHENSIVE PLAN ITEMS; ~~GRANT~~ SUBSIDY REVIEW.

Subdivision 1. **Policy items.** ~~The~~ (a) A comprehensive plan submitted to the commissioner for approval ~~shall~~ under section 401.06 must include ~~those~~ items prescribed by ~~rule of the~~ commissioner~~, which may require the inclusion of~~ policy and may include the following:

~~(a)~~ (1) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made;

~~(b)~~ (2) the manner in which conditional release services to the courts and persons under jurisdiction of the commissioner ~~of corrections~~ will be provided;

~~(c)~~ (3) a program for ~~the detention, supervision, and treatment of~~ detaining, supervising, and treating persons under pretrial detention or under commitment;

~~(d)~~ (4) delivery of other correctional services ~~defined in section 401.01~~;

~~(e)~~ (5) proposals for new programs, which proposals must demonstrate a need for the program, ~~its~~ and the program's purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation, and duration ~~of program.~~;

(6) descriptions of programs that adhere to best practices for assessing risk and using interventions that address an individual's needs while tailoring supervision and interventions by using risk, need, and responsivity principles; and

(7) data on expenditures, costs, and programming results and outcomes for individuals under community supervision.

(b) The commissioner must develop in policy budgetary requirements for comprehensive plans to ensure the efficient and accountable expenditure of a county's or Tribal Nation's subsidy for correctional services and programming to produce successful community supervision outcomes.

Subd. 2. **CCA Review.** ~~In addition to the foregoing requirements made by this section,~~ Each ~~participating county or group of counties shall~~ CCA jurisdiction must develop and implement a procedure for ~~the review of~~ reviewing grant applications or applications for contracted services made to the corrections advisory board and for the manner in which corrections advisory board action will be taken on ~~them~~ the applications. A description of ~~this~~ the procedure must be made available to members of the public upon request.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to all four-year comprehensive plans submitted on or after that date.

Sec. 26. Minnesota Statutes 2022, section 401.12, is amended to read:

401.12 ~~CONTINUATION OF CURRENT~~ MINIMUM SPENDING LEVEL ~~BY COUNTIES~~.

Subdivision 1. **Diminished spending prohibited.** ~~Participating counties shall~~ A county or Tribal Nation receiving a subsidy under section 401.10 must not ~~diminish their current~~ reduce its level of spending ~~for correctional expenses as defined in section 401.01, to the extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended~~ on probation services to lower than what is reimbursed by the community supervision formula under section 401.10, subdivision 1.

Subd. 2. **Not expending full subsidy amount.** ~~Should~~ If a ~~participating~~ county ~~be~~ or Tribal Nation is unable to expend the full amount of the subsidy to which it would be entitled in ~~any one year under the provisions of sections 401.01 to 401.16~~ the first year of a biennium, the commissioner ~~shall~~ must:

(1) retain the surplus~~, subject to disbursement~~; and

(2) disburse the surplus in the ~~following~~ second year ~~wherein such~~ of the biennium if the county or Tribal Nation can demonstrate a need for and ability to expend ~~same for the purposes provided in section 401.01. If in any biennium the subsidy is increased by an inflationary adjustment which results in the county receiving more actual subsidy than it~~

~~did in the previous calendar year, the county shall be eligible for that increase only if the current level of spending is increased by a percentage equal to that increase within the same biennium.~~ the surplus.

Sec. 27. Minnesota Statutes 2022, section 401.14, is amended to read:

401.14 ~~PAYMENT OF~~ PAYING SUBSIDY.

Subdivision 1. **Payment.** ~~Upon compliance by~~ After a county or ~~group of counties~~ Tribal Nation becomes compliant with the prerequisites for ~~participation in~~ receiving the subsidy ~~prescribed by sections 401.01 to 401.16,~~ and ~~approval of~~ the commissioner approves the comprehensive plan ~~by the commissioner~~, the commissioner ~~shall~~ must determine whether funds exist ~~for the payment of~~ to pay the subsidy and proceed to pay ~~same~~ it in accordance with applicable ~~rules~~ law.

Subd. 2. **Quarterly remittance.** Based ~~upon~~ on the approved comprehensive plan ~~as approved~~, the commissioner may estimate the amount to be expended in furnishing the required correctional services during each calendar quarter and cause the estimated amount to be remitted to the counties and Tribal Nations entitled ~~thereto in the manner provided in~~ to the amount as provided under section 401.15, subdivision 1.

Subd. 3. **Installment payments.** The commissioner ~~of corrections shall~~ must:

(1) make payments for ~~community corrections~~ correctional services to each county and Tribal Nation in 12 installments per year~~. The commissioner shall~~;

(2) ensure that the pertinent payment of the allotment for each month is made to each county and Tribal Nation on the first working day after the end of each month of the calendar year, except for the last month of the calendar year~~. The commissioner shall~~; and

(3) ensure that each county and Tribal Nation receives its monthly payment ~~of the~~ allotment ~~for that month~~ no later than the last working day of ~~that~~ each month. ~~The payment described in this subdivision for services rendered during June 1985 shall be made on the first working day of July 1985.~~

Sec. 28. Minnesota Statutes 2022, section 401.15, is amended to read:

401.15 ~~PROCEDURE FOR DETERMINATION AND~~ DETERMINING PAYMENT ~~OF~~ AMOUNT; ~~BIENNIAL~~ ANNUAL REVIEW.

Subdivision 1. **Certified statements; determinations; adjustments.** (a) Within 60 days of the end of each calendar quarter, ~~participating counties which have~~ a county or Tribal Nation that has received the payments ~~authorized by~~ under section 401.14 ~~shall~~ must submit

to the commissioner certified statements detailing the amounts expended and costs incurred in furnishing the correctional services ~~provided in sections 401.01 to 401.16~~ under this chapter.

(b) Upon ~~receipt of~~ receiving the certified statements, the commissioner ~~shall, in the manner provided in~~ must in accordance with sections 401.10 and 401.12~~,~~:

(1) determine the amount that each ~~participating~~ county or Tribal Nation is entitled to receive~~, making~~; and

(2) make any adjustments necessary to rectify any disparity between the amounts received ~~pursuant~~ according to the estimate ~~provided in~~ under section 401.14 and the amounts actually expended.

(c) If the amount received ~~pursuant~~ according to the estimate is greater than the amount actually expended during the quarter, the commissioner may withhold the difference from any subsequent monthly payments made ~~pursuant~~ according to section 401.14.

~~Upon certification by~~ (d) After the commissioner ~~of~~ certifies the amount that a ~~participating~~ county or Tribal Nation is entitled to receive under ~~the provisions of~~ this subdivision or section 401.14 ~~or of this subdivision~~, the commissioner of management and budget ~~shall thereupon~~ must issue a payment to the chief fiscal officer of each ~~participating~~ county or Tribal Nation for the amount due together with a copy of the certificate prepared by the commissioner.

Subd. 2. **~~Ranking~~ Formula review.** The commissioner ~~shall biennially~~ must annually review ~~the ranking accorded each county by~~ the ~~equalization~~ community supervision formula ~~provided in~~ under section 401.10 and ~~compute~~ calculate and prorate the subsidy ~~rate~~ accordingly.

Sec. 29. Minnesota Statutes 2022, section 401.16, is amended to read:

401.16 ~~WITHDRAWAL~~ WITHDRAWING FROM SUBSIDY PROGRAM.

Subdivision 1. **Withdrawing; effective date.** At the beginning of any calendar quarter, any ~~participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners,~~ CCA jurisdiction may notify the commissioner of its intention to withdraw from the subsidy program ~~established by sections 401.01 to 401.16, and~~. The withdrawal ~~shall be~~:

(1) must be done by resolution of the county's board of commissioners or resolution of the Tribal Nation's respective governmental unit; and

(2) is effective at least six months from the last day of the last month of the quarter in which the notice was given. ~~Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.~~

Subd. 2. **Employee changeover.** (a) If a county withdraws from the subsidy program and asks the commissioner or the legislature mandates the commissioner to furnish probation services to the county, the probation officers and other employees displaced by the changeover must be employed by the commissioner at no loss of salary.

(b) Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes.

(c) This subdivision applies to the extent consistent with state and Tribal law.

Sec. 30. **[401.17] COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

Subdivision 1. **Establishment; members.** (a) The commissioner must establish a Community Supervision Advisory Committee to develop and make recommendations to the commissioner on standards for probation, supervised release, and community supervision. The committee consists of 19 members as follows:

(1) two directors appointed by the Minnesota Association of Community Corrections Act Counties;

(2) two probation directors appointed by the Minnesota Association of County Probation Officers;

(3) three county commissioner representatives appointed by the Association of Minnesota Counties;

(4) two behavioral health, treatment, or programming providers who work directly with individuals on correctional supervision, one appointed by the Department of Human Services and one appointed by the Minnesota Association of County Social Service Administrators;

(5) two representatives appointed by the Minnesota Indian Affairs Council;

(6) two commissioner-appointed representatives from the Department of Corrections;

(7) the chair of the statewide Evidence-Based Practice Advisory Committee;

(8) three individuals who have been supervised, either individually or collectively, under each of the state's three community supervision delivery systems appointed by the commissioner in consultation with the Minnesota Association of County Probation Officers and the Minnesota Association of Community Corrections Act Counties;

(9) an advocate for victims of crime appointed by the commissioner; and

(10) a representative from a community-based research and advocacy entity appointed by the commissioner.

(b) When an appointing authority selects an individual for membership on the committee, the authority must make reasonable efforts to reflect geographic diversity and to appoint qualified members of protected groups, as defined under section 43A.02, subdivision 33.

(c) Chapter 15 applies to the extent consistent with this section.

(d) The commissioner must convene the first meeting of the committee on or before October 1, 2023.

Subd. 2. **Terms; removal; reimbursement.** (a) If there is a vacancy, the applicable appointing authority must appoint an individual to fill the vacancy. Committee members may elect any officers and create any subcommittees necessary to efficiently discharge committee duties.

(b) A member may be removed by the appointing authority at any time at the pleasure of the appointing authority.

(c) Each committee member must be reimbursed for all reasonable expenses actually paid or incurred by the member while performing official duties in the same manner as other state employees. The public members of the committee must be compensated at the rate of $55 for each day or part of the day spent on committee activities.

Subd. 3. **Committee duties; report.** (a) By December 1, 2024, the committee must provide written advice and recommendations to the commissioner on developing policy on:

(1) statewide supervision standards and definitions to be applied to community supervision provided by CCA and non-CCA jurisdictions;

(2) requiring CCA and non-CCA jurisdictions to use the same agreed-on risk screener and risk and needs assessment tools as the main supervision assessment methods or a universal five-level matrix allowing for consistent supervision levels and that all tools in use be validated on Minnesota's community supervision population and revalidated every five years;

(3) requiring the use of assessment-driven, formalized, collaborative case planning to focus case planning goals on identified criminogenic and behavioral health need areas for moderate- and high-risk individuals;

(4) limiting standard conditions required for all individuals on supervision across all supervision systems and judicial districts, ensuring that conditions of supervision are directly related to the offense of the individual on supervision, and tailoring special conditions to individuals on supervision identified as high risk and high need;

(5) providing gender-responsive, culturally appropriate services and trauma-informed approaches;

(6) developing a statewide incentives and sanctions grid to guide responses to client behavior while under supervision to be reviewed and updated every five years to maintain alignment with national best practices;

(7) developing performance indicators for supervision success and recidivism;

(8) developing a statewide training, coaching, and quality assurance system overseen by an evidence-based practices coordinator;

(9) developing methods to evaluate outcomes for services provided by grant recipients under section 244.33, paragraph (c), clause (3);

(10) devising a plan to eliminate the financial penalty incurred by a jurisdiction that successfully discharges an individual from supervision before the supervision term concludes; and

(11) establishing a proposed state-level Community Supervision Advisory Board with a governance structure and duties for the board.

(b) By July 1, 2025, and every four years thereafter, the committee must review and reassess the current workload study published by the commissioner under subdivision 4 and make recommendations to the commissioner based on the committee's review.

(c) By June 30, 2024, the Community Supervision Advisory Committee must submit a report on supervision fees to the commissioner and the chairs and ranking minority members of the legislative committees with jurisdiction over corrections policy and finance. The committee must collect data on supervision fees and include the data in the report.

Subd. 4. **Duties; commissioner.** (a) The commissioner, in consultation with the committee, must complete a workload study by October 1, 2024, to develop a capitated rate for equitably funding community supervision throughout the state. The study must indicate

what factors go into a capitated rate, including but not limited to the administrative cost of providing supervision and the average daily cost for providing supervision depending on risk level.

(b) The commissioner is responsible for completing the workload study and submitting it to the legislature in accordance with section 401.10, subdivision 4.

Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in consultation with the Minnesota Counties Computer Cooperative, must create a method to (1) standardize data classifications across the three community supervision systems, and (2) collect data for the commissioner to publish in an annual report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy.

(b) The advisory committee's method, at a minimum, must provide for collecting the following data:

(1) the number of individuals sentenced to supervision each year;

(2) the offense levels, offense types, and assessed risk levels for which individuals are sentenced to supervision;

(3) violation and revocation rates and the identified grounds for the violations and revocations, including final disposition of the violation action such as execution of the sentence, imposition of new conditions, or a custodial sanction;

(4) the number of individuals granted early discharge from probation;

(5) the number of individuals restructured on supervision, including imposition of new conditions of release; and

(6) the number of individuals revoked from supervision and the identified grounds for revocation.

(c) Beginning January 15, 2025, as part of the report under section 241.21, subdivision 2, the commissioner must include data collected under the committee method established under this subdivision. The commissioner must analyze the collected data by race, gender, and county, including Tribal Nations.

(d) Nothing in this section overrides the commissioner's authority to require additional data be provided under other law.

Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations under subdivision 3, the commissioner must respond in writing to the committee's advice and recommendations. The commissioner's response must explain:

(1) whether the commissioner will adopt policy changes based on the recommendations;

(2) the timeline for adopting policy changes; and

(3) why the commissioner will not or cannot adopt any policy changes based on committee recommendations.

(b) The commissioner must submit the committee's advice and recommendations and the commissioner's response to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety finance and policy. The commissioner may submit the information under this paragraph together with the report under subdivision 5, paragraph (c).

Subd. 7. **Administrative support.** The commissioner must provide the committee with a committee administrator, staff support, a meeting room, and access to office equipment and services.

Sec. 31. Minnesota Statutes 2022, section 609.102, is amended to read:

609.102 ~~LOCAL~~ CORRECTIONAL FEES; IMPOSITION BY COURT.

Subdivision 1. **Definition.** ~~As used in~~ For purposes of this section, "~~local~~ correctional fee" means a fee for local correctional services established by a ~~local correctional~~ probation agency or the commissioner of corrections under section 244.18.

Subd. 2. ~~**Imposition of**~~ **Imposing fee.** When a court places a person convicted of a crime under the supervision and control of a ~~local correctional~~ probation agency, ~~that~~ the agency may collect a ~~local~~ correctional fee based on the ~~local correctional~~ agency's fee schedule adopted under section 244.18, subdivision 2.

Subd. 2a. ~~**Imposition of**~~ **Imposing correctional fee.** When a person convicted of a crime is supervised by the commissioner of corrections, the commissioner may collect a correctional fee based on the commissioner's fee schedule adopted under section ~~241.272~~ 244.18, subdivision 2.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 32. Minnesota Statutes 2022, 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 warrants the imposing 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.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to violations that occur on or after that date.

Sec. 33. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to read:

Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional treatment is better provided through a community resource than through confinement and would not unduly depreciate the seriousness of the violation if probation was not revoked. Policies favoring probation outweigh the need for confinement if a person has not previously

violated a condition of probation or intermediate sanction in an open criminal case and does any of the following in violation of a condition imposed by the court:

(1) fails to abstain from the use of controlled substances without a valid prescription, unless the person is under supervision for a violation of section:

(i) 169A.20;

(ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

(iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6);

(2) fails to abstain from the use of alcohol, unless the person is under supervision for a violation of section:

(i) 169A.20;

(ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

(iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6);

(3) possesses drug paraphernalia in violation of section 152.092;

(4) fails to obtain or maintain employment;

(5) fails to pursue a course of study or vocational training;

(6) fails to report a change in employment, unless the person is prohibited from having contact with minors and the employment would involve such contact;

(7) violates a curfew;

(8) fails to report contact with a law enforcement agency, unless the person was charged with a misdemeanor, gross misdemeanor, or felony; or

(9) commits any offense for which the penalty is a petty misdemeanor.

(b) A violation by a person described in paragraph (a) does not warrant the imposition or execution of sentence and the court may not direct that the person be taken into immediate custody unless the court receives a written report, signed under penalty of perjury pursuant to section 358.116, showing probable cause to believe the person violated probation and establishing by a preponderance of the evidence that the continued presence of the person in the community would present a risk to public safety. If the court does not direct that the person be taken into custody, the court may request a supplemental report from the supervising agent containing:

(1) the specific nature of the violation;

(2) the response of the person under supervision to the violation, if any; and

(3) the actions the supervising agent has taken or will take to address the violation.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to violations that occur on or after that date.

Sec. 34. **REVISOR INSTRUCTION.**

As a result of amendments to Minnesota Statutes, chapters 244 and 401, the revisor of statutes must work with the Department of Corrections to correct cross-references in Minnesota Statutes and Minnesota Rules and make any other necessary grammatical changes.

Sec. 35. **REPEALER.**

(a) Minnesota Statutes 2022, section 241.272, is repealed.

(b) Minnesota Statutes 2022, sections 244.196; 244.22; 244.32; and 401.07, are repealed.

EFFECTIVE DATE. Paragraph (a) is effective August 1, 2023.

ARTICLE 18

SUPERVISED RELEASE BOARD; LIFE SENTENCES FOR CERTAIN OFFENDERS

Section 1. **[244.049] SUPERVISED RELEASE BOARD.**

Subdivision 1. **Establishment; membership.** (a) The Supervised Release Board is established to review eligible cases and make release and final discharge decisions for:

(1) inmates serving life sentences with the possibility of parole or supervised release under sections 243.05, subdivision 1, and 244.05, subdivision 5;

(2) inmates serving indeterminate sentences for crimes committed on or before April 30, 1980; and

(3) inmates eligible for early supervised release under section 244.05, subdivision 4a.

(b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 is transferred to the board.

(c) The board consists of the following members:

(1) four individuals appointed by the governor who meet at least one of the following qualifications:

(i) a degree from an accredited law school or a bachelor's, master's, or doctorate degree in criminology, corrections, social work, or a related social science;

(ii) five years of experience in corrections, a criminal justice or community corrections field, rehabilitation programming, behavioral health, or criminal law; or

(iii) demonstrated knowledge of victim issues and correctional processes;

(2) two individuals appointed by the governor with an academic degree in neurology, psychology, or a comparable field and who have expertise in the neurological development of juveniles; and

(3) the commissioner, who serves as chair.

(d) The majority leader of the senate, minority leader of the senate, speaker of the house, and minority leader of the house shall each recommend two candidates for appointment to the positions described in paragraph (c), clause (1).

Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered terms, but the terms of the initial members are as follows:

(1) three members must be appointed for terms that expire January 1, 2026; and

(2) three members must be appointed for terms that expire January 1, 2028.

(b) An appointed member is eligible for reappointment and a vacancy must be filled according to subdivision 1.

(c) For appointed members, compensation and removal are as provided in section 15.0575, but the compensation rate is $250 a day or part of the day spent on board activities.

Subd. 3. **Quorum; compensation; administrative duties.** (a) To make release and final discharge decisions for eligible cases described in subdivision 1, paragraph (a), clause (1), when the inmate was 18 years of age or older at the time of the commission of the offense, and clause (2), the board must comprise a majority of the five members identified in subdivision 1, paragraph (c), clauses (1) and (3). The members described in subdivision 1, paragraph (c), clause (2) are ineligible to vote on those cases.

(b) To make release and final discharge decisions for eligible cases described in subdivision 1, paragraph (a), clause (1), when the inmate was under 18 years of age at the time of the commission of the offense, and clause (3), the board must comprise a majority

of all seven members and include at least one member identified in subdivision 1, paragraph (c), clause (2).

(c) An appointed board member must visit at least one state correctional facility every 12 months.

(d) The commissioner must provide the board with personnel, supplies, equipment, office space, and other administrative services necessary and incident to fulfilling the board's functions.

Subd. 4. **Limitation.** Nothing in this section:

(1) supersedes the commissioner's authority to set conditions of release or revoke an inmate's release for violating any of the conditions; or

(2) impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

Subd. 5. **Report.** (a) Beginning February 15, 2025, and each February 15 thereafter, the board must submit to the chairs and ranking minority members of the legislative committees with jurisdiction over criminal justice policy a written report that:

(1) details the number of inmates reviewed;

(2) identifies inmates granted release or final discharge in the preceding year;

(3) specifies the length of time served by individuals granted release or final discharge in the preceding year before that release or discharge;

(4) identifies any individual granted release or final discharge in the preceding year who will remain in custody as the result of a consecutive sentence;

(5) identifies the number of prior reviews of inmates who were granted release or final discharge and inmates who were denied release or final discharge;

(6) specifies the underlying offense of inmates who were granted release or final discharge and inmates who were denied release or final discharge; and

(7) provides demographic data of inmates who were granted release or final discharge and inmates who were denied release or final discharge, including whether any of the individuals were under 18 years of age at the time of committing the offense.

(b) The report must also include the board's recommendations to the commissioner for policy modifications that influence the board's duties.

Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1, 1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison for a felony offense committed on or after August 1, 1993, shall serve a supervised release term upon completion of the inmate's term of imprisonment and any disciplinary confinement period imposed by the commissioner due to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative program required under section 244.03. The amount of time the inmate serves on supervised release shall be equal in length to the amount of time remaining in the inmate's executed sentence after the inmate has served the term of imprisonment and any disciplinary confinement period imposed by the commissioner.

