

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 878

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
02/16/2015	310	Introduction and first reading Referred to Judiciary
03/25/2015	1290	Comm report: No recommendation, re-referred to Finance
04/22/2015	2107a 2141	Comm report: Amended, No recommendation Second reading
04/23/2015	2553a 2588	Special Order: Amended Third reading Passed
04/29/2015	2939 2940	Returned from House with amendment Senate not concur, conference committee of 5 requested
04/30/2015	3170 3173	Senate conferees Latz; Champion; Dibble; Eaton; Senjem House conferees Cornish; Johnson, B.; Lohmer; Hertaus; Hilstrom
05/17/2015	3691c 3776 3822	Senate adopted CC report and repassed bill Conference committee report, delete everything Third reading House adopted SCC report and repassed bill Presentment date 05/20/15 Governor's action Approval 05/22/15 Secretary of State Chapter 65 05/22/15

A bill for an act

1.1 relating to criminal justice; lowering the penalty for the performance of
1.2 acts prohibited by statutes for which no penalty is specified; regulating the
1.3 possession and purchase of firearms, ammunition, and suppressors; prohibiting a
1.4 bondsman or bail enforcement agent from wearing uniform or driving vehicle
1.5 the color of law enforcement; regulating the use of unmanned aerial vehicles
1.6 by law enforcement agencies; requiring outside law enforcement agencies to
1.7 investigate peace officer-involved incidents; addressing numerous issues relating
1.8 to juveniles including diversion, use of restraints, and sentencing; modifying
1.9 forfeiture laws and how proceeds from the sale of forfeited property are used,
1.10 what reports are required, and how policies are adopted; establishing the burden
1.11 of production on the innocent owner claimant and the burden of proof on the
1.12 prosecutor in an innocent owner forfeiture case involving DWI, designated
1.13 offenses, controlled substance offenses, fleeing offenses, and prostitution
1.14 offenses; expanding the homestead exemption in forfeiture cases; restoring
1.15 the civil right to vote of an individual upon release from incarceration and
1.16 requiring notice; repealing county attorney obligation to promptly investigate
1.17 voter registration and eligibility; amending Minnesota Statutes 2014, sections
1.18 6.74; 84.7741, subdivision 10; 97A.421, by adding a subdivision; 169.98,
1.19 by adding a subdivision; 169A.60, subdivision 1; 169A.63, subdivisions 1,
1.20 7, 9, 10; 201.014, by adding a subdivision; 201.071, subdivision 1; 201.12,
1.21 subdivisions 2, 3; 201.13, subdivision 3; 201.14; 201.157; 204C.08, subdivision
1.22 1d; 204C.10; 244.05, subdivisions 4, 5; 260B.001, subdivision 2; 260B.125, by
1.23 adding a subdivision; 260B.130, subdivision 4; 609.02, by adding a subdivision;
1.24 609.106, subdivision 2, by adding a subdivision; 609.11, subdivision 9; 609.165;
1.25 609.3455, subdivision 2; 609.531, subdivisions 1, 8, by adding subdivisions;
1.26 609.5311, subdivision 3; 609.5312, subdivisions 2, 3, 4; 609.5315, subdivisions
1.27 1, 6; 609.5318, subdivision 5; 609.66, subdivisions 1a, 1g; 624.71; 624.712, by
1.28 adding a subdivision; 624.713, subdivisions 1, 1a, 2, 3, 4; 624.714, subdivision
1.29 16; 624.715; 626.88; 645.241; proposing coding for new law in Minnesota
1.30 Statutes, chapters 5B; 201; 243; 260B; 624; 626; repealing Minnesota Statutes
1.31 2014, sections 97B.031, subdivision 4; 201.155; 201.275; 609.66, subdivision 1h.

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

2.1 **ARTICLE 1**2.2 **PUBLIC SAFETY**2.3 Section 1. **[5B.13] CRIMINAL PENALTY.**

2.4 When the performance of any act is prohibited under this chapter as of February
2.5 1, 2015, but no criminal or civil penalty is provided, the commission of the act is a
2.6 misdemeanor.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts
2.8 committed on or after that date.

2.9 Sec. 2. Minnesota Statutes 2014, section 97A.421, is amended by adding a subdivision
2.10 to read:

2.11 **Subd. 3a. License revocation after conviction; firearm suppressor.** (a) A person
2.12 who is convicted of a violation under paragraph (b) and possessed a firearm with a
2.13 suppressor may not obtain a hunting license or hunt wild animals for five years from the
2.14 date of conviction.

2.15 (b) The revocation under this subdivision applies to convictions of:

2.16 (1) trespass as provided in section 97A.315, subdivision 1, paragraph (b);

2.17 (2) hunting game in closed season;

2.18 (3) hunting game more than one-half hour before legal shooting hours or more than
2.19 one-half hour after legal shooting hours; or

2.20 (4) using artificial lights to spot, locate, or take wild animals while in possession of
2.21 a firearm.

2.22 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
2.23 committed on or after that date.

2.24 Sec. 3. Minnesota Statutes 2014, section 169.98, is amended by adding a subdivision
2.25 to read:

2.26 **Subd. 3a. Bondsman or bail enforcement agent vehicle.** All motor vehicles
2.27 that are used by a bondsman or bail enforcement agent as defined in section 626.88,
2.28 subdivision 1, paragraph (d), may have any color other than those specified in subdivision
2.29 1 for law enforcement vehicles. A bondsman or bail enforcement agent may not display
2.30 markings on the vehicle in the form of a police shield, star, or any similar emblem that is
2.31 typically associated with a marked law enforcement vehicle.

3.1 Sec. 4. Minnesota Statutes 2014, section 609.02, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 17. **Ammunition.** "Ammunition" means ammunition or cartridge cases,
3.4 primers, bullets, or propellant powder designed for use in any firearm.

3.5 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
3.6 committed on or after that date.

3.7 Sec. 5. Minnesota Statutes 2014, section 609.11, subdivision 9, is amended to read:

3.8 Subd. 9. **Applicable offenses.** The crimes for which mandatory minimum
3.9 sentences shall be served as provided in this section are: murder in the first, second,
3.10 or third degree; assault in the first, second, or third degree; burglary; kidnapping; false
3.11 imprisonment; manslaughter in the first or second degree; aggravated robbery; simple
3.12 robbery; first-degree or aggravated first-degree witness tampering; criminal sexual
3.13 conduct under the circumstances described in sections 609.342, subdivision 1, clauses
3.14 (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses
3.15 (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree;
3.16 drive-by shooting under section 609.66, subdivision 1e; stalking under section 609.749,
3.17 subdivision 3, clause (3); possession or other unlawful use of a firearm or ammunition
3.18 in violation of section 609.165, subdivision 1b, or 624.713, subdivision 1, clause (2), a
3.19 felony violation of chapter 152; or any attempt to commit any of these offenses.

3.20 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
3.21 committed on or after that date.

3.22 Sec. 6. Minnesota Statutes 2014, section 609.165, is amended to read:

3.23 **609.165 RESTORATION OF CIVIL RIGHTS; POSSESSION OF FIREARMS**
3.24 **AND AMMUNITION.**

3.25 Subdivision 1. **Restoration.** When a person has been deprived of civil rights by
3.26 reason of conviction of a crime and is thereafter discharged, such discharge shall restore the
3.27 person to all civil rights and to full citizenship, with full right to vote and hold office, the
3.28 same as if such conviction had not taken place, and the order of discharge shall so provide.

3.29 Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.**
3.30 The order of discharge must provide that a person who has been convicted of a crime of
3.31 violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport,
3.32 possess, or receive a firearm or ammunition for the remainder of the person's lifetime.
3.33 Any person who has received such a discharge and who thereafter has received a relief

4.1 of disability under United States Code, title 18, section 925, or whose ability to possess
4.2 firearms and ammunition has been restored under subdivision 1d, shall not be subject to
4.3 the restrictions of this subdivision.

4.4 Subd. 1b. **Violation and penalty.** (a) Any person who has been convicted of a
4.5 crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports,
4.6 possesses, or receives a firearm or ammunition, commits a felony and may be sentenced
4.7 to imprisonment for not more than 15 years or to payment of a fine of not more than
4.8 \$30,000, or both.

4.9 (b) A conviction and sentencing under this section shall be construed to bar a
4.10 conviction and sentencing for a violation of section 624.713, subdivision 2.

4.11 (c) The criminal penalty in paragraph (a) does not apply to any person who has
4.12 received a relief of disability under United States Code, title 18, section 925, or whose
4.13 ability to possess firearms and ammunition has been restored under subdivision 1d.

4.14 Subd. 1d. **Judicial restoration of ability to possess firearm firearms and**
4.15 **ammunition by felon.** A person prohibited by state law from shipping, transporting,
4.16 possessing, or receiving a firearm or ammunition because of a conviction or a delinquency
4.17 adjudication for committing a crime of violence may petition a court to restore the
4.18 person's ability to possess, receive, ship, or transport firearms and otherwise deal with
4.19 firearms and ammunition.

4.20 The court may grant the relief sought if the person shows good cause to do so and
4.21 the person has been released from physical confinement.

4.22 If a petition is denied, the person may not file another petition until three years have
4.23 elapsed without the permission of the court.

4.24 Subd. 2. **Discharge.** The discharge may be:

- 4.25 (1) by order of the court following stay of sentence or stay of execution of sentence; or
4.26 (2) upon expiration of sentence.

4.27 Subd. 3. **Applicability.** This section does not apply to a forfeiture of and
4.28 disqualification for public office as provided in section 609.42, subdivision 2.

4.29 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
4.30 committed on or after that date.

4.31 Sec. 7. Minnesota Statutes 2014, section 609.66, subdivision 1a, is amended to read:

4.32 Subd. 1a. **Felony crimes; ~~silencers prohibited suppressors~~; reckless discharge.**

4.33 (a) ~~Except as otherwise provided in subdivision 1h,~~ Whoever does any of the following is
4.34 guilty of a felony and may be sentenced as provided in paragraph (b):

5.1 (1) sells or has in possession ~~any device designed to silence or muffle the discharge~~
 5.2 ~~of a firearm~~ a suppressor that is not lawfully possessed under federal law;

5.3 (2) intentionally discharges a firearm under circumstances that endanger the safety
 5.4 of another; or

5.5 (3) recklessly discharges a firearm within a municipality.

5.6 (b) A person convicted under paragraph (a) may be sentenced as follows:

5.7 (1) if the act was a violation of paragraph (a), clause (2), or if the act was a violation
 5.8 of paragraph (a), clause (1) or (3), and was committed in a public housing zone, as defined
 5.9 in section 152.01, subdivision 19, a school zone, as defined in section 152.01, subdivision
 5.10 14a, or a park zone, as defined in section 152.01, subdivision 12a, to imprisonment for not
 5.11 more than five years or to payment of a fine of not more than \$10,000, or both; or

5.12 (2) otherwise, to imprisonment for not more than two years or to payment of a fine
 5.13 of not more than \$5,000, or both.

5.14 (c) As used in this subdivision, "suppressor" means any device for silencing, muffling,
 5.15 or diminishing the report of a portable firearm, including any combination of parts,
 5.16 designed or redesigned, and intended for use in assembling or fabricating a firearm silencer
 5.17 or firearm muffler, and any part intended only for use in such assembly or fabrication.

5.18 Sec. 8. Minnesota Statutes 2014, section 609.66, subdivision 1g, is amended to read:

5.19 Subd. 1g. **Felony; possession in courthouse or certain state buildings.** (a)

5.20 A person who commits either of the following acts is guilty of a felony and may be
 5.21 sentenced to imprisonment for not more than five years or to payment of a fine of not
 5.22 more than \$10,000, or both:

5.23 (1) possesses a dangerous weapon, ammunition, or explosives within any courthouse
 5.24 complex; or

5.25 (2) possesses a dangerous weapon, ammunition, or explosives in any state building
 5.26 within the Capitol Area described in chapter 15B, other than the National Guard Armory.

5.27 (b) Unless a person is otherwise prohibited or restricted by other law to possess a
 5.28 dangerous weapon, this subdivision does not apply to:

5.29 (1) licensed peace officers or military personnel who are performing official duties;

5.30 (2) persons who carry pistols according to the terms of a permit issued under section
 5.31 624.714 and who so notify the sheriff or the commissioner of public safety, as appropriate;

5.32 (3) persons who possess dangerous weapons for the purpose of display as
 5.33 demonstrative evidence during testimony at a trial or hearing or exhibition in compliance
 5.34 with advance notice and safety guidelines set by the sheriff or the commissioner of public
 5.35 safety; or

6.1 (4) persons who possess dangerous weapons in a courthouse complex with the
6.2 express consent of the county sheriff or who possess dangerous weapons in a state building
6.3 with the express consent of the commissioner of public safety.

6.4 (c) For purposes of this subdivision, the issuance of a permit to carry under section
6.5 624.714 constitutes notification of the commissioner of public safety as required under
6.6 paragraph (b), clause (2).

6.7 Sec. 9. Minnesota Statutes 2014, section 624.71, is amended to read:

6.8 **624.71 GUN CONTROL; APPLICATION OF FEDERAL LAW.**

6.9 Subdivision 1. **Application.** Notwithstanding any other law to the contrary, it shall
6.10 be lawful for any federally licensed importer, manufacturer, dealer, or collector to sell and
6.11 deliver firearms and ammunition to a resident of ~~a contiguous~~ any state in any instance
6.12 where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public
6.13 Law 90-618).

6.14 Subd. 2. **Contiguous state purchases.** Notwithstanding any other law to
6.15 the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and
6.16 ammunition in ~~a contiguous~~ any state in any instance where such sale and delivery is
6.17 lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

6.18 Sec. 10. Minnesota Statutes 2015, section 624.712, is amended by adding a subdivision
6.19 to read:

6.20 Subd. 12. **Ammunition.** "Ammunition" means ammunition or cartridge cases,
6.21 primers, bullets, or propellant powder designed for use in any firearm.

6.22 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
6.23 committed on or after that date.

