

CHAPTER 86—S.F.No. 671

An act relating to criminal justice; modifying certain provisions relating to public safety, courts, guardians and conservators, corrections, offenders, and data integration; requiring reports; providing for penalties; appropriating money for courts, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, sentencing guidelines, public safety, Peace Officer Standards and Training (POST) Board, Private Detective Board, human rights, and corrections; amending Minnesota Statutes 2012, sections 241.301; 243.51, subdivisions 1, 3; 245C.32, subdivision 2; 253B.24; 299A.705, by adding a subdivision; 299A.73, subdivision 3; 299C.10, subdivisions 1, 3; 299C.11, subdivision 1; 299C.14; 299C.17; 357.021, by adding a subdivision; 363A.36, subdivisions 1, 2; 480A.02, subdivision 7; 524.5-118, subdivision 1, by adding a subdivision; 524.5-303; 524.5-316; 524.5-403; 524.5-420; 609.3455, by adding a subdivision; 624.713, subdivision 3, by adding a subdivision; Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2012, section 243.51, subdivision 5.

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

ARTICLE 1

APPROPRIATIONS

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2014</u>		<u>2015</u>		<u>Total</u>
<u>Special Revenue</u>	\$ 17,932,000	\$	16,932,000	\$	34,864,000
<u>State Government Special Revenue</u>	59,241,000		63,742,000		122,983,000
<u>Environment</u>	69,000		69,000		138,000
<u>Trunk Highway Fund</u>	2,266,000		2,266,000		4,532,000
<u>General Fund</u>	955,672,000		974,870,000		1,930,542,000
<u>Total</u>	\$ 1,035,180,000	\$	1,057,879,000	\$	2,093,059,000

Sec. 2. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2014" and "2015" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively. "The first year" is fiscal year 2014. "The second year" is fiscal year 2015.

"The biennium" is fiscal years 2014 and 2015. Appropriations for the fiscal year ending June 30, 2013, are effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2014</u>	<u>2015</u>
Sec. 3. <u>SUPREME COURT</u>		
Subdivision 1. <u>Total Appropriation</u>	<u>\$ 44,548,000</u>	<u>\$ 45,191,000</u>
<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>		
Subd. 2. <u>Supreme Court Operations</u>	<u>32,282,000</u>	<u>32,925,000</u>
(a) <u>Contingent Account</u>		
<u>\$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.</u>		
(b) <u>Employer Pension Fund Contribution</u>		
<u>\$22,000 each year is for a two percent increase in the employer pension fund contribution rate to the judge retirement plan. These appropriations take effect only if legislation to increase the employer pension fund contribution rate by two percent is enacted into law by July 1, 2013. If the appropriations do not take effect, this appropriation cancels to the general fund.</u>		
Subd. 3. <u>Civil Legal Services</u>	<u>12,266,000</u>	<u>12,266,000</u>
<u>Legal Services to Low-Income Clients in Family Law Matters</u>		
<u>\$877,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services program described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.</u>		
Sec. 4. <u>COURT OF APPEALS</u>	<u>\$ 10,641,000</u>	<u>\$ 11,035,000</u>
(a) <u>Employer Pension Fund Contribution</u>		

\$55,000 the first year and \$57,000 the second year are for a two percent increase in the employer pension fund contribution rate to the judge retirement plan. These appropriations take effect only if legislation to increase the employer pension fund contribution rate by two percent is enacted into law by July 1, 2013. If the appropriations do not take effect, this appropriation cancels to the general fund.

(b) General Fund Base

The court of appeals general fund base shall be increased by \$69,000 in fiscal year 2016 and \$89,000 in fiscal year 2017.

Sec. 5. <u>DISTRICT COURTS</u>	<u>\$</u>	<u>247,459,000</u>	<u>\$</u>	<u>256,622,000</u>
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(a) Specialty Courts

\$875,000 each year is to develop, expand, and maintain specialty courts.

(b) Employer Pension Fund Contribution

\$778,000 the first year and \$809,000 the second year are for a two percent increase in the employer pension fund contribution rate to the judge retirement plan. These appropriations take effect only if legislation to increase the employer pension fund contribution rate by two percent is enacted into law by July 1, 2013. If the appropriations do not take effect, this appropriation cancels to the general fund.

Sec. 6. <u>GUARDIAN AD LITEM BOARD</u>	<u>\$</u>	<u>12,414,000</u>	<u>\$</u>	<u>12,756,000</u>
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Sec. 7. **TAX COURT**

<u>\$</u>	<u>1,023,000</u>	<u>\$</u>	<u>1,035,000</u>
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(a) Additional Resources

\$161,000 each year is for two law clerks, continuing legal education costs, and Westlaw costs.

(b) Case Management System

\$25,000 each year is for the implementation and maintenance of a modern case management system.

Sec. 8. <u>UNIFORM LAWS COMMISSION</u>	<u>\$</u>	<u>147,000</u>	<u>\$</u>	<u>84,000</u>
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Back Dues

\$63,000 the first year is to pay back dues owing to the National Conference of Commissioners on Uniform State Laws.

<u>Appropriations by Fund</u>		
	<u>2014</u>	<u>2015</u>
<u>General</u>	<u>82,213,000</u>	<u>82,772,000</u>
<u>Special Revenue</u>	<u>14,062,000</u>	<u>13,062,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>59,241,000</u>	<u>63,742,000</u>
<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
<u>Trunk Highway</u>	<u>2,266,000</u>	<u>2,266,000</u>

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

<u>Subd. 2. Emergency Management</u>	<u>2,979,000</u>	<u>2,929,000</u>
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<u>Appropriations by Fund</u>		
	<u>2014</u>	<u>2015</u>
<u>General</u>	<u>2,306,000</u>	<u>2,256,000</u>
<u>Special Revenue</u>	<u>604,000</u>	<u>604,000</u>
<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>

(a) Hazmat and Chemical Assessment Teams

\$604,000 each year is from the fire safety account in the special revenue fund. These amounts must be used to fund the hazardous materials and chemical assessment teams.

(b) School Safety

\$455,000 the first year and \$405,000 the second year from the general fund are to reinstate the school safety center and to provide for school safety. The commissioner of public safety shall work collaboratively with the School Climate Council and the school climate center established under Minnesota Statutes, sections 121A.07 and 127A.052.

By January 15, 2014, and by January 15, 2015, the commissioner of public safety shall report to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over criminal justice and judiciary funding on how this appropriation was spent. The report shall specify the results achieved by the school safety center and the level of cooperation achieved between the commissioner and the School Climate Council and school climate center.

Subd. 3. **Criminal Apprehension** 47,588,000 47,197,000

<u>Appropriations by Fund</u>		
<u>General</u>	<u>42,315,000</u>	<u>42,924,000</u>
<u>Special Revenue</u>	<u>3,000,000</u>	<u>2,000,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
<u>Trunk Highway</u>	<u>2,266,000</u>	<u>2,266,000</u>

(a) DWI Lab Analysis; Trunk Highway Fund

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$1,941,000 each year is from the trunk highway fund for laboratory analysis related to driving-while-impaired cases.

