CHAPTER 5--S.F.No. 8

An act relating to public safety; modifying certain provisions relating to public safety, courts, corrections, sexual offenders, predatory offenders, vehicle operations, and firefighters; providing for a task force and working group; requiring reports; providing for criminal penalties; appropriating money for courts, public safety, sentencing guidelines, corrections, human rights, Peace Officer Standards and Training (POST) Board, Private Detective Board, Guardian ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Bureau of Mediation Services; amending Minnesota Statutes 2018, sections 2.722, subdivision 1; 13.201; 13.72, subdivision 19; 15A.0815, subdivision 3; 84.91, subdivision 1; 86B.331, subdivision 1; 169A.24, subdivision 1; 169A.63, by adding a subdivision; 171.07, subdivision 1a; 171.20, subdivision 4; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 7; 243.48, subdivision 1; 244.052, subdivision 4; 299A.707, by adding a subdivision; 299C.093; 299F.857; 299N.01, subdivisions 2, 3; 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by adding a subdivision; 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06; 340A.22, subdivision 4; 357.021, subdivision 7; 363A.35, subdivision 3; 403.02, by adding a subdivision; 403.03; 465.719, subdivision 14; 590.11, subdivisions 1, 2, 5, 7; 609.095; 609.341, subdivisions 10, 11, 12; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 1; 609.746, subdivision 1; 609.749, subdivisions 1, 2, 3, 5, 8; 611.365, subdivisions 2, 3; 611.367; 611.368; 617.246, subdivisions 2, 3, 4, 7; 617.247, subdivisions 3, 4, 9; 624.712, subdivision 5; 626.556, subdivision 2; 631.412; 634.20; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; proposing coding for new law in Minnesota Statutes, chapters 13; 171; 241; 243; 609; 626; repealing Minnesota Statutes 2018, section 13.72, subdivision 9.

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

ARTICLE 1

APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2019, are effective the day following final enactment.

	APPROPRIATIONS Available for the Year Ending June 30	
	2019	**2020**	**2021**

Sec. 2. **SUPREME COURT**

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Subdivision 1. **Total Appropriation**	**$**	**56,367,000**	**$**	**57,495,000**
The amounts that may be spent for each purpose are specified in the following subdivisions.				
Subd. 2. **Supreme Court Operations**		41,647,000		42,775,000
(a) **Contingent Account**				
$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.				
(b) **Judges' Compensation**				
Judges' compensation is increased by 2.5 percent each year.				
(c) **Cybersecurity Program**				
$750,000 each year is for a cybersecurity program.				
Subd. 3. **Civil Legal Services**		14,720,000		14,720,000
Legal Services to Low-Income Clients in Family Law Matters. $1,017,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services program described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.				
Sec. 3. **COURT OF APPEALS**	**$**	**12,831,000**	**$**	**13,163,000**
Judges' Compensation. Judges' compensation is increased by 2.5 percent each year.				
Sec. 4. **DISTRICT COURTS**	**$**	**309,002,000**	**$**	**317,202,000**
(a) **Judges' Compensation**				
Judges' compensation is increased by 2.5 percent each year.				
(b) **New Trial Judge**				

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$456,000 the first year and $423,000 the second year are for one new trial court judge unit in the Seventh Judicial District.

(c) **Mandated Psychological Services**

$1,070,000 each year is for mandated psychological services.

(d) **Treatment Courts Stability**

$306,000 each year is for treatment courts stability.

Sec. 5. **GUARDIAN AD LITEM BOARD**	**$**	**21,386,000**	**$**	**22,000,000**

Compliance Positions. $4,000,000 each year is for new positions to maintain compliance with federal and state mandates.

Sec. 6. **TAX COURT**	**$**	**1,807,000**	**$**	**1,808,000**
Sec. 7. **UNIFORM LAWS COMMISSION**	**$**	**98,000**	**$**	**98,000**
Sec. 8. **BOARD ON JUDICIAL STANDARDS**	**$**	**535,000**	**$**	**509,000**

Major Disciplinary Actions. $125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any unencumbered and unspent balances remain available for these expenditures until June 30, 2023.

Sec. 9. **BOARD OF PUBLIC DEFENSE**	**$**	**96,374,000**	**$**	**101,178,000**

(a) **New Positions**

$3,000,000 each year is for new attorneys and support staff.

(b) **Public Defense Corporations**

$82,000 the first year and $166,000 the second year are for public defense corporations.