6.24 Sec. 11. Minnesota Statutes 2014, section 624.713, subdivision 1, is amended to read:

6.25 Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to
6.26 possess ammunition or a pistol or semiautomatic military-style assault weapon or, except
6.27 for clause (1), any other firearm:

6.28 (1) a person under the age of 18 years except that a person under 18 may possess
6.29 ammunition designed for use in a firearm that the person may lawfully possess and may
6.30 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
6.31 presence or under the direct supervision of the person's parent or guardian, (ii) for the
6.32 purpose of military drill under the auspices of a legally recognized military organization

7.1 and under competent supervision, (iii) for the purpose of instruction, competition, or target
7.2 practice on a firing range approved by the chief of police or county sheriff in whose
7.3 jurisdiction the range is located and under direct supervision; or (iv) if the person has
7.4 successfully completed a course designed to teach marksmanship and safety with a pistol
7.5 or semiautomatic military-style assault weapon and approved by the commissioner of
7.6 natural resources;

7.7 (2) except as otherwise provided in clause (9), a person who has been convicted of,
7.8 or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing,
7.9 in this state or elsewhere, a crime of violence. For purposes of this section, crime of
7.10 violence includes crimes in other states or jurisdictions which would have been crimes of
7.11 violence as herein defined if they had been committed in this state;

7.12 (3) a person who is or has ever been committed in Minnesota or elsewhere by
7.13 a judicial determination that the person is mentally ill, developmentally disabled, or
7.14 mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment
7.15 facility, or who has ever been found incompetent to stand trial or not guilty by reason of
7.16 mental illness, unless the person's ability to possess a firearm and ammunition has been
7.17 restored under subdivision 4;

7.18 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
7.19 gross misdemeanor violation of chapter 152, unless three years have elapsed since the
7.20 date of conviction and, during that time, the person has not been convicted of any other
7.21 such violation of chapter 152 or a similar law of another state; or a person who is or has
7.22 ever been committed by a judicial determination for treatment for the habitual use of a
7.23 controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the
7.24 person's ability to possess a firearm and ammunition has been restored under subdivision 4;

7.25 (5) a person who has been committed to a treatment facility in Minnesota or
7.26 elsewhere by a judicial determination that the person is chemically dependent as defined
7.27 in section 253B.02, unless the person has completed treatment or the person's ability to
7.28 possess a firearm and ammunition has been restored under subdivision 4. Property rights
7.29 may not be abated but access may be restricted by the courts;

7.30 (6) a peace officer who is informally admitted to a treatment facility pursuant to
7.31 section 253B.04 for chemical dependency, unless the officer possesses a certificate from
7.32 the head of the treatment facility discharging or provisionally discharging the officer from
7.33 the treatment facility. Property rights may not be abated but access may be restricted
7.34 by the courts;

7.35 (7) a person, including a person under the jurisdiction of the juvenile court, who
7.36 has been charged with committing a crime of violence and has been placed in a pretrial

8.1 diversion program by the court before disposition, until the person has completed the
8.2 diversion program and the charge of committing the crime of violence has been dismissed;

8.3 (8) except as otherwise provided in clause (9), a person who has been convicted in
8.4 another state of committing an offense similar to the offense described in section 609.224,
8.5 subdivision 3, against a family or household member or section 609.2242, subdivision
8.6 3, unless three years have elapsed since the date of conviction and, during that time, the
8.7 person has not been convicted of any other violation of section 609.224, subdivision 3, or
8.8 609.2242, subdivision 3, or a similar law of another state;

8.9 (9) a person who has been convicted in this state or elsewhere of assaulting a family
8.10 or household member and who was found by the court to have used a firearm in any way
8.11 during commission of the assault is prohibited from possessing any type of firearm or
8.12 ammunition for the period determined by the sentencing court;

8.13 (10) a person who:

8.14 (i) has been convicted in any court of a crime punishable by imprisonment for a
8.15 term exceeding one year;

8.16 (ii) is a fugitive from justice as a result of having fled from any state to avoid
8.17 prosecution for a crime or to avoid giving testimony in any criminal proceeding;

8.18 (iii) is an unlawful user of any controlled substance as defined in chapter 152;

8.19 (iv) has been judicially committed to a treatment facility in Minnesota or elsewhere
8.20 as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to
8.21 the public, as defined in section 253B.02;

8.22 (v) is an alien who is illegally or unlawfully in the United States;

8.23 (vi) has been discharged from the armed forces of the United States under
8.24 dishonorable conditions;

8.25 (vii) has renounced the person's citizenship having been a citizen of the United
8.26 States; or

8.27 (viii) is disqualified from possessing a firearm under United States Code, title 18,
8.28 section 922(g)(8) or (9), as amended through March 1, 2014;

8.29 (11) a person who has been convicted of the following offenses at the gross
8.30 misdemeanor level, unless three years have elapsed since the date of conviction and, during
8.31 that time, the person has not been convicted of any other violation of these sections: section
8.32 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults
8.33 motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a
8.34 child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring
8.35 gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified

9.1 gross misdemeanor convictions include crimes committed in other states or jurisdictions
9.2 which would have been gross misdemeanors if conviction occurred in this state;

9.3 (12) a person who has been convicted of a violation of section 609.224 if the court
9.4 determined that the assault was against a family or household member in accordance with
9.5 section 609.2242, subdivision 8 (domestic assault), unless three years have elapsed since
9.6 the date of conviction and, during that time, the person has not been convicted of another
9.7 violation of section 609.224 or a violation of a section listed in clause (11); or

9.8 (13) a person who is subject to an order for protection as described in section
9.9 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g).

9.10 A person who issues a certificate pursuant to this section in good faith is not
9.11 liable for damages resulting or arising from the actions or misconduct with a firearm or
9.12 ammunition committed by the individual who is the subject of the certificate.

9.13 The prohibition in this subdivision relating to the possession of firearms other than
9.14 pistols and semiautomatic military-style assault weapons does not apply retroactively
9.15 to persons who are prohibited from possessing a pistol or semiautomatic military-style
9.16 assault weapon under this subdivision before August 1, 1994.

9.17 The lifetime prohibition on possessing, receiving, shipping, or transporting firearms
9.18 and ammunition for persons convicted or adjudicated delinquent of a crime of violence
9.19 in clause (2), applies only to offenders who are discharged from sentence or court
9.20 supervision for a crime of violence on or after August 1, 1993.

9.21 For purposes of this section, "judicial determination" means a court proceeding
9.22 pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

9.23 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
9.24 committed on or after that date.

9.25 Sec. 12. Minnesota Statutes 2014, section 624.713, subdivision 1a, is amended to read:

9.26 Subd. 1a. **Ineligible to receive, ship, transport.** A person presently charged with
9.27 a crime punishable by imprisonment for a term exceeding one year shall not be entitled
9.28 to receive, ship, or transport any ammunition or pistol or semiautomatic military-style
9.29 assault weapon. A violation of this subdivision is a gross misdemeanor.

9.30 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
9.31 committed on or after that date.

9.32 Sec. 13. Minnesota Statutes 2014, section 624.713, subdivision 2, is amended to read:

10.1 Subd. 2. **Penalties.** (a) A person named in subdivision 1, clause (1), who possesses
10.2 ammunition or a pistol or semiautomatic military-style assault weapon in violation of that
10.3 clause is guilty of a felony and may be sentenced to imprisonment for not more than five
10.4 years or to payment of a fine of not more than \$10,000, or both.

10.5 (b) A person named in subdivision 1, clause (2), who possesses any type of firearm
10.6 or ammunition is guilty of a felony and may be sentenced to imprisonment for not more
10.7 than 15 years or to payment of a fine of not more than \$30,000, or both. This paragraph
10.8 does not apply to any person who has received a relief of disability under United States
10.9 Code, title 18, section 925, or whose ability to possess firearms and ammunition has been
10.10 restored under section 609.165, subdivision 1d.

10.11 (c) A person named in any other clause of subdivision 1 who possesses any type of
10.12 firearm or ammunition is guilty of a gross misdemeanor.

10.13 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
10.14 committed on or after that date.

10.15 Sec. 14. Minnesota Statutes 2014, section 624.713, subdivision 3, is amended to read:

10.16 Subd. 3. **Notice.** (a) When a person is convicted of, or adjudicated delinquent or
10.17 convicted as an extended jurisdiction juvenile for committing, a crime of violence as defined
10.18 in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is
10.19 prohibited from possessing ammunition or a pistol or semiautomatic military-style assault
10.20 weapon for the remainder of the person's lifetime, and that it is a felony offense to violate
10.21 this prohibition. The failure of the court to provide this information to a defendant does
10.22 not affect the applicability of the ammunition or pistol or semiautomatic military-style
10.23 assault weapon possession prohibition or the felony penalty to that defendant.

10.24 (b) When a person, including a person under the jurisdiction of the juvenile court, is
10.25 charged with committing a crime of violence and is placed in a pretrial diversion program
10.26 by the court before disposition, the court shall inform the defendant that: (1) the defendant
10.27 is prohibited from possessing ammunition or a pistol or semiautomatic military-style
10.28 assault weapon until the person has completed the diversion program and the charge of
10.29 committing a crime of violence has been dismissed; (2) it is a gross misdemeanor offense
10.30 to violate this prohibition; and (3) if the defendant violates this condition of participation
10.31 in the diversion program, the charge of committing a crime of violence may be prosecuted.
10.32 The failure of the court to provide this information to a defendant does not affect the
10.33 applicability of the ammunition or pistol or semiautomatic military-style assault weapon
10.34 possession prohibition or the gross misdemeanor penalty to that defendant.

11.1 (c) A court shall notify a person subject to subdivision 1, clause (3), of the
11.2 prohibitions described in that clause and those described in United States Code, title 18,
11.3 sections 922(d)(4) and 922(g)(4).

11.4 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
11.5 committed on or after that date.

11.6 Sec. 15. Minnesota Statutes 2014, section 624.713, subdivision 4, is amended to read:

11.7 Subd. 4. **Restoration of firearms and ammunition eligibility to civilly committed**
11.8 **person; petition authorized.** (a) A person who is prohibited from possessing a firearm
11.9 or ammunition under subdivision 1, due to commitment resulting from a judicial
11.10 determination that the person is mentally ill, developmentally disabled, mentally ill and
11.11 dangerous, or chemically dependent, may petition a court to restore the person's ability to
11.12 possess a firearm or ammunition.

11.13 (b) The court may grant the relief sought in paragraph (a) in accordance with
11.14 the principles of due process if the circumstances regarding the person's disqualifying
11.15 condition and the person's record and reputation are determined to be such that:

11.16 (1) the person is not likely to act in a manner that is dangerous to public safety; and

11.17 (2) the granting of relief would not be contrary to the public interest.

11.18 (c) When determining whether a person has met the requirement of paragraph (b),
11.19 clause (1), the court may consider evidence from a licensed medical doctor or clinical
11.20 psychologist that the person is no longer suffering from the disease or condition that
11.21 caused the disability or that the disease or condition has been successfully treated for a
11.22 period of three consecutive years.

11.23 (d) Review on appeal shall be de novo.

11.24 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
11.25 committed on or after that date.

11.26 Sec. 16. **[624.7133] PURCHASING FIREARM ON BEHALF OF INELIGIBLE**
11.27 **PERSON.**

11.28 Any person who purchases or otherwise obtains a firearm on behalf of or for transfer
11.29 to a person known to be ineligible to possess or purchase a firearm pursuant to federal or
11.30 state law is guilty of a gross misdemeanor.

11.31 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
11.32 committed on or after that date.

12.1 Sec. 17. Minnesota Statutes 2014, section 624.714, subdivision 16, is amended to read:

12.2 Subd. 16. **Recognition of permits from other states.** (a) The commissioner must
 12.3 annually establish and publish a list of other states that have laws governing the issuance
 12.4 of permits to carry weapons that are not substantially similar to this section. The list
 12.5 must be available on the Internet. A person holding a carry permit from a state not on
 12.6 the list may use the license or permit in this state subject to the rights, privileges, and
 12.7 requirements of this section.

12.8 (b) Notwithstanding paragraph (a), no license or permit from another state is valid in
 12.9 this state if the holder is or becomes prohibited by law from possessing a firearm.

12.10 (c) Any sheriff or police chief may file a petition under subdivision 12 seeking an
 12.11 order suspending or revoking an out-of-state permit holder's authority to carry a pistol in
 12.12 this state on the grounds set forth in subdivision 6, paragraph (a), clause (3). An order shall
 12.13 only be issued if the petitioner meets the burden of proof and criteria set forth in subdivision
 12.14 12. If the court denies the petition, the court must award the permit holder reasonable
 12.15 costs and expenses including attorney fees. The petition may be filed in any county in the
 12.16 state where a person holding a license or permit from another state can be found.

12.17 (d) The commissioner must, when necessary, execute reciprocity agreements
 12.18 regarding carry permits with jurisdictions whose carry permits are recognized under
 12.19 paragraph (a).

12.20 Sec. 18. Minnesota Statutes 2014, section 624.715, is amended to read:

12.21 **624.715 EXEMPTIONS; ANTIQUES AND ORNAMENTS.**

12.22 Sections 624.713 and 624.714 shall not apply to antique firearms which are carried
 12.23 or possessed as curiosities or for their historical significance or value, or to ammunition or
 12.24 primers, projectiles, or propellant powder designed solely for use in an antique firearm.

12.25 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 12.26 committed on or after that date.

12.27 Sec. 19. **[624.7192] AUTHORITY TO SEIZE AND CONFISCATE FIREARMS.**

12.28 (a) This section applies only during the effective period of a state of emergency
 12.29 proclaimed by the governor relating to a public disorder or disaster.

12.30 (b) A peace officer who is acting in the lawful discharge of the officer's official duties
 12.31 without a warrant may disarm a lawfully detained individual only temporarily and only if
 12.32 the officer reasonably believes it is immediately necessary for the protection of the officer
 12.33 or another individual. Before releasing the individual, the peace officer must return to the

13.1 individual any seized firearms and ammunition, and components thereof, any firearms
13.2 accessories and ammunition reloading equipment and supplies, and any other personal
13.3 weapons taken from the individual, unless the officer: (1) takes the individual into
13.4 physical custody for engaging in criminal activity or for observation pursuant to section
13.5 253B.05, subdivision 2; or (2) seizes the items as evidence pursuant to an investigation for
13.6 the commission of the crime for which the individual was arrested.

13.7 (c) Notwithstanding any other law to the contrary, no governmental unit, government
13.8 official, government employee, peace officer, or other person or body acting under
13.9 governmental authority or color of law may undertake any of the following actions with
13.10 regard to any firearms and ammunition, and components thereof; any firearms accessories
13.11 and ammunition reloading equipment and supplies; and any other personal weapons:

13.12 (1) prohibit, regulate, or curtail the otherwise lawful possession, carrying,
13.13 transportation, transfer, defensive use, or other lawful use of any of these items;

13.14 (2) seize, commandeer, or confiscate any of these items in any manner, except as
13.15 expressly authorized in paragraph (b);

13.16 (3) suspend or revoke a valid permit issued pursuant to section 624.7131 or 624.714,
13.17 except as expressly authorized in those sections; or

13.18 (4) close or limit the operating hours of businesses that lawfully sell or service any
13.19 of these items, unless such closing or limitation of hours applies equally to all forms
13.20 of commerce.

13.21 (d) No provision of law relating to a public disorder or disaster emergency
13.22 proclamation by the governor or any other governmental or quasi-governmental official,
13.23 including but not limited to emergency management powers pursuant to chapters 9
13.24 and 12, shall be construed as authorizing the governor or any other governmental or
13.25 quasi-governmental official of this state or any of its political subdivisions acting at
13.26 the direction of the governor or another official to act in violation of this paragraph
13.27 or paragraphs (b) and (c).

13.28 (e)(1) An individual aggrieved by a violation of this section may seek relief in an
13.29 action at law or in equity or in any other proper proceeding for damages, injunctive relief,
13.30 or other appropriate redress against a person who commits or causes the commission of
13.31 this violation. Venue must be in the district court having jurisdiction over the county in
13.32 which the aggrieved individual resides or in which the violation occurred.

13.33 (2) In addition to any other remedy available at law or in equity, an individual
13.34 aggrieved by the seizure or confiscation of an item listed in paragraph (c) in violation of
13.35 this section may make application for the immediate return of the items to the office of the
13.36 clerk of court for the county in which the items were seized and, except as provided in

14.1 paragraph (b), the court must order the immediate return of the items by the seizing or
14.2 confiscating governmental office and that office's employed officials.

14.3 (3) In an action or proceeding to enforce this section, the court must award the
14.4 prevailing plaintiff reasonable court costs and expenses, including attorney fees.

14.5 **EFFECTIVE DATE.** This section is effective August 1, 2015.

14.6 Sec. 20. **[626.19] USE OF UNMANNED AERIAL VEHICLES.**

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

14.9 (b) "Adverse result" means:

14.10 (1) endangering the life or physical safety of an individual;

14.11 (2) flight from prosecution;

14.12 (3) destruction of or tampering with evidence;

14.13 (4) intimidation of potential witnesses; or

14.14 (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

14.15 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision
14.16 1.

14.17 (d) "Unmanned aerial vehicle" or "UAV" means an aircraft that is operated without
14.18 the possibility of direct human intervention from within or on the aircraft.

14.19 Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in
14.20 subdivision 3, a law enforcement agency may not operate a UAV without a search warrant
14.21 issued under this chapter.

14.22 Subd. 3. **Exceptions.** (a) A law enforcement agency may operate a UAV and
14.23 disclose information collected from the operation in an emergency situation that involves
14.24 a reasonably likely threat to the life or safety of a person. A law enforcement agency that
14.25 deploys a UAV under this paragraph must document the factual basis for the emergency
14.26 on a form created for that purpose by the Bureau of Criminal Apprehension and submit a
14.27 sworn statement with the district court setting forth the grounds for the emergency use not
14.28 later than 48 hours after operation of the UAV commenced.