(b) Criminal History System

\$50,000 the first year and \$580,000 the second year from the general fund and, notwithstanding Minnesota Statutes, section 299A.705, subdivision 4, \$3,000,000 the first year and \$2,000,000 the second year from the vehicle services account in the special revenue fund are to replace the state criminal history system. This is a onetime appropriation and is available until expended. Of this amount, \$2,980,000 the first year and \$2,580,000 the second year are for a onetime transfer to the Office of Enterprise Technology for start-up costs. Service level agreements must document all project-related transfers under this paragraph. Ongoing operating and support costs for this system shall be identified and incorporated into future service level agreements.

The commissioner is authorized to use funds appropriated under this paragraph for the purposes specified in paragraph (c).

(c) Criminal Reporting System

\$1,360,000 the first year and \$1,360,000 the second year from the general fund are to replace the state's crime reporting system. This is a onetime appropriation and is available until expended. Of these amounts, \$1,360,000 the first year and \$1,360,000 the second year are for a onetime transfer to the Office of Enterprise Technology for start-up costs. Service level agreements must document

all project-related transfers under this paragraph. Ongoing operating and support costs for this system shall be identified and incorporated into future service level agreements.

The commissioner is authorized to use funds appropriated under this paragraph for the purposes specified in paragraph (b).

(d) Forensic Laboratory

\$125,000 the first year and \$125,000 the second year from the general fund and, notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$125,000 the first year and \$125,000 the second year from the trunk highway fund are to replace forensic laboratory equipment at the Bureau of Criminal Apprehension.

\$200,000 the first year and \$200,000 the second year from the general fund and, notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$200,000 the first year and \$200,000 the second year from the trunk highway fund are to improve forensic laboratory staffing at the Bureau of Criminal Apprehension.

(e) Livescan Fingerprinting

\$310,000 the first year and \$389,000 the second year from the general fund are to maintain Livescan fingerprinting machines. This is a onetime appropriation.

(f) General Fund Base

The Bureau of Criminal Apprehension's general fund base is reduced by \$1,720,000 in fiscal year 2014 and \$2,329,000 in fiscal year 2015 to reflect onetime appropriations.

(g) Report

If the vehicle services special revenue account accrues an unallocated balance in excess of 50 percent of the previous fiscal year's expenditures, the commissioner of public safety shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation and public safety policy and finance. The report must contain specific

policy and legislative recommendations for reducing the fund balance and avoiding future excessive fund balances. The report is due within three months of the fund balance exceeding the threshold established in this paragraph.

Subd. 4. Fire Marshal 9,555,000 9,555,000

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

Of this amount: (1) \$7,187,000 each year is for activities under Minnesota Statutes, section 299F.012; and (2) \$2,368,000 the first year and \$2,368,000 the second year are for transfers to the general fund under Minnesota Statutes, section 297I.06, subdivision 3.

Subd. 5. Alcohol and Gambling Enforcement 2,485,000 2,485,000

Appropriations by Fund

<u>General</u>	<u>1,582,000</u>	<u>1,582,000</u>
<u>Special Revenue</u>	<u>903,000</u>	<u>903,000</u>

\$653,000 each year is from the alcohol enforcement account in the special revenue fund. Of this appropriation, \$500,000 each year shall be transferred to the general fund.

\$250,000 each year is appropriated from the lawful gambling regulation account in the special revenue fund.

Subd. 6. Office of Justice Programs 36,106,000 36,106,000

Appropriations by Fund

<u>General</u>	<u>36,010,000</u>	<u>36,010,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

(a) OJP Administration Costs

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

(b) Crime Victim Programs

\$1,500,000 each year must be distributed through an open and competitive grant process for existing crime victim programs. The funds must be used to meet the needs of underserved and unserved areas and populations.

(c) Community Offender Reentry Program

\$100,000 each year is for a grant to the community offender reentry program for assisting individuals to transition from incarceration to the communities in and around Duluth, including assistance in finding housing, employment, educational opportunities, counseling, and other resources. This is a onetime appropriation.

(d) Youth Intervention Programs

\$1,000,000 each year is for youth intervention programs under Minnesota Statutes, section 299A.73. The appropriations must be used to create new programs statewide in underserved areas and to help existing programs serve unmet needs in program communities. These appropriations are available until expended. This amount must be added to the department's base budget for grants to youth intervention programs.

(e) Sexually Exploited Youth; Law Enforcement and Prosecution Training

\$350,000 each year is for a grant to Ramsey County to be used by the Ramsey County Attorney's Office to:

(1) develop a statewide model protocol for law enforcement, prosecutors, and others, who in their professional capacity encounter sexually exploited and trafficked youth, on identifying and intervening with sexually exploited and trafficked youth;

(2) conduct statewide training for law enforcement and prosecutors on the model protocol and the Safe Harbor Law described in Laws 2011, First Special Session chapter 1, article 4, as modified by Senate File No. 384, article 2, if enacted; and

(3) develop and disseminate to law enforcement, prosecutors, and others, who in their professional capacity encounter sexually exploited and trafficked youth, on investigative best practices to identify sex trafficked victims and traffickers.

The Ramsey County attorney may use the money appropriated in this paragraph to partner with other entities to implement clauses (1) to (3).

By January 15, 2015, the Ramsey County Attorney's Office shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on how this appropriation was spent.

These appropriations are onetime.

(f) Returning Veterans in Crisis

\$50,000 each year is for a grant to the Upper Midwest Community Policing Institute for use in training community safety personnel about the use of de-escalation strategies for handling returning veterans in crisis. This is a onetime appropriation, and the unencumbered balance in the first year does not cancel but is available for the second year. The commissioner shall consult with the Peace Officers Standards and Training (POST) Board regarding the design and content of the course, and must also ensure that the training opportunities are reasonably distributed throughout the state.

(g) Juvenile Detention Alternative Initiative

\$50,000 each year is for a grant to the Juvenile Detention Alternative Initiative. This is a onetime appropriation, and funds unexpended in the first year are available in the second year.

Subd. 7. Emergency Communication Networks

59,138,000

63,639,000

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

(a) Public Safety Answering Points

\$13,664,000 each year is to be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2.

(b) Medical Resource Communication Centers

\$683,000 each year is for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

(c) ARMER Debt Service

\$23,261,000 each year is to the commissioner of management and budget to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275.

Any portion of this appropriation not needed to pay debt service in a fiscal year may be used by the commissioner of public safety to pay cash for any of the capital improvements for which bond proceeds were appropriated by Laws 2005, chapter 136, article 1, section 9, subdivision 8; or Laws 2007, chapter 54, article 1, section 10, subdivision 8.

(d) ARMER State Backbone Operating Costs

\$9,250,000 the first year and \$9,650,000 the second year are to the commissioner of transportation for costs of maintaining and operating the first and third phases of the statewide radio system backbone.

(e) ARMER Improvements

\$1,000,000 each year is to the Statewide Radio Board for costs of design, construction, and maintenance of, and improvements to, those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or provide interim enhancement of public safety communication interoperability in those areas of the state where the statewide public safety radio and communication system is not yet implemented.

Sec. 13. PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD

\$ 3,870,000 \$ 3,870,000

(a) Excess Amounts Transferred

This appropriation is from the peace officer training account in the special revenue fund. Any new receipts credited to that account in the first year in excess of \$3,870,000 must be transferred and credited to the general fund. Any new receipts credited to that account in the second year in excess of \$3,870,000 must be transferred and credited to the general fund.

(b) Peace Officer Training Reimbursements

\$2,734,000 each year is for reimbursements to local governments for peace officer training costs.