(b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative program as required under section 244.03 shall be placed on supervised release until the inmate has served the disciplinary confinement period for that disciplinary sanction or until the inmate is discharged or released from punitive segregation confinement, whichever is later. The imposition of a disciplinary confinement period shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for imposing the disciplinary confinement period and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

Sec. 3. Minnesota Statutes 2022, section 244.05, subdivision 4, is amended to read:

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

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

(c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

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

(e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this section without having served a minimum term of imprisonment specified in subdivision 4b.

(f) An inmate serving a mandatory life sentence for a crime described in paragraph (b) or (c) who was under 18 years of age at the time of the commission of the offense must not be given supervised release under this section without having served a minimum term of imprisonment specified in subdivision 4b.

Sec. 4. Minnesota Statutes 2022, section 244.05, is amended by adding a subdivision to read:

Subd. 4a. **Eligibility for early supervised release; offenders who were under 18 at the time of offense.** Notwithstanding any other provision of law, any person who was under the age of 18 at the time of the commission of an offense is eligible for early supervised release if the person is serving an executed sentence that exceeds the minimum term of imprisonment specified in subdivision 4b.

Sec. 5. Minnesota Statutes 2022, section 244.05, is amended by adding a subdivision to read:

Subd. 4b. **Offenders who were under 18 at the time of offense; minimum terms of imprisonment.** Any person serving one or more mandatory life sentences or any combination of sentences that include combined terms of imprisonment that exceed the applicable minimum term specified in this section is eligible for supervised release if the person was under the age of 18 at the time of the commission of the relevant offenses and has served a minimum of:

(1) 15 years if the person:

(i) received a determinate sentence with a period of imprisonment of more than 15 years;

(ii) received separate, consecutive, executed determinate sentences for two or more crimes that include combined terms of imprisonment that total more than 15 years and do not involve separate victims; or

(iii) was sentenced to one mandatory life sentence that is not consecutive to any other sentence involving a separate victim and to which no other sentence involving a separate victim is consecutive;

(2) 20 years if the person:

(i) received separate, consecutive, executed determinate sentences for two or more crimes that include combined terms of imprisonment that total more than 20 years and involved separate victims;

(ii) was sentenced to one mandatory life sentence that is consecutive to any determinate sentence involving a separate victim or to which a determinate sentence involving a separate victim is consecutive; or

(iii) was sentenced to two consecutive mandatory life sentences; or

(3) 30 years if the person was sentenced to three or more consecutive life sentences.

Sec. 6. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

Subd. 5. **Supervised release, life ~~sentence~~ and indeterminate sentences.** (a) The ~~commissioner of corrections~~ board may, under rules ~~promulgated~~ adopted by the commissioner, ~~give~~ grant supervised release or parole as follows:

(1) to an inmate serving a mandatory life sentence ~~under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3,~~ after the inmate has served the minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision 1, paragraph (a);

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

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

(b) For cases involving multiple sentences, the board must grant or deny supervised release as follows:

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

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

(c) No less than three years before an inmate has served the applicable minimum term of imprisonment, the board must assess the inmate's status and make programming

recommendations relevant to the inmate's release review. The commissioner must ensure that any board programming recommendations are followed and implemented.

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

~~(b)~~ (e) The ~~commissioner~~ board shall require the preparation of a community investigation report ~~and shall consider the findings of the report when making a supervised release decision under this subdivision~~. The report shall:

(1) reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time~~. The report shall~~;

(2) include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision~~. The report shall also~~; and

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

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

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

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

~~(d)~~ (i) When considering whether to ~~give~~ grant supervised release or parole to an inmate serving a life sentence ~~under section 609.3455, subdivision 3 or 4~~ or indeterminate sentence, the ~~commissioner~~ board shall consider, at a minimum, the following:

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

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

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

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

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

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

(7) the inmate's behavior while incarcerated~~,~~;

(8) psychological or other diagnostic evaluations of the inmate~~,~~;

(9) information on the inmate's rehabilitation while incarcerated;

(10) the inmate's criminal history~~,~~;

(11) if the inmate was under 18 years of age at the time of the commission of the offense, relevant science on the neurological development of juveniles and information on the inmate's maturity and development while incarcerated; and

(12) any other relevant conduct of the inmate while incarcerated or before incarceration.

(j) The ~~commissioner~~ board may not ~~give~~ grant supervised release or parole to ~~the~~ an inmate unless:

(1) while in prison:

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

(ii) the inmate has been assessed for substance use disorder needs and, if appropriate, has successfully completed substance use disorder treatment; and

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

(2) a comprehensive individual release plan is in place for the inmate that:

(i) ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment~~. The comprehensive plan also must include~~; and

(ii) includes a postprison employment or education plan for the inmate.

(k) Supervised release or parole must be granted with a majority vote of the quorum required under section 244.049, subdivision 3. If there is a tie vote, supervised release or parole is granted only if the commissioner votes in favor of granting supervised release or parole.

(l) Within 30 days after a supervised release review hearing, the board must issue a decision on granting release, including an explanation for the decision. If an inmate is serving multiple sentences that are concurrent to one another, the board must grant or deny supervised release on all sentences.

(m) If the board does not grant supervised release, the explanation of that decision must identify specific steps that the inmate can take to increase the likelihood that release will be granted at a future hearing.

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

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

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

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

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

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

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

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

~~(e) As used in~~ (r) For purposes of this subdivision~~,~~:

(1) "board" means the Indeterminate Sentence Release Board under section 244.049;

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

(3) "victim" ~~means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin~~ has the meaning given in section 611A.01, paragraph (b).

Sec. 7. Minnesota Statutes 2022, section 244.101, subdivision 1, is amended to read:

Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified minimum term of imprisonment that is equal to two-thirds of the executed sentence; and (2) a specified maximum supervised release term that is equal to one-third of the executed sentence. The amount of time the inmate actually serves in prison and on supervised release is subject to the provisions of section 244.05, subdivision 1b.

Sec. 8. Minnesota Statutes 2022, section 609.106, subdivision 2, is amended to read:

Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall sentence a person to life imprisonment without possibility of release under the following circumstances:

(1) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (1), (2), (4), or (7), or murder of unborn child in the first degree under section 609.2661, clause (1) or (2);

(2) the person is convicted of committing first-degree murder in the course of a kidnapping under section 609.185, paragraph (a), clause (3), or murder of unborn child in the first degree in the course of a kidnapping under section 609.2661, clause (3); or

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

Sec. 9. Minnesota Statutes 2022, section 609.106, is amended by adding a subdivision to read:

Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person who was under 18 years of age at the time of the commission of an offense under the circumstances described in subdivision 2 to imprisonment for life.

Sec. 10. Minnesota Statutes 2022, section 609.3455, subdivision 2, is amended to read:

Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of release if:

(1) the fact finder determines that two or more heinous elements exist; or

(2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, 609.344, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines that a heinous element exists for the present offense.

(b) A fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. In addition, when determining whether two or more heinous elements exist, the fact finder may not use the same underlying facts to support a determination that more than one element exists.

(c) The court shall sentence a person who was under 18 years of age at the time of the commission of an offense described in paragraph (a) to imprisonment for life.

Sec. 11. Minnesota Statutes 2022, section 609.3455, subdivision 5, is amended to read:

Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based on the sentencing guidelines or any applicable mandatory minimum sentence, that must be served before the offender may be considered for supervised release. If the offender was under 18 years of age at the time of the commission of the offense, the minimum term of imprisonment specified by the court shall not exceed the applicable minimum term of imprisonment described in subdivision 4b.

Sec. 12. **SUPERVISED RELEASE BOARD; TRANSITION PERIOD.**

(a) Notwithstanding Minnesota Statutes, section 244.049, subdivision 1, paragraph (a), the Supervised Release Board must not begin to review eligible cases and make release and final discharge decisions until July 1, 2024.

(b) Notwithstanding the board's responsibilities under Minnesota Statutes, section 244.05, subdivision 4a, and beginning July 1, 2023, through June 30, 2024, the commissioner of corrections may review eligible cases under Minnesota Statutes, section 244.05, subdivision 4a, and make necessary release decisions and programming recommendations relevant to the commissioner's review in accordance with Minnesota Statutes, section 244.05, subdivision 5. The commissioner may only review cases and make decisions under this paragraph after an eligible individual has served at least 15 years of imprisonment.

Sec. 13. **REVISOR INSTRUCTION.**

Where necessary to reflect the transfer under Minnesota Statutes, section 244.049, subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner of corrections" to "Supervised Release Board" or "board" in Minnesota Statutes, sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 and make any other necessary grammatical changes.

Sec. 14. **EFFECTIVE DATE.**

Sections 2 to 4 and 6 to 10 are effective July 1, 2023, and apply to offenders sentenced on or after that date and retroactively to offenders:

(1) sentenced to life imprisonment without possibility of release following a conviction under Minnesota Statutes, section 609.185, paragraph (a), for an offense committed when the offender was under 18 years of age and when a sentence was imposed pursuant to Minnesota Statutes, section 609.106, subdivision 2;

(2) sentenced to life imprisonment without possibility of release following a conviction under Minnesota Statutes, section 609.3455, subdivision 2, for an offense committed when the offender was under 18 years of age;

(3) sentenced to life imprisonment under Minnesota Statutes, section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, for an offense committed when the offender was under 18 years of age;

(4) sentenced to life imprisonment under Minnesota Statutes, section 609.2661, for an offense committed when the offender was under 18 years of age;

(5) sentenced to life imprisonment under Minnesota Statutes, section 609.385, for an offense committed when the offender was under 18 years of age;

(6) sentenced to life imprisonment under Minnesota Statutes, section 609.3455, subdivision 3 or 4, if the minimum term of imprisonment specified by the court in its sentence exceeds 15 years for an offense committed when the offender was under 18 years of age; or

(7) sentenced to an executed sentence that includes a term of imprisonment of more than 15 years or separate, consecutive executed sentences for two or more crimes that include combined terms of imprisonment that total more than 15 years for an offense committed when the offender was under 18 years of age.

ARTICLE 19
CIVIL LAW
A. CIVIL LAW, PROPERTY, AND BOARD MEMBERSHIP

Section 1. Minnesota Statutes 2022, section 15.0597, subdivision 1, is amended to read:

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

(b) "Agency" means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, a group created by executive order of the governor, or other similar multimember agency created by law and having statewide jurisdiction; and (2) the Metropolitan Council, metropolitan agency, Capitol Area Architectural and Planning Board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(c) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position. ~~Vacancy includes a position that is to be filled through appointment of a nonlegislator by a legislator or group of legislators;~~ Vacancy does not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, ~~or~~ (2) a vacancy to be filled by a person required to have a specific title or position, (3) a vacancy that is to be filled through appointment of a legislator by a legislator or group of legislators, or (4) a position appointed by a private entity or individual, in the manner specified in the document creating the agency, unless otherwise provided.

(d) "Secretary" means the secretary of state.

(e) "Appointing authority" means the individual or entity with the specific authority to appoint open or direct appointment positions. This includes, but is not limited to, the governor, state agency commissioners, indigenous Tribal leaders, designated legislative leaders and local agency heads, persons who have been specifically delegated the authority to make those appointments, or private entities or persons as designated by the document creating the agency. Appointments should be evidenced by a document signed by the appointing authority's most senior official. Appointments that do not specify an appointing authority shall be made in the manner provided in section 4.04.

(f) "Direct appointments" means: (1) the appointment of members to an agency, pursuant to a process not subject to this section; and (2) those members of an agency appointed through a process not subject to this section. Direct appointments must be provided for specifically in the documents creating the agency, whether enabling law, executive order, commissioner's order, or otherwise.

Sec. 2. Minnesota Statutes 2022, section 15.0597, subdivision 4, is amended to read:

Subd. 4. **Notice of vacancies.** The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency ~~shall give electronic notification to~~ must notify the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The chair may submit vacancy notices by posting seat openings on the secretary of state's boards and commissions website.

(b) If a vacancy is to be appointed by the governor, the chair must first notify the governor and receive permission to post the vacancy. Where a vacancy is created by resignation, the vacancy may not be posted until receipt and acceptance of the resignation of the incumbent as provided by section 351.01, subdivision 1, clause (2), is confirmed by the governor.

(c) The appointing authority for newly created agencies shall give electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may require the submission of notices required by this subdivision by electronic means.

(d) The secretary shall publish monthly on the website of the secretary of state a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the

secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail or electronic means copies of the listings to requesting persons.

(e) The listing for all vacancies scheduled to occur in the month of January shall be published on the website of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

(f) If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 3. Minnesota Statutes 2022, section 15.0597, subdivision 5, is amended to read:

Subd. 5. **Nominations for vacancies.** Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents on the application form to the nomination. The application form shall specify the nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, ~~a statement whether the applicant has ever been convicted of a felony,~~ and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, veteran status, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy on the website of the secretary of state pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. ~~If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority.~~ Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all

vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 4. Minnesota Statutes 2022, section 15.0597, subdivision 6, is amended to read:

Subd. 6. **Appointments.** (a) In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until ~~(1) ten~~ five days after receipt of the applications for positions in that agency from the secretary ~~or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency~~ as provided for in subdivision 5. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary by electronic means of the name of the person the appointing authority ~~intends to appoint~~ has appointed to fill the agency vacancy and the expiration date of that person's term.

(b) No person may serve in a position until the appointing authority has submitted either (1) a signed notice of appointment or (2) the documents required by paragraph (e) to the secretary of state, and the term of the appointee may not commence on a date preceding the date of the signature on the notice of appointment or the paragraph (e) submission.

(c) An oath of office for each appointee to an agency must be submitted to the secretary of state under section 358.05.

(d) If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

(e) An appointing authority making a direct appointment must submit a letter to the secretary of state stating the name of the person appointed, the agency and the specific seat to which they are appointed, contact information, the date on which the term begins, and length of the term.

(f) No person may simultaneously occupy more than one position on the same agency board. Appointment or designation of a member as chair of an agency does not constitute a violation of this paragraph.

Sec. 5. Minnesota Statutes 2022, section 168B.07, subdivision 3, is amended to read:

Subd. 3. **Retrieval of contents; right to reclaim.** (a) For purposes of this subdivision:

(1) "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players; and

(2) "relief based on need" includes, but is not limited to, receipt of MFIP and Diversionary Work Program, medical assistance, general assistance, emergency general assistance, Minnesota supplemental aid, MSA-emergency assistance, MinnesotaCare, Supplemental Security Income, energy assistance, emergency assistance, Supplemental Nutrition Assistance Program (SNAP) benefits, earned income tax credit, or Minnesota working family tax credit.

(b) A unit of government or impound lot operator ~~shall~~ must establish reasonable procedures for retrieval of vehicle contents, and may establish reasonable procedures to protect the safety and security of the impound lot and its personnel.

(c) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner of a vehicle who provides proof of identity that includes photographic identification and documentation from a government or nonprofit agency or legal aid office that the registered owner is homeless, receives relief based on need, or is eligible for legal aid services, has the unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle. A refusal by the impound lot operator to allow the registered owner to retrieve the vehicle contents after the owner provides valid documentation is a violation of this paragraph.

(d) An impound lot operator may make copies of the documents presented by the registered owner under paragraph (c), and the impound lot operator must return all of the original documents to the registered owner immediately after copying them.

Sec. 6. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3a. **Retrieval of contents; identification, medicine, and medical equipment.** An impound lot operator must allow any registered vehicle owner to retrieve, or must retrieve for the vehicle owner, the following from the impounded vehicle: proof of identification; prescription medicine; and durable medical equipment, including but not limited to wheelchairs, prosthetics, canes, crutches, walkers, and external braces.

Sec. 7. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3b. **Retrieval of contents; notice of denial.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

(b) An impound lot operator who denies a request of a registered vehicle owner to retrieve vehicle contents after the registered owner presents documentation pursuant to subdivision 3, paragraph (c), must, at the time of denial, provide the registered owner with a written statement that identifies the specific reasons for the denial.

Sec. 8. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3c. **Retrieval of contents; public notice.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

(b) An impound lot operator must post a conspicuous notice at its place of operation in the following form:

"If you receive government benefits, are currently homeless, or are eligible for legal aid services, you have the right to get the contents out of your car free of charge IF you provide:

(1) a photo ID (such as a driver's license, passport, or employer ID); AND

(2) documentation from a government or nonprofit agency or from a legal aid office that shows you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services. Examples of this documentation include BUT ARE NOT LIMITED TO:

- an EBT card;

- a Medical Assistance or MinnesotaCare card;

- a Supplemental Nutrition Assistance Program (SNAP) card; and

- a letter, email, or other document from a government agency, nonprofit organization, or legal aid organization showing that you get benefits from a government program based on your income, you are homeless, or you are eligible for legal aid services."

Sec. 9. Minnesota Statutes 2022, section 168B.07, is amended by adding a subdivision to read:

Subd. 3d. **Retrieval of contents; remedy.** (a) This subdivision applies to an impound lot operator (1) who operates a nonpublic impound lot, or (2) with which a unit of government exclusively contracts to operate an impound lot solely for public use under section 168B.09.

(b) If an impound lot operator denies the registered owner the right to retrieve the vehicle contents in violation of subdivision 3, paragraph (c), an aggrieved registered vehicle owner has a cause of action against the impound lot operator as provided in this subdivision.

(c) If the vehicle and its contents remain in the possession of the impound lot operator and retrieval of the vehicle contents was denied in violation of subdivision 3, paragraph (c), an aggrieved registered vehicle owner is entitled to injunctive relief to retrieve the vehicle contents as well as reasonable attorney fees and costs.

(d) If an impound lot operator sells or disposes of the vehicle contents after the registered owner has provided the documentation required under subdivision 3, paragraph (c), an aggrieved registered vehicle owner is entitled to statutory damages in an amount of $1,000 and reasonable attorney fees and costs. An action brought pursuant to this paragraph must be brought within 12 months of when the vehicle was impounded.

Sec. 10. Minnesota Statutes 2022, section 169A.63, subdivision 8, is amended to read:

Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the

vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

Substantially the following language must appear conspicuously in the notice:

"WARNING: If you were the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth $15,000 or less; otherwise, you must file in district court. You do not have to pay a filing fee for your lawsuit.

WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days."

(d) If notice is not sent in accordance with paragraph (b), and no time extension is granted or the extension period has expired, the appropriate agency shall return the vehicle to the owner. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time.

(e) Within 60 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture. The claimant may serve the complaint by certified mail or any means permitted by court rules. If the value of the seized property is $15,000 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court

statement of claim ~~must~~ may be served personally or ~~by mail~~ as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee.

No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The prosecuting authority may appear for the appropriate agency. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(f) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(g) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted as provided under subdivision 9.

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

Sec. 11. Minnesota Statutes 2022, section 259.11, is amended to read:

259.11 ORDER; FILING COPIES.

(a) Upon meeting the requirements of section 259.10, the court shall grant the application unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits granting the name change; or (3) in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The court administrator shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the court administrator shall present the same to the county auditor who shall enter the change of name in the auditor's official

records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and court administrator the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has a criminal history in this or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is determined that the person has a criminal history in this or any other state, the court shall, within ten days after the name change application is granted, report the name change to the Bureau of Criminal Apprehension. The person whose name is changed shall also report the change to the Bureau of Criminal Apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the Bureau of Criminal Apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.

(c) Paragraph (b) does not apply to ~~either~~:

(1) a request for a name change as part of an application for a marriage license under section 517.08; ~~or~~

(2) a request for a name change in conjunction with a marriage dissolution under section 518.27; or

(3) a request for a name change filed under section 259.14.

Sec. 12. Minnesota Statutes 2022, section 259.13, subdivision 1, is amended to read:

Subdivision 1. **Procedure for seeking name change.** (a) A person with a felony conviction under Minnesota law or the law of another state or federal jurisdiction shall serve a notice of application for a name change on the prosecuting authority that obtained the conviction against the person when seeking a name change through one of the following procedures:

(1) an application for a name change under section 259.10;

~~(2) a request for a name change as part of an application for a marriage license under section 517.08; or~~

~~(3)~~ (2) a request for a name change in conjunction with a marriage dissolution under section 518.27~~.~~; or

(3) a request for a name change under section 259.14.

If the conviction is from another state or federal jurisdiction, notice of application must also be served on the attorney general.

(b) A person who seeks a name change under section 259.10 or 518.27 shall file proof of service with the court as part of the name change request. ~~A person who seeks a name change under section 517.08 shall file proof of service with the county as part of the application for a marriage license.~~

(c) The name change request may not be granted during the 30-day period provided for in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a marriage license under section 517.08, which may be granted without the name change.

Sec. 13. Minnesota Statutes 2022, section 259.13, subdivision 5, is amended to read:

Subd. 5. **Costs.** (a) Except as provided in paragraph (b), a person seeking a name change under this section may proceed in forma pauperis only when the failure to allow the name change would infringe upon a constitutional right.

(b) A court shall not require a person with a felony conviction to pay filing fees for a name change application provided that the person files the action within 180 days after the marriage and submits to the court a certified copy of the marriage certificate.

Sec. 14. **[259.14] POSTDISSOLUTION NAME CHANGE.**

(a) Unless section 259.13 applies, a person who has resided in this state for at least six months and obtained the person's most recent final marriage dissolution from a district court may apply to the district court in the county where the person resides to change the person's name to the legal name on the person's birth certificate. A person applying for a name change must submit a certified copy of the certificate of dissolution issued pursuant to section 518.148 and a certified copy of the person's birth certificate. A person applying for a name change who obtained a divorce in a state other than Minnesota must submit a certified copy of the certificate of dissolution or a certified copy of an equivalent court order ending the marriage and a certified copy of the person's birth certificate.

(b) A court shall not require a person applying for a name change to pay filing fees for an application submitted pursuant to this section. Notwithstanding section 259.10, a court shall not require the person applying for a name change pursuant to this section to provide

proof of the person's identity by two witnesses unless the proof of identity is necessary to determine whether the person has an intent to defraud or mislead the court.

(c) Upon meeting the requirements of this section, the court shall grant the application for a name change unless the court finds that (1) the person has an intent to defraud or mislead the court; or (2) the name change is subject to section 259.13. The court shall notify the person applying for a name change that using a different surname without complying with section 259.13, if applicable, is a gross misdemeanor.