14.29 (b) A law enforcement agency may operate a UAV to collect information from a
14.30 public area if a court, upon motion, determines that there are specific and articulable facts
14.31 demonstrating reasonable suspicion of criminal activity, that the operation of the UAV
14.32 will uncover this activity, and that alternative methods of data collection are either cost
14.33 prohibitive or present a significant risk to any person's bodily safety. An order shall not
14.34 be issued for a period greater than 48 hours. Extensions of an order may be granted but

15.1 shall be no longer than the authorizing judge deems necessary to achieve the purposes for
15.2 which it was granted and in no event for longer than 30 days.

15.3 (c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist
15.4 attack by a specific individual or organization if the agency determines that credible
15.5 intelligence indicates this risk. A law enforcement agency that deploys a UAV under this
15.6 paragraph must document the factual basis for the use on a form created for that purpose
15.7 by the Bureau of Criminal Apprehension and submit a sworn statement with the district
15.8 court setting forth the grounds for the use not later than 48 hours after operation of the
15.9 UAV commenced. The law enforcement agency may request that the form and statement
15.10 be sealed. An order must be issued granting the request in whole or in part if the court
15.11 finds reasonable grounds exist to believe that refusing the request may cause the search
15.12 or a related search to be unsuccessful, create a substantial risk of injury to an innocent
15.13 person, or severely hamper an ongoing investigation.

15.14 (d) A law enforcement agency may operate a UAV to prevent the loss of life and
15.15 property in natural or man-made disasters and to facilitate the operational planning,
15.16 rescue, and recovery operations in the aftermath of these disasters. A law enforcement
15.17 agency that deploys a UAV under this paragraph must document the factual basis for the
15.18 use on a form created for that purpose by the Bureau of Criminal Apprehension and
15.19 submit a sworn statement with the district court setting forth the grounds for the use not
15.20 later than 48 hours after operation of the UAV commenced.

15.21 Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must
15.22 fully comply with all Federal Aviation Administration requirements and guidelines.

15.23 (b) Acquisition of UAVs must be approved by the governmental entity overseeing
15.24 the law enforcement agency.

15.25 (c) Unless specifically authorized in the warrant or order, a UAV shall be operated in
15.26 a manner to collect data only on a clearly and narrowly defined target and to avoid data
15.27 collection on individuals, homes, or areas other than the defined target.

15.28 (d) A law enforcement agency may not deploy facial recognition or other
15.29 biometric-matching technology via a UAV unless expressly authorized to do so through
15.30 a court order or warrant.

15.31 (e) UAVs may not be equipped with weapons.

15.32 Subd. 5. **Consensual disclosure of information.** A law enforcement agency may
15.33 disclose or receive information about any person acquired through the operation of a UAV
15.34 if the person has given written consent to the disclosure.

15.35 Subd. 6. **Data retention and classification.** (a) No data collected on an individual,
15.36 home, or area other than the subject identified in the warrant or order may be used,

16.1 copied, or disclosed for any purpose except as provided in subdivision 5. Notwithstanding
16.2 section 138.17, the data must be deleted as soon as possible, and in no event later than
16.3 24 hours after collection.

16.4 (b) Data collected pursuant to this section is criminal investigative data under
16.5 section 13.82, subdivision 7.

16.6 Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency
16.7 in violation of this section is not admissible as evidence in a criminal prosecution in any
16.8 court of law in this state.

16.9 Subd. 8. **Notice.** (a) Within a reasonable time but not later than 90 days after the
16.10 court unseals a warrant under this subdivision, the issuing or denying judge shall cause
16.11 to be served on the persons named in the warrant and the application an inventory that
16.12 shall include notice of:

16.13 (1) the fact of the issuance of the warrant or the application;

16.14 (2) the date of the issuance and the period of authorized, approved, or disapproved
16.15 collection of information, or the denial of the application; and

16.16 (3) the fact that during the period information was or was not collected.

16.17 (b) A warrant authorizing collection of information must direct that:

16.18 (1) the warrant be sealed for a period of 90 days or until the objective of the warrant
16.19 has been accomplished, whichever is shorter; and

16.20 (2) the warrant be filed with the court administrator within ten days of the expiration
16.21 of the warrant.

16.22 (c) The prosecutor may request that the warrant, supporting affidavits, and any order
16.23 granting the request not be filed. An order must be issued granting the request in whole or
16.24 in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable
16.25 grounds exist to believe that filing the warrant may cause the search or a related search
16.26 to be unsuccessful, create a substantial risk of injury to an innocent person, or severely
16.27 hamper an ongoing investigation.

16.28 (d) The warrant must direct that following the commencement of any criminal
16.29 proceeding utilizing evidence obtained in or as a result of the search, the supporting
16.30 application or affidavit must be filed either immediately or at any other time as the court
16.31 directs. Until such filing, the documents and materials ordered withheld from filing must
16.32 be retained by the judge or the judge's designee.

16.33 Subd. 9. **Remedies for violation.** An aggrieved party may initiate a civil action
16.34 against a law enforcement agency to obtain all appropriate relief to prevent or remedy a
16.35 violation of this section.

17.1 Subd. 10. **Reporting.** (a) By January 15 of each year, each law enforcement agency
17.2 that uses UAVs shall report to the commissioner of public safety the following information
17.3 for the preceding calendar year:

17.4 (1) the number of times a UAV was used, organized by the types of incidents and
17.5 the types of justification for deployment;

17.6 (2) the number of criminal investigations aided by the use of UAVs;

17.7 (3) the number of uses of UAVs for reasons other than criminal investigations; and

17.8 (4) the total cost of the agency's UAV program.

17.9 (b) By June 15 of each year, the commissioner of public safety shall compile a full
17.10 and complete report summarizing the information submitted to the commissioner under
17.11 paragraph (a), and submit the report to the chairs and ranking minority members of the
17.12 senate and house of representatives committees having jurisdiction over criminal justice
17.13 and public safety issues and make the report public on the department's Web site.

17.14 (c) By January 15 of each year, any judge who has issued a warrant or order under
17.15 this section that expired during the preceding year, or who has denied approval during that
17.16 year, shall report to the state court administrator:

17.17 (1) the fact that a warrant, order, or extension was applied for;

17.18 (2) the kind of warrant, order, or extension applied for;

17.19 (3) the fact that the warrant, order, or extension was granted as applied for, was
17.20 modified, or was denied;

17.21 (4) the period of UAV use authorized by the warrant or order, and the number and
17.22 duration of any extensions of the warrant or order;

17.23 (5) the offense specified in the warrant, order, or application, or extension of a
17.24 warrant or order; and

17.25 (6) the identity of the law enforcement agency making the application and the
17.26 person authorizing the application.

17.27 (d) By June 15 of each year, the state court administrator shall transmit to the chairs
17.28 and ranking minority members of the senate and house of representatives committees
17.29 having jurisdiction over criminal justice and public safety issues and post on the Supreme
17.30 Court's Web site a full and complete report concerning the number of applications
17.31 for warrants or orders authorizing or approving operation of UAVs or disclosure of
17.32 information from the operation of UAVs under this section and the number of warrants,
17.33 orders, and extensions granted or denied under this section during the preceding calendar
17.34 year. The report must include a summary and analysis of the data required to be filed with
17.35 the state court administrator by paragraph (c).

18.1 Sec. 21. Minnesota Statutes 2014, section 626.88, is amended to read:

18.2 **626.88 UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.**

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

18.5 (b) "Peace officer" means an employee of a political subdivision or state law
18.6 enforcement agency who is licensed pursuant to sections 626.84 to 626.863 charged with
18.7 the prevention and detection of crime and the enforcement of the general criminal laws of
18.8 the state and who has full power of arrest, and shall also include Minnesota state troopers,
18.9 state conservation officers, park police, and University of Minnesota police officers.

18.10 (c) "Security guard" means any person who is paid a fee, wage, or salary to perform
18.11 one or more of the following functions:

18.12 (1) prevention or detection of intrusion, unauthorized entry or activity, vandalism,
18.13 or trespass on private property;

18.14 (2) prevention or detection of theft, loss, embezzlement, misappropriation, or
18.15 concealment of merchandise, money, bonds, stocks, notes, or other valuable documents
18.16 or papers;

18.17 (3) control, regulation, or direction of the flow or movements of the public, whether
18.18 by vehicle or otherwise, to assure protection of private property;

18.19 (4) protection of individuals from bodily harm;

18.20 (5) prevention or detection of intrusion, unauthorized entry or activity, vandalism,
18.21 or trespass on Minnesota National Guard facilities, including, but not limited to, Camp
18.22 Ripley and Air National Guard air bases; or

18.23 (6) enforcement of policies and rules of the security guard's employer related to crime
18.24 reduction insofar as such enforcement falls within the scope of security guard's duties.

18.25 The term "security guard" does not include: (i) auditors, accountants, and accounting
18.26 personnel performing audits or accounting functions; (ii) employees of a firm licensed
18.27 pursuant to section 326.3381 whose duties are primarily administrative or clerical in
18.28 nature; (iii) unarmed security personnel; (iv) personnel temporarily employed pursuant
18.29 to statute or ordinance by political subdivisions to provide protective services at social
18.30 functions; (v) employees of air or rail carriers.

18.31 (d) "Bail bondsman" or "bail enforcement agent" means a surety acting as a bonding
18.32 agent or any person who acts at the direction of a surety for the purpose of arresting a
18.33 defendant that the surety believes:

18.34 (1) is about to flee;

18.35 (2) will not appear in court as required by the defendant's recognizance; or

18.36 (3) will otherwise not perform the conditions of the recognizance.

19.1 Subd. 2. **Uniforms.** (a) Uniforms for peace officers shall be of uniform colors
19.2 throughout the state as provided herein. Uniforms for:

19.3 (1) municipal peace officers, including University of Minnesota peace officers and
19.4 peace officers assigned to patrol duties in parks, shall be blue, brown, or green;

19.5 (2) peace officers who are members of the county sheriffs' office shall be blue,
19.6 brown, or green;

19.7 (3) state troopers shall be maroon;

19.8 (4) conservation officers shall be green.

19.9 (b) The uniforms of security guards may be any color other than those specified
19.10 for peace officers.

19.11 (c) The uniforms of a bail bondsman or bail enforcement agent or any person who
19.12 acts at the direction of a surety may be any color other than those specified for peace
19.13 officers. A violation of this paragraph is a petty misdemeanor.

19.14 (d) This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

19.15 Subd. 3. **Exception.** Security guards employed by the Capitol Complex Security
19.16 Division of the Department of Public Safety are not required to comply with subdivision 2.

19.17 Sec. 22. **[626.891] PEACE OFFICER-INVOLVED INCIDENTS; OUTSIDE**
19.18 **INVESTIGATION REQUIRED.**

19.19 Subdivision 1. **Definitions.** As used in this section: (1) "deadly force" has the
19.20 meaning given in section 609.066, subdivision 1; (2) "great bodily harm" means bodily
19.21 injury that creates a high probability of death, or causes serious permanent disfigurement,
19.22 or causes a permanent or protracted loss or impairment of the function of any bodily
19.23 member or organ; (3) "law enforcement agency" has the meaning given in section 626.84,
19.24 subdivision 1, paragraph (f); (4) "officer-involved incident" means the use of deadly force
19.25 by a peace officer while the officer is on duty or off duty but performing activities that are
19.26 within the scope of the officer's law enforcement duties that results in great bodily harm
19.27 or death of another; and (5) "peace officer" has the meaning given in section 626.84,
19.28 subdivision 1, paragraph (c).

19.29 Subd. 2. **Officer-involved incident investigations.** The chief law enforcement
19.30 officer of a law enforcement agency shall ensure that when a peace officer employed by
19.31 the agency is involved in an officer-involved incident, an investigation into the incident
19.32 occurs and is conducted by a law enforcement agency other than the agency that employs
19.33 the officer. If the officer-involved incident involves a peace officer employed by a police
19.34 department in a city of the first class, the required investigation must be conducted by the
19.35 Bureau of Criminal Apprehension. If the bureau is not able to conduct the investigation in

20.1 a timely manner, another outside agency may be selected to conduct the investigation. The
 20.2 agency conducting an investigation under this subdivision must expeditiously provide a
 20.3 complete report to the county attorney of the county in which the officer-involved incident
 20.4 occurred. An internal investigation into the officer-involved incident may be completed
 20.5 by the law enforcement agency that employs the officer involved in the incident if the
 20.6 internal investigation does not interfere with the outside investigation conducted under
 20.7 this subdivision.

20.8 Subd. 3. **Release of report.** If the county attorney determines there is no basis to
 20.9 prosecute the peace officer involved in the officer-involved incident, the attorney shall
 20.10 inform the law enforcement agency that conducted the investigation of this determination
 20.11 and the agency shall release the report to the public.

20.12 Sec. 23. Minnesota Statutes 2014, section 645.241, is amended to read:

20.13 **645.241 PUNISHMENT FOR PROHIBITED ACTS.**

20.14 ~~(a) Except as provided in paragraph (b),~~ When the performance of any act is
 20.15 prohibited by a statute, and no penalty for the violation of the same shall be imposed in
 20.16 any statute, the doing of such act shall be a petty misdemeanor.

20.17 ~~(b) When the performance of any act is prohibited by a statute enacted or amended~~
 20.18 ~~after September 1, 2014, and no penalty for the violation of the same shall be imposed in~~
 20.19 ~~any statute, the doing of such act shall be a petty misdemeanor.~~

20.20 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts
 20.21 committed on or after that date.

20.22 Sec. 24. **REPEALER.**

20.23 Minnesota Statutes 2014, sections 97B.031, subdivision 4; and 609.66, subdivision
 20.24 1h, are repealed.

20.25 **ARTICLE 2**

20.26 **JUVENILE JUSTICE**

20.27 Section 1. Minnesota Statutes 2014, section 244.05, subdivision 4, is amended to read:

20.28 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a
 20.29 mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2,
 20.30 paragraph (a), must not be given supervised release under this section.

20.31 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
 20.32 under section 609.185, clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109,

21.1 subdivision 3, must not be given supervised release under this section without having
21.2 served a minimum term of 30 years.

21.3 (c) An inmate serving a mandatory life sentence under section 609.385 must not
21.4 be given supervised release under this section without having served a minimum term of
21.5 imprisonment of 17 years.

21.6 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision
21.7 3 or 4, must not be given supervised release under this section without having served the
21.8 minimum term of imprisonment specified by the court in its sentence.

21.9 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision
21.10 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under
21.11 this section without having served a minimum term of imprisonment of 20 years.

21.12 (f) An inmate serving a mandatory life sentence for a crime described in paragraph
21.13 (b) who was under 18 years of age at the time of the commission of the offense requiring
21.14 the life sentence, and who was certified under section 260B.125 or designated an extended
21.15 jurisdiction juvenile under section 260B.130, must not be given supervised release under
21.16 this section without having served a minimum term of imprisonment of 20 years.

21.17 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day
21.18 following final enactment and applies to offenders sentenced on or after that date, and also
21.19 retroactively to offenders sentenced to life without release before that date.

21.20 Sec. 2. Minnesota Statutes 2014, section 244.05, subdivision 5, is amended to read:

21.21 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections
21.22 may, under rules promulgated by the commissioner, give supervised release to an inmate
21.23 serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); 609.106,
21.24 subdivision 3; 609.3455, subdivision 2, paragraph (c), 3₂ or 4; 609.385; or Minnesota
21.25 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
21.26 term of imprisonment specified in subdivision 4.