(c) Training; Sexually Exploited and Trafficked Youth

Of the appropriation in paragraph (b), \$100,000 the first year is for reimbursements to local governments for peace officer training costs on sexually exploited and trafficked youth, including effectively identifying sex trafficked victims and traffickers, investigation techniques, and assisting sexually exploited youth.

Reimbursement shall be provided on a flat fee basis of \$100 per diem per officer.

Sec. 14. <u>PRIVATE DETECTIVE BOARD</u>	<u>\$</u>	<u>120,000</u>	<u>\$</u>	<u>120,000</u>
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Sec. 15. <u>HUMAN RIGHTS</u>	<u>\$</u>	<u>3,297,000</u>	<u>\$</u>	<u>3,297,000</u>
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Increased Compliance

\$129,000 each year is for two additional contract compliance officers.

Sec. 16. DEPARTMENT OF CORRECTIONS

Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>481,470,000</u>	<u>\$</u>	<u>487,304,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <u>Correctional Institutions</u>		<u>345,048,000</u>		<u>350,087,000</u>
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(a) Program Base

The general fund base for correctional institutions shall be \$352,372,000 in fiscal year 2016 and \$354,982,000 in fiscal year 2017.

(b) Medical Release Planners

\$68,000 the first year and \$136,000 the second year are for two medical release planners.

(c) MINNCOR

Notwithstanding Minnesota Statutes, section 241.27, the commissioner of management and budget shall transfer \$1,300,000 each year from the Minnesota correctional industries revolving fund to the general fund. This is a onetime transfer.

(d) Treatment Beds

\$1,500,000 each year is to fund additional sex offender and chemical dependency treatment beds and shall not be used for any other purpose. The

commissioner shall report to the legislature on how this appropriation was spent.

<u>Subd. 3. Community Services</u>	<u>114,178,000</u>	<u>114,704,000</u>
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(a) Probation Supervision, CCA System

\$1,025,000 the first year and \$1,025,000 the second year are added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14.

(b) Probation Supervision, CPO System

\$200,000 each year is for county probation officers reimbursement, as described in Minnesota Statutes, section 244.19, subdivision 6.

<u>Subd. 4. Operations Support</u>	<u>22,244,000</u>	<u>22,513,000</u>
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ARTICLE 2

GUARDIANS AND CONSERVATORS

Section 1. Minnesota Statutes 2012, section 245C.32, subdivision 2, is amended to read:

Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain and provide criminal history data from the Bureau of Criminal Apprehension, criminal history data held by the commissioner, and data about substantiated maltreatment under section 626.556 or 626.557, for other purposes, provided that:

(1) the background study is specifically authorized in statute; or

(2) the request is made with the informed consent of the subject of the study as provided in section 13.05, subdivision 4.

(b) An individual making a request under paragraph (a), clause (2), must agree in writing not to disclose the data to any other individual without the consent of the subject of the data.

(c) The commissioner may recover the cost of obtaining and providing background study data by charging the individual or entity requesting the study a fee of no more than \$20 per study. The fees collected under this paragraph are appropriated to the commissioner for the purpose of conducting background studies.

(d) The commissioner shall recover the cost of obtaining background study data required under section 524.5-118 through a fee of \$50 per study for an individual who has not lived outside Minnesota for the past ten years, and a fee of \$100 for an individual who has resided outside of Minnesota for any period during the ten years preceding the background study. The commissioner shall recover, from the individual, any additional fees charged by other states' licensing agencies that are associated with these data requests. Fees under subdivision 3 also apply when criminal history data from the National Criminal Records Repository is required.

Sec. 2. Minnesota Statutes 2012, section 524.5-118, subdivision 1, is amended to read:

Subdivision 1. **When required; exception.** (a) The court shall require a background study under this section:

(1) before the appointment of a guardian or conservator, unless a background study has been done on the person under this section within the previous ~~five~~ two years; and

(2) once every ~~five~~ two years after the appointment, if the person continues to serve as a guardian or conservator.

(b) The background study must include:

(1) criminal history data from the Bureau of Criminal Apprehension, other criminal history data held by the commissioner of human services, and data regarding whether the person has been a perpetrator of substantiated maltreatment of a vulnerable adult and a ~~and a~~ or minor;

~~(c) The court shall request a search of the~~ (2) criminal history data from the National Criminal Records Repository if the proposed guardian or conservator has not resided in Minnesota for the previous ~~five~~ ten years or if the Bureau of Criminal Apprehension information received from the commissioner of human services under subdivision 2, paragraph (b), indicates that the subject is a multistate offender or that the individual's multistate offender status is undetermined; and

(3) state licensing agency data if a search of the database or databases of the agencies listed in subdivision 2a shows that the proposed guardian or conservator has ever held a professional license directly related to the responsibilities of a professional fiduciary from an agency listed in subdivision 2a that was conditioned, suspended, revoked, or canceled.

~~(d)~~ (c) If the guardian or conservator is not an individual, the background study must be done on all individuals currently employed by the proposed guardian or conservator who will be responsible for exercising powers and duties under the guardianship or conservatorship.

~~(e)~~ (d) If the court determines that it would be in the best interests of the ward or protected person to appoint a guardian or conservator before the background study can be completed, the court may make the appointment pending the results of the study, however, the background study must then be completed as soon as reasonably possible after appointment, no later than 30 days after appointment.

~~(f)~~ (e) The fee for conducting a background study for appointment of a professional guardian or conservator must be paid by the guardian or conservator. In other cases, the fee must be paid as follows:

(1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes of section 524.5-502, paragraph (a);

(2) if there is an estate of the ward or protected person, the fee must be paid from the estate; or

(3) in the case of a guardianship or conservatorship of the person that is not proceeding in forma pauperis, the court may order that the fee be paid by the guardian or conservator or by the court.

~~(g)~~ (f) The requirements of this subdivision do not apply if the guardian or conservator is:

(1) a state agency or county;

(2) a parent or guardian of a proposed ward or protected person who has a developmental disability, if the parent or guardian has raised the proposed ward or protected person in the family home until the time the petition is filed, unless counsel appointed for the proposed ward or protected person under section 524.5-205, paragraph (d); 524.5-304, paragraph (b); 524.5-405, paragraph (a); or 524.5-406, paragraph (b), recommends a background study; or

(3) a bank with trust powers, bank and trust company, or trust company, organized under the laws of any state or of the United States and which is regulated by the commissioner of commerce or a federal regulator.

Sec. 3. Minnesota Statutes 2012, section 524.5-118, is amended by adding a subdivision to read:

Subd. 2a. Procedure; state licensing agency data. (a) The court shall request the commissioner of human services to provide the court within 25 working days of receipt of the request with licensing agency data for licenses directly related to the responsibilities of a professional fiduciary from the following agencies in Minnesota:

- (1) Lawyers Responsibility Board;
- (2) State Board of Accountancy;
- (3) Board of Social Work;
- (4) Board of Psychology;
- (5) Board of Nursing;
- (6) Board of Medical Practice;
- (7) Department of Education;
- (8) Department of Commerce;
- (9) Board of Chiropractic Examiners;
- (10) Board of Dentistry;
- (11) Board of Marriage and Family Therapy;
- (12) Department of Human Services; and
- (13) Peace Officer Standards and Training (POST) Board.

