SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2970

(SENATE AUTHORS: CHAMPION)

DATE	D-PG	OFFICIAL STATUS
02/11/2020	4716	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy

1.1   A bill for an act

1.2   relating to public safety; requiring certifying entities to timely process visa
1.3   certification documents; proposing coding for new law in Minnesota Statutes,
1.4   chapter 611A.

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

1.6   Section 1. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**

1.7   Subdivision 1. **Definitions.** For purposes of this section, the following terms have the

1.8   meanings given:

1.9   (1) "certifying entity" means a state or local law enforcement agency;

1.10   (2) "criminal activity" means qualifying criminal activity pursuant to section

1.11   101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,

1.12   conspiracy, or solicitation to commit such crimes; and

1.13   (3) "certification" means any certification or statement required by federal immigration

1.14   law including, but not limited to, the information required by United States Code, title 8,

1.15   section 1184(p), and United States Code, title 8, section 1184(o), including current United

1.16   States Citizenship and Immigration Services Form I-918, Supplement B, and United States

1.17   Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

1.18   Subd. 2. **Certification process.** (a) A certifying entity shall process a certification

1.19   requested by a victim of criminal activity or a representative of the victim, including but

1.20   not limited to the victim's attorney, family member, or domestic violence or sexual assault

1.21   violence advocate, within the time period prescribed in paragraph (b).

2.1   (b) A certifying entity shall process the certification within 90 days of request, unless

2.2   the victim is in removal proceedings, in which case the certification shall be processed

2.3   within 14 days of request. Requests for expedited certification must be affirmatively raised

2.4   at the time of the request.

2.5   (c) An active investigation, the filing of charges, or a prosecution or conviction are not

2.6   required for the victim of criminal activity to request and obtain the certification.

2.7   Subd. 3. **Certifying entity; designate agent.** (a) The head of a certifying entity shall

2.8   designate an agent to perform the following responsibilities:

2.9   (1) timely process requests for certification;

2.10   (2) provide outreach to victims of criminal activity to inform them of the entity's

2.11   certification process; and

2.12   (3) keep a written or electronic record of all certification requests and responses.

2.13   (b) All certifying entities shall implement a language access protocol for

2.14   non-English-speaking victims of criminal activity.

2.15   Subd. 4. **Disclosure prohibited.** A certifying entity is prohibited from disclosing the

2.16   immigration status of a victim of criminal activity or representative requesting the

2.17   certification, except to comply with federal law or legal process, or if authorized by the

2.18   victim of criminal activity or representative requesting the certification.

2.19   **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final

2.20   enactment. Subdivision 3 is effective July 1, 2019.