21.27 (b) The commissioner shall require the preparation of a community investigation
21.28 report and shall consider the findings of the report when making a supervised release
21.29 decision under this subdivision. The report shall reflect the sentiment of the various
21.30 elements of the community toward the inmate, both at the time of the offense and at the
21.31 present time. The report shall include the views of the sentencing judge, the prosecutor,
21.32 any law enforcement personnel who may have been involved in the case, and any
21.33 successors to these individuals who may have information relevant to the supervised
21.34 release decision. The report shall also include the views of the victim and the victim's
21.35 family unless the victim or the victim's family chooses not to participate.

22.1 (c) The commissioner shall make reasonable efforts to notify the victim, in advance,
 22.2 of the time and place of the inmate's supervised release review hearing. The victim has
 22.3 a right to submit an oral or written statement at the review hearing. The statement may
 22.4 summarize the harm suffered by the victim as a result of the crime and give the victim's
 22.5 recommendation on whether the inmate should be given supervised release at this time.
 22.6 The commissioner must consider the victim's statement when making the supervised
 22.7 release decision.

22.8 (d) When considering whether to give supervised release to an inmate serving a life
 22.9 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at
 22.10 a minimum, the following: the risk the inmate poses to the community if released, the
 22.11 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological
 22.12 or other diagnostic evaluations of the inmate, the inmate's criminal history, and any
 22.13 other relevant conduct of the inmate while incarcerated or before incarceration. The
 22.14 commissioner may not give supervised release to the inmate unless:

22.15 (1) while in prison:

22.16 (i) the inmate has successfully completed appropriate sex offender treatment;

22.17 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate,
 22.18 has successfully completed chemical dependency treatment; and

22.19 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 22.20 successfully completed mental health treatment; and

22.21 (2) a comprehensive individual release plan is in place for the inmate that ensures
 22.22 that, after release, the inmate will have suitable housing and receive appropriate aftercare
 22.23 and community-based treatment. The comprehensive plan also must include a postprison
 22.24 employment or education plan for the inmate.

22.25 (e) As used in this subdivision, "victim" means the individual who suffered harm as
 22.26 a result of the inmate's crime or, if the individual is deceased, the deceased's surviving
 22.27 spouse or next of kin.

22.28 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day
 22.29 following final enactment and applies to offenders sentenced on or after that date, and also
 22.30 retroactively to offenders sentenced to life without release before that date.

22.31 Sec. 3. Minnesota Statutes 2014, section 260B.001, subdivision 2, is amended to read:

22.32 Subd. 2. **Delinquency.** The purpose of the laws relating to children alleged or
 22.33 adjudicated to be delinquent is to promote the public safety ~~and reduce~~ by reducing
 22.34 juvenile delinquency by maintaining the integrity of the substantive law prohibiting
 22.35 certain behavior and by developing individual responsibility for lawful behavior. This

23.1 purpose should be pursued through means that are fair and just, that recognize the unique
 23.2 characteristics and needs of children, and that give children access to opportunities for
 23.3 personal and social growth.

23.4 Sec. 4. **[260B.008] USE OF RESTRAINTS.**

23.5 (a) As used in this section, "restraints" means a mechanical or other device that
 23.6 constrains the movement of a person's body or limbs.

23.7 (b) Restraints may not be used on a child appearing in court in a proceeding under
 23.8 this chapter unless the court finds that:

23.9 (1) the use of restraints is necessary:

23.10 (i) to prevent physical harm to the child or another; or

23.11 (ii) to prevent the child from fleeing in situations in which the child presents a
 23.12 substantial risk of flight from the courtroom; and

23.13 (2) there are no less restrictive alternatives to restraints that will prevent flight or
 23.14 physical harm to the child or another, including, but not limited to, the presence of court
 23.15 personnel, law enforcement officers, or bailiffs.

23.16 The finding in clause (1), item (i), may be based, among other things, on the child having
 23.17 a history of disruptive courtroom behavior or behavior while in custody for any current
 23.18 or prior offense that has placed others in potentially harmful situations, or presenting a
 23.19 substantial risk of inflicting physical harm on the child or others as evidenced by recent
 23.20 behavior.

23.21 (c) The court shall be provided the child's behavior history and shall provide the child
 23.22 an opportunity to be heard in person or through counsel before ordering the use of restraints.
 23.23 If restraints are ordered, the court shall make findings of fact in support of the order.

23.24 Sec. 5. Minnesota Statutes 2014, section 260B.125, is amended by adding a
 23.25 subdivision to read:

23.26 Subd. 11. **Applicability of mandatory minimum sentences.** Notwithstanding
 23.27 any other law to the contrary, when a person who has been convicted of an offense that
 23.28 has been certified under this section is sentenced, the sentencing court is not required
 23.29 to sentence the person under the terms of a mandatory minimum sentence that would
 23.30 otherwise be applicable to the offense.

23.31 Sec. 6. Minnesota Statutes 2014, section 260B.130, subdivision 4, is amended to read:

23.32 Subd. 4. **Disposition.** (a) If an extended jurisdiction juvenile prosecution results in a
 23.33 guilty plea or finding of guilt, the court shall:

24.1 (1) impose one or more juvenile dispositions under section 260B.198; and
 24.2 (2) impose an adult criminal sentence, the execution of which shall be stayed on
 24.3 the condition that the offender not violate the provisions of the disposition order and
 24.4 not commit a new offense.

24.5 (b) If a child prosecuted as an extended jurisdiction juvenile after designation by
 24.6 the prosecutor in the delinquency petition is convicted of an offense after trial that is not
 24.7 an offense described in subdivision 1, clause (2), the court shall adjudicate the child
 24.8 delinquent and order a disposition under section 260B.198. If the extended jurisdiction
 24.9 juvenile proceeding results in a guilty plea for an offense not described in subdivision 1,
 24.10 clause (2), the court may impose a disposition under paragraph (a) if the child consents.

24.11 (c) Notwithstanding any other law to the contrary, when imposing an adult sentence
 24.12 under paragraph (a), clause (2), the court is not required to sentence the child under the
 24.13 terms of a mandatory minimum sentence that would otherwise be applicable to the offense.

24.14 Sec. 7. **[260B.1755] LAW ENFORCEMENT DIVERSION OF NONVIOLENT**
 24.15 **JUVENILE OFFENDERS AUTHORIZED.**

24.16 (a) A peace officer may refer a child that the officer has the lawful authority to arrest
 24.17 or has arrested to a diversion program that the law enforcement agency with jurisdiction
 24.18 over the child deems appropriate.

24.19 (b) This section applies only to nonviolent offenses and does not apply to peace
 24.20 officers acting pursuant to an order or warrant described in section 260B.175, subdivision
 24.21 1, paragraph (a), or other court order to take a child into custody.

24.22 (c) A diversion program authorized by this section may defer prosecution of
 24.23 juvenile offenders who agree to complete appropriate conditions. Upon completion of the
 24.24 conditions, the charge shall be dismissed. Both petty offenders and delinquents may be
 24.25 diverted.

24.26 Sec. 8. Minnesota Statutes 2014, section 609.106, subdivision 2, is amended to read:

24.27 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall
 24.28 sentence a person to life imprisonment without possibility of release under the following
 24.29 circumstances:

24.30 (1) the person is convicted of first-degree murder under section 609.185, paragraph
 24.31 (a), clause (1), (2), (4), or (7);

24.32 (2) the person is convicted of committing first-degree murder in the course of a
 24.33 kidnapping under section 609.185, clause (3); or

25.1 (3) the person is convicted of first-degree murder under section 609.185, clause (3),
 25.2 (5), or (6), and the court determines on the record at the time of sentencing that the person
 25.3 has one or more previous convictions for a heinous crime.

25.4 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day
 25.5 following final enactment and applies to offenders sentenced on or after that date, and also
 25.6 retroactively to offenders sentenced to life without release before that date.

25.7 Sec. 9. Minnesota Statutes 2014, section 609.106, is amended by adding a subdivision
 25.8 to read:

25.9 **Subd. 3. Offender under age 18; life imprisonment with possibility of release.** If
 25.10 the defendant was under 18 years of age at the time of the commission of an offense that
 25.11 would require a life without release sentence under subdivision 2, and the child has been
 25.12 certified under section 260B.125 or designated an extended jurisdiction juvenile under
 25.13 section 260B.130, the court shall sentence the defendant to imprisonment for life.

25.14 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day
 25.15 following final enactment and applies to offenders sentenced on or after that date, and also
 25.16 retroactively to offenders sentenced to life without release before that date.

25.17 Sec. 10. Minnesota Statutes 2014, section 609.3455, subdivision 2, is amended to read:

25.18 **Subd. 2. Mandatory life sentence without release; egregious first-time and**
 25.19 **repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory
 25.20 maximum penalty otherwise applicable to the offense, the court shall sentence a person
 25.21 convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or
 25.22 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of
 25.23 release if:

25.24 (1) the fact finder determines that two or more heinous elements exist; or

25.25 (2) the person has a previous sex offense conviction for a violation of section
 25.26 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists
 25.27 for the present offense.

25.28 (b) A fact finder may not consider a heinous element if it is an element of the
 25.29 underlying specified violation of section 609.342 or 609.343. In addition, when
 25.30 determining whether two or more heinous elements exist, the fact finder may not use the
 25.31 same underlying facts to support a determination that more than one element exists.

25.32 (c) If the defendant was under 18 years of age at the time of the commission of an
 25.33 offense that would require a life without release sentence under paragraph (a), and the child

26.1 has been certified under section 260B.125 or designated an extended jurisdiction juvenile
 26.2 under section 260B.130, the court shall sentence the defendant to imprisonment for life.

26.3 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day
 26.4 following final enactment and applies to offenders sentenced on or after that date, and also
 26.5 retroactively to offenders sentenced to life without release before that date.

26.6 Sec. 11. **RULE SUPERSEDED.**

26.7 Minnesota Rules of Juvenile Procedure, rule 2.03, subdivision 1, is superseded to
 26.8 the extent it conflicts with section 4.

26.9 Sec. 12. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

26.10 By July 1, 2016, each judicial district shall develop a protocol to address how to
 26.11 implement and comply with section 4. In developing the protocol, a district shall consult
 26.12 with law enforcement agencies, prosecutors, and public defenders within the district, as
 26.13 well as any other entity deemed necessary by the district's chief judge.

26.14 Sec. 13. **LEGISLATIVE FINDINGS AND INTENT.**

26.15 The legislature finds that emerging research on brain development indicates that
 26.16 adolescent brains, and thus adolescent intellectual and emotional capabilities, differ
 26.17 significantly from those of mature adults. It is appropriate to take these differences into
 26.18 consideration when sentencing extended jurisdiction juveniles and juveniles tried as
 26.19 adults. The legislature further finds that requiring mandatory minimum sentences for these
 26.20 juveniles prevents judges from taking these differences into consideration in appropriate
 26.21 circumstances. The legislature intends to eliminate the nondiscretionary application of
 26.22 mandatory minimum sentences to extended jurisdiction juveniles and to juveniles tried as
 26.23 adults while continuing to apply all other adult sentencing provisions to these juveniles.

26.24 **ARTICLE 3**

26.25 **FORFEITURE**

26.26 Section 1. Minnesota Statutes 2014, section 6.74, is amended to read:

26.27 **6.74 INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.**

26.28 Subdivision 1. **General reporting requirements.** The state auditor, or a designated
 26.29 agent, shall collect annually from all city, county, and other local units of government,
 26.30 information as to the assessment of property, collection of taxes, receipts from licenses
 26.31 and other sources including administrative fines assessed and collected pursuant to section

27.1 169.999, the expenditure of public funds for all purposes, borrowing, debts, principal and
27.2 interest payments on debts, and such other information as may be needful.

27.3 Subd. 2. **Annual forfeiture expenditures reporting.** Each appropriate agency
27.4 and prosecuting authority required to report to the state auditor under section 609.5315,
27.5 subdivision 6, shall annually report the total dollar amount of expenditures in each of the
27.6 following four categories that were made using forfeiture funds during the reporting period:

27.7 (1) substance abuse prevention programs, gang programs, informant fees, buy
27.8 money, witness protection, and victim reparation;

27.9 (2) travel, meals, entertainment, training, and conferences;

27.10 (3) vehicles, canines, firearms, police equipment, furniture, computers, office
27.11 equipment, and other capital equipment; and

27.12 (4) other uses.

27.13 Subd. 3. **Forms; state auditor examinations.** The data shall be supplied upon
27.14 forms prescribed by the state auditor, and all public officials so called upon shall fill out
27.15 properly and return promptly all forms so transmitted. The state auditor or assistants, may
27.16 examine local records in order to complete or verify the information.

27.17 **EFFECTIVE DATE.** This section applies to reporting of financial information for
27.18 years ending on or after December 31, 2016.

27.19 Sec. 2. Minnesota Statutes 2014, section 84.7741, subdivision 10, is amended to read:

27.20 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively
27.21 forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is
27.22 subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

27.23 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

27.24 (2) keep the vehicle for official use. If the agency keeps a forfeited off-highway
27.25 vehicle for official use, the agency shall make reasonable efforts to ensure that the
27.26 off-highway vehicle is available for use by the agency's officers who participate in
27.27 off-highway vehicle enforcement or education programs.

27.28 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure,
27.29 towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the
27.30 property, must be distributed as follows:

27.31 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for
27.32 deposit as a supplement to the state or local agency's operating fund or similar fund for use
27.33 in purchasing equipment for off-highway vehicle enforcement, training, and education; and

28.1 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting
28.2 authority that handled the forfeiture for deposit as a supplement to its operating fund or
28.3 similar fund for prosecutorial purposes.

28.4 (c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell
28.5 the vehicle to: (1) an officer or employee of the agency that seized the property or to a
28.6 person related to the officer or employee by blood or marriage; or (2) the prosecuting
28.7 authority or any individual working in the same office or a person related to the authority
28.8 or individual by blood or marriage.

28.9 (d) Sales of forfeited vehicles under this section must be conducted in a
28.10 commercially reasonable manner.

28.11 (e) If a vehicle is forfeited administratively under this section and no demand for
28.12 judicial determination is made, the appropriate agency shall provide the prosecuting
28.13 authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent
28.14 to forfeit, a statement of probable cause for forfeiture of the property, and a description of
28.15 the property and its estimated value. Upon review and certification by the prosecuting
28.16 authority that (1) the appropriate agency provided a receipt in accordance with subdivision
28.17 2, paragraph (c), (2) the appropriate agency served notice in accordance with subdivision 8,
28.18 and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate
28.19 agency may dispose of the property in any of the ways listed in this subdivision.

28.20 (f) The appropriate agency or prosecuting authority may not use the proceeds
28.21 from the sale of forfeited vehicles to pay base salaries, benefits, overtime, or bonuses to
28.22 personnel, or to pay a private attorney for services related to forfeiture litigation.

28.23 Sec. 3. Minnesota Statutes 2014, section 169A.60, subdivision 1, is amended to read:

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

28.26 (b) "Family or household member" ~~has the meaning given in section 169A.63,~~
28.27 ~~subdivision 1~~ means:

28.28 (1) a parent, stepparent, or guardian;

28.29 (2) any of the following persons related by blood, marriage, or adoption: brother,
28.30 sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,
28.31 great-grandparent, great-uncle, great-aunt; or

28.32 (3) persons residing together or persons who regularly associate and communicate
28.33 with one another outside of a workplace setting.

28.34 (c) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in
28.35 operation or an off-road recreational vehicle.

29.1 (d) "Plate impoundment violation" includes:

29.2 (1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license
29.3 revocation for test failure or refusal), or an ordinance from this state or a statute or
29.4 ordinance from another state in conformity with either of those sections, that results in
29.5 the revocation of a person's driver's license or driving privileges, within ten years of a
29.6 qualified prior impaired driving incident;

29.7 (2) a license disqualification under section 171.165 (commercial driver's license
29.8 disqualification) resulting from a violation of section 169A.52 within ten years of a
29.9 qualified prior impaired driving incident;

29.10 (3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration
29.11 of twice the legal limit or more as measured at the time, or within two hours of the time,
29.12 of the offense;

29.13 (4) a violation of section 169A.20 or 169A.52 while having a child under the age of
29.14 16 in the vehicle if the child is more than 36 months younger than the offender; or

29.15 (5) a violation of section 171.24 (driving without valid license) by a person whose
29.16 driver's license or driving privileges have been canceled or denied under section 171.04,
29.17 subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public
29.18 safety).