(b) The commissioner shall enter into agreements with these agencies to provide for electronic access to the relevant licensing data by the commissioner.

(c) The commissioner shall provide to the court the electronically available data maintained in the agency's database, including whether the proposed guardian or conservator is or has been licensed by the agency, and if the licensing agency database indicates a disciplinary action or a sanction against the individual's license, including a condition, suspension, revocation, or cancellation.

(d) If the proposed guardian or conservator has resided in a state other than Minnesota in the previous ten years, licensing agency data under this section shall also include the licensing agency data from any other state where the proposed guardian or conservator reported to have resided during the previous ten years. If the proposed guardian or conservator has or has had a professional license in another state that is directly related to the responsibilities of a professional fiduciary from one of the agencies listed under paragraph (a), state licensing agency data shall also include data from the relevant licensing agency of that state.

(e) The commissioner is not required to repeat a search for Minnesota or out-of-state licensing data on an individual if the commissioner has provided this information to the court within the prior two years.

(f) If an individual has continuously resided in Minnesota since a previous background study under this section was completed, the commissioner is not required to repeat a search for records in another state.

Sec. 4. Minnesota Statutes 2012, section 524.5-303, is amended to read:

524.5-303 JUDICIAL APPOINTMENT OF GUARDIAN: PETITION.

(a) An individual or a person interested in the individual's welfare may petition for a determination of incapacity, in whole or in part, and for the appointment of a limited or unlimited guardian for the individual.

(b) The petition must set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

(1) the respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling in which it is proposed that the respondent will reside if the appointment is made;

(2) the name and address of the respondent's:

(i) spouse, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and

(ii) adult children or, if the respondent has none, the respondent's parents and adult brothers and sisters, or if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;

(3) the name of the administrative head and address of the institution where the respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution;

(4) the name and address of any legal representative for the respondent;

(5) the name, address, and telephone number of any person nominated as guardian by the respondent in any manner permitted by law, including a health care agent nominated in a health care directive;

(6) the name, address, and telephone number of any proposed guardian and the reason why the proposed guardian should be selected;

(7) the name and address of any health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state;

(8) the reason why guardianship is necessary, including a brief description of the nature and extent of the respondent's alleged incapacity;

(9) if an unlimited guardianship is requested, the reason why limited guardianship is inappropriate and, if a limited guardianship is requested, the powers to be granted to the limited guardian; and

(10) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts.

(c) The petition must also set forth the following information regarding the proposed guardian or any employee of the guardian responsible for exercising powers and duties under the guardianship:

(1) whether the proposed guardian has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location; ~~and~~

(2) if the proposed guardian is a professional guardian or conservator, a summary of the proposed guardian's educational background and relevant work and other experience;

(3) whether the proposed guardian has ever applied for or held, at any time, any professional license from an agency listed under section 524.5-118, subdivision 2a, and if so, the name of the licensing agency, and as applicable, the license number and status; whether the license is active or has been denied, conditioned, suspended, revoked, or canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of the license;

(4) whether the proposed guardian has ever been found civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(5) whether the proposed guardian has ever filed for or received protection under the bankruptcy laws, and if so, the case number and court location;

(6) whether the proposed guardian has any outstanding civil monetary judgments against the proposed guardian, and if so, the case number, court location, and outstanding amount owed;

(7) whether an order for protection or harassment restraining order has ever been issued against the proposed guardian, and if so, the case number and court location; and

(8) whether the proposed guardian has ever been convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and the crime of which the guardian was convicted.

Sec. 5. Minnesota Statutes 2012, section 524.5-316, is amended to read:

524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT ORDERS.

(a) A guardian shall report to the court in writing on the condition of the ward at least annually and whenever ordered by the court. A copy of the report must be provided to the ward and to interested persons of record with the court. A report must state or contain:

(1) the current mental, physical, and social condition of the ward;

(2) the living arrangements for all addresses of the ward during the reporting period;

(3) any restrictions placed on the ward's right to communication and visitation with persons of the ward's choice and the factual bases for those restrictions;

(4) the medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of the ward's care;

(5) a recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;

(6) an address and telephone number where the guardian can be contacted; and

~~(7) whether the guardian has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location;~~

~~(8) any changes occurring that would affect the accuracy of information contained in the most recent criminal background study of the guardian conducted under section 524.5-118; and~~

~~(9) (7) if applicable, the amount of reimbursement for services rendered to the ward that the guardian received during the previous year that were not reimbursed by county contract.~~

(b) A guardian shall report to the court in writing within 30 days of the occurrence of any of the events listed in this paragraph. The guardian must report any of the occurrences in this paragraph and follow the same reporting requirements in this paragraph for any employee of the guardian responsible for exercising powers and duties under the guardianship. A copy of the report must be provided to the ward and to interested persons of record with the court. A guardian shall report when:

(1) the guardian is removed for cause from serving as a guardian or conservator, and if so, the case number and court location;

(2) the guardian has a professional license from an agency listed under section 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing agency and license number, and the basis for denial, condition, suspension, revocation, or cancellation of the license;

(3) the guardian is found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(4) the guardian files for or receives protection under the bankruptcy laws, and if so, the case number and court location;

(5) a civil monetary judgment is entered against the guardian, and if so, the case number, court location, and outstanding amount owed;

(6) the guardian is convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and court location; or

(7) an order for protection or harassment restraining order is issued against the guardian, and if so, the case number and court location.

~~(b)~~ (c) A ward or interested person of record with the court may submit to the court a written statement disputing statements or conclusions regarding the condition of the ward or addressing any disciplinary or legal action that are is contained in the ~~report~~ guardian's reports and may petition the court for an order that is in the best interests of the ward or for other appropriate relief.

~~(c)~~ (d) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section.

~~(d)~~ (e) The court may appoint a visitor to ~~review~~ a report, interview the ward or guardian, and make any other investigation the court directs.

~~(e)~~ (f) The court shall establish a system for monitoring guardianships, including the filing and review of annual reports. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause.

(g) If a guardian fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator.

Sec. 6. Minnesota Statutes 2012, section 524.5-403, is amended to read:

524.5-403 ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE ORDER.

(a) The following may petition for the appointment of a conservator or for any other appropriate protective order:

(1) the person to be protected;

(2) an individual interested in the estate, affairs, or welfare of the person to be protected; or

(3) a person who would be adversely affected by lack of effective management of the property and business affairs of the person to be protected.

(b) The petition must set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment or other protective order, and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

(1) the respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling where it is proposed that the respondent will reside if the appointment is made;

(2) if the petition alleges impairment in the respondent's ability to receive and evaluate information, a brief description of the nature and extent of the respondent's alleged impairment;

(3) if the petition alleges that the respondent is missing, detained, or unable to return to the United States, a statement of the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning the respondent's whereabouts;

(4) the name and address of the respondent's:

(i) spouse, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and

(ii) adult children or, if the respondent has none, the respondent's parents and adult brothers and sisters or, if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;

(5) the name of the administrative head and address of the institution where the respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution;

(6) the name and address of any legal representative for the respondent;

(7) the name and address of any health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state;

(8) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(9) the reason why a conservatorship or other protective order is in the best interest of the respondent.