Sec. 10. **HUMAN RIGHTS**	**$**	**4,911,000**	**$**	**5,131,000**

Civic Engagement. $134,000 the first year and $157,000 the second year are for a civic engagement position and expenses related to that position.

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Sec. 11. **SENTENCING GUIDELINES** **$ 679,000 $ 687,000**

Sec. 12. **PUBLIC SAFETY**

Subdivision 1. **Total Appropriation** **$ 199,198,000 $ 198,864,000**

Appropriations by Fund

	2020	2021
General	104,829,000	104,565,000
Special Revenue	13,926,000	13,926,000
State Government Special Revenue	103,000	103,000
Environmental	73,000	73,000
Trunk Highway	2,429,000	2,429,000
911 Fund	77,838,000	77,768,000

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

Subd. 2. **Emergency Management** 5,058,000 4,718,000

Appropriations by Fund

General	3,460,000	3,120,000
Environmental	73,000	73,000
Special Revenue Fund	1,525,000	1,525,000

(a) **Hazmat and Chemical Assessment Teams**

$850,000 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. Of this amount, $100,000 the first year is for cases for which there is no identified responsible party.

(b) **Supplemental Nonprofit Security Grants**

$225,000 each year is for supplemental nonprofit security grants under this paragraph.

Nonprofit organizations whose applications for funding through the Federal Emergency Management Agency's

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

Eligible organizations may receive grants of up to $75,000, except that the total received by any individual from both the federal nonprofit security grant program and the state supplemental nonprofit security grant program shall not exceed $75,000. Grants shall be awarded in an order consistent with the ranking given to applicants for the federal nonprofit security grant program. No grants under the state supplemental nonprofit security grant program shall be awarded until the announcement of the recipients and the amount of the grants awarded under the federal nonprofit security grant program.

The commissioner may use up to one percent of the appropriation received under this paragraph to pay costs incurred by the department in administering the supplemental nonprofit security grant program. These appropriations are onetime.

(c) **Rapidan Township**

$340,000 the first year is for distribution to Rapidan Township under Minnesota Statutes, section 12A.03, subdivision 2, for costs incurred from flooding that resulted in Presidential Disaster Declaration DR-1941. Of this amount, $237,906.91 is for reimbursement of the Federal Emergency Management Agency (FEMA) Public Assistance Program. This appropriation is available until June 30, 2020.

(d) **Bomb Squad Reimbursements**

$50,000 each year is for reimbursements to local governments for bomb squad services.

(e) **School Safety Center**

$250,000 each year is to hire two additional school safety specialists in the school safety center. These appropriations are onetime.

(f) **Emergency Response Teams**

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$675,000 each year is from the fire safety account in the special revenue fund to maintain four emergency response teams: one under the jurisdiction of the St. Cloud Fire Department or a similarly located fire department if necessary; one under the jurisdiction of the Duluth Fire Department; one under the jurisdiction of the St. Paul Fire Department; and one under the jurisdiction of the Moorhead Fire Department. The commissioner must allocate the appropriation as follows:

(1) $225,000 each year to the St. Cloud Fire Department;

(2) $225,000 each year to the Duluth Fire Department;

(3) $125,000 each year to the St. Paul Fire Department; and

(4) $100,000 each year to the Moorhead Fire Department.

These are onetime appropriations.

Subd. 3. **Criminal Apprehension** 61,764,000 61,897,000

	Appropriations by Fund	
General	59,328,000	59,461,000
State Government Special Revenue	7,000	7,000
Trunk Highway	2,429,000	2,429,000

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

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, $2,429,000 each year is from the trunk highway fund for laboratory analysis related to driving-while-impaired cases.

(b) **FBI Cybersecurity Compliance**

$428,000 each year is for staff and technology costs to meet FBI cybersecurity requirements.

(c) **Automated Fingerprint Identification System**

$1,500,000 each year is to replace the current automated fingerprint identification system with a new leased technology system.

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(d) **Drug Agents, Forensic Scientists, Analyst**

$650,000 each year is for drug agents, forensic scientists, and an analyst.

(e) **Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by $131,000 in fiscal years 2022 and 2023.

Subd. 4. **Fire Marshal** 6,622,000 6,622,000

Appropriations by Fund

Special Revenue 6,622,000 6,622,000

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

Inspections. $300,000 each year is for inspection of nursing homes and boarding care facilities.

Subd. 5. **Firefighter Training and Education Board** 5,015,000 5,015,000

Appropriations by Fund

Special Revenue 5,015,000 5,015,000

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

(a) **Firefighter Training and Education**

$4,265,000 each year is for firefighter training and education.