29.19 (e) "Violator" means a person who was driving, operating, or in physical control of
29.20 the motor vehicle when the plate impoundment violation occurred.

29.21 Sec. 4. Minnesota Statutes 2014, section 169A.63, subdivision 1, is amended to read:

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

29.24 (b) "Appropriate agency" means a law enforcement agency that has the authority to
29.25 make an arrest for a violation of a designated offense or to require a test under section
29.26 169A.51 (chemical tests for intoxication).

29.27 (c) "Claimant" means an owner of a motor vehicle or a person claiming a leasehold
29.28 or security interest in a motor vehicle.

29.29 (d) "Designated license revocation" includes a license revocation under section
29.30 169A.52 (license revocation for test failure or refusal) or a license disqualification under
29.31 section 171.165 (commercial driver's license disqualification) resulting from a violation
29.32 of section 169A.52; within ten years of the first of two or more qualified prior impaired
29.33 driving incidents.

29.34 (e) "Designated offense" includes:

30.1 (1) a violation of section 169A.20 (driving while impaired) under the circumstances
 30.2 described in section 169A.24 (first-degree driving while impaired), or 169A.25
 30.3 (second-degree driving while impaired); or

30.4 (2) a violation of section 169A.20 or an ordinance in conformity with it:

30.5 (i) by a person whose driver's license or driving privileges have been canceled
 30.6 as inimical to public safety under section 171.04, subdivision 1, clause (10), and not
 30.7 reinstated; or

30.8 (ii) by a person who is subject to a restriction on the person's driver's license under
 30.9 section 171.09 (commissioner's license restrictions), which provides that the person may
 30.10 not use or consume any amount of alcohol or a controlled substance.

30.11 (f) ~~"Family or household member" means:~~

30.12 ~~(1) a parent, stepparent, or guardian;~~

30.13 ~~(2) any of the following persons related by blood, marriage, or adoption: brother,~~
 30.14 ~~sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,~~
 30.15 ~~great-grandparent, great-uncle, great-aunt; or~~

30.16 ~~(3) persons residing together or persons who regularly associate and communicate~~
 30.17 ~~with one another outside of a workplace setting.~~

30.18 (g) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken
 30.19 in violation of the law.

30.20 (h) (g) "Owner" means a person legally entitled to possession, use, and control of
 30.21 a motor vehicle, including a lessee of a motor vehicle if the lease agreement has a term
 30.22 of 180 days or more. There is a rebuttable presumption that a person registered as the
 30.23 owner of a motor vehicle according to the records of the Department of Public Safety
 30.24 is the legal owner. For purposes of this section, if a motor vehicle is owned jointly by
 30.25 two or more people, each owner's interest extends to the whole of the vehicle and is not
 30.26 subject to apportionment.

30.27 (i) (h) "Prosecuting authority" means the attorney in the jurisdiction in which the
 30.28 designated offense occurred who is responsible for prosecuting violations of a designated
 30.29 offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible
 30.30 for prosecuting the designated offense declines to pursue forfeiture, the Attorney General's
 30.31 Office or its designee may initiate forfeiture under this section.

30.32 (j) (i) "Security interest" means a bona fide security interest perfected according to
 30.33 section 168A.17, subdivision 2, based on a loan or other financing that, if a vehicle is
 30.34 required to be registered under chapter 168, is listed on the vehicle's title.

30.35 Sec. 5. Minnesota Statutes 2014, section 169A.63, subdivision 7, is amended to read:

31.1 Subd. 7. **Limitations on vehicle forfeiture.** (a) A vehicle is presumed subject to
31.2 forfeiture under this section if:

31.3 (1) the driver is convicted of the designated offense upon which the forfeiture is based;

31.4 (2) the driver fails to appear for a scheduled court appearance with respect to the
31.5 designated offense charged and fails to voluntarily surrender within 48 hours after the
31.6 time required for appearance; or

31.7 (3) the driver's conduct results in a designated license revocation and the driver
31.8 fails to seek judicial review of the revocation in a timely manner as required by section
31.9 169A.53, subdivision 2, (petition for judicial review), or the license revocation is judicially
31.10 reviewed and sustained under section 169A.53, subdivision 2.

31.11 (b) ~~A vehicle encumbered by a security interest perfected according to section
31.12 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more, is subject
31.13 to the interest of the secured party or lessor unless the party or lessor had knowledge of
31.14 or consented to the act upon which the forfeiture is based. However, when the proceeds
31.15 of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the
31.16 appropriate agency shall remit all proceeds of the sale to the secured party after deducting
31.17 the agency's costs for the seizure, tow, storage, forfeiture, and sale of the vehicle. If the
31.18 sale of the vehicle is conducted in a commercially reasonable manner consistent with the
31.19 provisions of section 336.9-610, the agency is not liable to the secured party for any
31.20 amount owed on the loan in excess of the sale proceeds. The validity and amount of a
31.21 nonperfected security interest must be established by its holder by clear and convincing
31.22 evidence. The limitations and defenses in section 609.531, subdivisions 9 and 10, apply
31.23 to forfeitures under this section.~~

31.24 (c) ~~Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle
31.25 is not subject to forfeiture based solely on the secured party's or lessor's knowledge of
31.26 the act or omission upon which the forfeiture is based if the secured party or lessor
31.27 demonstrates by clear and convincing evidence that the party or lessor took reasonable
31.28 steps to terminate use of the vehicle by the offender.~~

31.29 (d) ~~A motor vehicle is not subject to forfeiture under this section if its owner can
31.30 demonstrate by clear and convincing evidence that the owner did not have actual or
31.31 constructive knowledge that the vehicle would be used or operated in any manner contrary
31.32 to law or that the owner took reasonable steps to prevent use of the vehicle by the offender.
31.33 If the offender is a family or household member of the owner and has three or more prior
31.34 impaired driving convictions, the owner is presumed to know of any vehicle use by the
31.35 offender that is contrary to law. "Vehicle use contrary to law" includes, but is not limited
31.36 to, violations of the following statutes:~~

- 32.1 ~~(1) section 171.24 (violations; driving without valid license);~~
 32.2 ~~(2) section 169.791 (criminal penalty for failure to produce proof of insurance);~~
 32.3 ~~(3) section 171.09 (driving restrictions; authority, violations);~~
 32.4 ~~(4) section 169A.20 (driving while impaired);~~
 32.5 ~~(5) section 169A.33 (underage drinking and driving); and~~
 32.6 ~~(6) section 169A.35 (open bottle law).~~

32.7 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
 32.8 offenses committed on or after that date.

32.9 Sec. 6. Minnesota Statutes 2014, section 169A.63, subdivision 9, is amended to read:

32.10 Subd. 9. **Judicial forfeiture procedure.** (a) This subdivision governs judicial
 32.11 determinations of the forfeiture of a motor vehicle used to commit a designated offense or
 32.12 used in conduct resulting in a designated license revocation. An action for forfeiture is a
 32.13 civil in rem action and is independent of any criminal prosecution. All proceedings are
 32.14 governed by the Rules of Civil Procedure.

32.15 (b) If no demand for judicial determination of the forfeiture is pending, the
 32.16 prosecuting authority may, in the name of the jurisdiction pursuing the forfeiture, file a
 32.17 separate complaint against the vehicle, describing it, specifying that it was used in the
 32.18 commission of a designated offense or was used in conduct resulting in a designated
 32.19 license revocation, and specifying the time and place of its unlawful use.

32.20 (c) The prosecuting authority may file an answer to a properly served demand
 32.21 for judicial determination, including an affirmative counterclaim for forfeiture. The
 32.22 prosecuting authority is not required to file an answer.

32.23 (d) A judicial determination under this subdivision must be held at the earliest
 32.24 practicable date, and in any event no later than 180 days following the filing of the
 32.25 demand by the claimant. If a related criminal proceeding is pending, the hearing shall not
 32.26 be held until the conclusion of the criminal proceedings. The district court administrator
 32.27 shall schedule the hearing as soon as practicable after the conclusion of the criminal
 32.28 prosecution. The district court administrator shall establish procedures to ensure efficient
 32.29 compliance with this subdivision. The hearing is to the court without a jury.

32.30 ~~(e) There is a presumption that a vehicle seized under this section is subject~~
 32.31 ~~to forfeiture if the prosecuting authority establishes that the vehicle was used in the~~
 32.32 ~~commission of a designated offense or designated license revocation. A claimant bears the~~
 32.33 ~~burden of proving any affirmative defense raised~~ The prosecuting authority has the burden
 32.34 of proof to show by a preponderance of the evidence that the vehicle was used in the

33.1 commission of a designated offense or designated license revocation. The limitations and
 33.2 defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures under this section.

33.3 (f) If the forfeiture is based on the commission of a designated offense and the person
 33.4 charged with the designated offense appears in court as required and is not convicted of
 33.5 the offense, the court shall order the property returned to the person legally entitled to it
 33.6 upon that person's compliance with the redemption requirements of section 169A.42. If
 33.7 the forfeiture is based on a designated license revocation, and the license revocation is
 33.8 rescinded under section 169A.53, subdivision 3 (judicial review hearing, issues, order,
 33.9 appeal), the court shall order the property returned to the person legally entitled to it upon
 33.10 that person's compliance with the redemption requirements of section 169A.42.

33.11 ~~(g) If the lawful ownership of the vehicle used in the commission of a designated~~
 33.12 ~~offense or used in conduct resulting in a designated license revocation can be determined~~
 33.13 ~~and the owner makes the demonstration required under subdivision 7, paragraph (d) If the~~
 33.14 prosecuting authority fails to establish by a preponderance of the evidence that the vehicle
 33.15 was used in the commission of a designated offense or designated license revocation, the
 33.16 vehicle must be returned immediately upon the owner's compliance with the redemption
 33.17 requirements of section 169A.42.

33.18 (h) If the court orders the return of a seized vehicle under this subdivision it must
 33.19 order that filing fees be reimbursed to the person who filed the demand for judicial
 33.20 determination. In addition, the court may order sanctions under section 549.211 (sanctions
 33.21 in civil actions). Any reimbursement fees or sanctions must be paid from other forfeiture
 33.22 proceeds of the law enforcement agency and prosecuting authority involved and in the
 33.23 same proportion as distributed under subdivision 10, paragraph (b).

33.24 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
 33.25 offenses committed on or after that date.

33.26 Sec. 7. Minnesota Statutes 2014, section 169A.63, subdivision 10, is amended to read:

33.27 Subd. 10. **Disposition of forfeited vehicle.** (a) If the vehicle is administratively
 33.28 forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is
 33.29 subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

33.30 (1) sell the vehicle and distribute the proceeds under paragraph (b); or

33.31 (2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for
 33.32 official use, it shall make reasonable efforts to ensure that the motor vehicle is available for
 33.33 use by the agency's officers who participate in the drug abuse resistance education program.

34.1 (b) The proceeds from the sale of forfeited vehicles, after payment of seizure,
34.2 towing, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the
34.3 property, must be distributed as follows:

34.4 (1) 70 percent of the proceeds must be forwarded to the appropriate agency for
34.5 deposit as a supplement to the state or local agency's operating fund or similar fund for use
34.6 in DWI-related enforcement, training, and education; and

34.7 (2) 30 percent of the money or proceeds must be forwarded to the prosecuting
34.8 authority that handled the forfeiture for deposit as a supplement to its operating fund or
34.9 similar fund for prosecutorial purposes.

34.10 (c) If a vehicle is sold under paragraph (a), the appropriate agency shall not sell
34.11 the vehicle to: (1) an officer or employee of the agency that seized the property or to a
34.12 person related to the officer or employee by blood or marriage; or (2) the prosecuting
34.13 authority or any individual working in the same office or a person related to the authority
34.14 or individual by blood or marriage.

34.15 (d) Sales of forfeited vehicles under this section must be conducted in a
34.16 commercially reasonable manner.

34.17 (e) If a vehicle is forfeited administratively under this section and no demand for
34.18 judicial determination is made, the appropriate agency shall provide the prosecuting
34.19 authority with a copy of the forfeiture or evidence receipt, the notice of seizure and intent
34.20 to forfeit, a statement of probable cause for forfeiture of the property, and a description of
34.21 the property and its estimated value. Upon review and certification by the prosecuting
34.22 authority that (1) the appropriate agency provided a receipt in accordance with subdivision
34.23 2, paragraph (c), (2) the appropriate agency served notice in accordance with subdivision 8,
34.24 and (3) probable cause for forfeiture exists based on the officer's statement, the appropriate
34.25 agency may dispose of the property in any of the ways listed in this subdivision.

34.26 (f) The appropriate agency or prosecuting authority may not use the proceeds
34.27 from the sale of forfeited vehicles to pay base salaries, benefits, overtime, or bonuses to
34.28 personnel, or to pay a private attorney for services related to forfeiture litigation.

34.29 Sec. 8. Minnesota Statutes 2014, section 609.531, subdivision 1, is amended to read:

34.30 Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the
34.31 following terms have the meanings given them.

34.32 (a) "Actual knowledge" means direct and clear awareness of information, a fact,
34.33 or a condition.

34.34 (b) "Conveyance device" means a device used for transportation and includes, but
34.35 is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any

35.1 equipment attached to it. The term "conveyance device" does not include property which
 35.2 is, in fact, itself stolen or taken in violation of the law.

35.3 ~~(b)~~ (c) "Weapon used" means a dangerous weapon as defined under section 609.02,
 35.4 subdivision 6, that the actor used or had in possession in furtherance of a crime.

35.5 ~~(e)~~ (d) "Property" means property as defined in section 609.52, subdivision 1,
 35.6 clause (1).

35.7 (e) "Constructive knowledge" means knowledge that is imputed to family or
 35.8 household members of the owner, as defined in section 169A.60, subdivision 1, paragraph
 35.9 (b), if the owner has been adjudicated guilty three or more times for the same or a specified
 35.10 similar violation in the last ten years.

35.11 ~~(d)~~ (f) "Contraband" means property which is illegal to possess under Minnesota law.

35.12 ~~(e)~~ (g) "Appropriate agency" means the Bureau of Criminal Apprehension, the
 35.13 Department of Commerce Fraud Bureau, the Minnesota Division of Driver and Vehicle
 35.14 Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park
 35.15 District park rangers, the Department of Natural Resources Division of Enforcement, the
 35.16 University of Minnesota Police Department, the Department of Corrections Fugitive
 35.17 Apprehension Unit, a city, metropolitan transit, or airport police department; or a
 35.18 multijurisdictional entity established under section 299A.642 or 299A.681.

35.19 ~~(f)~~ (h) "Designated offense" includes:

35.20 (1) for weapons used: any violation of this chapter, chapter 152 or 624;

35.21 (2) for driver's license or identification card transactions: any violation of section
 35.22 171.22; and

35.23 (3) for all other purposes: a felony violation of, or a felony-level attempt or
 35.24 conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21;
 35.25 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;
 35.26 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1,
 35.27 clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345,
 35.28 subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466;
 35.29 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561;
 35.30 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e;
 35.31 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;
 35.32 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation
 35.33 of section 609.891 or 624.7181; or any violation of section 609.324.

35.34 ~~(g)~~ (i) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

35.35 ~~(h)~~ (j) "Prosecuting authority" means the attorney who is responsible for prosecuting
 35.36 an offense that is the basis for a forfeiture under sections 609.531 to 609.5318.

36.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
36.2 offenses committed on or after that date.