Sec. 15. Minnesota Statutes 2022, section 325F.70, is amended by adding a subdivision to read:

Subd. 3. **Private enforcement.** (a) In addition to the remedies otherwise provided by law, a consumer injured by a violation of sections 325F.68 to 325F.70, in connection with a sale of merchandise for personal, family, household, or agricultural purposes, may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other equitable relief as determined by the court. An action brought under this section benefits the public.

(b) For the purposes of this subdivision:

(1) "consumer" means a natural person or family farmer;

(2) "family farmer" means a person or persons operating a family farm; and

(3) "family farm" has the meaning given in section 116B.02, subdivision 6.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to causes of action commenced on or after that date.

Sec. 16. Minnesota Statutes 2022, section 325F.992, subdivision 3, is amended to read:

Subd. 3. **Penalties; remedies.** In addition to any other remedies available under the law, the military beneficiary injured by a violation of this section may bring a cause of action to recover damages, reasonable attorney fees and costs, ~~or~~ and equitable relief related to a violation of subdivision 2. The attorney general may enforce this section pursuant to applicable law.

Sec. 17. Minnesota Statutes 2022, section 336.9-601, is amended to read:

336.9-601 RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT; CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES, OR PROMISSORY NOTES.

(a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in section 336.9-602, those provided by agreement of the parties. A secured party:

(1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under section 336.7-106, 336.9-104, 336.9-105, 336.9-106, or 336.9-107 has the rights and duties provided in section 336.9-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) and section 336.9-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) the date of perfection of the security interest or agricultural lien in the collateral;

(2) the date of filing a financing statement covering the collateral; or

(3) any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in section 336.9-607 (c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Security interest in collateral that is agricultural property; enforcement.** A person may not begin to enforce a security interest in collateral that is agricultural property subject to sections 583.20 to 583.32 that has secured a debt of more than the amount provided in section 583.24, subdivision 5, unless: a mediation notice under subsection (i) is served on the debtor after a condition of default has occurred in the security agreement and a copy served on the director of the ~~agricultural~~ Minnesota extension service; and the debtor and creditor have completed mediation under sections 583.20 to 583.32; or as otherwise allowed under sections 583.20 to 583.32.

(i) **Mediation notice.** A mediation notice under subsection (h) must contain the following notice with the blanks properly filled in.

"TO: ...(Name of Debtor)...

YOU HAVE DEFAULTED ON THE ...(Debt in Default)... SECURED BY AGRICULTURAL PROPERTY DESCRIBED AS ...(Reasonable Description of Agricultural Property Collateral). THE AMOUNT OF THE OUTSTANDING DEBT IS ...(Amount of Debt)...

AS A SECURED PARTY, ...(Name of Secured Party)... INTENDS TO ENFORCE THE SECURITY AGREEMENT AGAINST THE AGRICULTURAL PROPERTY DESCRIBED ABOVE BY REPOSSESSING, FORECLOSING ON, OR OBTAINING A COURT JUDGMENT AGAINST THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU TO PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU

RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM: ...(Name and Address of Secured Party)..."

Sec. 18. Minnesota Statutes 2022, section 351.01, subdivision 2, is amended to read:

Subd. 2. **When effective.** Except as provided by subdivision 3 or other express provision of law or charter to the contrary, a resignation is effective when it is received by the officer, body, or board authorized to receive it. In the case of a position appointed by the governor under section 15.0597, the resignation must be submitted to the governor.

Sec. 19. Minnesota Statutes 2022, section 364.021, is amended to read:

364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF CRIMINAL RECORDS.

(a) A public or private employer may not inquire into or consider or require disclosure of the criminal record or criminal history of an applicant for employment until the applicant has been selected for an interview by the employer or, if there is not an interview, before a conditional offer of employment is made to the applicant.

(b) This section does not apply to the Department of Corrections or to employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.

(c) This section does not prohibit an employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions.

(d) An appointing authority may not inquire into or consider or require disclosure of the criminal record or criminal history of an applicant for appointment to multimember agencies, including boards, commissions, agencies, committees, councils, authorities, advisory task forces, and advisory councils, on an application form or, until the applicant has been selected for an interview by the appointing authority or is otherwise selected as a final candidate for appointment.

Sec. 20. Minnesota Statutes 2022, section 364.06, subdivision 1, is amended to read:

Subdivision 1. **Public employers.** Any complaints or grievances concerning violations of sections 364.01 to 364.10 by public employers or violations of section 364.021 by public

appointing authorities shall be processed and adjudicated in accordance with the procedures set forth in chapter 14, the Administrative Procedure Act.

Sec. 21. **[484.94] ATTORNEY ACCESS TO COURT RECORDS.**

An attorney who is admitted and licensed to practice law in the state may apply for a Minnesota Government Access account to access electronic court records and documents stored in the Minnesota Court Information System for cases in state district courts. An attorney shall be able to view and print case documents and information without cost to the attorney.

Sec. 22. Minnesota Statutes 2022, section 504B.301, is amended to read:

504B.301 EVICTION ACTION FOR UNLAWFUL DETENTION.

A person may be evicted if the person has unlawfully or forcibly occupied or taken possession of real property or unlawfully detains or retains possession of real property.

~~A seizure under section 609.5317, subdivision 1, for which there is not a defense under section 609.5317, subdivision 3, constitutes unlawful detention by the tenant.~~

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

Sec. 23. Minnesota Statutes 2022, section 507.07, is amended to read:

507.07 WARRANTY AND QUITCLAIM DEEDS~~; FORMS~~.

Warranty and quitclaim deeds may be substantially in the following forms:

WARRANTY DEED

A.B., grantor, of (here insert the place of residence), for and in consideration of (here insert the consideration), conveys and warrants to C.D., grantee, of (here insert the place of residence), the following described real estate in the county of ....., in the state of Minnesota: (here describe the premises).

Dated this ..... day of ....., ...

(Signature) .....

Every such instrument, duly executed as required by law, shall be a conveyance in fee simple of the premises described to the grantee, the grantee's heirs and assigns, with covenants on the part of the grantor, the grantor's heirs and personal representatives, that the grantor is lawfully seized of the premises in fee simple and has good right to convey the same; that the premises are free from all encumbrances; that the grantor warrants to the

grantee, the grantee's heirs and assigns, the quiet and peaceable possession thereof; and that the grantor will defend the title thereto against all persons who may lawfully claim the same. Such covenants shall be obligatory upon any grantor, the grantor's heirs and personal representatives, as fully and with like effect as if written at length in such deed.

QUITCLAIM DEED

A.B., grantor, of (here insert the place of residence), for the consideration of (here insert the consideration), conveys and quitclaims to C.D., the grantee, of (here insert the place of residence), all interest in the following described real estate in the county of ....., in the state of Minnesota: (here describe the premises).

Dated this ..... day of ....., ...

(Signature) .....

Every such instrument, duly executed, shall be a conveyance to the grantee, the grantee's heirs and assigns, of all right, title, and interest of the grantor in the premises described, but shall not extend to after acquired title, unless words expressing such intention be added.

Sec. 24. Minnesota Statutes 2022, section 508.52, is amended to read:

508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW CERTIFICATE.

An owner of registered land who desires to convey the land, or a portion thereof, in fee, shall execute a deed of conveyance, and record the deed with the registrar. The deed of conveyance shall be recorded and endorsed with the number and place of registration of the certificate of title. Before canceling the outstanding certificate of title the registrar shall show by memorial thereon the registration of the deed on the basis of which it is canceled. The encumbrances, claims, or interests adverse to the title of the registered owner shall be stated upon the new certificate, except so far as they may be simultaneously released or discharged. The registrar shall not carry forward as a memorial on the new certificate of title any memorials of a transfer on death deed if the grantors of the transfer on death deed retain no fee interest in the land covered by the new certificate. The certificate of title shall be marked "Canceled" by the registrar, who shall enter in the register a new certificate of title to the grantee and prepare ~~and deliver to the grantee~~ a ~~copy of the~~ new certificate of title. The registrar, upon request, shall deliver to the grantee a copy of the new certificate of title. If a deed in fee is for a portion of the land described in a certificate of title, the memorial of the deed entered by the registrar shall include the legal description contained in the deed and the registrar shall enter a new certificate of title to the grantee for the portion

of the land conveyed and, except as otherwise provided in this section, issue a residue certificate of title to the grantor for the portion of the land not conveyed. The registrar shall prepare and, upon request, deliver to each of the parties a copy of their respective certificates of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate to the grantor for the portion of the land not conveyed, the registrar may if the grantor's deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary by the registered owner, mark by the land description on the certificate of title "Part of land conveyed, see memorials." The fee for a residue certificate of title shall be paid to the registrar only when the grantor's certificate of title is canceled after the conveyance by the grantor of a portion of the land described in the grantor's certificate of title. When two or more successive conveyances of the same property are filed for registration on the same day the registrar may enter a certificate in favor of the grantee or grantees in the last of the successive conveyances, and the memorial of the previous deed or deeds entered on the prior certificate of title shall have the same force and effect as though the prior certificate of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in the successive conveyances. The fees for the registration of the earlier deed or deeds shall be the same as the fees prescribed for the entry of memorials. The registrar of titles, with the consent of the transferee, may mark "See memorials for new owner(s)" by the names of the registered owners on the certificate of title and also add to the memorial of the transferring conveyance a statement that the memorial shall serve in lieu of a new certificate of title in favor of the grantee or grantees therein noted and may refrain from canceling the certificate of title until the time it is canceled by a subsequent transfer, and the memorial showing such transfer of title shall have the same effect as the entry of a new certificate of title for the land described in the certificate of title; the fee for the registration of a conveyance without cancellation of the certificate of title shall be the same as the fee prescribed for the entry of a memorial.

Sec. 25. Minnesota Statutes 2022, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the parties upon a form provided for the purpose and shall contain the following information:

(1) the full names of the parties and the sex of each party;

(2) their post office addresses and county and state of residence;

(3) their full ages;

(4) if either party has previously been married, the party's married name, and the date, place and court in which the civil marriage was dissolved or annulled or the date and place of death of the former spouse;

(5) whether the parties are related to each other, and, if so, their relationship;

(6) the address of the parties after the civil marriage is entered into to which the local registrar shall send a certified copy of the civil marriage certificate;

(7) the full names the parties will have after the civil marriage is entered into and the parties' Social Security numbers. The Social Security numbers must be collected for the application but must not appear on the civil marriage license. If a party listed on a civil marriage application does not have a Social Security number, the party must certify on the application, or a supplement to the application, that the party does not have a Social Security number;

(8) if one ~~or both of the parties~~ party to the civil marriage license has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the ~~parties shall provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by~~ party may not change the party's name through the marriage application process and must follow the process in section 259.13 to change the party's name; and

(9) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different name after a civil marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

Sec. 26. Minnesota Statutes 2022, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Both parties must present proof of age to the local registrar. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party. The civil marriage license must not be released until the verification statement and proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license,

containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of $115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed $1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is $40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, ... (name of educator), confirm that ..... (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

~~(d) If section 259.13 applies to the request for a civil marriage license, the local registrar shall grant the civil marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the civil marriage license until the party with the conviction:~~

~~(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or~~

~~(2) provides a certified copy of the court order granting it. The parties seeking the civil marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.~~

Sec. 27. Minnesota Statutes 2022, section 518.191, subdivision 1, is amended to read:

Subdivision 1. **Abbreviated judgment and decree.** If real estate is described in a judgment and decree of dissolution, the court ~~may~~ shall direct either of the parties or their legal counsel to prepare and submit to the court a proposed summary real estate disposition judgment. Upon approval by the court and filing of the summary real estate disposition judgment with the court administrator, the court administrator shall provide to any party upon request certified copies of the summary real estate disposition judgment.

Sec. 28. Minnesota Statutes 2022, section 518.191, subdivision 3, is amended to read:

Subd. 3. **Court order.** An order or provision in a judgment and decree that provides that the judgment and decree must be recorded in the office of the county recorder or filed in the office of the registrar of titles means, if a summary real estate disposition judgment has been approved by the court, that the summary real estate disposition judgment, rather than the judgment and decree, must be recorded in the office of the county recorder or filed in the office of the registrar of titles. The recorder or registrar of titles is not responsible for determining if a summary real estate disposition judgment has been approved by the court.

Sec. 29. Minnesota Statutes 2022, section 541.023, subdivision 6, is amended to read:

Subd. 6. **Limitations; certain titles not affected.** This section shall not affect any rights of the federal government; nor increase the effect as notice, actual or constructive, of any instrument now of record; nor bar the rights of any person, partnership, state agency or department, or corporation in possession of real estate. This section shall not impair the record title or record interest, or title obtained by or through any congressional or legislative grant, of any railroad corporation or other public service corporation or any trustee or receiver

thereof or of any educational or religious corporation in any real estate by reason of any failure to record further evidence of such title or interest even though the record thereof is now or hereafter more than 40 years old; nor shall this section require the recording of any notice as provided for in this section as to any undischarged mortgage or deed of trust executed by any such corporation or any trustee or receiver thereof or to any claim or action founded upon any such undischarged mortgage or deed of trust. The exceptions of this subdivision shall not include (1) reservations or exceptions of land for right-of-way or other railroad purposes contained in deeds of conveyance made by a railroad company or by trustees or receivers thereof, unless said reserved or excepted land shall have been put to railroad use within 40 years after the date of said deeds of conveyance, (2) nor any rights under any conditions subsequent or restrictions contained in any such deeds of conveyance.

Sec. 30. Minnesota Statutes 2022, section 550.365, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO: ....(Name of Judgment Debtor)....

A JUDGMENT WAS ORDERED AGAINST YOU BY ....(Name of Court).... ON ....(Date of Judgment).

AS A JUDGMENT CREDITOR, ...(Name of Judgment Creditor).... INTENDS TO TAKE ACTION AGAINST THE AGRICULTURAL PROPERTY DESCRIBED AS....(Description of Agricultural Property).... TO SATISFY THE JUDGMENT IN THE AMOUNT OF ....(Amount of Debt)....

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS

SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM: ....(Name and Address of Judgment Creditor)...."

Sec. 31. Minnesota Statutes 2022, section 559.209, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO: ....(Name of Contract for Deed Purchaser)....

YOU HAVE DEFAULTED ON THE CONTRACT FOR DEED OF THE AGRICULTURAL PROPERTY DESCRIBED AS ....(Size and Reasonable Location of Property, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT IS ....(Amount of Debt)....

AS THE CONTRACT FOR DEED VENDOR, ...(Contract for Deed Vendor).... INTENDS TO TERMINATE THE CONTRACT AND TAKE BACK THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE CONTRACT FOR DEED VENDOR BEGINS REMEDIES TO ENFORCE THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE CONTRACT FOR DEED DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THE NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE ~~AT ANY COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM: ....(Name and Address of Contract for Deed Vendor)...."

Sec. 32. Minnesota Statutes 2022, section 573.01, is amended to read:

573.01 SURVIVAL OF CAUSES.

A cause of action arising out of an injury to the person ~~dies with the person of the party in whose favor it exists, except as provided in~~ survives the death of any party in accordance with section 573.02. All other causes of action by one against another, whether arising on contract or not, survive to the personal representatives of the former and against those of the latter.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

Sec. 33. Minnesota Statutes 2022, section 573.02, subdivision 1, is amended to read:

Subdivision 1. **Death action.** When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had the decedent lived, for an injury caused by the wrongful act or omission. An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall be commenced within three years of the date of death, but in no event shall be commenced beyond the time set forth in section 541.076. An action to recover damages for a death caused by an intentional act constituting murder may be commenced at any time after the death of the decedent. Any other action under this section may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission. The recovery in the action is the amount the jury deems fair and just ~~in reference to~~ for all damages suffered by the decedent resulting from the injury prior to the decedent's death and the pecuniary loss resulting from the death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral

expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as provided in section 549.20.

If an action for the injury was commenced by the decedent and not finally determined while living, it may be continued by the trustee for recovery of all damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing the continuance and directing pleadings to be made and issues framed as in actions begun under this section.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

Sec. 34. Minnesota Statutes 2022, section 573.02, subdivision 2, is amended to read:

Subd. 2. **Injury action.** When injury is caused to a person by the wrongful act or omission of any person or corporation and the person thereafter dies from a cause unrelated to those injuries, the trustee appointed in subdivision 3 may maintain an action for ~~special damages~~ all damages arising out of such injury if the decedent might have maintained an action therefor had the decedent lived. An action under this subdivision may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to causes of action pending on or commenced on or after that date.

Sec. 35. **[573.021] PEACETIME EMERGENCY INJURY ACTION; STATUTE OF LIMITATIONS.**

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

(b) "Health care provider" means a physician, surgeon, dentist, occupational therapist, other health care professional as defined in section 145.61, assisted living facility licensed under chapter 144G, long-term care facility licensed under chapter 144A, hospital, or treatment facility.

(c) "Peacetime emergency" means the peacetime emergency declared by the governor in an executive order or extended by subsequent orders from March 14, 2020, to July 1, 2021.

Subd. 2. **Injury action; statute of limitations.** An action, brought pursuant to section 573.02, subdivision 2, that accrued during the peacetime emergency against a health care provider alleging malpractice, error, mistake, or failure to cure regarding treatment, transmission, or vaccination related to the infectious disease that was the subject of the peacetime emergency must be filed within one year from the date of death of the former patient or resident.

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

Sec. 36. Minnesota Statutes 2022, section 582.039, subdivision 2, is amended to read:

Subd. 2. **Contents.** A mediation notice must contain the following notice with the blanks properly filled in.

"TO: ....(Name of Record Owner)....

YOU HAVE DEFAULTED ON THE MORTGAGE OF THE AGRICULTURAL PROPERTY DESCRIBED AS ....(Size and Reasonable Location, Not Legal Description). THE AMOUNT OF THE OUTSTANDING DEBT ON THIS PROPERTY IS ....(Amount of Debt)....

AS HOLDER OF THE MORTGAGE, ...(Name of Holder of Mortgage).... INTENDS TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.

YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE ~~AGRICULTURAL~~ MINNESOTA EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE

~~AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE~~ FROM THE DIRECTOR OF THE MINNESOTA EXTENSION SERVICE.

FROM: ....(Name and Address of Holder of Mortgage)...."

Sec. 37. Minnesota Statutes 2022, section 583.25, is amended to read:

583.25 VOLUNTARY MEDIATION PROCEEDINGS.

A debtor that owns agricultural property or a creditor of the debtor may request mediation of the indebtedness by a farm mediator by applying to the director. The director shall ~~make~~ provide voluntary mediation application forms ~~available at the county recorder's and county extension office in each county~~ when requested. The director must evaluate each request and may direct a mediator to meet with the debtor and creditor to assist in mediation.

Sec. 38. Minnesota Statutes 2022, section 583.26, subdivision 2, is amended to read:

Subd. 2. **Mediation request.** (a) A debtor must file a mediation request form with the director by 14 days after receiving a mediation notice. The debtor must state all known creditors with debts secured for agricultural property and must authorize the director to obtain the debtor's credit report from one or more credit reporting agencies. The mediation request form must include an instruction that the debtor must state all known creditors with debts secured by agricultural property and unsecured creditors that are necessary for the farm operation of the debtor. It is the debtor's discretion as to which unsecured creditors are necessary for the farm operation but the mediation request form must notify the debtor that omission of a significant unsecured creditor could result in a bad-faith determination pursuant to section 583.27, subdivisions 1, paragraph (a), clause (2), and 2. The mediation request must state the date that the notice was served on the debtor. The director shall ~~make~~ provide mediation request forms ~~available in the county recorder's and county extension office of each county~~ when requested.

(b) Except as provided in section 583.24, subdivision 4, paragraph (a), clause (3), a debtor who fails to file a timely mediation request waives the right to mediation for that debt under the Farmer-Lender Mediation Act. The director shall notify the creditor who served the mediation notice stating that the creditor may proceed against the agricultural property because the debtor has failed to file a mediation request.

(c) If a debtor has not received a mediation notice and is subject to a proceeding of a creditor enforcing a debt against agricultural property under chapter 580 or 581 or sections 336.9-601 to 336.9-628, terminating a contract for deed to purchase agricultural property

under section 559.21, or garnishing, levying on, executing on, seizing, or attaching agricultural property, the debtor may file a mediation request with the director. The mediation request form must indicate that the debtor has not received a mediation notice.

Sec. 39. Minnesota Statutes 2022, section 600.23, is amended to read:

600.23 RECORDERS ~~AND COURT ADMINISTRATORS~~.

Subdivision 1. **Deposit of papers.** Every county recorder, upon being paid the legal fees therefor, ~~shall~~ may receive and deposit in the office any instruments or papers which ~~shall be~~ are offered for that purpose and, if ~~required~~ requested, shall give to the person depositing the same a receipt therefor.

Subd. 2. **Endorsed and filed.** Any such instruments or papers so received shall be filed by the officer receiving the same, and so endorsed as to indicate their general nature, the names of the parties thereto, and time when received, and shall be deposited and kept by the officer and successors in office in the same manner as the officer's official papers, but in a place separate therefrom.

Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be made public or withdrawn from the office except upon the written order of the person depositing the same, or the person's executors or administrators, or on the order of some court for the purpose of being read in the court, and then to be returned to the office.

Subd. 3a. **Retention and disposal.** Papers and instruments deposited for safekeeping shall be retained, at a minimum, until the earlier of:

(1) the county recorder learns of the depositor's death, at which time the county recorder may deliver the paper or instrument to the appropriate court, or deliver the paper or instrument to the depositor's executors or administrators; or

(2) 20 years following the deposit of the paper or instrument, at which time the county recorder shall dispose of the paper or instrument pursuant to its county's retention policy.

Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer to whom the legal custody of any instrument belongs, stating that the officer has made diligent search for such instrument and that it cannot be found, shall be prima facie evidence of the fact so certified to in all cases, matters, and proceedings.