(b) **Task Force 1**

$500,000 each year is for the Minnesota Task Force 1.

(c) **Air Rescue**

$250,000 each year is for the Minnesota Air Rescue Team.

(d) **Unappropriated Revenue**

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Any additional unappropriated money collected in fiscal year 2019 is appropriated to the commissioner of public safety for the purposes of Minnesota Statutes, section 299F.012. The commissioner may transfer appropriations and base amounts between activities in this subdivision.

Subd. 6. **Alcohol and Gambling Enforcement**		2,754,000	2,762,000
	Appropriations by Fund		
General	1,990,000	1,998,000	
Special Revenue	764,000	764,000	

$694,000 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.

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

Base Adjustment

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by $8,000 in fiscal years 2022 and 2023.

Subd. 7. **Office of Justice Programs**		40,147,000	40,082,000
	Appropriations by Fund		
General	40,051,000	39,986,000	
State Government Special Revenue	96,000	96,000	

(a) **Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by $2,000 in fiscal years 2022 and 2023.

(b) **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.

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(c) **Indigenous Women Task Force**

$105,000 the first year and $45,000 the second year are for expenses related to the task force on missing and murdered indigenous women. These are onetime appropriations.

(d) **Domestic Abuse Prevention Grants**

$200,000 each year is for a grant to a domestic abuse prevention program that provides interdisciplinary, trauma-informed treatment and evidence-informed intervention for veterans and current or former service members and their whole families affected by domestic violence. The grantee must offer a combination of services for perpetrators of domestic violence and their families, including individual and group therapy, evaluation and research of programming, and short- and long-term case management services to ensure stabilization and increase in their overall mental health functioning and well-being. These appropriations are onetime.

(e) **Criminal Sexual Conduct Statutory Reform Working Group**

$20,000 the first year and $14,000 the second year are to convene, administer, and implement the criminal sexual conduct statutory reform working group. These appropriations are onetime.

Subd. 8. **Emergency Communication Networks**	77,838,000	77,768,000

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

This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Public Safety under the rates and mechanism specified in that agreement.

(a) **Public Safety Answering Points**

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

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(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 transferred 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**

$9,675,000 each year is transferred to the commissioner of transportation for costs of maintaining and operating the statewide radio system backbone.

(e) **ARMER Improvements**

$1,000,000 each year is to the Statewide Emergency Communications Board for 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, and grants to local units of government to further the strategic goals set forth by the Statewide Emergency Communications Board strategic plan.

(f) **Telephone Cardiopulmonary Resuscitation Program**

$188,000 the first year and $118,000 the second year are for grants to reimburse public safety answering

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points for the cost of 911 telecommunicator cardiopulmonary resuscitation training.

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

Subdivision 1. **Total Appropriation**	**$ 400,000**	**$ 10,346,000**	**$ 10,346,000**

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

Subd. 2. **Deficiency**

$400,000 in fiscal year 2019 is to pay for a projected deficiency in operating expenses.

Subd. 3. **Peace Officer Training Reimbursements**

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

Subd. 4. **Peace Officer Training Assistance**

$6,000,000 each year is to support and strengthen law enforcement training and implement best practices. The base for this activity is $0 in fiscal year 2022 and thereafter.

Subd. 5. **De-escalation Training**

$100,000 each year is for training state and local community safety personnel in the use of crisis de-escalation techniques. The board must ensure that training opportunities provided are reasonably distributed statewide.

Subd. 6. **Rules Coordinator**

$100,000 each year is for a rules coordinator position.

Sec. 14. **PRIVATE DETECTIVE BOARD**		**$ 277,000**	**$ 277,000**

Sec. 15. **CORRECTIONS**

Subdivision 1. **Total Appropriation**		**$ 611,119,000**	**$ 624,604,000**

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

Subd. 2. **Correctional Institutions**	449,096,000	461,867,000

(a) **Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by $2,342,000 in fiscal year 2022 and $2,342,000 in fiscal year 2023.

(b) **Facility Staff Positions**

$2,800,000 the first year and $4,800,000 the second year are to add full-time equivalent positions for correctional officers and full-time equivalent positions for corrections lieutenants located in correctional facilities by fiscal year 2023. The base is increased to $5,551,000 in fiscal year 2022 and $5,552,000 in fiscal year 2023.