(c) If a conservatorship is requested, the petition must also set forth to the extent known:

(1) the name, address, and telephone number of any proposed conservator and the reason why the proposed conservator should be selected;

(2) the name, address, and telephone number of any person nominated as conservator by the respondent if the respondent has attained 14 years of age; and

(3) the type of conservatorship requested and, if an unlimited conservatorship, the reason why limited conservatorship is inappropriate or, if a limited conservatorship, the property to be placed under the conservator's control and any limitation on the conservator's powers and duties.

(d) The petition must also set forth the following information regarding the proposed conservator or any employee of the conservator responsible for exercising powers and duties under the conservatorship:

(1) whether the proposed conservator has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location; ~~and~~

(2) if the proposed conservator is a professional guardian or conservator, a summary of the proposed conservator's educational background and relevant work and other experience;

(3) whether the proposed conservator has ever applied for or held, at any time, any professional license from an agency listed under section 524.5-118, subdivision 2a, and if so, the name of the licensing agency, and as applicable, the license number and status; whether the license is active or has been denied, conditioned, suspended, revoked, or canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of the license;

(4) whether the proposed conservator has ever been found civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(5) whether the proposed conservator has ever filed for or received protection under the bankruptcy laws, and if so, the case number and court location;

(6) whether the proposed conservator has any outstanding civil monetary judgments against the proposed conservator, and if so, the case number, court location, and outstanding amount owed;

(7) whether an order for protection or harassment restraining order has ever been issued against the proposed conservator, and if so, the case number and court location; and

(8) whether the proposed conservator has ever been convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and the crime of which the conservator was convicted.

Sec. 7. Minnesota Statutes 2012, section 524.5-420, is amended to read:

524.5-420 REPORTS; APPOINTMENT OF VISITOR; MONITORING; COURT ORDERS.

(a) A conservator shall report to the court for administration of the estate annually unless the court otherwise directs, upon resignation or removal, upon termination of the conservatorship, and at other times as the court directs. An order, after notice and hearing, allowing an intermediate report of a conservator adjudicates liabilities concerning the matters adequately disclosed in the accounting. An order, after notice and hearing, allowing a final report adjudicates all previously unsettled liabilities relating to the conservatorship.

(b) A report must state or contain a listing of the assets of the estate under the conservator's control and a listing of the receipts, disbursements, and distributions during the reporting period.

(c) The report must also state:

~~(1) an address and telephone number where the conservator can be contacted;~~

~~(2) whether the conservator has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court locations; and~~

~~(3) any changes occurring that would affect the accuracy of information contained in the most recent criminal background study of the conservator conducted under section 524.5-118.~~

(d) A conservator shall report to the court in writing within 30 days of the occurrence of any of the events listed in this paragraph. The conservator must report any of the occurrences in this paragraph and follow the same reporting requirements in this paragraph for any employee of the conservator responsible for exercising powers and duties under the conservatorship. A copy of the report must be provided to the protected person and to interested persons of record with the court. A conservator shall report when:

(1) the conservator is removed for cause from serving as a guardian or conservator, and if so, the case number and court location;

(2) the conservator has a professional license from an agency listed under section 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing agency and license number, and the basis for denial, condition, suspension, revocation, or cancellation of the license;

(3) the conservator is found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(4) the conservator files for or receives protection under the bankruptcy laws, and if so, the case number and court location;

(5) a civil monetary judgment is entered against the conservator, and if so, the case number, court location, and outstanding amount owed;

(6) the conservator is convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and court location; or

(7) an order for protection or harassment restraining order is issued against the conservator, and if so, the case number and court location.

~~(d)~~ (e) A protected person or an interested person of record with the court may submit to the court a written statement disputing account statements regarding the administration of the estate or addressing any disciplinary or legal action that are is contained in the report reports and may petition the court for any order that is in the best interests of the protected person and the estate or for other appropriate relief.

~~(e)~~ (f) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section.

~~(f)~~ (g) The court may appoint a visitor to review a report or plan, interview the protected person or conservator, and make any other investigation the court directs. In connection with a report, the court may order a conservator to submit the assets of the estate to an appropriate examination to be made in a manner the court directs.

~~(g)~~ (h) The court shall establish a system for monitoring of conservatorships, including the filing and review of conservators' reports and plans. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause.

~~(i)~~ If a conservator fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator.

ARTICLE 3

JUDICIARY AND PUBLIC SAFETY

Section 1. Minnesota Statutes 2012, section 243.51, subdivision 1, is amended to read:

Subdivision 1. **Contracting with other states and federal government.** The commissioner of corrections is hereby authorized to contract with agencies and bureaus of the United States and with the proper officials of other states or a county of this state for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses constituting felonies in the courts of this state, the United States, or other states of the United States. ~~Such~~ The contracts shall provide for reimbursing the state of Minnesota for all costs or other expenses involved, and, to the extent possible, require payment to the Department of Corrections of a per diem amount that is substantially equal to or greater than the per diem for the cost of housing Minnesota inmates at the same facility. This per diem cost shall be based on the assumption that the facility is at or near capacity. Funds received under the contracts shall be deposited in the state treasury and are appropriated to the commissioner of corrections for correctional purposes. Any prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject to the terms and conditions of the prisoner's original sentence as if the prisoner were serving the same within the confines of the state in which the conviction and sentence was had or in the custody of the United States. Nothing herein shall deprive ~~such~~ the inmate of the right to parole or the rights to legal process in the courts of this state.

Sec. 2. Minnesota Statutes 2012, section 243.51, subdivision 3, is amended to read:

Subd. 3. **Temporary detention.** The commissioner of corrections is authorized to contract with agencies and bureaus of the United States and with the appropriate officials of any other state or county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States, other states of the United States, or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved, and, to the extent possible, require payment to the Department of Corrections of a per diem amount that is substantially equal to or greater than the per diem for the cost of housing Minnesota inmates at the same facility. This per diem cost shall be based on the assumption that the facility is at or near capacity. Funds received under the contracts shall be deposited in the state treasury and are appropriated to the commissioner of corrections for correctional purposes.

Sec. 3. **[244.0513] CONDITIONAL RELEASE OF NONVIOLENT CONTROLLED SUBSTANCE OFFENDERS; TREATMENT.**

Subdivision 1. **Conditional release authority.** The commissioner of corrections has the authority to release offenders committed to the commissioner's custody who meet the requirements of this section and of any rules adopted by the commissioner.

Subd. 2. **Conditional release of certain nonviolent controlled substance offenders.** An offender who has been committed to the commissioner's custody may petition the commissioner for conditional release from prison before the offender's scheduled supervised release date or target release date if:

(1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024, subdivision 2; or 152.025, subdivision 2;

(2) the offender committed the crime as a result of a controlled substance addiction;

(3) the offender has served at least 36 months or one-half of the offender's term of imprisonment, whichever is less;

(4) the offender successfully completed a chemical dependency treatment program of the type described in this section while in prison;

(5) the offender has not previously been conditionally released under this section; and

(6) the offender has not within the past ten years been convicted or adjudicated delinquent for a violent crime as defined in section 609.1095 other than the current conviction for the controlled substance offense.

Subd. 3. **Offer of chemical dependency treatment.** The commissioner shall offer all offenders meeting the criteria described in subdivision 2, clauses (1), (2), (5), and (6), the opportunity to begin a suitable chemical dependency treatment program of the type described in this section within 160 days after the offender's term of imprisonment begins or as soon after 160 days as possible.