Sec. 40. Minnesota Statutes 2022, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority for that county. The claimant may serve the complaint on the prosecuting authority by certified mail or any means permitted by court rules. If the value of the seized property is $15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. A copy of the conciliation court statement of claim may be served personally or as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The district court administrator shall schedule the hearing as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

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

Sec. 41. Minnesota Statutes 2022, section 611.215, subdivision 1, is amended to read:

Subdivision 1. **Structure; membership.** (a) The State Board of Public Defense is a part of, but is not subject to the administrative control of, the judicial branch of government. The State Board of Public Defense shall consist of ~~seven~~ nine members including:

(1) ~~four~~ five attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not employed as prosecutors, appointed by the supreme court, of which one must be a retired or former public defender within the past five years; and

(2) ~~three~~ four public members appointed by the governor.

The appointing authorities may not appoint a person who is a judge to be a member of the State Board of Public Defense, other than as a member of the ad hoc Board of Public Defense.

(b) All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. Appointments to the board shall include qualified women and members of minority groups. At least three members of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth Judicial Districts. The terms, compensation, and removal of members shall be as provided in section 15.0575. The chair shall be elected by the members from among the membership for a term of two years.

(c) In addition, the State Board of Public Defense shall consist of a nine-member ad hoc board when considering the appointment of district public defenders under section 611.26, subdivision 2. The terms of chief district public defenders currently serving shall terminate in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

(d) Meetings of the board are subject to chapter 13D.

Sec. 42. **REPEALER.**

(a) Minnesota Statutes 2022, sections 346.02; and 582.14, are repealed.

(b) Minnesota Statutes 2022, section 504B.305, is repealed.

EFFECTIVE DATE. Paragraph (b) is effective the day following final enactment.

B. CIVIL RIGHTS LAW

Sec. 43. Minnesota Statutes 2022, section 82B.195, subdivision 3, is amended to read:

Subd. 3. **Additional requirements.** In addition to the requirements of subdivisions 1 and 2, an appraiser must:

(1) not knowingly make any of the following unacceptable appraisal practices:

(i) include inaccurate or misleading factual data about the subject neighborhood, site, improvements, or comparable sales;

(ii) fail to comment on negative factors with respect to the subject neighborhood, subject property, or proximity of the subject property to adverse influences;

(iii) unless otherwise disclosed in the appraisal report, use comparables in the valuation process that the appraiser has not at least personally inspected from the exterior by driving by them;

(iv) select and use inappropriate comparable sales or fail to use comparables that are physically and by location the most similar to the subject property;

(v) use data, particularly comparable sales data, that was provided by parties who have a financial interest in the sale or financing of the subject property without the appraiser's verification of the information from a disinterested source. For example, it would be inappropriate for an appraiser to use comparable sales provided by the builder of the subject property or a real estate broker who is handling the sale of the subject property, unless the appraiser verifies the accuracy of the data provided through another source. If a signed HUD Settlement Statement is used for this verification, the appraiser must also verify the sale data with the buyer or county records. The appraiser must also make an independent investigation to determine that the comparable sales provided were the best ones available;

(vi) use adjustments to the comparable sales that do not reflect the market's reaction to the differences between the subject property and the comparables, or fail to make adjustments when they are clearly indicated;

(vii) develop a valuation conclusion that is based either partially or completely on factors identified in chapter 363A, including race, color, creed, religion, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, familial status of the owner or occupants of nearby property, or national origin of either the prospective owners or occupants of the properties in the vicinity of the subject property; or

(viii) develop a valuation conclusion that is not supported by available market data;

(2) provide a resume, current within six months of the date it is provided, to anyone who employs the appraiser, indicating all professional degrees and licenses held by the appraiser; and

(3) reject any request by the person who has employed the appraiser that is in conflict with the requirements of Minnesota law or this chapter and withdraw from the appraisal assignment if the employing party persists in the request.

Sec. 44. Minnesota Statutes 2022, section 245I.12, subdivision 1, is amended to read:

Subdivision 1. **Client rights.** A license holder must ensure that all clients have the following rights:

(1) the rights listed in the health care bill of rights in section 144.651;

(2) the right to be free from discrimination based on age, race, color, creed, religion, national origin, sex, gender identity, marital status, disability, sexual orientation, and status with regard to public assistance. The license holder must follow all applicable state and federal laws including the Minnesota Human Rights Act, chapter 363A; and

(3) the right to be informed prior to a photograph or audio or video recording being made of the client. The client has the right to refuse to allow any recording or photograph of the client that is not for the purposes of identification or supervision by the license holder.

Sec. 45. Minnesota Statutes 2022, section 363A.02, subdivision 1, is amended to read:

Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to secure for persons in this state, freedom from discrimination:

(1) in employment because of race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, familial status, and age;

(2) in housing and real property because of race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, and familial status;

(3) in public accommodations because of race, color, creed, religion, national origin, sex, gender identity, sexual orientation, and disability;

(4) in public services because of race, color, creed, religion, national origin, sex, gender identity, marital status, disability, sexual orientation, and status with regard to public assistance; and

(5) in education because of race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, and age.

(b) Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination. Nothing in this chapter shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

Sec. 46. Minnesota Statutes 2022, section 363A.03, subdivision 23, is amended to read:

Subd. 23. **Local commission.** "Local commission" means an agency of a city, county, or group of counties created pursuant to law, resolution of a county board, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, gender identity, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status.

Sec. 47. Minnesota Statutes 2022, section 363A.03, subdivision 44, is amended to read:

Subd. 44. **Sexual orientation.** "Sexual orientation" means ~~having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult~~ to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.

Sec. 48. Minnesota Statutes 2022, section 363A.03, is amended by adding a subdivision to read:

Subd. 50. **Gender identity.** "Gender identity" means a person's inherent sense of being a man, woman, both, or neither. A person's gender identity may or may not correspond to their assigned sex at birth or to their primary or secondary sex characteristics. A person's gender identity is not necessarily visible to others.

Sec. 49. Minnesota Statutes 2022, section 363A.04, is amended to read:

363A.04 CONSTRUCTION AND EXCLUSIVITY.

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, sex, gender identity, age, disability, marital status, status with regard to public assistance, national origin, sexual orientation, or familial status; but, as to acts declared unfair by sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the procedure herein provided shall, while pending, be exclusive.

Sec. 50. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies to effectuate the purposes of this chapter and shall do the following:

(1) exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

(2) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;

(3) meet and function at any place within the state;

(4) employ attorneys, clerks, and other employees and agents as the commissioner may deem necessary and prescribe their duties;

(5) to the extent permitted by federal law and regulation, utilize the records of the Department of Employment and Economic Development of the state when necessary to effectuate the purposes of this chapter;

(6) obtain upon request and utilize the services of all state governmental departments and agencies;

(7) adopt suitable rules for effectuating the purposes of this chapter;

(8) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;

(9) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question as the commissioner deems appropriate to carry out the purposes of this chapter;

(10) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

(11) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs the commissioner deems necessary;

(12) make a written report of the activities of the commissioner to the governor each year;

(13) accept gifts, bequests, grants, or other payments public and private to help finance the activities of the department;

(14) create such local and statewide advisory committees as will in the commissioner's judgment aid in effectuating the purposes of the Department of Human Rights;

(15) develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, gender identity, age, disability, marital status, status with regard to public assistance, familial status, sexual orientation, or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;

(16) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

(17) provide staff services to such advisory committees as may be created in aid of the functions of the Department of Human Rights;

(18) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; and

(19) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363A.08, subdivision 7.

In performing these duties, the commissioner shall give priority to those duties in clauses (8), (9), and (10) and to the duties in section 363A.36.

(b) All gifts, bequests, grants, or other payments, public and private, accepted under paragraph (a), clause (13), must be deposited in the state treasury and credited to a special

account. Money in the account is appropriated to the commissioner of human rights to help finance activities of the department.

Sec. 51. Minnesota Statutes 2022, section 363A.07, subdivision 2, is amended to read:

Subd. 2. **Referral from commissioner.** The commissioner, whether or not a charge has been filed under this chapter, may refer a matter involving discrimination because of race, color, religion, sex, gender identity, creed, disability, marital status, status with regard to public assistance, national origin, age, sexual orientation, or familial status to a local commission for study and report.

Upon referral by the commissioner, the local commission shall make a report and make recommendations to the commissioner and take other appropriate action within the scope of its powers.

Sec. 52. Minnesota Statutes 2022, section 363A.08, subdivision 1, is amended to read:

Subdivision 1. **Labor organization.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for a labor organization, because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age:

(1) to deny full and equal membership rights to a person seeking membership or to a member;

(2) to expel a member from membership;

(3) to discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(4) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

Sec. 53. Minnesota Statutes 2022, section 363A.08, subdivision 2, is amended to read:

Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, or age to:

(1) refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(2) discharge an employee; or

(3) discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

Sec. 54. Minnesota Statutes 2022, section 363A.08, subdivision 3, is amended to read:

Subd. 3. **Employment agency.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employment agency, because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age to:

(1) refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(2) comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

Sec. 55. Minnesota Statutes 2022, section 363A.08, subdivision 4, is amended to read:

Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to:

(1) require or request the person to furnish information that pertains to race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age; or, subject to section 363A.20, to require or request a person to undergo physical examination; unless for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information or examination. A law enforcement agency may, after notifying an applicant for a peace officer or part-time peace officer position that the law enforcement agency is commencing the background investigation on the applicant, request the applicant's date of birth, gender, and race on a separate form for the sole and exclusive purpose of conducting

a criminal history check, a driver's license check, and fingerprint criminal history inquiry. The form shall include a statement indicating why the data is being collected and what its limited use will be. No document which has date of birth, gender, or race information will be included in the information given to or available to any person who is involved in selecting the person or persons employed other than the background investigator. No person may act both as background investigator and be involved in the selection of an employee except that the background investigator's report about background may be used in that selection as long as no direct or indirect references are made to the applicant's race, age, or gender; or

(2) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age, unless for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(3) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age.

(b) Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28, subdivisions 1 to 9.

Sec. 56. Minnesota Statutes 2022, section 363A.08, is amended by adding a subdivision to read:

Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history" as used in this subdivision means any prior or current wage, salary, earnings, benefits, or any other compensation about an applicant for employment.

(b) An employer, employment agency, or labor organization shall not inquire into, consider, or require disclosure from any source the pay history of an applicant for employment for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant. The general prohibition against inquiring into the pay history of an applicant does not apply if the job applicant's pay history is a matter of public record under federal or state law, unless the employer, employment agency, or labor organization sought access to those public records with the intent of obtaining pay history

of the applicant for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant.

(c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily and without asking, encouraging, or prompting disclosing pay history for the purposes of negotiating wages, salary, benefits, or other compensation. If an applicant for employment voluntarily and without asking, encouraging, or prompting discloses pay history to a prospective employer, employment agency, or labor organization, nothing in this subdivision shall prohibit that employer, employment agency, or labor organization from considering or acting on that voluntarily disclosed salary history information to support a wage or salary higher than initially offered by the employer, employment agency, or labor organization.

(d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a charge, grievance, or any other cause of action alleging wage discrimination because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, or age, as otherwise provided in this chapter.

(e) Nothing in this subdivision shall be construed to prevent an employer from:

(1) providing information about the wages, benefits, compensation, or salary offered in relation to a position; or

(2) inquiring about or otherwise engaging in discussions with an applicant about the applicant's expectations or requests with respect to wages, salary, benefits, or other compensation.

EFFECTIVE DATE. This section is effective January 1, 2024. For employment covered by collective bargaining agreements, this section is not effective until the date of implementation of the applicable collective bargaining agreement that is after January 1, 2024.

Sec. 57. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin,

sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status; or

(2) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(3) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 58. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

Subd. 2. **Real property interest; action by brokers, agents, and others.** It is an unfair discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent thereof:

(1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status; or

(2) to discriminate against any person because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(3) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 59. Minnesota Statutes 2022, section 363A.09, subdivision 3, is amended to read:

Subd. 3. **Real property interest; action by financial institution.** It is an unfair discriminatory practice for a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(1) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

(2) to use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, disability, sexual orientation, or familial status or any intent to make any such limitation, specification, or discrimination; or

(3) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic, or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith.

Sec. 60. Minnesota Statutes 2022, section 363A.09, subdivision 4, is amended to read:

Subd. 4. **Real property transaction.** It is an unfair discriminatory practice for any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, gender identity, marital status, status with regard to public assistance, sexual orientation, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

Sec. 61. Minnesota Statutes 2022, section 363A.11, subdivision 1, is amended to read:

Subdivision 1. **Full and equal enjoyment of public accommodations.** (a) It is an unfair discriminatory practice:

(1) to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin, marital status, sexual orientation, ~~or~~ sex, or gender identity, or for a taxicab company to discriminate in the access to, full utilization of, or benefit from service because of a person's disability; or

(2) for a place of public accommodation not to make reasonable accommodation to the known physical, sensory, or mental disability of a disabled person. In determining whether an accommodation is reasonable, the factors to be considered may include:

(i) the frequency and predictability with which members of the public will be served by the accommodation at that location;

(ii) the size of the business or organization at that location with respect to physical size, annual gross revenues, and the number of employees;

(iii) the extent to which disabled persons will be further served from the accommodation;

(iv) the type of operation;

(v) the nature and amount of both direct costs and legitimate indirect costs of making the accommodation and the reasonableness for that location to finance the accommodation; and

(vi) the extent to which any persons may be adversely affected by the accommodation.

(b) State or local building codes control where applicable. Violations of state or local building codes are not violations of this chapter and must be enforced under normal building code procedures.

Sec. 62. Minnesota Statutes 2022, section 363A.11, subdivision 2, is amended to read:

Subd. 2. **General prohibitions.** This subdivision lists general prohibitions against discrimination on the basis of disability. For purposes of this subdivision, "individual" or "class of individuals" refers to the clients or customers of the covered public accommodation that enter into the contractual, licensing, or other arrangement.

(1) It is discriminatory to:

(i) subject an individual or class of individuals on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity;

(ii) afford an individual or class of individuals on the basis of the disability of that individual or class, directly or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations that are not equal to those afforded to other individuals; ~~and~~

(iii) provide an individual or class of individuals, on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, with goods, services, facilities, privileges, advantages, or accommodations that are different or separate from those provided to other individuals, unless the action is necessary to provide the individual or class of individuals with goods, services, facilities, privileges, advantages,

or accommodations, or other opportunities that are as effective as those provided to others~~.~~; and

(iv) not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing individuals with closed-captioned television when television services are provided to other individuals.

(2) Goods, services, facilities, privileges, advantages, and accommodations must be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(3) Notwithstanding the existence of separate or different programs or activities provided in accordance with sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the individual with a disability may not be denied the opportunity to participate in the programs or activities that are not separate or different.

(4) An individual or entity may not, directly or through contractual or other arrangements, use standards or criteria and methods of administration:

(i) that have the effect of discriminating on the basis of disability; or

(ii) that perpetuate the discrimination of others who are subject to common administrative control.

EFFECTIVE DATE. This section is effective August 1, 2024, for all places of public accommodation.

Sec. 63. Minnesota Statutes 2022, section 363A.12, subdivision 1, is amended to read:

Subdivision 1. **Access to public service.** It is an unfair discriminatory practice to discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of race, color, creed, religion, national origin, disability, sex, gender identity, sexual orientation, or status with regard to public assistance or to fail to ensure physical and program access for disabled persons unless the public service can demonstrate that providing the access would impose an undue hardship on its operation. In determining whether providing physical and program access would impose an undue hardship, factors to be considered include:

(1) the type and purpose of the public service's operation;

(2) the nature and cost of the needed accommodation;

(3) documented good faith efforts to explore less restrictive or less expensive alternatives; and

(4) the extent of consultation with knowledgeable disabled persons and organizations.

Physical and program access must be accomplished within six months of June 7, 1983, except for needed architectural modifications, which must be made within two years of June 7, 1983.

Sec. 64. Minnesota Statutes 2022, section 363A.13, subdivision 1, is amended to read:

Subdivision 1. **Utilization; benefit or services.** It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, sex, gender identity, age, marital status, status with regard to public assistance, sexual orientation, or disability, or to fail to ensure physical and program access for disabled persons. For purposes of this subdivision, program access includes but is not limited to providing taped texts, interpreters or other methods of making orally delivered materials available, readers in libraries, adapted classroom equipment, and similar auxiliary aids or services. Program access does not include providing attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Sec. 65. Minnesota Statutes 2022, section 363A.13, subdivision 2, is amended to read:

Subd. 2. **Exclude, expel, or selection.** It is an unfair discriminatory practice to exclude, expel, or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student because of race, color, creed, religion, national origin, sex, gender identity, age, marital status, status with regard to public assistance, sexual orientation, or disability.

Sec. 66. Minnesota Statutes 2022, section 363A.13, subdivision 3, is amended to read:

Subd. 3. **Admission form or inquiry.** It is an unfair discriminatory practice to make or use a written or oral inquiry, or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, concerning the creed, religion, gender identity, sexual orientation, or disability of a person seeking admission, except as permitted by rules of the department.

Sec. 67. Minnesota Statutes 2022, section 363A.13, subdivision 4, is amended to read:

Subd. 4. **Purpose for information and record.** It is an unfair discriminatory practice to make or use a written or oral inquiry or form of application that elicits or attempts to

elicit information, or to keep a record concerning the race, color, national origin, sex, gender identity, sexual orientation, age, or marital status of a person seeking admission, unless the information is collected for purposes of evaluating the effectiveness of recruitment, admissions, and other educational policies, and is maintained separately from the application.

Sec. 68. Minnesota Statutes 2022, section 363A.15, is amended to read:

363A.15 REPRISALS.

It is an unfair discriminatory practice for any individual who participated in the alleged discrimination as a perpetrator, employer, labor organization, employment agency, public accommodation, public service, educational institution, or owner, lessor, lessee, sublessee, assignee or managing agent of any real property, or any real estate broker, real estate salesperson, or employee or agent thereof to intentionally engage in any reprisal against any person because that person:

(1) opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter; or

(2) associated with a person or group of persons who are disabled or who are of different race, color, creed, religion, gender identity, sexual orientation, or national origin.

A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in clause (1) or (2): refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in clause (1) or (2).

Sec. 69. Minnesota Statutes 2022, section 363A.16, subdivision 1, is amended to read:

Subdivision 1. **Personal or commercial credit.** It is an unfair discriminatory practice to discriminate in the extension of personal or commercial credit to a person, or in the requirements for obtaining credit, because of race, color, creed, religion, disability, national origin, sex, gender identity, sexual orientation, or marital status, or due to the receipt of federal, state, or local public assistance including medical assistance.

Sec. 70. Minnesota Statutes 2022, section 363A.17, is amended to read:

363A.17 BUSINESS DISCRIMINATION.

It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

(1) to refuse to do business with or provide a service to a woman based on her use of her current or former surname; or

(2) to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname; or

(3) to intentionally refuse to do business with, to refuse to contract with, or to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, national origin, color, sex, gender identity, sexual orientation, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose.

Nothing in this section shall prohibit positive action plans.

Sec. 71. Minnesota Statutes 2022, section 363A.21, subdivision 1, is amended to read:

Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

(1) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(2) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, gender identity, marital status, status with regard to public assistance, sexual orientation, or disability. Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract~~; or~~.

~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation.~~

Sec. 72. **REPEALER.**

Minnesota Statutes 2022, sections 363A.20, subdivision 3; and 363A.27, are repealed.

C. DATA

Sec. 73. Minnesota Statutes 2022, section 13.072, subdivision 1, is amended to read:

Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity, the commissioner may give a written opinion on any question relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a government entity, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data.

(b) Upon request of a body subject to chapter 13D, the commissioner may give a written opinion on any question relating to the body's duties under chapter 13D. Upon request of a person who disagrees with the manner in which members of a governing body perform their duties under chapter 13D, the commissioner may give a written opinion on compliance with chapter 13D. ~~A governing body or person requesting an opinion under this paragraph must pay the commissioner a fee of $200. Money received by the commissioner under this paragraph is appropriated to the commissioner for the purposes of this section.~~

(c) If the commissioner determines that no opinion will be issued, the commissioner shall give the government entity or body subject to chapter 13D or person requesting the opinion notice of the decision not to issue the opinion within five business days of receipt of the request. Notice must be in writing. For notice by mail, the decision not to issue an opinion is effective when placed with the United States Postal Service or with the central mail system of the state of Minnesota. If this notice is not given, the commissioner shall issue an opinion within ~~20~~ 50 days of receipt of the request.

(d) ~~For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30-day period. The notice must state the reason for extending the deadline.~~ The government entity or the members of a body subject to chapter 13D must be provided a reasonable opportunity to explain the reasons for its decision regarding the data or how they perform their duties under chapter 13D. The commissioner or the government entity or body subject to chapter 13D may choose to give notice to the subject of the data concerning the dispute regarding the data or compliance with chapter 13D.

(e) This section does not apply to a determination made by the commissioner of health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

(f) A written, numbered, and published opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

Sec. 74. **[13.204] POLITICAL SUBDIVISIONS LICENSING DATA.**

(a) The following data submitted to a political subdivision by a person seeking to obtain a license are classified as private data on individuals or nonpublic data:

(1) a tax return, as defined by section 270B.01, subdivision 2; and

(2) a bank account statement.

(b) Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.

EFFECTIVE DATE. This section is effective the day following final enactment. Data which a political subdivision collected or created before the effective date of this section, and which would otherwise be subject to the destruction requirement in paragraph (b), must be destroyed no later than 90 days following final enactment.

Sec. 75. Minnesota Statutes 2022, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I), and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health

determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are

from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B), and Code of Federal Regulations, title 34, sections 99.31(a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31(a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings~~.~~; or

(r) a student's name, home address, telephone number, email address, or other personal contact information may be disclosed to a public library for purposes of issuing a library card to the student.

Sec. 76. Minnesota Statutes 2022, section 13.32, subdivision 5, is amended to read:

Subd. 5. **Directory information.** ~~Information~~ (a) Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:

(1) this subdivision; and

(2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which ~~are~~ were in effect on January 3, 2012~~, is public data on individuals, to the extent required under federal law~~.