(c) **Staffing Recruitment and Retention**

$1,337,000 the first year and $1,338,000 the second year are for recruitment and retention of correctional officers. The base shall be $2,038,000 beginning in fiscal year 2022.

(d) **Offender Health Care**

$2,072,000 the first year and $3,272,000 the second year are to maintain full funding of the offender health care contract.

(e) **Office of Ombudsperson for Corrections**

$654,000 the first year and $655,000 the second year are to reestablish and operate the Office of Ombudsperson for Corrections.

(f) **Electronic Health Records**

$130,000 the first year and $663,000 the second year are for electronic health records.

Subd. 3. **Community Services**	132,959,000	133,738,000

(a) **Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a),

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the base is increased by $168,000 in fiscal year 2022 and $168,000 in fiscal year 2023.

(b) **Juvenile Justice Reform**

(1) $280,000 each year is to provide juvenile justice services and resources to Minnesota counties.

(2) $220,000 each year is for grants to local agencies to establish juvenile detention alternatives.

Subd. 4. **Operations Support**	29,064,000	28,999,000

(a) **Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by $64,000 in fiscal year 2022 and $64,000 in fiscal year 2023.

(b) **Critical Technology Needs**

$366,000 the first year is to support critical technology needs.

ARTICLE 2

COURTS AND PUBLIC SAFETY

Section 1. Minnesota Statutes 2018, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **Description.** Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 36 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 26 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 23 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 60 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 16 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

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7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; ~~29~~ 30 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 24 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 45 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 2018, section 13.201, is amended to read:

13.201 RIDESHARE DATA.

The following data on participants, collected by ~~the Minnesota Department of Transportation and the Metropolitan Council~~ a government entity to administer rideshare programs, are classified as private under section 13.02, subdivision 12, or nonpublic under section 13.02, subdivision 9: residential address and telephone number; beginning and ending work hours; current mode of commuting to and from work; place of employment; photograph; biographical information; and type of rideshare service information requested.

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

Sec. 3. Minnesota Statutes 2018, section 13.72, subdivision 19, is amended to read:

Subd. 19. **Transit customer data.** (a) Data on applicants, users, and customers of public transit collected by or through ~~the Metropolitan Council's~~ a government entity's personalized web services or the Metropolitan Council's regional fare collection system are private data on individuals. As used in this subdivision, the following terms have the meanings given them:

(1) "regional fare collection system" means the fare collection system created and administered by the council that is used for collecting fares or providing fare cards or passes for transit services which includes:

(i) regular route bus service within the metropolitan area and paratransit service, whether provided by the council or by other providers of regional transit service;

(ii) light rail transit service within the metropolitan area;

(iii) rideshare programs administered by the council;

(iv) special transportation services provided under section 473.386; and

(v) commuter rail service;

(2) "personalized web services" means services for which transit service applicants, users, and customers must establish a user account; and

(3) "metropolitan area" means the area defined in section 473.121, subdivision 2.

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(b) ~~The council~~ A government entity may disseminate data on user and customer transaction history and fare card use to government entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. "Data on user and customer transaction history and fare card use" means:

(1) the date a fare card was used;

(2) the time a fare card was used;

(3) the mode of travel;

(4) the type of fare product used; and

(5) information about the date, time, and type of fare product purchased.

Government entities, organizations, school districts, educational institutions, and employers may use customer transaction history and fare card use data only for purposes of measuring and promoting fare card use and evaluating the cost-effectiveness of their fare card programs. If a user or customer requests in writing that the council limit the disclosure of transaction history and fare card use, the council may disclose only the card balance and the date a card was last used.

(c) ~~The council~~ A government entity may disseminate transit service applicant, user, and customer data to another government entity to prevent unlawful intrusion into government electronic systems, or as otherwise provided by law.

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

Sec. 4. Minnesota Statutes 2018, section 171.20, subdivision 4, is amended to read:

Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.175; 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, and (2) an individual whose driver's license has been suspended under section 171.186 and who is not exempt from such a fee, must pay a fee of $20.

(b) Before the license is reinstated, an individual whose license has been suspended under sections 169.791 to 169.798 must pay a $20 reinstatement fee.

(c) When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

(d) Reinstatement fees collected under paragraph (a) for suspensions under sections 171.16, subdivision 3, and 171.18, subdivision 1, clause (10), must be deposited in the ~~special revenue fund and are appropriated to the Peace Officer Standards and Training Board for peace officer training reimbursement to local units of government~~ general fund.

(e) A suspension may be rescinded without fee for good cause.