36.3 Sec. 9. Minnesota Statutes 2014, section 609.531, subdivision 8, is amended to read:

36.4 Subd. 8. ~~Forfeiture policies; statewide model policy required.~~ (a) ~~By December~~
36.5 ~~1, 2010, the Peace Officer Standards and Training Board, after consulting with the~~
36.6 ~~Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the~~
36.7 ~~Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers~~
36.8 ~~Association, shall develop a model policy that articulates best practices for forfeiture~~
36.9 ~~and is designed to encourage the uniform application of forfeiture laws statewide. At a~~
36.10 ~~minimum, the policy shall address the following:~~

- 36.11 (1) ~~best practices in pursuing, seizing, and tracking forfeitures;~~
36.12 (2) ~~type and frequency of training for law enforcement on forfeiture laws; and~~
36.13 (3) ~~situations in which forfeitures should not be pursued.~~

36.14 (b) ~~By December 1, 2010, the Minnesota County Attorneys Association, after~~
36.15 ~~consulting with the attorney general, the Peace Officer Standards and Training Board,~~
36.16 ~~the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and~~
36.17 ~~the Minnesota Police and Peace Officers Association, shall develop a model policy that~~
36.18 ~~articulates best practices for forfeiture and is designed to encourage the uniform application~~
36.19 ~~of forfeiture laws statewide. At a minimum, the policy shall address the following:~~

- 36.20 (1) ~~statutory role of prosecuting authorities in forfeiture procedures;~~
36.21 (2) ~~best practices for timely and fair resolution of forfeiture cases;~~
36.22 (3) ~~type and frequency of training for prosecuting authorities on forfeiture laws; and~~
36.23 (4) ~~situations in which forfeitures should not be pursued.~~

36.24 (c) ~~By December 1, 2010, the Minnesota County Attorneys Association and the Peace~~
36.25 ~~Officer Standards and Training Board shall forward an electronic copy of its respective~~
36.26 ~~model policy to the chairs and ranking minority members of the senate and house of~~
36.27 ~~representatives committees having jurisdiction over criminal justice and civil law policy.~~

36.28 (d) ~~By March 1, 2011, The chief law enforcement officer of every state and local law~~
36.29 ~~enforcement agency and every prosecution office in the state shall adopt and implement~~
36.30 ~~maintain~~ a written policy on forfeiture that is ~~identical or substantially similar to the~~
36.31 ~~consistent with the~~ model policies developed under ~~paragraphs (a) and (b) Laws 2010,~~
36.32 ~~chapter 391, section 11.~~ The written policy shall be made available to the public upon
36.33 request.

37.1 Sec. 10. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision
37.2 to read:

37.3 Subd. 9. **Limitations and defenses to forfeiture; ownership or interest at time**
37.4 **of the crime.** (a) For purposes of sections 169A.63, 609.5311, 609.5312, 609.5314, and
37.5 609.5318, an innocent owner claimant may file a claim for the return of property that the
37.6 claimant owned or had interest in at the time of the crime by using the process described
37.7 in this subdivision. The innocent owner claimant may file a claim at any time prior to the
37.8 commencement of the underlying criminal trial and request a prompt hearing.

37.9 (b) The prosecuting authority may move to postpone the hearing for a reasonable
37.10 period of time not to exceed five days, unless approved by the court, for the prosecuting
37.11 authority to complete an investigation of the property related to the underlying criminal
37.12 charge.

37.13 (c) The alleged suspect or convicted offender may invoke the right against
37.14 self-incrimination at a civil hearing consistent with state law.

37.15 (d) The innocent owner claimant has the burden of production to show by a
37.16 preponderance of the evidence that the claimant:

37.17 (1) had a full or joint ownership or security interest in the property at the time the
37.18 conduct giving rise to the forfeiture occurred; and

37.19 (2) is not the person accused or convicted of the crime for which the property is
37.20 subject to forfeiture.

37.21 (e) If the claimant meets the burden of production in paragraph (d), the property
37.22 is subject to forfeiture if the prosecuting authority proves by a preponderance of the
37.23 evidence that the claimant:

37.24 (1) had actual or constructive knowledge of the crime giving rise to the forfeiture; or

37.25 (2) consented to the act or omission upon which the forfeiture is based.

37.26 (f) If the trier-of-fact determines the property is not subject to forfeiture, all claims
37.27 of right, title, and interest to the property that vested in the state are relinquished. The
37.28 court shall order the return of the property within a reasonable period of time.

37.29 (g) Notwithstanding paragraph (f), if the property is jointly owned, the court may
37.30 divide and allocate interest in the property among its joint owners and order the return
37.31 of a prorated amount of the property only to the innocent owner claimant. The court
37.32 may divide and allocate the property based on the joint owners' history of payments of
37.33 initial and ongoing costs, or other factors required to realize an equitable division and
37.34 allocation of the property.

37.35 (h) At the claimant's option, the court may realize the division of jointly owned
37.36 property in paragraph (g) by ordering:

38.1 (1) the sale of property in a commercially reasonable manner and dividing the
38.2 resulting net proceeds after first extinguishing any security interest perfected according to
38.3 section 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more;

38.4 (2) the claimant to remit payment for the portion of the net value in the property
38.5 not awarded to the claimant; or

38.6 (3) other equitable means.

38.7 For purposes of clause (2), the net value is calculated by first establishing the market value
38.8 of the property and then subtracting any security interest perfected according to section
38.9 168A.17, subdivision 2, or subject to a lease that has a term of 180 days or more.

38.10 (i) Notwithstanding paragraphs (e) to (h), the court may order the return of the
38.11 undivided property to the claimant in a case involving forfeiture under section 169A.63
38.12 if the claimant shows by a preponderance of the evidence either that failing to return
38.13 the vehicle would deprive the claimant of reasonable means to employment or care for
38.14 dependents residing with the claimant, or the innocent owner claimant took reasonable
38.15 steps to prevent the use of the vehicle by the offender.

38.16 (j) The claimant is responsible for paying towing and storage fees if the appropriate
38.17 agency returns a seized vehicle within 60 days following seizure. After 60 days following
38.18 seizure, the appropriate agency is responsible for paying towing and storage fees if the
38.19 trier-of-fact determines the claims are valid.

38.20 (k) Except as provided in paragraph (h), a motor vehicle encumbered by a security
38.21 interest perfected according to section 168A.17, subdivision 2, or subject to a lease that has
38.22 a term of 180 days or more, is subject to the interest of the secured party or lessor. When
38.23 the proceeds of the sale of a seized motor vehicle encumbered by a perfected security
38.24 interest vehicle do not equal or exceed the outstanding loan balance, the appropriate
38.25 agency shall remit all proceeds of the sale to the secured party after deducting the agency's
38.26 allowed costs for the seizure, towing, storage, forfeiture, and sale of the vehicle.

38.27 (l) If a sale of a vehicle is conducted in a commercially reasonable manner consistent
38.28 with section 336.9-610, the agency is not liable to the secured party for any amount owed
38.29 on the loan in excess of the sale proceeds.

38.30 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
38.31 offenses committed on or after that date.

38.32 Sec. 11. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision
38.33 to read:

39.1 Subd. 10. Limitations and defenses to forfeiture; ownership or interest acquired
39.2 after crime. (a) For purposes of sections 169A.63, 609.5311, 609.5312, 609.5314, and
39.3 609.5318, an innocent owner claimant may file a claim for the return of property that the
39.4 claimant acquired an interest in after the time of the crime by using the process described
39.5 in this subdivision. The innocent owner claimant may file a claim at any time prior to the
39.6 commencement of the underlying criminal trial and request a prompt hearing.

39.7 (b) The prosecuting authority may move to postpone the hearing for a reasonable
39.8 period of time not to exceed five days, unless approved by the court, for the prosecuting
39.9 authority to complete an investigation of the property related to the underlying criminal
39.10 charge.

39.11 (c) The alleged suspect or convicted offender may invoke the right against
39.12 self-incrimination at a civil hearing consistent with state law.

39.13 (d) The innocent owner claimant has the burden of production to show by a
39.14 preponderance of the evidence that the claimant:

39.15 (1) acquired a full or joint ownership or security interest in the property after the
39.16 commission of the crime giving rise to the forfeiture; and

39.17 (2) is not the person accused or convicted of the crime for which the property is
39.18 subject to forfeiture.

39.19 (e) Property is subject to forfeiture if the prosecuting authority proves by a
39.20 preponderance of the evidence that, at the time of acquisition of the property, the claimant:

39.21 (1) had actual or constructive knowledge of the crime giving rise to the forfeiture;

39.22 (2) consented to the act or omission upon which the forfeiture is based; or

39.23 (3) was not a bona fide purchaser for valuable consideration and without notice of
39.24 any defect in title.

39.25 (f) If the trier-of-fact determines the property is not subject to forfeiture, all claims
39.26 of right, title, and interest to the property that vested in the state are relinquished. The
39.27 court shall order the return of the property within a reasonable period of time.

39.28 (g) The claimant is responsible for paying towing and storage fees if the appropriate
39.29 agency returns a seized vehicle within 60 days following seizure. After 60 days following
39.30 seizure, the appropriate agency is responsible for paying towing and storage fees if the
39.31 trier-of-fact determines the claims are valid.

39.32 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
39.33 offenses committed on or after that date.

39.34 Sec. 12. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision
39.35 to read:

40.1 Subd. 11. **Return of filing fees.** If the court orders the return of seized property
40.2 under this section, it must order that filing fees be reimbursed to the person who filed the
40.3 demand for judicial determination or contested the forfeiture. Any reimbursement fees
40.4 must be paid from other forfeiture proceeds of the appropriate agency and prosecuting
40.5 authority involved, in the same proportion as proceeds would be distributed for the sale
40.6 of the property had it been forfeited, and any remaining proportion shall be divided and
40.7 paid evenly from the agencies.

40.8 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
40.9 offenses committed on or after that date.

40.10 Sec. 13. Minnesota Statutes 2014, section 609.531, is amended by adding a subdivision
40.11 to read:

40.12 Subd. 12. **Exemption; homestead property.** Real property that qualifies for the
40.13 homestead exemption as determined in sections 510.01 and 510.02, is not subject to
40.14 forfeiture.

40.15 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
40.16 offenses committed on or after that date.

40.17 Sec. 14. Minnesota Statutes 2014, section 609.5311, subdivision 3, is amended to read:

40.18 **Subd. 3. Limitations on forfeiture of certain property associated with controlled**
40.19 **substances.** (a) A conveyance device is subject to forfeiture under this section only if
40.20 the retail value of the controlled substance is \$75 or more and the conveyance device is
40.21 associated with a felony-level controlled substance crime.

40.22 (b) Real property that does not qualify for the homestead exemption as determined
40.23 in sections 510.01 and 510.02, is subject to forfeiture under this section only if the retail
40.24 value of the controlled substance or contraband is \$2,000 or more.

40.25 (c) ~~Property used by any person as a common carrier in the transaction of business~~
40.26 ~~as a common carrier is subject to forfeiture under this section only if the owner of the~~
40.27 ~~property is a consenting party to, or is privy to, the use or intended use of the property as~~
40.28 ~~described in subdivision 2.~~ The limitations and defenses in section 609.531, subdivisions
40.29 9 and 10, apply to forfeitures under this section.

40.30 (d) ~~Property is subject to forfeiture under this section only if its owner was privy to~~
40.31 ~~the use or intended use described in subdivision 2, or the unlawful use or intended use of~~
40.32 ~~the property otherwise occurred with the owner's knowledge or consent.~~

41.1 ~~(e) Forfeiture under this section of a conveyance device or real property encumbered~~
 41.2 ~~by a bona fide security interest is subject to the interest of the secured party unless the~~
 41.3 ~~secured party had knowledge of or consented to the act or omission upon which the~~
 41.4 ~~forfeiture is based. A person claiming a security interest bears the burden of establishing~~
 41.5 ~~that interest by clear and convincing evidence.~~

41.6 ~~(f) Forfeiture under this section of real property is subject to the interests of a good~~
 41.7 ~~faith purchaser for value unless the purchaser had knowledge of or consented to the act or~~
 41.8 ~~omission upon which the forfeiture is based.~~

41.9 ~~(g) Notwithstanding paragraphs (d), (e), and (f), property is not subject to forfeiture based~~
 41.10 ~~solely on the owner's or secured party's knowledge of the unlawful use or intended use of~~
 41.11 ~~the property if: (1) the owner or secured party took reasonable steps to terminate use of~~
 41.12 ~~the property by the offender; or (2) the property is real property owned by the parent of the~~
 41.13 ~~offender, unless the parent actively participated in, or knowingly acquiesced to, a violation~~
 41.14 ~~of chapter 152, or the real property constitutes proceeds derived from or traceable to a~~
 41.15 ~~use described in subdivision 2.~~

41.16 ~~(h) (d)~~ The Department of Corrections Fugitive Apprehension Unit shall not seize a
 41.17 conveyance device or real property, for the purposes of forfeiture under paragraphs (a)
 41.18 ~~to (g) and (b).~~

41.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 41.20 committed on or after that date.

41.21 Sec. 15. Minnesota Statutes 2014, section 609.5312, subdivision 2, is amended to read:

41.22 **Subd. 2. Limitations on forfeiture of property associated with designated**
 41.23 **offenses.** ~~(a) Property used by a person as a common carrier in the transaction of business~~
 41.24 ~~as a common carrier is subject to forfeiture under this section only if the owner of the~~
 41.25 ~~property is a consenting party to, or is privy to, the commission of a designated offense.~~
 41.26 The limitations and defenses in section 609.531, subdivisions 9 and 10, apply to forfeitures
 41.27 under subdivisions 1 and 1a.

41.28 ~~(b) Property is subject to forfeiture under this section only if the owner was privy to~~
 41.29 ~~the act or omission upon which the forfeiture is based, or the act or omission occurred~~
 41.30 ~~with the owner's knowledge or consent.~~

41.31 ~~(c) Property encumbered by a bona fide security interest is subject to the interest of~~
 41.32 ~~the secured party unless the party had knowledge of or consented to the act or omission~~
 41.33 ~~upon which the forfeiture is based. A person claiming a security interest bears the burden~~
 41.34 ~~of establishing that interest by clear and convincing evidence.~~

42.1 ~~(d) Notwithstanding paragraphs (b) and (c), property is not subject to forfeiture~~
42.2 ~~based solely on the owner's or secured party's knowledge of the act or omission upon~~
42.3 ~~which the forfeiture is based if the owner or secured party took reasonable steps to~~
42.4 ~~terminate use of the property by the offender.~~

42.5 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
42.6 committed on or after that date.

42.7 Sec. 16. Minnesota Statutes 2014, section 609.5312, subdivision 3, is amended to read:

42.8 **Subd. 3. Vehicle forfeiture for prostitution offenses.** (a) A motor vehicle is subject
42.9 to forfeiture under this subdivision if it was used to commit or facilitate, or used during
42.10 the commission of, a violation of section 609.324 or a violation of a local ordinance
42.11 substantially similar to section 609.324. A motor vehicle is subject to forfeiture under
42.12 this subdivision only if the offense is established by proof of a criminal conviction for
42.13 the offense. Except as otherwise provided in this subdivision, a forfeiture under this
42.14 subdivision is governed by sections 609.531, 609.5312, and 609.5313.

42.15 (b) When a motor vehicle subject to forfeiture under this subdivision is seized in
42.16 advance of a judicial forfeiture order, a hearing before a judge or referee must be held
42.17 within 96 hours of the seizure. Notice of the hearing must be given to the registered owner
42.18 within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or
42.19 in advance of the hearing, that it has filed or intends to file charges against the alleged
42.20 violator for violating section 609.324 or a local ordinance substantially similar to section
42.21 609.324. After conducting the hearing, the court shall order that the motor vehicle be
42.22 returned to the owner if:

42.23 (1) the prosecuting authority has failed to make the certification required by
42.24 paragraph (b);

42.25 ~~(2) the owner of the motor vehicle has demonstrated to the court's satisfaction~~
42.26 ~~that the owner has a defense to the forfeiture, including but not limited to the defenses~~
42.27 ~~contained in subdivision 2~~ the court finds that the motor vehicle is not subject to forfeiture
42.28 under section 609.531, subdivision 9 or 10; or

42.29 (3) the court determines that seizure of the vehicle creates or would create an undue
42.30 hardship for members of the owner's family.