(b) When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

(c) An educational agency or institution may not designate a student's home address, telephone number, email address, or other personal contact information as directory information under this subdivision. This paragraph does not apply to a postsecondary institution.

(d) When requested, educational agencies or institutions must share personal student contact information and directory information, whether public or private, with the Minnesota Department of Education, as required for federal reporting purposes.

EFFECTIVE DATE. This section is effective the day following final enactment. Beginning upon the effective date of this section, a student's personal contact information subject to this section must be treated by an educational agency or institution as private educational data under Minnesota Statutes, section 13.32, regardless of whether that contact information was previously designated as directory information under Minnesota Statutes, section 13.32, subdivision 5.

Sec. 77. Minnesota Statutes 2022, section 13.643, subdivision 6, is amended to read:

Subd. 6. **Animal premises data.** (a) Except for farmed Cervidae premises location data collected and maintained under section 35.155, the following data collected and maintained by the Board of Animal Health related to registration and identification of premises and animals under chapter 35, are classified as private or nonpublic:

(1) the names and addresses;

(2) the location of the premises where animals are kept; and

(3) the identification number of the premises or the animal.

(b) Except as provided in section 347.58, subdivision 5, data collected and maintained by the Board of Animal Health under sections 347.57 to 347.64 are classified as private or nonpublic.

(c) The Board of Animal Health may disclose data collected under paragraph (a) or (b) to any person, agency, or to the public if the board determines that the access will aid in the law enforcement process or the protection of public or animal health or safety.

Sec. 78. Minnesota Statutes 2022, section 13.72, subdivision 19, is amended to read:

Subd. 19. **Transit customer data.** (a) The following data on applicants, users, and customers of public transit are private data on individuals: (1) data collected by or through a government entity's personalized web services or the Metropolitan Council's regional fare collection system ~~are private data on individuals~~; and (2) data collected by telephone or through a third-party software program for the purposes of booking and using public transit services. As used in this subdivision, the following terms have the meanings given ~~them~~:

(1) "regional fare collection system" means the fare collection system created and administered by the council that is used for collecting fares or providing fare cards or passes for transit services which includes:

(i) regular route bus service within the metropolitan area and paratransit service, whether provided by the council or by other providers of regional transit service;

(ii) light rail transit service within the metropolitan area;

(iii) rideshare programs administered by the council;

(iv) special transportation services provided under section 473.386; and

(v) commuter rail service;

(2) "personalized web services" means services for which transit service applicants, users, and customers must establish a user account; ~~and~~

(3) "metropolitan area" means the area defined in section 473.121, subdivision 2~~.~~; and

(4) "third-party software program" means a software program that is proprietary to a third party, including a third-party software program commonly known as a mobile app, that collects and uses a public transit customer's name and other personally identifiable information, pick-up and drop-off locations, and other trip data for the purposes of booking and using public transit services.

(b) A government entity may disseminate data on user and customer transaction history and fare card use to government entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. "Data on user and customer transaction history and fare card use" means:

(1) the date a fare card was used;

(2) the time a fare card was used;

(3) the mode of travel;

(4) the type of fare product used; and

(5) information about the date, time, and type of fare product purchased.

Government entities, organizations, school districts, educational institutions, and employers may use customer transaction history and fare card use data only for purposes of measuring and promoting fare card use and evaluating the cost-effectiveness of their fare card programs. If a user or customer requests in writing that the council limit the disclosure of transaction history and fare card use, the council may disclose only the card balance and the date a card was last used.

(c) A government entity may disseminate transit service applicant, user, and customer data to another government entity to prevent unlawful intrusion into government electronic systems, or as otherwise provided by law.

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

Sec. 79. Minnesota Statutes 2022, section 13.72, is amended by adding a subdivision to read:

Subd. 20. **Transit assistance program data.** (a) Data on applicants and users of Metropolitan Council programs established under section 473.387, subdivision 4, are classified as private data on individuals under section 13.02, subdivision 12.

(b) The council may disclose transit assistance program data to public or private agencies or organizations for the purposes of administering and coordinating human services programs and other support services for the applicants or users.

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

Sec. 80. Minnesota Statutes 2022, section 473.387, subdivision 4, is amended to read:

Subd. 4. **Transit disadvantaged.** The council shall establish a program and policies to reduce transportation costs for persons who are, because of limited incomes, age, disability, or other reasons, especially dependent on public transit for common mobility. Data on applicants and users of council programs under this subdivision are classified as private data on individuals under section 13.72, subdivision 20.

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

D. CIVIL MARRIAGES

Sec. 81. Minnesota Statutes 2022, section 517.04, is amended to read:

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and is a judge of a court of record, a retired judge of a court of record, a court administrator, a retired court administrator with the approval of the chief judge of the judicial district, a former court commissioner who is employed by the court system or is acting pursuant to an order of the chief judge of the commissioner's judicial district, the residential school superintendent of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a licensed or ordained minister of any religious denomination, an individual who registers as a civil marriage officiant with a local registrar in a county of this state, or by any mode recognized in section 517.18. For purposes of this section, a court of record includes the Office of Administrative Hearings under section 14.48.

E. HEALTH CARE MEDIATION

Sec. 82. **[145.685] COMMUNICATION AND RESOLUTION AFTER A HEALTH CARE ADVERSE INCIDENT.**

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

(b) "Health care adverse incident" means an objective and definable outcome arising from or related to patient care that results in the death or physical injury of a patient.

(c) "Health care provider" means a person who is licensed, certified, or registered, or otherwise permitted by state law, to administer health care in the ordinary course of business or in the practice of a profession and practices at a health facility.

(d) "Health facility" means a hospital or outpatient surgical center licensed under sections 144.50 to 144.56; a medical, dental, or health care clinic; a diagnostic laboratory; or a birthing center licensed under section 144.615. The definition of health facility includes any corporation, professional corporation, partnership, limited liability company, limited liability partnership, or other entity comprised of health facilities or health care providers.

(e) "Open discussion" means all communications that are made during an open discussion process under this section and includes memoranda, work product, documents, and other

materials that are prepared for or submitted in the course of or in connection with communications made under this section. Open discussion does not include any communication, memoranda, work product, or other materials that would otherwise be subject to discovery and were not prepared specifically for use in an open discussion pursuant to this section.

(f) "Patient" means a person who receives health care from a health care provider. If the patient is under 18 years of age and is not an emancipated minor, the definition of patient includes the patient's legal guardian or parent. If the patient is deceased or incapacitated, the definition of patient includes the patient's legal representative.

Subd. 2. **Engaging in an open discussion.** (a) If a health care adverse incident occurs, a health care provider involved in the health care adverse incident, the health facility involved in the health care adverse incident, or both jointly may provide the patient with written notice of their desire to enter into an open discussion with the patient to discuss potential outcomes following a health care adverse incident in accordance with this section. A health facility may designate a person or class of persons who has the authority to provide the notice on behalf of the health facility. The patient involved in the health care adverse incident may provide oral notice to the health care provider, the health facility involved in the health care adverse incident, or both, of the patient's desire to enter into an open discussion with either the health care provider, or the health care provider and health facility jointly, to discuss potential outcomes following a health care adverse incident in accordance with this section.

(b) If a health care provider or health facility decides to enter into an open discussion as specified in this section, the written notice must be sent to the patient within 365 days from the date the health care provider or the health facility knew, or through the use of diligence should have known, of the health care adverse incident. The notice must include:

(1) the health care provider, health facility, or both jointly desire to pursue an open discussion in accordance with this section;

(2) the patient's right to receive a copy of the medical records related to the health care adverse incident and the patient's right to authorize the release of the patient's medical records related to the health care adverse incident to a third party;

(3) the patient's right to seek legal counsel and to have legal counsel present throughout the open discussion process;

(4) a copy of section 541.076 with notice that the time for a patient to bring a lawsuit is limited under section 541.076 and will not be extended by engaging in an open discussion under this section unless all parties agree in writing to an extension;

(5) that if the patient chooses to engage in an open discussion with the health care provider, health facility, or jointly with both, all communications made during the course of the open discussion process, including communications regarding the initiation of an open discussion are:

(i) privileged and confidential;

(ii) not subject to discovery, subpoena, or other means of legal compulsion for release; and

(iii) not admissible as evidence in a proceeding arising directly out of the health care adverse incident, including a judicial, administrative, or arbitration proceeding; and

(6) that any communications, memoranda, work product, documents, or other material that are otherwise subject to discovery and not prepared specifically for use in an open discussion under this section are not confidential.

(c) If the patient agrees to engage in an open discussion with a health care provider, health facility, or jointly with both, the agreement must be in writing and must state that the patient has received the notice described in paragraph (b).

(d) Upon agreement to engage in an open discussion, the patient, health care provider, or health facility may include other persons in the open discussion process. All other persons included in the open discussion must be advised of the parameters of communications made during the open discussion process specified under paragraph (b), clauses (5) and (6).

(e) If a health care provider or health facility decides to engage in an open discussion, the health care provider or health facility may:

(1) investigate how the health care adverse incident occurred, including gathering information regarding the medical care or treatment and disclose the results of the investigation to the patient;

(2) openly communicate to the patient the steps the health care provider or health facility will take to prevent future occurrences of the health care adverse incident; and

(3) determine that no offer of compensation for the health care adverse incident is warranted or that an offer of compensation for the health care adverse incident is warranted.

(f) If a health care provider or health facility determines that no offer of compensation is warranted, the health care provider or health facility shall orally communicate that decision to the patient.

(g) If a health care provider or a health facility determines that an offer of compensation is warranted, the health care provider or health facility shall provide the patient with a written offer of compensation. If an offer of compensation is made under this paragraph, and the patient is not represented by legal counsel, the health care provider or health facility shall:

(1) advise the patient of the patient's right to seek legal counsel regarding the offer of compensation and encourage the patient to seek legal counsel; and

(2) provide notice to the patient that the patient may be legally required to repay medical and other expenses that were paid by a third party on the patient's behalf, including private health insurance, Medicaid, or Medicare, along with an itemized statement from the health provider showing all charges and third-party payments.

(h) Except for an offer of compensation made under paragraph (g), open discussions between the health care provider or health facility and the patient about compensation shall not be in writing.

Subd. 3. **Confidentiality of open discussions and offers of compensation.** (a) Open discussion communications made under this section, including offers of compensation made under subdivision 2:

(1) do not constitute an admission of liability;

(2) are privileged and confidential and shall not be disclosed;

(3) are not admissible as evidence in any subsequent judicial, administrative, or arbitration proceeding arising directly out of the health care adverse incident, except as provided in paragraph (b);

(4) are not subject to discovery, subpoena, or other means of legal compulsion for release; and

(5) shall not be disclosed by any party in any subsequent judicial, administrative, or arbitration proceeding arising directly out of the health care adverse incident.

(b) A party may move the court or other decision maker in a subsequent proceeding to adjudicate the matter to admit as evidence a communication made during an open discussion that contradicts a statement made during the proceeding. The court or other decision maker shall allow a communication made during an open discussion that contradicts a statement

made at a subsequent proceeding to adjudicate the matter into evidence only if the communication made during an open discussion is material to the claims presented in the subsequent proceeding.

(c) Communications, memoranda, work product, documents, and other materials that are otherwise subject to discovery and that were not prepared specifically for use in an open discussion under this section are not confidential.

(d) The limitation on disclosure imposed by this subdivision includes disclosure during any discovery conducted as part of a subsequent adjudicatory proceeding, and a court or other adjudicatory body shall not compel any person who engages in an open discussion under this section to disclose confidential communications or agreements made under this section.

(e) This subdivision does not affect any other law, rule, or requirement with respect to confidentiality.

Subd. 4. **Payment and resolution.** (a) If a patient accepts an offer of compensation made pursuant to this section, and payment of compensation is made to a patient as a result, the payment to the patient is not payment resulting from:

(1) a written claim or demand for payment;

(2) a final judgment, settlement, or arbitration award against a health care institution for medical malpractice purposes; or

(3) a malpractice claim settled or in which judgment is rendered against a health care professional for purposes of reporting by malpractice insurance companies under sections 146A.03, 147.111, 147A.14, 148.102, 148.263, 148B.381, 148F.205, 150A.13, and 153.24.

(b) A health care provider or health facility may require, as a condition of an offer of compensation made pursuant to this section, a patient to execute all documents and obtain any necessary court approval to resolve a health care adverse incident. The parties shall negotiate the form of the documents to be executed and obtain court approval as necessary.

Subd. 5. **Sunset.** This section sunsets on June 30, 2031.

Subd. 6. **Applicability.** This section applies only to health care adverse incidents that occur on or after August 1, 2023.

F. TENANT'S RIGHTS

Sec. 83. **[504B.114] PET DECLAWING AND DEVOCALIZATION PROHIBITED.**

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

(b) "Animal" has the meaning given in section 343.20, subdivision 2.

(c) "Application for occupancy" means all phases of the process of applying for the right to occupy a real property, including but not limited to filling out applications, interviewing, and submitting references.

(d) "Claw" means a hardened keratinized modification of the epidermis or a hardened keratinized growth that extends from the end of the digits of certain mammals, birds, reptiles, and amphibians that is commonly referred to as a claw, talon, or nail.

(e) "Declawing" means performing, procuring, or arranging for any procedure, such as an onychectomy, tendonectomy, or phalangectomy, to remove or prevent the normal function of an animal's claw or claws.

(f) "Devocalizing" means performing, procuring, or arranging for any surgical procedure, such as a vocal cordectomy, to remove an animal's vocal cords or to prevent the normal function of an animal's vocal cords.

Subd. 2. **Prohibitions.** A landlord who allows an animal on the premises shall not:

(1) advertise the availability of a real property for occupancy in a manner designed to discourage application for occupancy of that real property because an applicant's animal has not been declawed or devocalized;

(2) refuse to allow the occupancy of a real property, refuse to negotiate the occupancy of a real property, or otherwise make unavailable or deny to another person the occupancy of a real property because of that person's refusal to declaw or devocalize an animal; or

(3) require a tenant or occupant of real property to declaw or devocalize an animal allowed on the premises.

Any requirement or lease provision that violates this subdivision is void and unenforceable.

Subd. 3. **Penalties.** (a) A city attorney, a county attorney, or the attorney general may bring an action in district court to obtain injunctive relief for a violation of this section and to enforce the civil penalties provided in this subdivision.

(b) In addition to any other penalty allowed by law, a violation of subdivision 2, clause (1), shall result in a civil penalty of not more than $1,000 per advertisement, to be paid to the entity that is authorized to bring the action under this section.

(c) In addition to any other penalty allowed by law, a violation of subdivision 2, clause (2) or (3), shall result in a civil penalty of not more than $1,000 per animal, to be paid to the entity that is authorized to bring the action under this section.

Sec. 84. **[504B.120] PROHIBITED FEES.**

Subdivision 1. **Disclosure of fees.** A landlord must disclose all nonoptional fees in the lease agreement. The sum total of rent and all nonoptional fees must be described as the Total Monthly Payment and be listed on the first page of the lease. A unit advertised for a residential tenancy must disclose the nonoptional fees included with the total amount for rent in any advertisement or posting. In a lease agreement disclosure or unit advertisement, the landlord must disclose whether utilities are included or not included in the rent.

Subd. 2. **Penalties.** A landlord who violates this section is liable to the residential tenant for treble damages and the court may award the tenant reasonable attorney fees.

Sec. 85. Minnesota Statutes 2022, section 504B.178, subdivision 4, is amended to read:

Subd. 4. **Damages.** Any landlord who fails to:

(1) provide a written statement within three weeks of termination of the tenancy;

(2) provide a written statement within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant; ~~or~~

(3) transfer or return a deposit as required by subdivision 5~~,~~; or

(4) provide the tenant with notice for an initial inspection and move-out inspection as required by section 504B.182, and complete an initial inspection and move-out inspection when requested by the tenant,

after receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, is liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

Sec. 86. **[504B.182] INITIAL AND FINAL INSPECTION REQUIRED.**

Subdivision 1. **Initial inspection.** (a) At the commencement of a residential tenancy, or within 14 days of a residential tenant occupying a unit, the landlord must notify the tenant of their option to request an initial inspection of the residential unit for the purposes of identifying existing deficiencies in the rental unit to avoid deductions for the security deposit of the tenant at a future date. If the tenant requests an inspection, the landlord and tenant shall schedule the inspection at a mutually acceptable date and time.

(b) In lieu of an initial inspection or move-out inspection under subdivision 2, when a tenant agrees, a landlord may provide written acknowledgment to the tenant of photos or videos of a rental unit and agree to the condition of the rental unit at the start or end of the tenancy.

Subd. 2. **Move-out inspection.** Within a reasonable time after notification of either a landlord or residential tenant's intention to terminate the tenancy, or before the end of the lease term, the landlord shall notify the tenant in writing of the tenant's option to request a move-out inspection and of the tenant's right to be present at the inspection. At a reasonable time, but no earlier than five days before the termination or the end of the lease date, or day the tenant plans to vacate the unit, the landlord, or an agent of the landlord, shall, upon the request of the tenant, make a move-out inspection of the premises. The purpose of the move-out inspection shall be to allow the tenant an opportunity to remedy identified deficiencies, in a manner consistent with the rights and obligations of the parties under the rental agreement, in order to avoid deductions from the security deposit. If a tenant chooses not to request a move-out inspection, the duties of the landlord under this subdivision are discharged. If an inspection is requested, the parties shall attempt to schedule the inspection at a mutually acceptable date and time.

Subd. 3. **Other requirements under law.** Nothing in this section changes the requirements or obligations under any other section of law, including but not limited to sections 504B.178, 504B.185, 504B.195, or 504B.271, 504B.375, and 504B.381.

Subd. 4. **Waiver.** Except as allowed under subdivisions 1 and 2, when a tenant chooses not to request an initial or move-out inspection, or alternate inspection under subdivision 1, paragraph (b), any provision, whether oral or written, of any lease or other agreement, whereby any provision of this section is waived by a tenant, is contrary to public policy and void.

Sec. 87. Minnesota Statutes 2022, section 504B.211, subdivision 2, is amended to read:

Subd. 2. **Entry by landlord.** Except as provided in subdivision 4, a landlord may enter the premises rented by a residential tenant only for a reasonable business purpose and after making a good faith effort to give the residential tenant reasonable notice under the circumstances of not less than 24 hours in advance of the intent to enter. A residential tenant may permit a landlord to enter the rented premises with less than 24 hours notice if desired. The notice must specify a time or anticipated window of time of entry and the landlord may only enter between the hours of 8:00 a.m. and 8:00 p.m. unless the landlord and tenant agree to an earlier or later time. A residential tenant may not waive and the landlord may not require the residential tenant to waive the residential tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

Sec. 88. Minnesota Statutes 2022, section 504B.211, subdivision 6, is amended to read:

Subd. 6. **Penalty.** If a landlord ~~substantially~~ violates ~~subdivision 2~~ this section, the residential tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504B.178, and up to a ~~$100~~ $500 civil penalty for each violation~~. If a landlord violates subdivision 5, the residential tenant is entitled to up to a $100 civil penalty for each violation~~ and reasonable attorney fees. A residential tenant ~~shall~~ may follow the procedures in sections 504B.381, 504B.385, and 504B.395 to 504B.471 to enforce the provisions of this section. A violation of this section by the landlord is a violation of section 504B.161.

Sec. 89. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF LEASE EVICTION ACTIONS.**

Subdivision 1. **Right to counsel.** A defendant in public housing subject to an eviction action under sections 504B.281 to 504B.371 alleging breach of lease under section 504B.171 or 504B.285 who is financially unable to obtain counsel has the right to counsel appointed by the court. The complaint required by section 504B.321 shall include the notice on the first page of the complaint in bold 12-point type: "If financially unable to obtain counsel, the defendant has the right to a court-appointed attorney." At the initial hearing, the court shall ask the defendant if the defendant wants court-appointed counsel and shall explain what such appointed counsel can accomplish for the defendant.

Subd. 2. **Qualifications.** Counsel appointed by the court must (1) have a minimum of two years' experience handling public housing evictions; (2) have training in handling public

housing evictions; or (3) be supervised by an attorney who meets the minimum qualifications under clause (1) or (2).

Subd. 3. **Compensation.** By January 15, 2024, and every year thereafter, the chief judge of the judicial district, after consultation with public housing attorneys, legal aid attorneys, and members of the private bar in the district, shall establish a compensation rate for attorney fees and costs associated with representation under subdivision 1. The compensation to be paid to an attorney for such service rendered to a defendant under this subdivision may not exceed $5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the chief judge of the district as necessary to provide fair compensation for services of an unusual character or duration.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 90. **EFFECTIVE DATE.**

Sections 83 to 89 are effective January 1, 2024, and apply to leases signed on or after that date.

G. LEASE COVENANTS AND REPAIRS IN RESIDENTIAL TENANCY

Sec. 91. Minnesota Statutes 2022, section 504B.161, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) In every lease or license of residential premises, the landlord or licensor covenants:

(1) that the premises and all common areas are fit for the use intended by the parties;

(2) to keep the premises in reasonable repair during the term of the lease or license, except when the disrepair has been caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a person under the direction or control of the tenant or licensee;

(3) to make the premises reasonably energy efficient by installing weatherstripping, caulking, storm windows, and storm doors when any such measure will result in energy procurement cost savings, based on current and projected average residential energy costs in Minnesota, that will exceed the cost of implementing that measure, including interest, amortized over the ten-year period following the incurring of the cost; ~~and~~

(4) to maintain the premises in compliance with the applicable health and safety laws of the state, and of the local units of government where the premises are located during the term of the lease or license, except when violation of the health and safety laws has been

caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a person under the direction or control of the tenant or licensee~~.~~; and

(5) to supply or furnish heat at a minimum temperature of 68 degrees Fahrenheit from October 1 through April 30, unless a utility company requires and instructs the heat to be reduced.

(b) The parties to a lease or license of residential premises may not waive or modify the covenants imposed by this section.