Sec. 5. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision to read:

Subd. 6. **Annual transfer.** In fiscal year 2018 and each year thereafter, the commissioner of management and budget shall transfer $461,000 from the general fund to the community justice reinvestment account.

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EFFECTIVE DATE. This section is effective retroactively from July 1, 2017.

Sec. 6. Minnesota Statutes 2018, section 299F.857, is amended to read:

299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.

The reduced cigarette ignition propensity account is established in the state treasury. The account consists of all money recovered as penalties under section 299F.854 and fees collected under section 299F.852, subdivision 5. The money must be deposited to the credit of the account and, in addition to any other money made available for such purpose, is appropriated to the state fire marshal for costs associated with the development and presentation of fire and life safety education programs throughout Minnesota, and all costs associated with sections 299F.850 to 299F.859.

Sec. 7. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing authority for off-sale of distilled spirits, with the approval of the commissioner. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site, subject to the following requirements:

(1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and

(2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

Sec. 8. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

Subd. 7. **Disbursement of surcharges by commissioner of management and budget.** (a) Except as provided in paragraphs (b)~~, (c), and~~ to (d), the commissioner of management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the peace officer training account in the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws; and

~~(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and~~

~~(3) 60~~ (2) 99 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit $3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit $47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the $12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional $1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The $1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated

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to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

Sec. 9. Minnesota Statutes 2018, section 363A.35, subdivision 3, is amended to read:

Subd. 3. **Access to closed files.** (a) Except as otherwise provided in this subdivision, human rights investigative data contained in a closed case file are private data on individuals or nonpublic data. The name and address of the charging party and respondent, factual basis of the allegations, the statute under which the action is brought, the part of the summary of the investigation that does not contain identifying data on a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data.

(b) The commissioner may make human rights investigative data contained in a closed case file inaccessible to the charging party or the respondent in order to protect medical or other security interests of the parties or third persons.

(c) Except for paragraph (b), when the charging party files a case in district court, the commissioner may provide private data or nonpublic data in a closed case file to the charging party and respondent.

Sec. 10. Minnesota Statutes 2018, section 403.02, is amended by adding a subdivision to read:

Subd. 17c. **911 telecommunicator.** "911 telecommunicator" means a person employed by a public safety answering point, an emergency medical dispatch service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate public safety answering point.

Sec. 11. Minnesota Statutes 2018, section 403.03, is amended to read:

403.03 911 SERVICES TO BE PROVIDED.

Subdivision 1. **Emergency response services.** Services available through a 911 system must include police, firefighting, and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point. The 911 system may include a referral to mental health crisis teams, where available.

Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) On or before July 1, 2021, every public safety answering point must maintain a telephone cardiopulmonary resuscitation program by either:

(1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation; or

(2) transferring callers to another public safety answering point with 911 telecommunicators that have received training in cardiopulmonary resuscitation.

(b) Training in cardiopulmonary resuscitation must, at a minimum, include:

(1) use of an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction that has been recommended by an academic institution or a nationally recognized organization specializing in medical dispatch and, if the public safety answering point has a medical director, approved by that medical director; and

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(2) appropriate continuing education, as determined by the evidence-based protocol for providing cardiopulmonary resuscitation instruction and, if the public safety answering point has a medical director, approved by that medical director.

(c) A public safety answering point that transfers callers to another public safety answering point must, at a minimum:

(1) use an evidence-based protocol for the identification of a person in need of cardiopulmonary resuscitation;

(2) provide each 911 telecommunicator with appropriate training and continuing education to identify a person in need of cardiopulmonary resuscitation through the use of an evidence-based protocol; and

(3) ensure that any public safety answering point to which calls are transferred uses 911 telecommunicators who meet the training requirements under paragraph (b).

(d) Each public safety answering point shall conduct ongoing quality assurance of its telephone cardiopulmonary resuscitation program.

Subd. 3. **Monitoring and enforcing training requirements.** The Statewide Emergency Communications Board shall adopt protocols to ensure that operators of every public safety answering point comply with subdivision 2.

Subd. 4. **Liability exemption.** (a) If a caller refuses or is otherwise unwilling or unable to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction, the 911 telecommunicator is not required to provide cardiopulmonary resuscitation instruction and is immune from civil liability for any damages resulting from the fact that such instruction was not provided.