Subd. 4. **Chemical dependency treatment program components.** (a) The chemical dependency treatment program described in subdivisions 2 and 3 must:

(1) contain a highly structured daily schedule for the offender;

(2) contain individualized educational programs designed to improve the basic educational skills of the offender and to provide vocational training, if appropriate;

(3) contain programs designed to promote the offender's self-worth and the offender's acceptance of responsibility for the consequences of the offender's own decisions;

(4) be licensed by the Department of Human Services and designed to serve the inmate population;
and

(5) require that each offender submit to a chemical use assessment and that the offender receive the appropriate level of treatment as indicated by the assessment.

(b) The commissioner shall expel from the chemical dependency treatment program any offender who:

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any criminal offense while in the program; or

(3) presents any risk to other inmates based on the offender's behavior or attitude.

Subd. 5. **Additional requirements.** To be eligible for release under this section, an offender shall sign a written contract with the commissioner agreeing to comply with the requirements of this section and

the conditions imposed by the commissioner. In addition to other items, the contract must specifically refer to the term of imprisonment extension in subdivision 6. In addition, the offender shall agree to submit to random drug and alcohol tests and electronic or home monitoring as determined by the commissioner or the offender's supervising agent. The commissioner may impose additional requirements on the offender that are necessary to carry out the goals of this section.

Subd. 6. **Extension of term of imprisonment for offenders who fail in treatment.** When an offender fails to successfully complete the chemical dependency treatment program under this section, the commissioner shall add the time that the offender was participating in the program to the offender's term of imprisonment. However, the offender's term of imprisonment may not be extended beyond the offender's executed sentence.

Subd. 7. **Release procedures.** The commissioner may deny conditional release to an offender under this section if the commissioner determines that the offender's release may reasonably pose a danger to the public or an individual. In making this determination, the commissioner shall follow the procedures in section 244.05, subdivision 5, and the rules adopted by the commissioner under that subdivision. The commissioner shall consider whether the offender was involved in criminal gang activity during the offender's prison term. The commissioner shall also consider the offender's custody classification and level of risk of violence and the availability of appropriate community supervision for the offender. Conditional release granted under this section continues until the offender's sentence expires, unless release is rescinded under subdivision 8. The commissioner may not grant conditional release unless a release plan is in place for the offender that addresses, at a minimum, plans for aftercare, community-based chemical dependency treatment, gaining employment, and securing housing.

Subd. 8. **Conditional release.** The conditions of release granted under this section are governed by the statutes and rules governing supervised release under this chapter, except that release may be rescinded without hearing by the commissioner if the commissioner determines that continuation of the conditional release poses a danger to the public or to an individual. If the commissioner rescinds an offender's conditional release, the offender shall be returned to prison and shall serve the remaining portion of the offender's sentence.

Subd. 9. **Offenders serving other sentences.** An offender who is serving both a sentence for an offense described in subdivision 2 and an offense not described in subdivision 2 is not eligible for release under this section unless the offender has completed the offender's full term of imprisonment for the other offense.

Subd. 10. **Notice.** Upon receiving an offender's petition for release under subdivision 2, the commissioner shall notify the prosecuting authority responsible for the offender's conviction and the sentencing court. The commissioner shall give the authority and court a reasonable opportunity to comment on the offender's potential release. If the authority or court elects to comment, the comments must specify the reasons for the authority or court's position.

EFFECTIVE DATE. This section is effective July 1, 2013, and applies to persons in prison on or after that date.

Sec. 4. Minnesota Statutes 2012, section 299A.705, is amended by adding a subdivision to read:

Subd. 4. **Prohibited expenditures.** The commissioner is prohibited from expending money from driver and vehicle services accounts created in the special revenue fund for any purpose that is not specifically authorized in this section or in the chapters specified in this section.

Sec. 5. Minnesota Statutes 2012, section 299A.73, subdivision 3, is amended to read:

Subd. 3. **Grant allocation formula.** Up to ~~one~~ five percent of the appropriations to the grants-in-aid to the youth intervention program may be used for a grant to the Minnesota Youth Intervention Programs Association for expenses in providing collaborative collaboration, program development, professional development training and, technical assistance to, tracking, and analyzing and reporting outcome data for the community-based grantees of the program. The Minnesota Youth Intervention Programs Association is not required to meet the match obligation under subdivision 2.

Sec. 6. Minnesota Statutes 2012, section 357.021, is amended by adding a subdivision to read:

Subd. 2b. **Court technology fund.** (a) In addition to any other filing fee under this chapter, the court administrator shall collect a \$2 technology fee on filings made under subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to the commissioner of management and budget for deposit in the court technology account in the special revenue fund.

(b) A court technology account is established as a special account in the state treasury and funds deposited in the account are appropriated to the Supreme Court for distribution of technology funds as provided in paragraph (d). Technology funds may be used for the following purposes: acquisition, development, support, maintenance, and upgrades to computer systems, equipment and devices, network systems, electronic records, filings and payment systems, interactive video teleconferencing, and online services, to be used by the state courts and their justice partners.

(c) The Judicial Council may establish a board consisting of members from the judicial branch, prosecutors, public defenders, corrections, and civil legal services to distribute funds collected under paragraph (a). The Judicial Council may adopt policies and procedures for the operation of the board, including but not limited to policies and procedures governing membership terms, removal of members, and the filling of membership vacancies.

(d) Applications for the expenditure of technology funds shall be accepted from the judicial branch, county and city attorney offices, the Board of Public Defense, qualified legal services programs as defined under section 480.24, corrections agencies, and part-time public defender offices. The applications shall be reviewed by the Judicial Council and, if established, the board. In accordance with any recommendations from the board, the Judicial Council shall distribute the funds available for this expenditure to selected recipients.

(e) By January 15, 2015, and by January 15, 2017, the Judicial Council shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over judiciary finance providing an accounting on the amounts collected and expended in the previous biennium, including a list of fund recipients, the amounts awarded to each recipient, and the technology purpose funded.

(f) This subdivision expires June 30, 2018.

EFFECTIVE DATE. This section is effective July 1, 2013, and applies to filings made on or after that date.

Sec. 7. Minnesota Statutes 2012, section 363A.36, subdivision 1, is amended to read:

Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in excess of \$100,000, no department or agency of the state shall accept any bid or proposal for a contract or agreement from any business having more than 40 full-time employees within this state on a single working day during the previous 12 months, unless the commissioner is in receipt of the business' affirmative action plan for the employment of minority persons, women, and qualified disabled individuals. No department or agency of the state shall execute any such contract or agreement until the affirmative action plan has been approved by the commissioner. Receipt of a certificate of compliance issued by the commissioner shall signify that

a firm or business has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~ four years. A municipality as defined in section 466.01, subdivision 1, that receives state money for any reason is encouraged to prepare and implement an affirmative action plan for the employment of minority persons, women, and the qualified disabled and submit the plan to the commissioner.

(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to be entered into between a department or agency of the state and a business that is not subject to paragraph (a), but that has more than 40 full-time employees on a single working day during the previous 12 months in the state where the business has its primary place of business. A department or agency of the state may not execute a contract or agreement with a business covered by this paragraph unless the business has a certificate of compliance issued by the commissioner under paragraph (a) or the business certifies that it is in compliance with federal affirmative action requirements.

(c) This section does not apply to contracts entered into by the State Board of Investment for investment options under section 352.965, subdivision 4.