Sec. 92. Minnesota Statutes 2022, section 504B.375, subdivision 1, is amended to read:

Subdivision 1. **Unlawful exclusion or removal.** (a) This section applies to actual or constructive removal or exclusion of a residential tenant which may include the termination of utilities or the removal of doors, windows, or locks. A residential tenant to whom this section applies may recover possession of the premises as described in paragraphs (b) to (e).

(b) The residential tenant shall present a verified petition to the district court of the judicial district of the county in which the premises are located that:

(1) describes the premises and the landlord;

(2) specifically states the facts and grounds that demonstrate that the exclusion or removal was unlawful, including a statement that no writ of recovery of the premises and order to vacate has been issued under section 504B.345 in favor of the landlord and against the residential tenant and executed in accordance with section 504B.365; and

(3) asks for possession.

(c) If it clearly appears from the specific grounds and facts stated in the verified petition or by separate affidavit of the residential tenant or the residential tenant's attorney or agent that the exclusion or removal was unlawful, the court shall immediately order that the residential tenant have possession of the premises.

(d) The residential tenant shall furnish security, if any, that the court finds is appropriate under the circumstances for payment of all costs and damages the landlord may sustain if the order is subsequently found to have been obtained wrongfully. In determining the appropriateness of security, the court shall consider the residential tenant's ability to afford monetary security.

(e) The court shall direct the order to the sheriff of the county in which the premises are located and the sheriff shall execute the order immediately by making a demand for

possession on the landlord, if found, or the landlord's agent or other person in charge of the premises. If the landlord fails to comply with the demand, the officer shall take whatever assistance may be necessary and immediately place the residential tenant in possession of the premises. If the landlord, the landlord's agent, or other person in control of the premises cannot be found and if there is no person in charge, the officer shall immediately enter into and place the residential tenant in possession of the premises. The officer shall also serve the order and verified petition or affidavit immediately upon the landlord or agent, in the same manner as a summons is required to be served in a civil action in district court.

(f) The court administrator may charge a filing fee in the amount set for complaints and counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.

Sec. 93. Minnesota Statutes 2022, section 504B.381, subdivision 1, is amended to read:

Subdivision 1. **Petition.** A person authorized to bring an action under section 504B.395, subdivision 1, may petition the court for relief ~~in cases of emergency involving the loss of running water, hot water, heat, electricity, sanitary facilities, or other essential services or facilities that the landlord is responsible for providing.~~:

(1) when a unit of government has revoked a rental license, issued a condemnation order, issued a notice of intent to condemn, or otherwise deemed the property uninhabitable; or

(2) in cases of emergency involving the following services and facilities when the landlord is responsible for providing them:

(i) a serious infestation;

(ii) the loss of running water;

(iii) the loss of hot water;

(iv) the loss of heat;

(v) the loss of electricity;

(vi) the loss of sanitary facilities;

(vii) a nonfunctioning refrigerator;

(viii) if included in the lease, a nonfunctioning air conditioner;

(iv) if included in the lease, no functioning elevator;

(x) any conditions, services, or facilities that pose a serious and negative impact on health or safety; or

(xi) other essential services or facilities.

Sec. 94. Minnesota Statutes 2022, section 504B.381, subdivision 5, is amended to read:

Subd. 5. **Relief; service of petition and order.** Provided proof that the petitioner has given the notice required in subdivision 4 to the landlord, if the court finds based on the petitioner's emergency ex parte motion for relief, affidavit, and other evidence presented that the landlord violated subdivision 1, then the court shall order that the landlord immediately begin to remedy the violation and may order relief as provided in section 504B.425. The court and petitioner shall serve the petition and order on the landlord personally or by mail as soon as practicable. The court shall include notice of a hearing and, at the hearing, shall consider evidence of alleged violations, defenses, compliance with the order, and any additional relief available under section 504B.425. The court and petitioner shall serve the notice of hearing on the ex parte petition and emergency order personally or by mail as soon as practicable.

Sec. 95. Minnesota Statutes 2022, section 504B.381, is amended by adding a subdivision to read:

Subd. 8. **Filing fee.** The court administrator may charge a filing fee in the amount set for complaints and counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.

Sec. 96. **EFFECTIVE DATE.**

Sections 91 to 95 are effective January 1, 2024, and where applicable, apply to petitions filed on or after that date.

H. LEASE TERMINATION

Sec. 97. Minnesota Statutes 2022, section 504B.135, is amended to read:

504B.135 TERMINATING TENANCY AT WILL.

~~(a)~~ A tenancy at will may be terminated by either party by giving notice in writing. The time of the notice must be at least as long as the interval between the time rent is due or three months, whichever is less.

~~(b) If a tenant neglects or refuses to pay rent due on a tenancy at will, the landlord may terminate the tenancy by giving the tenant 14 days notice to quit in writing.~~

Sec. 98. **[504B.144] EARLY RENEWAL OF LEASE.**

A landlord must wait until six months from the expiration of the current lease before requiring a tenant to renew the lease, if the lease is for a period of time longer than ten months. Nothing prevents a landlord from waiting until closer to the expiration of a lease to ask a tenant to renew the lease. Any provision, whether oral or written, of any lease or other agreement whereby any provision of this section is waived by a tenant is contrary to public policy and void.

Sec. 99. Minnesota Statutes 2022, section 504B.171, is amended by adding a subdivision to read:

Subd. 2a. **Limitation on crime-free lease provisions.** A residential landlord may not impose a penalty on a residential tenant or terminate the lease of a residential tenant for the conduct of the residential tenant, household member, or guest occurring off of the premises or curtilage of the premises, unless (1) the conduct would constitute a crime of violence against another tenant, the tenant's guest, the landlord, or the landlord's employees, regardless of whether a charge was brought or a conviction obtained; or (2) the conduct results in a conviction of a crime of violence against a person unrelated to the premises. For purposes of this subdivision, crime of violence has the meaning given in section 624.712, subdivision 5, except that it does not include offenses under chapter 152.

EFFECTIVE DATE. This section is effective June 1, 2024.

Sec. 100. Minnesota Statutes 2022, section 504B.172, is amended to read:

504B.172 RECOVERY OF ATTORNEY FEES.

If a residential lease specifies an action, circumstances, or an extent to which a landlord, directly, or through additional rent, may recover attorney fees in an action between the landlord and tenant, the tenant is entitled to attorney fees if the tenant prevails in the same type of action, under the same circumstances, or is entitled to costs under section 549.02, and to the same extent as specified in the lease for the landlord.

Sec. 101. **[504B.266] TERMINATION OF LEASE UPON INFIRMITY OF TENANT.**

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

(b) "Authorized representative" means a person acting as an attorney-in-fact under a power of attorney under section 523.24 or a court-appointed conservator or guardian under chapter 524.

(c) "Disability" means any condition or characteristic that is a physical, sensory, or mental impairment that materially limits at least one major life activity.

(d) "Medical care facility" means:

(1) a nursing home, as defined in section 144A.01, subdivision 5;

(2) hospice care, as defined in section 144A.75, subdivision 8;

(3) residential hospice facility, as defined in section 144A.75, subdivision 13;

(4) boarding care home, as licensed under chapter 144 and regulated by the Department of Health under Minnesota Rules, chapter 4655;

(5) supervised living facility, as licensed under chapter 144;

(6) a facility providing assisted living, as defined in section 144G.08, subdivision 7;

(7) an accessible unit, as defined in section 363A.40, subdivision 1, paragraph (b);

(8) a state facility as defined in section 246.50, subdivision 3;

(9) a facility providing a foster care for adults program as defined in section 245A.02, subdivision 6c; or

(10) a facility providing intensive residential treatment services as defined in section 245I.23.

(e) "Medical professional" means:

(1) a physician who is currently licensed to practice medicine under section 147.02, subdivision 1;

(2) an advanced practice registered nurse, as defined in section 148.171, subdivision 3; or

(3) a mental health professional as defined in section 245I.04, subdivision 2.

Subd. 2. **Termination of lease upon infirmity of tenant.** (a) A tenant or the authorized representative of the tenant may terminate the lease prior to the expiration of the lease in the manner provided in subdivision 3 if the tenant has or, if there is more than one tenant, all the tenants have, been found by a medical professional to need to move into a medical care facility and:

(1) require assistance with instrumental activities of daily living or personal activities of daily living due to medical reasons or a disability;

(2) meet one of the nursing facility level of care criteria under section 144.0724, subdivision 11; or

(3) have a disability or functional impairment in three or more of the areas listed in section 245.462, subdivision 11a, so that self-sufficiency is markedly reduced because of a mental illness.

(b) When a tenant requires an accessible unit as defined in section 363A.40, subdivision 1, and the landlord can provide an accessible unit in the same complex where the tenant currently resides that is available within two months of the request, then the provisions of this section do not apply and the tenant may not terminate the lease.

Subd. 3. **Notice.** When the conditions in subdivision 2 have been met, the tenant or the tenant's authorized representative may terminate the lease by providing at least two months' written notice to be effective on the last day of a calendar month. The notice must be either hand-delivered or mailed by postage prepaid, first class United States mail. The notice must include: (1) a copy of the medical professional's written documentation of the infirmity; and (2) documentation showing that the tenant has been accepted as a resident or has a pending application at a location where the medical professional has indicated that the tenant needs to move. The termination of a lease under this section shall not relieve the eligible tenant from liability either for the payment of rent or other sums owed prior to or during the notice period, or for the payment of amounts necessary to restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

Subd. 4. **Waiver prohibited.** Any waiver of the rights of termination provided by this section, including lease provisions or other agreements that require a longer notice period than those provided for in this section, shall be void and unenforceable.

Subd. 5. **Other laws.** Nothing in this section affects the rights or remedies available in this chapter or other law, including but not limited to chapter 363A.

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to leases entered into or renewed on or after January 1, 2024. For the purposes of this section, estates at will shall be deemed to be renewed at the commencement of each rental period.

Sec. 102. **EFFECTIVE DATE.**

Sections 97, 98, and 100 are effective January 1, 2024, and apply to leases entered into or renewed on or after January 1, 2024.

I. RESIDENTIAL EVICTIONS

Sec. 103. Minnesota Statutes 2022, section 504B.285, subdivision 5, is amended to read:

Subd. 5. **Combining allegations.** (a) An action for recovery of the premises may combine the allegation of nonpayment of rent and the allegation of material violation of the lease, which shall be heard as alternative grounds.

~~(b) In cases where rent is outstanding, a tenant is not required to pay into court the amount of rent in arrears, interest, and costs as required under section 504B.291 to defend against an allegation by the landlord that the tenant has committed a material violation of the lease.~~

~~(c)~~ (b) If the landlord does not prevail in proving material violation of the lease, and the landlord has also alleged that rent is due, the tenant shall be permitted to present defenses to the court that the rent is not owing. The tenant shall be given up to seven days of additional time to pay any rent determined by the court to be due. ~~The court may order the tenant to pay rent and any costs determined to be due directly to the landlord or to be deposited with the court.~~

Sec. 104. Minnesota Statutes 2022, section 504B.291, subdivision 1, is amended to read:

Subdivision 1. **Action to recover.** (a) A landlord may bring an eviction action for nonpayment of rent irrespective of whether the lease contains a right of reentry clause. Such an eviction action is equivalent to a demand for the rent. There is a rebuttable presumption that the rent has been paid if the tenant produces a copy or copies of one or more money orders or produces one or more original receipt stubs evidencing the purchase of a money order, if the documents: (i) total the amount of the rent; (ii) include a date or dates approximately corresponding with the date rent was due; and (iii) in the case of copies of money orders, are made payable to the landlord. This presumption is rebutted if the landlord produces a business record that shows that the tenant has not paid the rent. The landlord is not precluded from introducing other evidence that rebuts this presumption. In such an action, unless the landlord has also sought to evict the tenant by alleging a material violation of the lease under section 504B.285, subdivision 5, the tenant may, at any time before possession has been delivered, redeem the tenancy and be restored to possession by paying to the landlord or bringing to court the amount of the rent that is in arrears, with interest, costs of the action, and an attorney's fee not to exceed $5, and by performing any other covenants of the lease. Redemption may be made with a written guarantee from (1) a federal agency, state agency, or local unit of government, or (2) any other organization that qualifies

for tax-exempt status under United States Code, title 26, section 501(c)(3), and that administers a government rental assistance program, has sufficient funds available, and guarantees funds will be provided to the landlord.

(b) If the tenant has paid to the landlord or brought into court the amount of rent in arrears but is unable to pay the interest, costs of the action, and attorney's fees required by paragraph (a), the court may permit the tenant to pay these amounts into court and be restored to possession within the same period of time, if any, for which the court stays the issuance of the order to vacate under section 504B.345.

(c) Prior to or after commencement of an action to recover possession for nonpayment of rent, the parties may agree only in writing that partial payment of rent in arrears which is accepted by the landlord prior to issuance of the order granting restitution of the premises pursuant to section 504B.345 may be applied to the balance due and does not waive the landlord's action to recover possession of the premises for nonpayment of rent.

(d) Rental payments under this subdivision must first be applied to rent claimed as due in the complaint from prior rental periods before applying any payment toward rent claimed in the complaint for the current rental period, unless the court finds that under the circumstances the claim for rent from prior rental periods has been waived.

Sec. 105. Minnesota Statutes 2022, section 504B.321, is amended to read:

504B.321 COMPLAINT AND SUMMONS.

Subdivision 1. **Procedure.** (a) To bring an eviction action, the person complaining shall file a complaint with the court, stating the full name and date of birth of the person against whom the complaint is made, unless it is not known, describing the premises of which possession is claimed, stating the facts which authorize the recovery of possession, and asking for recovery thereof.

(b) The lack of the full name and date of birth of the person against whom the complaint is made does not deprive the court of jurisdiction or make the complaint invalid.

~~(c) The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at a place stated in the summons.~~

~~(d)~~ (c) The appearance shall be not less than seven nor more than 14 days from the day of issuing the summons, except as provided by subdivision 2.

(d) If applicable, the person filing a complaint must attach a copy of the written notice described in subdivision 1a. The court shall dismiss an action without prejudice for failure

to provide a notice as described in subdivision 1a and grant an expungement of the eviction case court file.

~~(c) A copy of the complaint shall be attached to the summons, which shall state that the copy is attached and that the original has been filed.~~

Subd. 1a. **Written notice.** (a) Before bringing an eviction action alleging nonpayment of rent or other unpaid financial obligation in violation of the lease, a landlord must provide written notice to the residential tenant specifying the basis for future eviction action. The notice must include:

(1) the total amount due;

(2) a specific accounting of the amount of the total due from unpaid rent, late fees, and other charges under the lease;

(3) the name and address of the person authorized to receive rent and fees on behalf of the landlord;

(4) the following statement: "You have the right to seek legal help. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org to know your rights and find your local Legal Aid office.";

(5) the following statement: "To apply for financial help, contact your local county or Tribal social services office, apply online at MNBenefits.mn.gov or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709"; and

(6) the following statement: "Your landlord can file an eviction case if you do not pay the total amount due or move out within 14 days from the date of this notice. Some local governments may have an eviction notice period longer than 14 days.

(b) The landlord or an agent of the landlord must deliver the notice personally or by first class mail to the residential tenant at the address of the leased premises.

(c) If the residential tenant fails to correct the rent delinquency within 14 days of the delivery or mailing of the notice, or the number of days required by a local government rule or law if the notice period prior to an eviction required by the local government is longer than 14 days, or fails to vacate, then the landlord may bring an eviction action under subdivision 1 based on nonpayment of rent.

Subd. 1b. **Notice constitutes verification of emergency.** (a) Receipt of the notice under subdivision 1a shall be deemed by a county or other agency requiring verification of emergency to qualify a tenant for assistance to be sufficient demonstration of an emergency

situation under section 256D.06, subdivision 2, and Minnesota Rules, chapter 9500. For purposes of chapter 256J and Minnesota Rules, chapter 9500, a county agency verifies an emergency situation by receiving and reviewing a notice under this section.

(b) When it receives a copy of the notice required by this section, the county must not:

(1) require a tenant to provide additional verification of the emergency; or

(2) require additional verification that the landlord will accept the funds demanded in the notice required by this section to resolve the emergency.

Subd. 2. **Expedited procedure.** (a) In an eviction action brought under section 504B.171 or on the basis that the ~~tenant is causing a nuisance or other illegal behavior that seriously endangers the safety of other residents, their property, or the landlord's property~~ residential tenant engages in behavior that seriously endangers the safety of other residents, or intentionally and seriously damages the property of the landlord or a tenant, the person filing the complaint shall file an affidavit stating specific facts and instances in support of why an expedited hearing is required.

(b) The complaint and affidavit shall be reviewed by a referee or judge and scheduled for an expedited hearing only if sufficient supporting facts are stated and they meet the requirements of this paragraph.

(c) The appearance in an expedited hearing shall be not less than five days nor more than seven days from the date the summons is issued. The summons, in an expedited hearing, shall be served upon the residential tenant within 24 hours of issuance unless the court orders otherwise for good cause shown.

(d) If the court determines that the person seeking an expedited hearing did so without sufficient basis under the requirements of this subdivision, the court shall impose a civil penalty of up to $500 for abuse of the expedited hearing process.

(e) The court may only consider allegations under paragraph (a) during an expedited hearing. The court may not consolidate claims heard under the expedited procedure with any additional claims, including but not limited to breach of lease, holding over under section 504B.285, or nonpayment of rent under section 504B.291.

Subd. 3. **Contents of complaint.** The person bringing a complaint under this section must:

(1) attach the current written lease, if any, or most recent written lease in existence, and any relevant lease addenda;

(2) if alleging nonpayment of rent, attach a detailed, itemized accounting or statement listing the amounts;

(3) if alleging a breach of lease, identify the clause of the lease which is the basis of the allegation, the nature of the conduct constituting the alleged breach of lease, the dates on which the alleged conduct took place, and the clause granting the right to evict based on the alleged conduct;

(4) if alleging a violation of section 504B.171, specify the nature of the conduct constituting the alleged violation and the dates on which the alleged conduct took place;

(5) if alleging a violation of section 504B.285, subdivision 1, attach a copy of any notice to vacate or notice to quit; and

(6) state in the complaint whether the tenancy is affected by a federal or state housing subsidy program through project-based federal assistance payments; the Section 8 program, as defined in section 469.002, subdivision 24; the low-income housing tax credit program; or any other similar program, and include the name of the agency that administers the housing subsidy program.

Subd. 4. **Summons.** The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on the day and at the place stated in the summons. A copy of the complaint must be attached to the summons. The summons must include, at a minimum:

(1) the full name of the person against whom the complaint is brought;

(2) the date, time, and location of the hearing;

(3) information about the methods for participating in the court appearance, including, if applicable, information for appearing by telephone or computer and contact information for the court regarding remote participation;

(4) the following statement: "You have the right to seek legal help or request a reasonable accommodation from the court for your hearing. Contact the court as soon as possible if you need an accommodation. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org to know your rights and find your local Legal Aid office.";

(5) the following statement: "To apply for financial help, contact your local county or Tribal social services office, apply online at MNBenefits.mn.gov, or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709"; and

(6) notification that a copy of the complaint is attached and has been filed with the court.

Subd. 5. **Defective filing or service.** The court must dismiss and expunge the record of any action if the person bringing the action fails to comply with this section.

Sec. 106. Minnesota Statutes 2022, section 504B.331, is amended to read:

504B.331 SUMMONS; HOW SERVED.

(a) The summons and complaint must be served at least seven days before the date of the court appearance specified in section 504B.321, in the manner provided for service of a summons in a civil action in district court. ~~It may be served by any person not named a party to the action.~~

(b) If the defendant cannot be found in the county, the summons and complaint may be served at least seven days before the date of the court appearance by:

(1) leaving a copy at the defendant's last usual place of abode with a person of suitable age and discretion residing there; or

(2) if the defendant had no place of abode, by leaving a copy at the property described in the complaint with a person of suitable age and discretion occupying the premises.

(c) Failure of the sheriff to serve the defendant is prima facie proof that the defendant cannot be found in the county.

(d) Where the defendant cannot be found in the county, service of the summons and complaint may be made upon the defendant by posting the summons in a conspicuous place on the property for not less than one week if:

(1) the property described in the complaint is:

(i) nonresidential and no person actually occupies the property; or

(ii) residential and service has been attempted at least twice on different days, with at least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.; and

(2) the plaintiff or the plaintiff's attorney has signed and filed with the court an affidavit stating that:

(i) the defendant cannot be found, or that the plaintiff or the plaintiff's attorney believes that the defendant is not in the state; ~~and~~

(ii) a copy of the summons has been mailed to the defendant at the defendant's last known address if any is known to the plaintiff~~.~~; or

(iii) the plaintiff or plaintiff's attorney has communicated to the defendant that an eviction hearing has been scheduled, including the date, time, and place of the hearing specified in the summons, by at least one form of written communication the plaintiff regularly uses to communicate with the defendant that have a date and time stamp.

(e) If the defendant or the defendant's attorney does not appear in court on the date of the appearance, the trial shall proceed.

Sec. 107. Minnesota Statutes 2022, section 504B.335, is amended to read:

504B.335 ANSWER; TRIAL.

(a) At the court appearance specified in the summons, the defendant may answer the complaint~~, and the court shall hear and decide the action, unless it grants a continuance of the trial as provided in section 504B.341~~. When scheduling a trial date, the court must select a date that allows for a fair, thorough, and timely adjudication of the merits of the case, including the complexity of the matter, the need for the parties to obtain discovery, the need for the parties to ensure the presence of witnesses, the opportunity for the defendant to seek legal counsel and raise affirmative defenses, and any extenuating factors enumerated under section 504B.171.

(b) Either party may demand a trial by jury.

(c) The proceedings in the action are the same as in other civil actions, except as provided in sections 504B.281 to 504B.371.

(d) The court, in scheduling appearances and hearings under this section, shall give priority to any eviction brought under section 504B.171, or on the basis that the ~~defendant is a tenant and is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property~~ residential tenant engages in behavior that seriously endangers the safety of other residents, or intentionally and seriously damages the property of the landlord or a tenant.