42.31 (c) If the defendant is acquitted or prostitution charges against the defendant are
42.32 dismissed, neither the owner nor the defendant is responsible for paying any costs
42.33 associated with the seizure or storage of the vehicle.

42.34 (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of
42.35 180 days or less is not subject to forfeiture under this subdivision.

43.1 (e) For purposes of this subdivision, seizure occurs either:

43.2 (1) at the date at which personal service of process upon the registered owner is
43.3 made; or

43.4 (2) at the date when the registered owner has been notified by certified mail at the
43.5 address listed in the Minnesota Department of Public Safety computerized motor vehicle
43.6 registration records.

43.7 (f) The Department of Corrections Fugitive Apprehension Unit shall not participate
43.8 in paragraphs (a) to (e).

43.9 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
43.10 committed on or after that date.

43.11 Sec. 17. Minnesota Statutes 2014, section 609.5312, subdivision 4, is amended to read:

43.12 Subd. 4. **Vehicle forfeiture for fleeing peace officer.** (a) A motor vehicle is subject
43.13 to forfeiture under this subdivision if it was used to commit a violation of section 609.487
43.14 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision
43.15 only if the offense is established by proof of a criminal conviction for the offense. Except
43.16 as otherwise provided in this subdivision, a forfeiture under this subdivision is governed
43.17 by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

43.18 (b) When a motor vehicle subject to forfeiture under this subdivision is seized in
43.19 advance of a judicial forfeiture order, a hearing before a judge or referee must be held
43.20 within 96 hours of the seizure. Notice of the hearing must be given to the registered owner
43.21 within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or
43.22 in advance of the hearing, that it has filed or intends to file charges against the alleged
43.23 violator for violating section 609.487. After conducting the hearing, the court shall order
43.24 that the motor vehicle be returned to the owner if:

43.25 (1) the prosecuting authority has failed to make the certification required by this
43.26 paragraph;

43.27 ~~(2) the owner of the motor vehicle has demonstrated to the court's satisfaction~~
43.28 ~~that the owner has a defense to the forfeiture, including but not limited to the defenses~~
43.29 ~~contained in subdivision 2~~ the court finds that the motor vehicle is not subject to forfeiture
43.30 under section 609.531, subdivision 9 or 10; or

43.31 (3) the court determines that seizure of the vehicle creates or would create an undue
43.32 hardship for members of the owner's family.

43.33 (c) If the defendant is acquitted or the charges against the defendant are dismissed,
43.34 neither the owner nor the defendant is responsible for paying any costs associated with the
43.35 seizure or storage of the vehicle.

44.1 (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of
44.2 180 days or less is not subject to forfeiture under this subdivision.

44.3 (e) A motor vehicle that is an off-road recreational vehicle as defined in section
44.4 169A.03, subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13,
44.5 is not subject to paragraph (b).

44.6 (f) For purposes of this subdivision, seizure occurs either:

44.7 (1) at the date at which personal service of process upon the registered owner is
44.8 made; or

44.9 (2) at the date when the registered owner has been notified by certified mail at the
44.10 address listed in the Minnesota Department of Public Safety computerized motor vehicle
44.11 registration records.

44.12 (g) The Department of Corrections Fugitive Apprehension Unit shall not seize a
44.13 motor vehicle for the purposes of forfeiture under paragraphs (a) to (f).

44.14 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
44.15 committed on or after that date.

44.16 Sec. 18. Minnesota Statutes 2014, section 609.5315, subdivision 1, is amended to read:

44.17 Subdivision 1. **Disposition.** (a) Subject to paragraph (b), if the court finds under
44.18 section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall
44.19 order the appropriate agency to do one of the following:

44.20 (1) unless a different disposition is provided under clause (3) or (4), either destroy
44.21 firearms, ammunition, and firearm accessories that the agency decides not to use for
44.22 law enforcement purposes under clause (8), or sell them to federally licensed firearms
44.23 dealers, as defined in section 624.7161, subdivision 1, and distribute the proceeds under
44.24 subdivision 5 or 5b;

44.25 (2) sell property that is not required to be destroyed by law and is not harmful to the
44.26 public and distribute the proceeds under subdivision 5 or 5b;

44.27 (3) sell antique firearms, as defined in section 624.712, subdivision 3, to the public
44.28 and distribute the proceeds under subdivision 5 or 5b;

44.29 (4) destroy or use for law enforcement purposes semiautomatic military-style assault
44.30 weapons, as defined in section 624.712, subdivision 7;

44.31 (5) take custody of the property and remove it for disposition in accordance with law;

44.32 (6) forward the property to the federal drug enforcement administration;

44.33 (7) disburse money as provided under subdivision 5, 5b, or 5c; or

44.34 (8) keep property other than money for official use by the agency and the prosecuting
44.35 agency.

45.1 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey County sheriff may
45.2 not sell firearms, ammunition, or firearms accessories if the policy is disapproved by the
45.3 applicable county board.

45.4 (c) If property is sold under paragraph (a), the appropriate agency shall not sell
45.5 property to: (1) an officer or employee of the agency that seized the property or to a
45.6 person related to the officer or employee by blood or marriage; or (2) the prosecuting
45.7 authority or any individual working in the same office or a person related to the authority
45.8 or individual by blood or marriage.

45.9 (d) Sales of forfeited property under this section must be conducted in a
45.10 commercially reasonable manner.

45.11 (e) The appropriate agency or prosecuting authority may not use the proceeds
45.12 from the sale of forfeited property to pay base salaries, benefits, overtime, or bonuses to
45.13 personnel, or to pay a private attorney for services related to forfeiture litigation.

45.14 Sec. 19. Minnesota Statutes 2014, section 609.5315, subdivision 6, is amended to read:

45.15 Subd. 6. **Reporting requirement.** (a) For each forfeiture occurring in the state
45.16 regardless of the authority for it, the appropriate agency and the prosecuting authority
45.17 shall provide a written record of the forfeiture incident to the state auditor. The record
45.18 shall include the amount forfeited, the statutory authority for the forfeiture, its date, a brief
45.19 description of the circumstances involved, and whether the forfeiture was contested.

45.20 For controlled substance and driving while impaired forfeitures, the record shall indicate
45.21 whether the forfeiture was initiated as an administrative or a judicial forfeiture. The
45.22 record shall also list the number of firearms forfeited and the make, model, and serial
45.23 number of each firearm forfeited. The record shall indicate how the property was or is
45.24 to be disposed of.

45.25 (b) An appropriate agency or the prosecuting authority shall report to the state
45.26 auditor all instances in which property seized for forfeiture is returned to its owner either
45.27 because forfeiture is not pursued or for any other reason.

45.28 (c) Reports shall be made on a monthly basis in a manner prescribed by the state
45.29 auditor. The state auditor shall report annually to the legislature on the nature and extent
45.30 of forfeitures.

45.31 (d) For forfeitures resulting from the activities of multijurisdictional law enforcement
45.32 entities, the entity on its own behalf shall report the information required in this subdivision.

45.33 (e) The prosecuting authority is not required to report information required by this
45.34 subdivision unless the prosecuting authority has been notified by the state auditor that
45.35 the appropriate agency has not reported it.

46.1 (f) Annually, an appropriate agency or the prosecuting authority shall report
 46.2 forfeiture expenditures as required by section 6.74.

46.3 **EFFECTIVE DATE.** This section applies to reporting of financial information for
 46.4 years ending on or after December 31, 2016.

46.5 Sec. 20. Minnesota Statutes 2014, section 609.5318, subdivision 5, is amended to read:

46.6 Subd. 5. **Limitations.** ~~(a) A vehicle used by a person as a common carrier in the~~
 46.7 ~~transaction of business as a common carrier is subject to forfeiture under this section only~~
 46.8 ~~if the owner is a consenting party to, or is privy to, the commission of the act giving rise~~
 46.9 ~~to the forfeiture. The limitations and defenses in section 609.531, subdivisions 9 and~~
 46.10 ~~10, apply to forfeitures under this section.~~

46.11 ~~(b) A vehicle is subject to forfeiture under this section only if the registered owner~~
 46.12 ~~was privy to the act upon which the forfeiture is based, the act occurred with the owner's~~
 46.13 ~~knowledge or consent, or the act occurred due to the owner's gross negligence in allowing~~
 46.14 ~~another to use the vehicle.~~

46.15 ~~(c) A vehicle encumbered by a bona fide security interest is subject to the interest of~~
 46.16 ~~the secured party unless the party had knowledge of or consented to the act upon which the~~
 46.17 ~~forfeiture is based. A person claiming a security interest bears the burden of establishing~~
 46.18 ~~that interest by clear and convincing evidence.~~

46.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 46.20 committed on or after that date.

46.21 **ARTICLE 4**

46.22 **RESTORATION OF RIGHT TO VOTE**

46.23 Section 1. Minnesota Statutes 2014, section 201.014, is amended by adding a
 46.24 subdivision to read:

46.25 Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual
 46.26 convicted of a felony has the civil right to vote restored when the individual completes
 46.27 any incarceration imposed and executed by the court for the offense, and during any other
 46.28 period following conviction in which the individual is not incarcerated. If the individual
 46.29 is later incarcerated for the same offense, the individual's civil right to vote is lost only
 46.30 during the period of incarceration. A person is considered to be incarcerated under this
 46.31 subdivision if the person is on work release or other form of temporary release and spends
 46.32 a portion of a day in a prison, jail, workhouse, or other local correctional facility.

47.1 Sec. 2. Minnesota Statutes 2014, section 201.071, subdivision 1, is amended to read:

47.2 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
47.3 contain the same information unless otherwise provided by law. A voter registration
47.4 application must contain spaces for the following required information: voter's first name,
47.5 middle name, and last name; voter's previous name, if any; voter's current address; voter's
47.6 previous address, if any; voter's date of birth; voter's municipality and county of residence;
47.7 voter's telephone number, if provided by the voter; date of registration; current and valid
47.8 Minnesota driver's license number or Minnesota state identification number, or if the voter
47.9 has no current and valid Minnesota driver's license or Minnesota state identification, the
47.10 last four digits of the voter's Social Security number; and voter's signature. The paper
47.11 registration application may include the voter's e-mail address, if provided by the voter.
47.12 The electronic voter registration application must include the voter's e-mail address. The
47.13 registration application may include the voter's interest in serving as an election judge,
47.14 if indicated by the voter. The application must also contain the following certification
47.15 of voter eligibility:

47.16 "I certify that I:

47.17 (1) will be at least 18 years old on election day;

47.18 (2) am a citizen of the United States;

47.19 (3) will have resided in Minnesota for 20 days immediately preceding election day;

47.20 (4) maintain residence at the address given on the registration form;

47.21 (5) am not under court-ordered guardianship in which the court order revokes my
47.22 right to vote;

47.23 (6) have not been found by a court to be legally incompetent to vote;

47.24 (7) ~~have the right to vote because, if I have been convicted of a felony, my felony~~
47.25 ~~sentence has expired (been completed) or I have been discharged from my sentence~~ am
47.26 not currently incarcerated for a felony offense; and

47.27 (8) have read and understand the following statement: that giving false information
47.28 is a felony punishable by not more than five years imprisonment or a fine of not more
47.29 than \$10,000, or both."

47.30 The certification must include boxes for the voter to respond to the following
47.31 questions:

47.32 "(1) Are you a citizen of the United States?" and

47.33 "(2) Will you be 18 years old on or before election day?"

47.34 And the instruction:

47.35 "If you checked 'no' to either of these questions, do not complete this form."

48.1 A paper voter registration application must be of suitable size and weight for
48.2 mailing. The form of the voter registration application and the certification of voter
48.3 eligibility must be as provided in this subdivision and approved by the secretary of state.
48.4 Voter registration forms authorized by the National Voter Registration Act must also be
48.5 accepted as valid. The federal postcard application form must also be accepted as valid if
48.6 it is not deficient and the voter is eligible to register in Minnesota.

48.7 An individual may use a voter registration application to apply to register to vote in
48.8 Minnesota or to change information on an existing registration.

48.9 Sec. 3. Minnesota Statutes 2014, section 201.12, subdivision 2, is amended to read:

48.10 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election
48.11 official is returned as undeliverable but with a permanent forwarding address in this state,
48.12 the county auditor may change the voter's status to "inactive" in the statewide registration
48.13 system and shall transmit a copy of the mailing to the auditor of the county in which the
48.14 new address is located. If an election is scheduled to occur in the precinct in which the voter
48.15 resides in the next 47 days, the county auditor shall promptly update the voter's address in
48.16 the statewide voter registration system. If there is not an election scheduled, the auditor
48.17 may wait to update the voter's address until after the next list of address changes is received
48.18 from the secretary of state. Once updated, the county auditor shall mail to the voter a notice
48.19 stating the voter's name, address, precinct, and polling place, except that if the voter's
48.20 record is challenged due to incarceration for a felony conviction offense, noncitizenship,
48.21 name change, incompetence, or a court's revocation of voting rights of individuals under
48.22 guardianship, the auditor must not mail the notice. The notice must advise the voter that
48.23 the voter's voting address has been changed and that the voter must notify the county
48.24 auditor within 21 days if the new address is not the voter's address of residence. The notice
48.25 must state that it must be returned if it is not deliverable to the voter at the named address.

48.26 Sec. 4. Minnesota Statutes 2014, section 201.12, subdivision 3, is amended to read:

48.27 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election
48.28 official is returned as undeliverable but with a permanent forwarding address outside this
48.29 state, the county auditor shall promptly mail to the voter at the voter's new address a
48.30 notice advising the voter that the voter's status in the statewide voter registration system
48.31 will be changed to "inactive" unless the voter notifies the county auditor within 21 days
48.32 that the voter is retaining the former address as the voter's address of residence. If the
48.33 voter's record is challenged due to incarceration for a felony conviction offense, lack of
48.34 United States citizenship, legal incompetence, or court-ordered revocation of voting rights

49.1 of persons under guardianship, the county auditor must not mail this notice. If the notice is
49.2 not received by the deadline, the county auditor shall change the voter's status to "inactive"
49.3 in the statewide voter registration system.

49.4 Sec. 5. Minnesota Statutes 2014, section 201.13, subdivision 3, is amended to read:

49.5 Subd. 3. **Use of change of address system.** (a) At least once each month the
49.6 secretary of state shall obtain a list of individuals registered to vote in this state who have
49.7 filed with the United States Postal Service a change of their permanent address. The
49.8 secretary of state may also periodically obtain a list of individuals with driver's licenses or
49.9 state identification cards to identify those who are registered to vote who have applied to
49.10 the Department of Public Safety for a replacement driver's license or state identification
49.11 card with a different address, and a list of individuals for whom the Department of Public
49.12 Safety received notification of a driver's license or state identification card cancellation
49.13 due to a change of residency out of state. However, the secretary of state shall not load
49.14 data derived from these lists into the statewide voter registration system within the 47 days
49.15 before the state primary or 47 days before a November general election.