Sec. 8. Minnesota Statutes 2012, section 363A.36, subdivision 2, is amended to read:

Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$75~~ \$150 fee for each certificate of compliance issued by the commissioner or the commissioner's designated agent. The proceeds of the fee must be deposited in a human rights fee special revenue account. Money in the account is appropriated to the commissioner to fund the cost of issuing certificates and investigating grievances.

Sec. 9. Minnesota Statutes 2012, section 480A.02, subdivision 7, is amended to read:

Subd. 7. **Compensation; travel expenses.** (a) The salary of a judge of the Court of Appeals shall be as provided by section 15A.082. Except as provided in paragraph (b), travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

(b) For any judge of the Court of Appeals whose permanent place of residence is more than 50 miles from the judge's permanent chambers in St. Paul, in addition to travel expenses provided in paragraph (a), the judge shall be reimbursed for the following expenses during the judge's term of service on the Court of Appeals:

(1) housing expenses in an amount prescribed by judicial council policy, but not less than \$1,000 per month; and

(2) mileage for travel from the judge's permanent place of residence to and from the judge's permanent chambers charged at the current United States Internal Revenue Service reimbursement rate.

Reimbursable expenses under this paragraph shall be paid by the state in the same manner as provided for judges of the district court in section 484.54, subdivision 3.

(c) Paragraph (b) expires June 30, 2019.

EFFECTIVE DATE. This section is effective July 1, 2014.

Sec. 10. Minnesota Statutes 2012, section 609.3455, is amended by adding a subdivision to read:

Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135.

The court may stay the execution of the sentence imposed under this subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

EFFECTIVE DATE. This section is effective August 1, 2013, and applies to crimes committed on or after that date.

Sec. 11. Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3, is amended to read:

Subd. 3. Civil Legal Services	11,016,000	11,016,000
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(a) Legal Services to Low-Income Clients in Family Law Matters. Of this appropriation, \$877,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.

~~**(b) Case Priorities.** For legal services funded by state funds, priority must be given to clients with civil matters within the jurisdiction of the state courts or agencies.~~

Sec. 12. **JUDICIAL SALARY INCREASE.**

(a) The salaries of Supreme Court justices, Court of Appeals judges, and district court judges are increased by three percent on July 1, 2013, and by three percent on July 1, 2014.

(b) In addition to the increases specified in paragraph (a), the salaries of Supreme Court justices, Court of Appeals judges, and district court judges are increased by one percent on July 1, 2013, if legislation to increase pension fund contribution rates by judges by one percent has been enacted into law by July 1, 2013. If the salary increases described in this paragraph do not take effect, the amount necessary to fund this portion of the salary increase is canceled to the general fund from the appropriations in article 1, sections 3 to 5.

Sec. 13. **INTERAGENCY AGREEMENT.**

The commissioner of corrections shall execute an interagency agreement with the commissioner of human services to pay the medical assistance cost attributable to medical assistance eligibility for inmates of public institutions admitted to hospitals on an inpatient basis. The amount that must be paid by the Department of Corrections shall include all state medical assistance costs, including administrative costs, attributable to inmates under state and county jurisdiction admitted to hospitals on an inpatient basis.

Sec. 14. **JUVENILE JUSTICE SYSTEM REPORT.**

(a) The following shall appoint representatives to discuss issues specified in paragraph (b) with representatives of the National Alliance on Mental Illness (NAMI) and others designated by NAMI: the commissioners of human services, corrections, and education; a district court judge designated by the Supreme Court; the Minnesota County Attorneys Association; the state public defender; the Indian Affairs Council; the Minnesota County Probation Officers Association; and the Minnesota Association of Community Corrections Act Counties.

(b) The issues to be discussed are:

(1) shared statewide outcome goals for children in the juvenile justice system and their families, such as academic success, successful transitions to adulthood, and lower recidivism rates;

(2) the continuum of service necessary to ensure quality care that meets the complex needs of children in the juvenile justice system and their families;

(3) strategies for early identification of and response to needs related to juvenile justice outcomes, including in the areas of trauma, mental and physical health, chemical dependency, traumatic brain injury, developmental disabilities, education, family needs, housing, employment, and any other areas identified by the work group;

(4) changes needed to ensure coordinated delivery of quality services to meet the individual needs of each child in the system, particularly in the areas of information-sharing, service shortages, and cost pressures;

(5) changes needed to ensure coordination between delinquency and CHIPS cases, schools, the children's mental health system, and any other relevant entities for children involved in multiple systems;

(6) changes to any rules and statutes that create barriers to achieving the shared outcomes agreed upon by the work group;

(7) an implementation plan to achieve integrated service delivery across systems and across the public, private, and nonprofit sectors;

(8) an implementation plan to accomplish the shared outcomes agreed upon by the work group; and

(9) financing mechanisms that include all possible revenue sources to maximize federal, state, and local funding and promote cost efficiencies and sustainability.

(c) The National Alliance on Mental Illness shall report to the legislature on results of discussions under this section by February 15, 2014, after consulting with the commissioners of human services, corrections, and education.

Sec. 15. **REPEALER.**

Minnesota Statutes 2012, section 243.51, subdivision 5, is repealed.

ARTICLE 4

DATA INTEGRATION PROJECT

Section 1. Minnesota Statutes 2012, section 241.301, is amended to read:

241.301 FINGERPRINTS OF INMATES, PAROLEES, AND PROBATIONERS FROM OTHER STATES.

The commissioner of corrections shall establish procedures so that whenever this state receives an inmate, parolee, or probationer from another state under sections 241.28 to 241.30 or 243.1605, fingerprints and thumbprints of the inmate, parolee, or probationer are obtained and forwarded to the Bureau of Criminal Apprehension. by electronic entry into a Bureau of Criminal Apprehension-managed searchable database within 24 hours of receipt. The bureau shall convert the fingerprints and thumbprints into an electronic format for entry into the searchable database within three business days of receipt if the data is not entered by the commissioner.

Sec. 2. Minnesota Statutes 2012, section 253B.24, is amended to read:

253B.24 TRANSMITTAL OF DATA TO NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

When a court:

(1) commits a person under this chapter as being mentally ill, developmentally disabled, mentally ill and dangerous, or chemically dependent;

(2) determines in a criminal case that a person is incompetent to stand trial or not guilty by reason of mental illness; or

(3) restores a person's ability to possess a firearm under section 609.165, subdivision 1d, or 624.713, subdivision 4,

the court shall ensure that this information is electronically transmitted as soon as practicable within three business days to the National Instant Criminal Background Check System.

Sec. 3. Minnesota Statutes 2012, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) adults and juveniles admitted to jails or detention facilities;

(4) persons reasonably believed by the arresting officer to be fugitives from justice;

(5) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes;

(6) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense; and

(7) persons currently involved in the criminal justice process, on probation, on parole, or in custody for any offense whom the superintendent of the bureau identifies as being the subject of a court disposition record which cannot be linked to an arrest record, and whose fingerprints are necessary to reduce the number of suspense files, or to comply with the mandates of section 299C.111, relating to the reduction of the number of suspense files. This duty to obtain fingerprints for the offenses in suspense at the request of the bureau shall

include the requirement that fingerprints be taken in post-arrest interviews, while making court appearances, while in custody, or while on any form of probation, diversion, or supervised release.