(e) The court may not require the defendant to pay any amount of money into court, post a bond, make a payment directly to a landlord, or by any other means post security for any purpose prior to final disposition of an action, except if the final disposition of the action may be delayed for more than ten days, the court may order the defendant to provide security in a form and amount that the court approves, based on the totality of the circumstances, provided that the amount of security may not include any amounts allegedly owed prior to the date of filing of the action and may not exceed the amount of the monthly or periodic

rent that accrues during the pendency of the action. Nothing in this paragraph shall affect an appeal bond under section 504B.371, subdivision 3.

Sec. 108. Minnesota Statutes 2022, section 504B.345, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall immediately enter judgment that the plaintiff shall have recovery of the premises, and shall tax the costs against the defendant. The court shall issue execution in favor of the plaintiff for the costs and also immediately issue a writ of recovery of premises and order to vacate.

(b) The court shall give priority in issuing a writ of recovery of premises and order to vacate for an eviction action brought under section 504B.171 or on the basis that the tenant is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property.

(c) If the court or jury finds for the defendant, then the court:

(1) ~~the court~~ shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution in favor of the defendant; and

(2) ~~the court may~~ shall expunge the records relating to the action under the provisions of section 484.014 or under the court's inherent authority at the time judgment is entered or after that time upon motion of the defendant.

(d) Except in actions brought: (1) under section 504B.291 ~~as required by section 609.5317, subdivision 1~~; (2) under section 504B.171; or (3) on the basis that the residential tenant ~~is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property, upon a showing by the defendant that immediate restitution of the premises would work a substantial hardship upon the defendant or the defendant's family,~~ engages in behavior that seriously endangers the safety of other residents, or intentionally and seriously damages the property of the landlord or a tenant, the court shall stay the writ of recovery of premises and order to vacate for a reasonable period, not to exceed seven days.

Sec. 109. Minnesota Statutes 2022, section 504B.345, is amended by adding a subdivision to read:

Subd. 3. **Motion to vacate judgment.** Any party may bring a motion to vacate a judgment in an eviction action. An order denying a motion to vacate a judgment is considered a judgment for purposes of appeal under section 504B.371.

Sec. 110. Minnesota Statutes 2022, section 504B.361, subdivision 1, is amended to read:

Subdivision 1. **Summons and writ.** The state court administrator shall develop a uniform form for the summons and writ of recovery of premises and order to vacate. The summons shall conform to the requirements enumerated under section 504B.321, subdivision 3. The writ for recovery of premises and order to vacate must include:

(1) the following statement: "You have the right to seek legal help. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org to know your rights and find your local Legal Aid office."; and

(2) the following statement: "To apply for financial help, contact your local county or Tribal social services office, apply online at MNBenefits.mn.gov, or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709."

Sec. 111. Minnesota Statutes 2022, section 504B.371, subdivision 3, is amended to read:

Subd. 3. **Appeal bond.** If the party appealing remains in possession of the property, that party must give a bond that provides that:

(1) all costs of the appeal will be paid;

(2) the party will comply with the court's order; and

(3) ~~all~~ the regular rent ~~and other damages~~ due to the party excluded from possession during the pendency of the appeal will be paid as that rent accrues. The court may not require a bond including back rent, late fees, disputed charges, or any other amount in excess of the regular rent as it accrues each month.

Sec. 112. Minnesota Statutes 2022, section 504B.371, subdivision 4, is amended to read:

Subd. 4. **Stay pending appeal.** After the appeal is taken, all further proceedings in the case are stayed~~, except as provided in subdivision 7~~.

Sec. 113. Minnesota Statutes 2022, section 504B.371, subdivision 5, is amended to read:

Subd. 5. **Stay of writ issued before appeal.** (a) ~~Except as provided in subdivision 7,~~ If the court issues a writ for recovery of premises and order to vacate before an appeal is taken, the appealing party may request that the court stay further proceedings and execution of the writ for possession of premises and order to vacate, and the court shall grant a stay.

(b) If the party appealing remains in possession of the premises, that party must give a bond under subdivision 3.

(c) When the officer who has the writ for possession of premises and order to vacate is served with the order granting the stay, the officer shall cease all further proceedings. If the writ for possession of premises and order to vacate has not been completely executed, the defendant shall remain in possession of the premises until the appeal is decided.

Sec. 114. Minnesota Statutes 2022, section 504B.371, subdivision 7, is amended to read:

Subd. 7. **Exception.** Subdivisions 1, 4, and 6 do not apply in an action ~~on a lease, against a tenant holding over after the expiration of the term of the lease, or a termination of the lease by a notice to quit,~~ where the plaintiff has prevailed on a claim pursuant to section 504B.171, subdivision 2, if the plaintiff gives a bond conditioned to pay all costs and damages if on the appeal the judgment of restitution is reversed and a new trial ordered. In such a case, the court shall issue a writ for recovery of premises and order to vacate notwithstanding the notice of appeal, as if no appeal had been taken, and the appellate court shall issue all needful writs and processes to carry out any judgment which may be rendered in the court.

Sec. 115. **REPEALER.**

Minnesota Statutes 2022, section 504B.341, is repealed.

Sec. 116. **EFFECTIVE DATE.**

Sections 103 to 115 are effective January 1, 2024, and apply to actions filed on or after that date.

J. EVICTION RECORDS

Sec. 117. Minnesota Statutes 2022, section 484.014, subdivision 2, is amended to read:

Subd. 2. **Discretionary expungement.** The court may order expungement of an eviction case court file ~~only upon motion of a defendant and decision by the court, if the court finds that the plaintiff's case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the case, that~~ if the court finds the expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record.

Sec. 118. Minnesota Statutes 2022, section 484.014, subdivision 3, is amended to read:

Subd. 3. **Mandatory expungement.** Except for clause (6), the court shall, without motion by any party, order expungement of an eviction case:

(1) commenced solely on the grounds provided in section 504B.285, subdivision 1, clause (1), if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and:

~~(1)~~ (i) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the eviction action; or

~~(2)~~ (ii) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to vacate on a date prior to commencement of the eviction case~~.~~;

(2) if the defendant prevailed on the merits;

(3) if the court dismissed the plaintiff's complaint for any reason;

(4) if the parties to the action have agreed to an expungement;

(5) three years after the eviction was ordered; or

(6) upon motion of a defendant, if the case is settled and the defendant fulfills the terms of the settlement.

Sec. 119. Minnesota Statutes 2022, section 504B.321, is amended by adding a subdivision to read:

Subd. 6. **Nonpublic record.** An eviction action is not accessible to the public until the court enters a final judgment, except that parties to the case and licensed attorneys assisting a party in the case, regardless of whether or not they are the attorney of record, shall have access to the eviction action file.

Sec. 120. **EFFECTIVE DATE.**

Sections 117 to 119 are effective January 1, 2024.

ARTICLE 20
CARJACKING; CONFORMING CHANGES

Section 1. Minnesota Statutes 2022, section 51A.14, is amended to read:

51A.14 INDEMNITY BONDS.

All directors, officers, and employees of an association shall, before entering upon the performance of any of their duties, execute their individual bonds with adequate corporate surety payable to the association as an indemnity for any loss the association may sustain of money or other property by or through any fraud, dishonesty, forgery or alteration, larceny,

theft, embezzlement, robbery, carjacking, burglary, holdup, wrongful or unlawful abstraction, misapplication, misplacement, destruction or misappropriation, or any other dishonest or criminal act or omission by any such director, officer, employee, or agent. Associations which employ collection agents, who for any reason are not covered by a bond as hereinabove required, shall provide for the bonding of each such agent in an amount equal to at least twice the average monthly collection of such agent. Such agents shall be required to make settlement with the association at least monthly. No bond coverage will be required of any agent which is a financial institution insured by the Federal Deposit Insurance Corporation or by the federal savings and loan insurance corporation. The amounts and form of such bonds and sufficiency of the surety thereon shall be approved by the board of directors and by the commissioner. In lieu of individual bonds, a blanket bond, protecting the association from loss through any such act or acts on the part of any such director, officer, or employee, may be obtained. Such bonds shall provide that a cancellation thereof either by the surety or by the insured shall not become effective unless and until ten days' notice in writing first shall have been given to the commissioner unless the commissioner shall have approved such cancellation earlier.

Sec. 2. Minnesota Statutes 2022, section 145A.061, subdivision 3, is amended to read:

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

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

substance crimes in the second degree); section 152.023 (controlled substance crimes in the third degree); section 152.024 (controlled substance crimes in the fourth degree); section 152.025 (controlled substance crimes in the fifth degree); section 243.166 (violation of predatory offender registration law); section 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); section 617.246 (use of minors in sexual performance); section 617.247 (possession of pornographic work involving minors); section 609.221 (assault in the first degree); section 609.222 (assault in the second degree); section 609.223 (assault in the third degree); section 609.2231 (assault in the fourth degree); section 609.224 (assault in the fifth degree); section 609.2242 (domestic assault); section 609.2247 (domestic assault by strangulation); section 609.228 (great bodily harm caused by distribution of drugs); section 609.23 (mistreatment of persons confined); section 609.231 (mistreatment of residents or patients); section 609.2325 (criminal abuse); section 609.233 (criminal neglect); section 609.2335 (financial exploitation of a vulnerable adult); section 609.234 (failure to report); section 609.24 (simple robbery); section 609.245 (aggravated robbery); section 609.247 (carjacking); section 609.255 (false imprisonment); section 609.322 (solicitation, inducement, and promotion of prostitution and sex trafficking); section 609.324, subdivision 1 (hiring or engaging minors in prostitution); section 609.465 (presenting false claims to a public officer or body); section 609.466 (medical assistance fraud); section 609.52 (felony theft); section 609.82 (felony fraud in obtaining credit); section 609.527 (felony identity theft); section 609.582 (felony burglary); section 609.611 (felony insurance fraud); section 609.625 (aggravated forgery); section 609.63 (forgery); section 609.631 (felony check forgery); section 609.66, subdivision 1e (felony drive-by shooting); section 609.71 (felony riot); section 609.713 (terroristic threats); section 609.72, subdivision 3 (disorderly conduct by a caregiver against a vulnerable adult); section 609.821 (felony financial transaction card fraud); section 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or aiding and abetting, attempting, or conspiring to commit any of the offenses in this subdivision.

Sec. 3. Minnesota Statutes 2022, section 146A.08, subdivision 1, is amended to read:

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

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

Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) Violating any order issued by the commissioner.

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

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

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

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

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

Sec. 4. Minnesota Statutes 2022, section 244.17, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(b) The commissioner of corrections shall develop a list of medical conditions that will disqualify an offender from participating in the challenge incarceration program. The commissioner shall submit the list and any changes to it to the chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy and funding.

Sec. 5. Minnesota Statutes 2022, section 245C.15, subdivision 1, is amended to read:

Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) regardless of how much time has passed since the discharge of the sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of the level of the offense, the individual has committed any of the following offenses: sections 243.166 (violation of predatory offender registration law); 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony offense under 609.221 or 609.222 (assault in the first or second degree); a felony offense under sections 609.2242 and 609.2243 (domestic assault), spousal abuse, child abuse or neglect, or a crime against children; 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.322 (solicitation, inducement, and promotion of prostitution); 609.324, subdivision 1 (other prohibited acts); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); a felony offense under 609.377 (malicious punishment of a child); a felony offense under 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.66, subdivision 1e (drive-by shooting); 609.749, subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial representations of minors); or, for a child care background study subject, conviction of a crime that would make the individual ineligible for employment under United States Code, title 42, section 9858f, except for a felony drug conviction, regardless

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2022, section 245C.15, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

Sec. 7. Minnesota Statutes 2022, section 245C.15, subdivision 4a, is amended to read:

Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, regardless of how much time has passed, an individual is disqualified under section 245C.14 if the individual committed an act that resulted in a felony-level conviction for sections: 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse); 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);

609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary in the first degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial representations of minors).

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

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

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

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

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

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

(d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14 if fewer than five years have passed since a felony-level violation for sections: 152.021 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the

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

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

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

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

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

(4) a determination or disposition of the individual's substantiated serious or recurring maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or

serious or recurring maltreatment in any other state, the elements of which are substantially similar to the elements of maltreatment under chapter 260E or section 626.557 and meet the definition of serious maltreatment or recurring maltreatment;

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

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

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

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

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

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

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

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

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

Sec. 8. Minnesota Statutes 2022, section 245C.24, subdivision 3, is amended to read:

Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set aside the disqualification of an individual in connection with a license to provide family child care for children or foster care or day care services for adults in the provider's home if: (1) less than ten years has passed since the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based on a preponderance of evidence determination under section 245C.14, subdivision 1, paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph (a), clause (1), and less than ten years has passed since the individual committed the act or admitted to committing the act, whichever is later; and (3) the individual has committed a violation of any of the following offenses: sections 609.165 (felon ineligible to possess firearm); criminal vehicular homicide or criminal vehicular operation causing death under 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (aiding suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns); 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree); 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree); 609.268 (injury or death of an unborn child in the commission of a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or displaying harmful material to minors); a felony-level conviction involving alcohol or drug use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision

3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess firearms); or Minnesota Statutes 2012, section 609.21.

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

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

Sec. 9. Minnesota Statutes 2022, section 253B.02, subdivision 4e, is amended to read:

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

Sec. 10. Minnesota Statutes 2022, section 253D.02, subdivision 8, is amended to read:

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

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

Sec. 11. Minnesota Statutes 2022, section 260B.171, subdivision 3, is amended to read:

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

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a

witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment or stalking), if committed by an adult; or Minnesota Statutes 2012, section 609.21;

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

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

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

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

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

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

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

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

Sec. 12. Minnesota Statutes 2022, section 299A.296, subdivision 2, is amended to read:

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

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

(2) outcomes and performance indicators for the program;

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

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

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

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

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

Sec. 13. Minnesota Statutes 2022, section 299C.105, subdivision 1, is amended to read:

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

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

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

(ii) manslaughter under section 609.20 or 609.205;

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

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

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

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

(viii) incest under section 609.365;

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

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

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

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

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

(ii) manslaughter under section 609.20 or 609.205;

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

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

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

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

(viii) incest under section 609.365;

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

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

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

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

Sec. 14. Minnesota Statutes 2022, section 299C.67, subdivision 2, is amended to read:

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

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

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

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

(b)(1) a felony violation of section 609.195 (third-degree murder); 609.205 (second-degree manslaughter); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.255 (false imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a nonfelony violation of section 609.749 (harassment); or Minnesota Statutes 2012, section 609.21;

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

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

Sec. 15. Minnesota Statutes 2022, section 326.3381, subdivision 3, is amended to read:

Subd. 3. **Disqualification.** No person is qualified to hold a license who has:

(1) been convicted of (i) a felony by the courts of this or any other state or of the United States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in Minnesota, would be a felony or would be any of the other offenses provided in this clause and for which a full pardon or similar relief has not been granted;

(2) made any false statement in an application for a license or any document required to be submitted to the board; or

(3) failed to demonstrate to the board good character, honesty, and integrity.

Sec. 16. Minnesota Statutes 2022, section 609.1095, subdivision 1, is amended to read:

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

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

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

(d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of the following laws of this state or any similar laws of the United States or any other state: sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562;

609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

Sec. 17. Minnesota Statutes 2022, section 609.11, subdivision 9, is amended to read:

Subd. 9. **Applicable offenses.** The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; carjacking in the first, second, or third degree; first-degree or aggravated first-degree witness tampering; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, and subdivision 1a, clauses (a) to (f) and (i); 609.343, subdivision 1, and subdivision 1a, clauses (a) to (f) and (i); and 609.344, subdivision 1, clauses (a) to (c) and (d), under the conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii), and subdivision 1a, clauses (a) to (e), (h), and (i), under the conditions described in section 609.341, subdivision 24, clause (2), item (i), (ii), or (iii); escape from custody; arson in the first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e; harassment under section 609.749, subdivision 3, paragraph (a), clause (3); possession or other unlawful use of a firearm or ammunition in violation of section 609.165, subdivision 1b, or 624.713, subdivision 1, clause (2), a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 18. Minnesota Statutes 2022, section 609.185, is amended to read:

609.185 MURDER IN THE FIRST DEGREE.

(a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, carjacking

in the first or second degree, kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the person is engaged in the performance of official duties;

(5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon a child and the death occurs under circumstances manifesting an extreme indifference to human life;

(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or

(7) causes the death of a human being while committing, conspiring to commit, or attempting to commit a felony crime to further terrorism and the death occurs under circumstances manifesting an extreme indifference to human life.

(b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning given in section 609.221, subdivision 2, paragraph (c), clause (4).

(c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section 609.221, subdivision 2, paragraph (c), clause (5).

(d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

(e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

(f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given in section 609.714, subdivision 1.

Sec. 19. Minnesota Statutes 2022, section 609.2661, is amended to read:

609.2661 MURDER OF UNBORN CHILD IN THE FIRST DEGREE.

Whoever does any of the following is guilty of murder of an unborn child in the first degree and must be sentenced to imprisonment for life:

(1) causes the death of an unborn child with premeditation and with intent to effect the death of the unborn child or of another;

(2) causes the death of an unborn child while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the mother of the unborn child or another; or

(3) causes the death of an unborn child with intent to effect the death of the unborn child or another while committing or attempting to commit burglary, aggravated robbery, carjacking in the first or second degree, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody.

Sec. 20. Minnesota Statutes 2022, section 609.341, subdivision 22, is amended to read:

Subd. 22. **Predatory crime.** "Predatory crime" means a felony violation of section 609.185 (first-degree murder), 609.19 (second-degree murder), 609.195 (third-degree murder), 609.20 (first-degree manslaughter), 609.205 (second-degree manslaughter), 609.221 (first-degree assault), 609.222 (second-degree assault), 609.223 (third-degree assault), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.498 (tampering with a witness), 609.561 (first-degree arson), or 609.582, subdivision 1 (first-degree burglary).

Sec. 21. Minnesota Statutes 2022, section 609.52, subdivision 3, is amended to read:

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

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

(2) to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both, if the value of the property or services stolen exceeds $5,000, or if the property stolen was an article representing a trade secret, an explosive or incendiary device,

or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the exception of marijuana; or

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 22. Minnesota Statutes 2022, section 609.526, subdivision 2, is amended to read:

Subd. 2. **Crime described.** Any precious metal dealer or scrap metal dealer or any person employed by a dealer, who receives, possesses, transfers, buys, or conceals any stolen property or property obtained by robbery or carjacking, knowing or having reason to know the property was stolen or obtained by robbery or carjacking, may be sentenced as follows:

(1) if the value of the property received, bought, or concealed is $1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than $50,000, or both;

(2) if the value of the property received, bought, or concealed is less than $1,000 but more than $500, to imprisonment for not more than three years or to payment of a fine of not more than $25,000, or both;

(3) if the value of the property received, bought, or concealed is $500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000, or both.

Any person convicted of violating this section a second or subsequent time within a period of one year may be sentenced as provided in clause (1).

Sec. 23. Minnesota Statutes 2022, section 609.531, subdivision 1, is amended to read:

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

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

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

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

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

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

(f) "Designated offense" includes:

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

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

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

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

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

(i) "Asserting person" means a person, other than the driver alleged to have used a vehicle in the transportation or exchange of a controlled substance intended for distribution or sale,

claiming an ownership interest in a vehicle that has been seized or restrained under this section.

Sec. 24. Minnesota Statutes 2022, section 609.631, subdivision 4, is amended to read:

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

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

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

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

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

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

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

In any prosecution under this subdivision, the value of the checks forged or offered by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. When two

or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the checks was forged or offered for all of the offenses aggregated under this paragraph.

Sec. 25. Minnesota Statutes 2022, section 609.632, subdivision 4, is amended to read:

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

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

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

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

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

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

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

(4) to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property

or services having a value of no more than $1,000, or the aggregate face value of the counterfeited item is no more than $1,000.

Sec. 26. Minnesota Statutes 2022, section 609.821, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(b) In any prosecution under paragraph (a), clause (1), the value of the transactions made or attempted within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the card transactions occurred for all of the transactions aggregated under this paragraph.

Sec. 27. Minnesota Statutes 2022, section 609B.161, is amended to read:

609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS LICENSE; DISQUALIFICATION.

Under section 326.3381, a person is disqualified from holding a private detective or protective agent business license if that person has been convicted of:

(1) a felony by the courts of this or any other state or of the United States;

(2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; carjacking; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession, production, sale, or distribution of narcotics unlawfully; or

(3) acts in any other country which, if committed in Minnesota, would be a felony or considered as any of the other offenses listed in clause (2) and for which a full pardon or similar relief has not been granted.

Sec. 28. Minnesota Statutes 2022, section 611A.031, is amended to read:

611A.031 VICTIM INPUT REGARDING PRETRIAL DIVERSION.

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

Sec. 29. Minnesota Statutes 2022, section 611A.036, subdivision 7, is amended to read:

Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1 (arson in the

first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c) (burglary in the first degree; occupied dwelling or involving an assault); 609.66, subdivision 1e, paragraph (b) (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle); or 609.749, subdivision 2 (harassment); or Minnesota Statutes 2012, section 609.21.

Sec. 30. Minnesota Statutes 2022, section 611A.08, subdivision 6, is amended to read:

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

Sec. 31. Minnesota Statutes 2022, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.247 (carjacking); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (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 chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

Sec. 32. Minnesota Statutes 2022, section 626A.05, subdivision 2, is amended to read:

Subd. 2. **Offenses for which interception of wire or oral communication may be authorized.** A warrant authorizing interception of wire, electronic, or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, carjacking in the first or second degree, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.247, subdivision 2 or 3, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, paragraph (a), clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 33. Minnesota Statutes 2022, section 629.361, is amended to read:

629.361 PEACE OFFICERS RESPONSIBLE FOR CUSTODY OF STOLEN PROPERTY.

A peace officer arresting a person charged with committing or aiding in the committing of a robbery, aggravated robbery, carjacking, or theft shall use reasonable diligence to secure the property alleged to have been stolen. After seizure of the property, the officer shall be answerable for it while it remains in the officer's custody. The officer shall annex a schedule of the property to the return of the warrant. Upon request of the county attorney, the law enforcement agency that has custody of the property alleged to have been stolen shall deliver the property to the custody of the county attorney for use as evidence at an omnibus hearing or at trial. The county attorney shall make a receipt for the property and be responsible for

the property while it is in the county attorney's custody. When the offender is convicted, whoever has custody of the property shall turn it over to the owner.