49.16 (b) If the address is changed to another address in this state, the secretary of state
49.17 shall locate the precinct in which the voter resides, if possible. If the secretary of state
49.18 is able to locate the precinct in which the voter resides, the secretary must transmit the
49.19 information about the changed address by electronic means to the county auditor of the
49.20 county in which the new address is located. For addresses for which the secretary of
49.21 state is unable to determine the precinct, the secretary may forward information to the
49.22 appropriate county auditors for individual review. If the voter has not voted or submitted a
49.23 voter registration application since the address change, upon receipt of the information, the
49.24 county auditor shall update the voter's address in the statewide voter registration system.
49.25 The county auditor shall mail to the voter a notice stating the voter's name, address,
49.26 precinct, and polling place, unless the voter's record is challenged due to incarceration
49.27 for a felony conviction offense, noncitizenship, name change, incompetence, or a court's
49.28 revocation of voting rights of individuals under guardianship, in which case the auditor
49.29 must not mail the notice. The notice must advise the voter that the voter's voting address
49.30 has been changed and that the voter must notify the county auditor within 21 days if the
49.31 new address is not the voter's address of residence. The notice must state that it must be
49.32 returned if it is not deliverable to the voter at the named address.

49.33 (c) If the change of permanent address is to an address outside this state, the secretary
49.34 of state shall notify by electronic means the auditor of the county where the voter formerly
49.35 resided that the voter has moved to another state. If the voter has not voted or submitted a

50.1 voter registration application since the address change, the county auditor shall promptly
 50.2 mail to the voter at the voter's new address a notice advising the voter that the voter's status
 50.3 in the statewide voter registration system will be changed to "inactive" unless the voter
 50.4 notifies the county auditor within 21 days that the voter is retaining the former address
 50.5 as the voter's address of residence, except that if the voter's record is challenged due to
 50.6 incarceration for a felony conviction offense, noncitizenship, name change, incompetence,
 50.7 or a court's revocation of voting rights of individuals under guardianship, the auditor must
 50.8 not mail the notice. If the notice is not received by the deadline, the county auditor shall
 50.9 change the voter's status to "inactive" in the statewide voter registration system.

50.10 (d) If, in order to maintain voter registration records, the secretary of state enters
 50.11 an agreement to share information or data with an organization governed exclusively by
 50.12 a group of states, the secretary must first determine that the data security protocols are
 50.13 sufficient to safeguard the information or data shared. If required by such an agreement,
 50.14 the secretary of state may share the following data from the statewide voter registration
 50.15 system and data released to the secretary of state under section 171.12, subdivision 7a:

- 50.16 (1) name;
- 50.17 (2) date of birth;
- 50.18 (3) address;
- 50.19 (4) driver's license or state identification card number;
- 50.20 (5) the last four digits of an individual's Social Security number; and
- 50.21 (6) the date that an individual's record was last updated.

50.22 If the secretary of state enters into such an agreement, the secretary and county auditors
 50.23 must process changes to voter records based upon that data in accordance with this section.
 50.24 Except as otherwise provided in this subdivision, when data is shared with the secretary of
 50.25 state by another state, the secretary of state must maintain the same data classification that
 50.26 the data had while it was in the possession of the state providing the data.

50.27 Sec. 6. Minnesota Statutes 2014, section 201.14, is amended to read:

50.28 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
 50.29 **CHANGES OF NAMES.**

50.30 The state court administrator shall regularly report by electronic means to the
 50.31 secretary of state the name, address, and, if available, driver's license or state identification
 50.32 card number of each individual, 18 years of age or over, whose name was changed since
 50.33 the last report, by marriage, divorce, or any order or decree of the court. The secretary of
 50.34 state shall determine if any of the persons in the report are registered to vote under their
 50.35 previous name and shall prepare a list of those registrants for each county auditor. Upon

51.1 receipt of the list, the county auditor shall make the change in the voter's record and mail
 51.2 to the voter the notice of registration required by section 201.121, subdivision 2. A notice
 51.3 must not be mailed if the voter's record is challenged due to incarceration for a felony
 51.4 ~~conviction~~ offense, lack of United States citizenship, legal incompetence, or court-ordered
 51.5 revocation of voting rights of persons under guardianship.

51.6 Sec. 7. Minnesota Statutes 2014, section 201.157, is amended to read:

51.7 **201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.**

51.8 (a) The commissioner of corrections shall make electronic data available to the
 51.9 secretary of state on individuals 18 years of age or older who are currently: incarcerated in
 51.10 a state correctional facility.

51.11 ~~(1) serving felony sentences under the commissioner's jurisdiction; or~~

51.12 ~~(2) on probation for felony offenses that would result in the loss of civil rights, as~~
 51.13 ~~indicated by the statewide supervision system established under section 241.065.~~

51.14 The data must include the name, date of birth, last known residential address that is
 51.15 not a correctional facility, and, if available, corrections' state identification number, and
 51.16 the driver's license or state identification card number, and, if an individual has completed
 51.17 the sentence, the date of discharge.

51.18 (b) The secretary of state must determine if any data newly indicates that:

51.19 (1) an individual with an active voter registration in the statewide voter registration
 51.20 system is currently ~~serving a felony sentence under the commissioner's jurisdiction or is~~
 51.21 ~~on probation for a felony offense that would result in the loss of civil rights~~ incarcerated
 51.22 in a state correctional facility and the individual's voter record does not already have a
 51.23 challenged status due to a felony conviction;

51.24 (2) an individual with an active voter registration in the statewide voter registration
 51.25 system who is currently ~~serving a felony sentence under the commissioner's jurisdiction~~
 51.26 ~~or who is on probation for a felony offense that would result in the loss of civil rights~~
 51.27 incarcerated in a state correctional facility appears to have registered to vote or to have
 51.28 voted during a period when the individual's civil rights were revoked; and

51.29 (3) an individual with a voter record that has a challenged status due to a felony
 51.30 conviction who was serving a felony sentence under the commissioner's jurisdiction
 51.31 or who has been on probation for a felony offense that would result in the loss of civil
 51.32 rights has been discharged from a sentence.

51.33 The secretary of state shall prepare a list of the registrants included under clause (1),
 51.34 (2), or (3) for each county auditor. For individuals under clause (1), the county auditor
 51.35 shall challenge the individual's record in the statewide voter registration system. The

52.1 county auditor must provide information to the county attorney about individuals under
 52.2 clause (2) for the county attorney's investigation. For individuals under clause (3), the
 52.3 county auditor must determine if the challenge status should be removed from the voter
 52.4 record for the individual, and if so, must remove the challenge.

52.5 The secretary of state must make the required determinations and provide the
 52.6 required lists to the county auditors at least monthly.

52.7 For each state general election that occurs prior to the statewide voter registration
 52.8 system being programmed to generate lists as required by this section, the secretary of
 52.9 state must make the determination and provide lists to the county auditors between 30 and
 52.10 60 days before the election and again between six and ten weeks after the election. In the
 52.11 year following that state election, the secretary of state must make this determination and
 52.12 provide lists to the county auditors again as part of the annual list maintenance.

52.13 Sec. 8. **[201.276] DUTIES OF SECRETARY OF STATE; INFORMATION**
 52.14 **ABOUT VOTING RIGHTS.**

52.15 The secretary of state shall develop accurate and complete information in a single
 52.16 publication about the voting rights of people who have been charged with or convicted of
 52.17 a crime. The secretary of state must make this publication available electronically to the
 52.18 state court administrator for distribution to judges, court personnel, probation officers,
 52.19 and the Department of Corrections for distribution to corrections officials, parole and
 52.20 supervised release agents, and the public. The secretary of state must make the publication
 52.21 available to the public on the Office of the Secretary of State's Web site.

52.22 Sec. 9. Minnesota Statutes 2014, section 204C.08, subdivision 1d, is amended to read:

52.23 Subd. 1d. **Voter's Bill of Rights.** The county auditor shall prepare and provide to
 52.24 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set
 52.25 forth in this section. Before the hours of voting are scheduled to begin, the election judges
 52.26 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill
 52.27 of Rights is as follows:

52.28 "VOTER'S BILL OF RIGHTS

52.29 For all persons residing in this state who meet federal voting eligibility requirements:

52.30 (1) You have the right to be absent from work for the purpose of voting in a state
 52.31 or, federal, or regularly scheduled election without reduction to your pay, personal leave,
 52.32 or vacation time on election day for the time necessary to appear at your polling place,
 52.33 cast a ballot, and return to work.

53.1 (2) If you are in line at your polling place any time before 8:00 p.m., you have the
53.2 right to vote.

53.3 (3) If you can provide the required proof of residence, you have the right to register
53.4 to vote and to vote on election day.

53.5 (4) If you are unable to sign your name, you have the right to orally confirm your
53.6 identity with an election judge and to direct another person to sign your name for you.

53.7 (5) You have the right to request special assistance when voting.

53.8 (6) If you need assistance, you may be accompanied into the voting booth by a
53.9 person of your choice, except by an agent of your employer or union or a candidate.

53.10 (7) You have the right to bring your minor children into the polling place and into
53.11 the voting booth with you.

53.12 (8) ~~If you have been convicted of a felony but your felony sentence has expired~~
53.13 ~~(been completed) or you have been discharged from your sentence,~~ You have the right to
53.14 vote, even if you have been convicted of a felony, if you are not currently incarcerated for
53.15 the felony offense.

53.16 (9) If you are under a guardianship, you have the right to vote, unless the court
53.17 order revokes your right to vote.

53.18 (10) You have the right to vote without anyone in the polling place trying to
53.19 influence your vote.

53.20 (11) If you make a mistake or spoil your ballot before it is submitted, you have the
53.21 right to receive a replacement ballot and vote.

53.22 (12) You have the right to file a written complaint at your polling place if you are
53.23 dissatisfied with the way an election is being run.

53.24 (13) You have the right to take a sample ballot into the voting booth with you.

53.25 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting
53.26 booth with you."

53.27 Sec. 10. Minnesota Statutes 2014, section 204C.10, is amended to read:

53.28 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
53.29 **REGISTRATION.**

53.30 (a) An individual seeking to vote shall sign a polling place roster or voter signature
53.31 certificate which states that the individual:

53.32 (1) is at least 18 years of age;

53.33 (2) a citizen of the United States;

53.34 (3) has resided in Minnesota for 20 days immediately preceding the election;

53.35 (4) maintains residence at the address shown;

54.1 (5) is not under a guardianship in which the court order revokes the individual's
54.2 right to vote;

54.3 (6) has not been found by a court of law to be legally incompetent to vote ~~or has~~
54.4 ~~the right to vote because;~~

54.5 (7) ~~if the individual was convicted of a felony, the felony sentence has expired or~~
54.6 ~~been completed or the individual has been discharged from the sentence, is not currently~~
54.7 incarcerated for a felony offense;

54.8 (8) is registered; and

54.9 (9) has not already voted in the election.

54.10 The roster must also state: "I understand that deliberately providing false information is
54.11 a felony punishable by not more than five years imprisonment and a fine of not more
54.12 than \$10,000, or both."

54.13 (b) A judge may, before the applicant signs the roster or voter signature certificate,
54.14 confirm the applicant's name, address, and date of birth.

54.15 (c) After the applicant signs the roster or voter signature certificate, the judge shall
54.16 give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge
54.17 in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall
54.18 hand to the voter the ballot. The voters' receipts must be maintained during the time for
54.19 notice of filing an election contest.

54.20 Sec. 11. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

54.21 Subdivision 1. Correctional facilities; designation of official. The chief executive
54.22 officer of each state and local correctional facility shall designate an official within the
54.23 facility to provide the notice required under this section to persons to whom the civil right to
54.24 vote is restored by reason of the persons' release from actual incarceration. The official shall
54.25 maintain an adequate supply of voter registration informational materials for this purpose.

54.26 Subd. 2. Notice requirement. A notice of restoration of the civil right to vote must
54.27 be provided as follows:

54.28 (1) the chief executive officer of each state and local correctional facility shall
54.29 provide the notice to a person being released from the facility following incarceration for a
54.30 felony-level offense; and

54.31 (2) a probation officer or supervised release agent shall provide the notice to all
54.32 individuals under correctional supervision for a felony-level offense.

54.33 Subd. 3. Form of notice. The notice required by subdivision 2 must appear
54.34 substantially as follows:

54.35 **"NOTICE OF RESTORATION OF YOUR RIGHT TO VOTE.**

55.1 Your receipt of this notice today means that your right to vote in Minnesota has been
55.2 restored. Before you can vote on election day, you still need to register to vote and you
55.3 must satisfy all other voter eligibility criteria. To register, you may complete a voter
55.4 registration application and return it to the Office of the Minnesota Secretary of State. You
55.5 may also register to vote in your polling place on election day. You will not be permitted
55.6 to cast a ballot until you register to vote. The first time you appear at your polling place to
55.7 cast a ballot, you may be required to provide proof of your current residence."

55.8 Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required
55.9 by this section does not prevent the restoration of the person's civil right to vote.

55.10 Sec. 12. Minnesota Statutes 2014, section 609.165, subdivision 1, is amended to read:

55.11 Subdivision 1. **Restoration.** (a) When a person has been deprived of civil rights by
55.12 reason of conviction of a crime and is thereafter discharged, such discharge shall restore the
55.13 person to all civil rights and to full citizenship, with full right to ~~vote~~ and hold office, the
55.14 same as if such conviction had not taken place, and the order of discharge shall so provide.

55.15 (b) Section 201.014, subdivision 2a, governs the restoration of voting rights for
55.16 persons whose right to vote has been lost due to a felony conviction.

55.17 Sec. 13. **REPEALER.**

55.18 Minnesota Statutes 2014, sections 201.155; and 201.275, are repealed.

55.19 Sec. 14. **EFFECTIVE DATE.**

55.20 This article is effective August 1, 2015, and applies to elections held on or after that
55.21 date. Notices required to be provided by Minnesota Statutes, section 243.205, must be
55.22 provided to individuals released from incarceration on or after August 1, 2015.

APPENDIX
Article locations in S0878-2

ARTICLE 1	PUBLIC SAFETY	Page.Ln 2.1
ARTICLE 2	JUVENILE JUSTICE	Page.Ln 20.25
ARTICLE 3	FORFEITURE	Page.Ln 26.24
ARTICLE 4	RESTORATION OF RIGHT TO VOTE	Page.Ln 46.21

97B.031 USE AND POSSESSION OF FIREARMS.

Subd. 4. **Silencers prohibited.** Except as provided in section 609.66, subdivision 1h, a person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached.

201.155 REPORT ON FELONY CONVICTIONS.

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report regularly by electronic means to the secretary of state the name, address, date of birth, and, if available, driver's license or state identification card number, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants in the appropriate manner in the statewide registration system.

201.275 INVESTIGATIONS; PROSECUTIONS.

A law enforcement agency that is notified by affidavit of an alleged violation of this chapter shall promptly investigate. Upon receiving an affidavit alleging a violation of this chapter, a county attorney shall promptly forward it to a law enforcement agency with jurisdiction for investigation. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution.

Where the matter relates to a voter registration application submitted electronically through the secure Web site established in section 201.061, subdivision 1, alleged violations of this chapter may be investigated and prosecuted in the county in which the individual registered or attempted to register.

609.66 DANGEROUS WEAPONS.

Subd. 1h. **Silencers; authorized for law enforcement and wildlife control purposes.** (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

(b) Notwithstanding subdivision 1a, paragraph (a), clause (1), an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area manager, an employee designated under section 84.0835, or a person acting under contract with the commissioner of natural resources, at specific times and locations that are authorized by the commissioner of natural resources may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations that require stealth. If the commissioner determines that the use of silencing devices is necessary under this paragraph, the commissioner must establish and enforce a written policy governing the use, possession, and transportation of the devices.

(c) Notwithstanding subdivision 1a, paragraph (a), clause (1), 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, as a firearms importer, manufacturer, or dealer, who is acting in full compliance with all federal requirements under that license, may possess devices designed to silence or muffle the discharge of a firearm for the purpose of selling or otherwise transferring in any lawful manner the devices or firearms tested with the devices, to:

- (1) the chief administrator of any federal, state, or local governmental agency;
- (2) the commander or commander's designee of any unit of the United States Armed Forces; or

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(3) 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, as a firearms importer, manufacturer, or dealer, who is acting in full compliance with all federal requirements under that license.