(b) Unless the superintendent of the bureau requires a shorter period, within 24 hours of taking the fingerprints and data, the fingerprint records and other identification data specified under paragraph (a) must be forwarded to the bureau on such forms and in such electronically entered into a bureau-managed searchable database in a manner as may be prescribed by the superintendent.

(c) Prosecutors, courts, and probation officers and their agents, employees, and subordinates shall attempt to ensure that the required identification data is taken on a person described in paragraph (a). Law enforcement may take fingerprints of an individual who is presently on probation.

(d) Finger and thumb prints must be obtained no later than:

(1) release from booking; or

(2) if not booked prior to acceptance of a plea of guilty or not guilty.

Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger and thumb prints have not been successfully received by the bureau, an individual may, upon order of the court, be taken into custody for no more than eight hours so that the taking of prints can be completed. Upon notice and motion of the prosecuting attorney, this time period may be extended upon a showing that additional time in custody is essential for the successful taking of prints.

(e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

Sec. 4. Minnesota Statutes 2012, section 299C.10, subdivision 3, is amended to read:

Subd. 3. **Bureau duty.** The bureau must enter ~~finger and thumb prints~~ convert into an electronic format for entry in the criminal records system fingerprints, thumbprints, and other identification data within five working days three business days after they are received under this section if the fingerprints, thumbprints, and other identification data were not electronically entered by a criminal justice agency.

Sec. 5. Minnesota Statutes 2012, section 299C.11, subdivision 1, is amended to read:

Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data as may be requested or required by the superintendent of the bureau, which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs of police shall furnish this identification data to the bureau for individuals found to have been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten years immediately preceding their arrest. When the bureau learns that an individual who is the subject of a background check has used, or is using, identifying information, including, but not limited to, name and date of birth, other than those listed on the criminal history, the bureau ~~may add~~ shall convert into an electronic format, if necessary, and enter into a bureau-managed searchable database the new identifying information to the criminal history when supported by fingerprints within three business days of learning the information if the information is not entered by a law enforcement agency.

(b) No petition under chapter 609A is required if the person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding

the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

- (1) all charges were dismissed prior to a determination of probable cause; or
- (2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment.

Where these conditions are met, the bureau or agency shall, upon demand, return to the arrested person finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them.

(c) Except as otherwise provided in paragraph (b), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall seal finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them if the arrested person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding such determination.

Sec. 6. Minnesota Statutes 2012, section 299C.14, is amended to read:

299C.14 INFORMATION ON RELEASED PRISONER.

It shall be the duty of the officials having charge of the penal institutions of the state or the release of prisoners therefrom to furnish to the bureau, as the superintendent may require, finger and thumb prints, photographs, distinctive physical mark identification data, other identification data, modus operandi reports, and criminal records of prisoners heretofore, now, or hereafter confined in such penal institutions, together with the period of their service and the time, terms, and conditions of their discharge. This duty to furnish information includes, but is not limited to, requests for fingerprints as the superintendent of the bureau deems necessary to maintain and ensure the accuracy of the bureau's criminal history files, to reduce the number of suspense files, or to comply with the mandates of section 299C.111 relating to the reduction of the number of suspense files where a disposition record is received that cannot be linked to an arrest record. The officials shall electronically enter the information in a bureau-managed searchable database within 24 hours of a prisoner's date of release or discharge. The bureau shall convert the information into an electronic format and enter it into the searchable database within three business days of the date of receipt, if the information is not entered by the officials.

Sec. 7. Minnesota Statutes 2012, section 299C.17, is amended to read:

299C.17 REPORT BY COURT ADMINISTRATOR.

The superintendent shall ~~have power to~~ require the court administrator ~~of any county of every court which sentences a defendant for a felony, gross misdemeanor, or targeted misdemeanor to file with the department, at such time as the superintendent may designate,~~ electronically transmit within 24 hours of the disposition of the case a report, upon such in a form as prescribed by the superintendent may prescribe, furnishing such providing information as the required by the superintendent may require with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the court administrator.

Sec. 8. Minnesota Statutes 2012, section 624.713, subdivision 3, is amended to read:

Subd. 3. **Notice.** (a) When a person is convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon for the remainder of the person's lifetime, and that it is a

felony offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the felony penalty to that defendant.

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

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

EFFECTIVE DATE. This section is effective August 1, 2013.

Sec. 9. Minnesota Statutes 2012, section 624.713, is amended by adding a subdivision to read:

Subd. 5. Provision of firearms background check information. (a) When a court places a person, including a person under the jurisdiction of the juvenile court, who is charged with committing a crime of violence into a pretrial diversion program before disposition, the court must ensure that information regarding the person's placement in that program and the ordered expiration date of that placement is transmitted as soon as practicable to the National Instant Criminal Background Check System. When a person successfully completes or discontinues the program, the prosecuting attorney must also report that fact within 24 hours of receipt to the National Instant Criminal Background Check System.

(b) The court must report the conviction and duration of the firearms disqualification imposed as soon as practicable to the National Instant Criminal Background Check System when a person is convicted of a gross misdemeanor that disqualifies the person from possessing firearms under the following sections:

- (1) 518B.01, subdivision 14;
- (2) 609.224, subdivision 3;
- (3) 609.2242, subdivision 3;
- (4) 609.749, subdivision 8;
- (5) 624.713, subdivision 1, clause (11); or
- (6) 629.715, subdivision 2.

(c) If the court reports a firearms disqualification based on a charge of violating an offense listed in paragraph (b), the court must provide notice of the disposition of the charge to the National Instant Criminal Background Check System within three business days.

EFFECTIVE DATE. This section is effective August 1, 2013.

Sec. 10. **PRIOR CIVIL COMMITMENTS AND FELONY CONVICTIONS.**

(a) By July 1, 2014, a court shall electronically enter into the National Instant Criminal Background Check System information on all persons civilly committed during the period from January 1, 1994, to September 28, 2010, that has not already been entered in the system. The information provided under this

paragraph must include civil commitment orders and orders restoring firearms eligibility under Minnesota Statutes, section 624.713, subdivision 4.

(b) By September 1, 2013, courts and law enforcement agencies shall electronically enter into a Bureau of Criminal Apprehension-managed database information on all persons convicted in a Minnesota court of a felony during the years 2008 to 2012 that has not already been entered in a searchable database. The bureau shall convert into an electronic format and enter into the searchable database, within three business days of receipt of the data, all data received from a court or law enforcement agency that is not entered by the court or agency into a bureau-managed searchable database.

(c) The governor or commissioner of public safety may extend the time for entering information of prior civil commitments and felony convictions under paragraphs (a) and (b) for a period not to exceed 60 days for good cause shown.

Sec. 11. CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP.

The Criminal and Juvenile Justice Information Policy Group shall report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy and funding by January 1, 2014, on the search capabilities of the Bureau of Criminal Apprehension-managed databases and recommend how the search capabilities of the databases may be improved with, among other proposals, an increase in the number of identification data for each person included in the databases. The group shall also report on the progress made on reducing the number of bureau suspense files and recommendations to facilitate the reduction of these files. The group, in consultation with the revisor of statutes, shall review existing law relating to the timely transmittal and entry of data and propose legislation for the 2014 legislative session that clarifies, conforms, implements, and resolves any conflicts with this act.

Presented to the governor May 21, 2013

Signed by the governor May 23, 2013, 11:18 a.m.