Sec. 34. **EFFECTIVE DATE.**

This article is effective August 1, 2023.

152.092 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

(a) It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.

(b) A person who violates paragraph (a) and has previously violated paragraph (a) on two or more occasions has committed a crime and may be sentenced to imprisonment for up to 90 days or to payment of a fine up to $1,000, or both.

241.272 FEE COLLECTION.

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

(b) "Correctional fees" include fees for the following correctional services:

(1) community service work placement and supervision;

(2) restitution collection;

(3) supervision;

(4) court-ordered investigations; or

(5) any other service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections.

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

Subd. 2. **Correctional fees established.** To defray costs associated with correctional services, the commissioner of corrections may establish a schedule of correctional fees to charge persons convicted of a crime and supervised by the commissioner. The correctional fees on the schedule must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.

Subd. 3. **Fee collection.** (a) The commissioner of corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.

(b) The commissioner may use any available civil means of debt collection in collecting a correctional fee.

Subd. 4. **Exemption from fee.** The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to perform community work service as a means of paying the fee.

Subd. 5. **Restitution payment priority.** If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.

Subd. 6. **Use of fees.** Excluding correctional fees collected from offenders supervised by department agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), all correctional fees collected under this section go to the general fund. Fees collected by agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), shall go to the county treasurer in the county where supervision is provided. These fees may only be used in accordance with section 244.18, subdivision 6.

Subd. 7. **Annual report.** Beginning January 15, 2001, the commissioner shall submit an annual report on the implementation of this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report shall include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

Subd. 8. **Sex offender treatment fee.** The commissioner of corrections may authorize sex offender treatment providers to charge and collect treatment co-pays from all offenders in their treatment program. The amount of treatment co-pay assessed to each offender is based upon a fee

schedule approved by the commissioner. Fees collected under this authority are used by the treatment provider to fund the cost of treatment.

244.14 INTENSIVE COMMUNITY SUPERVISION; BASIC ELEMENTS.

Subdivision 1. **Requirements.** This section governs the intensive community supervision programs established under section 244.13. The commissioner shall operate the programs in conformance with this section. The commissioner shall administer the programs to further the following goals:

(1) to punish the offender;

(2) to protect the safety of the public;

(3) to facilitate employment of the offender during the intensive community supervision and afterward; and

(4) to require the payment of restitution ordered by the court to compensate the victims of the offender's crime.

Subd. 2. **Good time not available.** An offender serving a sentence on intensive community supervision for a crime committed before August 1, 1993, does not earn good time, notwithstanding section 244.04.

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

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any misdemeanor, gross misdemeanor, or felony offense; or

(3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The revocation of intensive community supervision is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender whose intensive community supervision is revoked shall be imprisoned for a time period equal to the offender's term of imprisonment, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

Subd. 4. **All phases.** Throughout all phases of an intensive community supervision program, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, or premises by an intensive supervision agent. If the offender received a restitution order as part of the sentence, the offender shall make weekly payments as scheduled by the agent until the full amount is paid.

244.15 INTENSIVE COMMUNITY SUPERVISION; PHASES I TO IV.

Subdivision 1. **Duration.** Phase I of an intensive community supervision program is six months, or one-half the time remaining in the offender's term of imprisonment, whichever is less. Phase II lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase II. Phase III lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase III. Phase IV continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever occurs first. If an offender successfully completes the intensive community supervision program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence.

Subd. 2. **Random drug testing.** (a) During phase I, the offender will be subjected at least weekly to urinalysis and breath tests to detect the presence of controlled substances or alcohol. The tests will be random and unannounced.

(b) During phase II, the tests will be done at least twice monthly.

(c) During phases III and IV, the tests will be done at random at the frequency determined by the intensive supervision agent.

Subd. 3. **House arrest.** (a) During phase I, the offender will be under house arrest in a residence approved by the offender's intensive supervision agent and may not move to another residence

without permission. "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned agent.

(b) During phase II, modified house arrest is imposed.

(c) During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

Subd. 4. **Face-to-face contacts.** (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.

Subd. 5. **Work required.** During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the commissioner. An offender may not spend more than six months in a residential treatment program that does not require the offender to spend at least 40 hours a week performing approved work or undertaking constructive activity designed to obtain employment.

Subd. 6. **Electronic surveillance.** (a) During any phase, the offender may be placed on electronic surveillance if the intensive supervision agent so directs. If electronic surveillance is directed during phase I, the commissioner must require that the inmate be kept in custody, or that the inmate's intensive supervised release agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

(b) It is the responsibility of the inmate placed on electronic surveillance to ensure that the inmate's residence is properly equipped and the inmate's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of an intensive supervised release agent. An inmate who fails to comply with this paragraph may be found in violation of the inmate's conditions of release after a revocation hearing.

Subd. 7. **Other requirements.** The commissioner may include any other conditions in the various phases of the intensive community supervision program that the commissioner finds necessary and appropriate.

244.196 DEFINITIONS.

Subdivision 1. **Definitions.** As used in sections 244.196 to 244.199, the following terms have the meanings given them.

Subd. 2. **Probation.** "Probation" has the meaning given in section 609.02, subdivision 15.

Subd. 3. **Probation violation sanction.** "Probation violation sanction" includes, but is not limited to, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, substance use disorder or mental health treatment or counseling, community work service, remote electronic alcohol monitoring, random drug testing, and participation in an educational or restorative justice program. A probation violation sanction does not include any type of custodial sanction, including, but not limited to, detention and incarceration.

Subd. 4. **Sanctions conference.** "Sanctions conference" means a voluntary conference at which the county probation officer, offender, and, if appropriate, other interested parties meet to discuss the probation violation sanction for the offender's technical violation of probation.

Subd. 5. **Sanctions conference form.** "Sanctions conference form" means a form developed by the chief executive officer of a local corrections agency with the approval of the district court that explains the sanctions conference and the offender's option to elect to participate in the sanctions conference or to proceed to a judicial hearing.

Subd. 6. **Technical violation.** "Technical violation" means any violation of a court order of probation, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

244.22 PROBATION SERVICE PROVIDERS; CASELOAD REDUCTION GRANT MONEY.

(a) The commissioner of corrections shall review the planned expenditures of probation service providers before allocating probation caseload reduction grants appropriated by the legislature. The review must determine whether the planned expenditures comply with applicable law.

(b) In counties where probation services are provided by both county and Department of Corrections employees, a collaborative plan addressing the local needs shall be developed. The commissioner of corrections shall specify the manner in which probation caseload reduction grant money shall be distributed between the providers according to the approved plan.

244.32 ALTERNATIVES TO INCARCERATION PILOT PROGRAM.

(a) Agencies providing supervision to offenders on probation, parole, or supervised release are eligible for funding to facilitate access to community options including, but not limited to, inpatient substance use disorder treatment for nonviolent controlled substance offenders to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of release. For purposes of this section, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a court order of probation, condition of parole, or condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

(b) The Department of Corrections shall issue annual funding of $160,000 to each recipient.

(c) The commissioner of corrections shall submit an annual report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance by January 15 of each year. At a minimum, the report must include:

(1) the community services accessed as a result of the funding;

(2) a summary of the type of supervision offenders were under when funding was used to help access a community option;

(3) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this funding;

(4) the number of individuals who violated the terms of release following participation in a program accessed as a result of this funding, separating technical violations and new criminal offenses;

(5) the number of individuals who completed or were discharged from probation after participating in the program;

(6) the number of individuals identified in clause (5) who committed a new offense after discharge from the program;

(7) identification of barriers nonviolent controlled substance offenders face in accessing community services and a description of how the program navigates those barriers; and

(8) identification of gaps in existing community services for nonviolent controlled substance offenders.

299C.80 INDEPENDENT USE OF FORCE INVESTIGATIONS UNIT.

Subd. 7. **Expiration.** The independent Use of Force Investigations Unit expires August 1, 2024.

346.02 FINDER TO GIVE NOTICE; PENALTY.

A person who finds an estray and knows who owns it shall notify the owner within seven days after finding the estray and request the owner to pay all reasonable charges and take such estray away. A finder who does not know who owns the estray shall within ten days file a notice with the town clerk. The clerk shall transmit a copy thereof to the county recorder, who shall record the same in a book designated "estray book." The finder shall give posted notice of the finding of the estray in said town. The notice shall briefly describe the estray, giving its marks, natural and artificial, as nearly as practicable, naming the residence of the finder, and specifying the town, section, and time when taken up. For failure to give such notice, the finder shall be liable to the owner of the estray in double the amount of damages sustained by the owner thereby.

363A.20 EXEMPTION BASED ON EMPLOYMENT.

Subd. 3. **Nonpublic service organization.** The provisions of section 363A.08 shall not apply to a nonpublic service organization whose primary function is providing occasional services to minors, such as youth sports organizations, scouting organizations, boys' or girls' clubs, programs providing friends, counselors, or role models for minors, youth theater, dance, music or artistic organizations, agricultural organizations for minors, including 4-H clubs, and other youth organizations, with respect to qualifications of employees or volunteers based on sexual orientation.

363A.27 CONSTRUCTION OF LAW.

Nothing in this chapter shall be construed to:

(1) mean the state of Minnesota condones homosexuality or bisexuality or any equivalent lifestyle;

(2) authorize or permit the promotion of homosexuality or bisexuality in education institutions or require the teaching in education institutions of homosexuality or bisexuality as an acceptable lifestyle;

(3) authorize or permit the use of numerical goals or quotas, or other types of affirmative action programs, with respect to homosexuality or bisexuality in the administration or enforcement of the provisions of this chapter; or

(4) authorize the recognition of or the right of marriage between persons of the same sex.

401.07 EXISTING SINGLE JURISDICTION COUNTIES OR GROUPS.

In any county or group of counties where correctional services are currently being provided by a single jurisdiction within that county, nothing in sections 401.01 to 401.16 shall be interpreted as requiring a change of authority.

504B.305 NOTICE OF SEIZURE PROVISION.

Landlords shall give written notice to tenants of the provision relating to seizures in section 504B.301. Failure to give such notice does not subject the landlord to criminal or civil liability and is not a defense under section 609.5317, subdivision 3.

504B.341 CONTINUANCE OF TRIAL.

(a) In an eviction action, the court, in its discretion, may grant a continuance of the trial for no more than six days unless all parties consent to longer continuance.

(b) However, in all actions brought under section 504B.285, other than actions on a written lease signed by both parties, the court shall continue the trial as necessary but for no more than three months if the defendant or the defendant's agent or attorney:

(1) states under oath that the defendant cannot proceed to trial because a material witness is not present;

(2) names the witness;

(3) states under oath that the defendant has made due exertion to obtain the witness;

(4) states the belief that if the continuance is allowed the defendant will be able to procure the attendance of the witness at the trial or to obtain the witness's deposition; and

(5) gives a bond that the plaintiff will be paid all rent that accrues during the pendency of the action and all costs and damages that accrue due to the adjournment.

518B.02 DOMESTIC ABUSE COUNSELING PROGRAM OR EDUCATIONAL PROGRAM REQUIRED.

Subd. 3. **Program accountability.** The Office of Justice Programs in the Department of Public Safety will consult with domestic abuse counseling and educational programs, the court, probation departments, and the interagency task force on the prevention of domestic and sexual abuse on acceptable measures to ensure program accountability. By December 30, 2001, the center shall make recommendations to the house of representatives and senate committees and divisions with jurisdiction over criminal justice policy and funding on agreed-upon accountability measures including outcome studies.

582.14 LIMITATION ON OLD FORECLOSURE ACTIONS.

No action or proceeding to foreclose a real estate mortgage executed prior to November 1, 1909, shall be maintained after January 1, 1946, unless prior to said date the owner of said mortgage shall have filed in the office of the county recorder of the county in which is located the real estate covered thereby, a notice setting forth the name of the claimant, a description of said real estate and of said mortgage including the volume and page at which it is of record and a statement of the amount claimed to be due thereon. Such notices may be discharged in the same manner as notices of lis pendens, and, so discharged, shall, together with all information included therein, cease to constitute either actual or constructive notice.

609.293 SODOMY.

Subdivision 1. **Definition.** "Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 5. **Consensual acts.** Whoever, in cases not coming within the provisions of sections 609.342 or 609.344, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

609.34 FORNICATION.

When any man and single woman have sexual intercourse with each other, each is guilty of fornication, which is a misdemeanor.

609.36 ADULTERY.

Subdivision 1. **Acts constituting.** When a married woman has sexual intercourse with a man other than her husband, whether married or not, both are guilty of adultery and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

Subd. 2. **Limitations.** No prosecution shall be commenced under this section except on complaint of the husband or the wife, except when such husband or wife lacks the mental capacity, nor after one year from the commission of the offense.

Subd. 3. **Defense.** It is a defense to violation of this section if the marital status of the woman was not known to the defendant at the time of the act of adultery.

617.20 DRUGS TO PRODUCE MISCARRIAGE.

Whoever shall manufacture, give, or sell an instrument, drug, or medicine, or any other substance, with intent that the same may be unlawfully used in producing the miscarriage of a woman, shall be guilty of a felony.

617.201 INDECENT ARTICLES AND INFORMATION.

Every person who shall sell, lend, or give away, or in any manner exhibit, or offer to sell, lend, or give away, or have in possession with intent to sell, lend, give away, or advertise or offer for sale, loan, or distribution, any instrument or article, or any drug or medicine for causing unlawful abortion; or shall write or print, or cause to be written or printed, a card, circular, pamphlet, advertisement, or notice of any kind, or shall give oral information, stating when, where, how, or whom, or by what means such article or medicine can be obtained or who manufactures it, shall be guilty of a gross misdemeanor and punished by imprisonment in the county jail for not more than one year or by a fine of not more than $3,000, or by both.

617.202 SALE OF ARTICLES RELATING TO PREVENTION OF CONCEPTION OR DISEASE.

Instruments, articles, drugs or medicines for the prevention of conception or disease may be sold, offered for sale, distributed or dispensed only by persons or organizations recognized as dealing primarily with health or welfare. Anyone convicted of violation of this section shall be guilty of a gross misdemeanor and punished by imprisonment not to exceed one year or by a fine of not more than $3,000 or both.

617.21 EVIDENCE.

In any prosecution for abortion or attempting abortion, no person shall be excused from testifying as a witness on the ground that the person's testimony would tend to criminate the person.

617.28 CERTAIN MEDICAL ADVERTISEMENTS.

Subdivision 1. **Placing advertisement; penalty.** Any person who shall advertise, in the person's own name or in the name of another person, firm or pretended firm, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, or other written or printed paper, or the owner, publisher, or manager of any newspaper or periodical who shall permit to be inserted or published in any newspaper or periodical owned or controlled by the owner, publisher, or manager, the treatment or curing of venereal diseases, the restoration of "lost virility" or "lost vitality," or shall advertise in any manner that the person is a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse, or excessive sexual indulgence, or in any disease of like causes, or who shall advertise in any manner any medicine, drug compound, appliance or any means whatever whereby it is claimed that sexual diseases of men and women may be cured or relieved, or miscarriage or abortion produced, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than $50 nor more than $3,000 or by imprisonment in the county jail for not more than six months.

Subd. 2. **Publication; penalty.** Any person publishing, distributing, or causing to be distributed or circulated, any of the advertising matter hereinabove prohibited, shall be guilty of a misdemeanor and punished as prescribed in subdivision 1.

617.29 EVIDENCE.

The production of any advertisement or advertising matter published or distributed contrary to the provisions of this section and section 617.28 shall be of itself prima facie evidence of the guilt of the person advertising to cure any such disease hereinabove mentioned, or of the publishers who publish any matter such as is herein prohibited.

626.93 LAW ENFORCEMENT AUTHORITY; TRIBAL PEACE OFFICERS.

Subd. 7. **Exception; Prairie Island Indian Community.** Notwithstanding any contrary provision in subdivision 3 or 4, the Prairie Island Indian Community of the Mdewakanton Dakota tribe has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the community's reservation to enforce state criminal law if the requirements of subdivision 2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered into.

638.02 PARDONS.

Subdivision 1. **Absolute or conditional pardons; commutation of sentences.** The Board of Pardons may grant an absolute or a conditional pardon, but every conditional pardon shall state the terms and conditions on which it was granted. Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless granted by a unanimous vote of the board duly convened.

Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the Board of Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:

(1) if the person was convicted of a crime of violence as defined in section 624.712, subdivision 5, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and

(2) if the person was convicted of any crime not included within the definition of crime of violence under section 624.712, subdivision 5, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.

If the Board of Pardons determines that the person is of good character and reputation, the board may, in its discretion, grant the person a pardon extraordinary. The pardon extraordinary, when granted, has the effect of setting aside and nullifying the conviction and of purging the person of it, and the person shall never after that be required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

The application for a pardon extraordinary, the proceedings to review an application, and the notice requirements are governed by the statutes and the rules of the board in respect to other proceedings before the board. The application shall contain any further information that the board may require.

Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, and the court shall order the conviction set aside and include a copy of the pardon in the court file. The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension.

Subd. 4. **Grandfather provision.** Any person granted a pardon extraordinary by the Board of Pardons prior to April 12, 1974 may apply to the district court of the county in which the conviction occurred for an order setting aside the conviction as set forth in subdivision 3.

Subd. 5. **Records.** The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, trial, appeal, dismissal and discharge, which relate to the conviction for which the pardon extraordinary has been granted.

638.03 WARRANT; RETURN.

The Board of Pardons may issue its warrant, under its seal, to any proper officers to carry into effect any pardon, commutation, or reprieve. As soon as may be after the execution of the warrant, the officer to whom it is directed shall make return thereof, under hand, with the doings thereon, to the governor. Such officer shall also file with the court administrator in which the offender was convicted an attested copy of the warrant and return, a brief abstract of which such court administrator shall subjoin to the record of the conviction.

638.04 MEETINGS.

The Board of Pardons shall hold meetings at least twice each year and shall hold a meeting whenever it takes formal action on an application for a pardon or commutation of sentence. All board meetings shall be open to the public as provided in chapter 13D.

The victim of an applicant's crime has a right to submit an oral or written statement at the meeting. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the application for a pardon or commutation should be granted or denied. In addition, any law enforcement agency may submit an oral or written statement at the meeting, giving its recommendation on whether the application should be granted or denied. The board must consider the victim's and the law enforcement agency's statement when making its decision on the application.

638.05 APPLICATION FOR PARDON.

Every application for relief by the Pardon Board shall be in writing, addressed to the Board of Pardons, signed under oath by the convict or someone in the convict's behalf, shall state concisely the grounds upon which the relief is sought, and in addition shall contain the following facts:

(1) the name under which the convict was indicted, and every alias by which the convict is or was known;

(2) the date and terms of sentence, and the names of the offense for which it was imposed;

(3) the name of the trial judge and the county attorney who participated in the trial of the convict, together with that of the county of trial;

(4) a succinct statement of the evidence adduced at the trial, with the endorsement of the judge or county attorney who tried the case that the statement is substantially correct. If this statement and endorsement are not furnished, the reason for failing to furnish them shall be stated;

(5) the age, birthplace, and occupation and residence of the convict during five years immediately preceding conviction;

(6) a statement of other arrests, indictments, and convictions, if any, of the convict.

Every application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the relief is sought. In addition, if the applicant resided in another state after the sentence was discharged, the application for relief by the pardon board shall contain a statement by the applicant consenting to the disclosure to the board of any data concerning the applicant that was collected or maintained by the foreign state relating to the grounds on which the relief is sought, including disclosure of criminal arrest and conviction records.

638.06 ACTION ON APPLICATION.

Every application for relief by the Pardon Board shall be filed with the secretary of the Board of Pardons not less than 60 days before the meeting of the board at which consideration of the application is desired. If an application for a pardon or commutation has been once heard and denied on the merits, no subsequent application shall be filed without the consent of two members of the board endorsed on the application. Immediately on receipt of any application, the secretary to the board shall mail notice of the application, and of the time and place of hearing on it, to the judge of the court where the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or a successor in office. Additionally, the secretary shall publish notice of an application for a pardon extraordinary in the local newspaper of the county where the crime occurred. The secretary shall also make all reasonable efforts to locate any victim of the applicant's crime. The secretary shall mail notice of the application and the time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board as provided in section 638.04.

638.07 RECORDS; SECRETARY.

The Board of Pardons shall keep a record of every petition received, and of every pardon, reprieve, or commutation of sentence granted or refused, and the reasons assigned therefor, and shall have a seal, with which every pardon, reprieve, or commutation of sentence shall be attested. It may adopt such additional necessary and proper rules as are not inconsistent herewith. The commissioner of corrections or a designee shall be the secretary of the board. The commissioner shall have charge of and keep its records and perform such other duties as the board may from time to time direct. The commissioner is hereby authorized and empowered to serve subpoenas and other writs or processes necessary to return parole violators to prison, and to bring before the board witnesses to be heard in matters pending before it. The records and all the files shall be kept and preserved by the secretary, and shall be open to public inspection at all reasonable times.

638.075 ANNUAL REPORTS TO LEGISLATURE.

By February 15 of each year, the Board of Pardons shall file a written report with the legislature containing the following information:

(1) the number of applications received by the board during the preceding calendar year for pardons, pardons extraordinary, and commutations of sentence;

(2) the number of applications granted by the board for each category; and

(3) the crimes for which the applications were granted by the board, the year of each conviction, and the age of the offender at the time of the offense.

638.08 ISSUANCE OF PROCESS; WITNESSES; STANDING APPROPRIATION.

The Board of Pardons may issue process requiring the presence of any person or officer before it, with or without books and papers, in any matter pending, and may take such reasonable steps in the matter as it may deem necessary to a proper determination thereof. When any person is summoned before the board by its authority, the person may be allowed such compensation for travel and attendance as it may deem reasonable.