(b) Telephone cardiopulmonary resuscitation instruction is a general duty to the public rather than a special duty owed to individuals, and a 911 telecommunicator must exercise judgment and discretion in performing actions including but not limited to:

(1) determining whether a particular situation requires instituting the cardiopulmonary resuscitation program;

(2) determining whether a caller refuses or is otherwise unable or unwilling to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction;

(3) using and appropriately adapting an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction based on individual callers and emergency situations presented by callers; and

(4) determining when to transfer a caller to another public safety answering point with 911 telecommunicators that have received training in cardiopulmonary resuscitation.

Sec. 12. Minnesota Statutes 2018, section 465.719, subdivision 14, is amended to read:

Subd. 14. **Data classification.** The following data created, collected, or maintained by a corporation subject to this section are classified as private data under section 13.02, subdivision 12, or as nonpublic data under section 13.02, subdivision 9: (1) data relating either (i) to private businesses consisting of financial statements, credit reports, audits, business plans, income and expense projections, customer lists, balance sheets, income tax returns, and design, market, and feasibility studies not paid for with public funds, or (ii) to enterprises operated by the corporation that are in competition with entities offering similar goods and services, so long as the data are not generally known or readily ascertainable by proper means and disclosure

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of specific data would cause harm to the competitive position of the enterprise or private business, provided that the goods or services do not require a tax levy; and (2) any data identified in ~~sections~~ section 13.201 ~~and 13.72, subdivision 9,~~ collected or received by a transit organization.

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

Sec. 13. Minnesota Statutes 2018, section 590.11, subdivision 1, is amended to read:

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

(b) "Exonerated" means that:

(1) a court ~~of this state~~:

(i) vacated ~~or~~, reversed, or set aside a judgment of conviction on grounds consistent with innocence and there are no remaining felony charges in effect against the petitioner from the same behavioral incident, or if there are remaining felony charges against the petitioner from the same behavioral incident, the prosecutor ~~dismissed the~~ dismisses those remaining felony charges; or

(ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed ~~the charges or the petitioner was found not guilty at the new trial~~ all felony charges against the petitioner arising from the same behavioral incident or the petitioner was found not guilty of all felony charges arising from the same behavioral incident at the new trial; ~~and~~

(2) the time for appeal of the order resulting in exoneration has expired or the order has been affirmed and is final~~.~~; and

(3) 60 days have passed since the judgment of conviction was reversed or vacated, and the prosecutor has not filed any felony charges against the petitioner from the same behavioral incident, or if the prosecutor did file felony charges against the petitioner from the same behavioral incident, those felony charges were dismissed or the defendant was found not guilty of those charges at the new trial.

(c) "On grounds consistent with innocence" means either:

(1) exonerated, through a pardon or sentence commutation, based on factual innocence; or

(2) exonerated because the judgment of conviction was vacated or reversed, or a new trial was ordered, and there is any evidence of factual innocence whether it was available at the time of investigation or trial or is newly discovered evidence.

Sec. 14. Minnesota Statutes 2018, section 590.11, subdivision 2, is amended to read:

Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based on exoneration under sections 611.362 to 611.368 must be brought before the district court where the original conviction was obtained. The state must be represented by the office of the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days after the filing of the petition, the prosecutor must respond to the petition. A petition must be brought within two years, but no less than 60 days after the petitioner is exonerated. ~~Persons released from custody after being exonerated before July 1, 2014, must commence an action under this section within two years of July 1, 2014.~~ If before July 1, 2019, a person did not meet both requirements of Minnesota Statutes 2018, section 590.11, subdivision 1, clause (1), item (i), and did not file

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a petition or the petition was denied, that person may commence an action meeting the requirements under subdivision 1, paragraph (b), clause (1), item (i), on or after July 1, 2019, and before July 1, 2021.

Sec. 15. Minnesota Statutes 2018, section 590.11, subdivision 5, is amended to read:

Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for compensation under subdivision 3 and:

(1) the person was convicted of a felony and served any part of the imposed sentence ~~in prison~~;

(2) in cases where the person was convicted of multiple charges arising out of the same behavioral incident, the person was exonerated for all of those charges;

(3) the person did not commit or induce another person to commit perjury or fabricate evidence to cause or bring about the conviction; and

(4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime at the same time, ~~provided that~~ except:

(i) if the person served additional time in prison or jail due to the conviction that is the basis of the claim, the person may make a claim for that portion of time served in prison or jail during which the person was serving no other sentence~~.~~; or

(ii) if the person served additional executed sentences that had been previously stayed, and the reason the additional stayed sentences were executed was due to the conviction that is the basis for the claim.

(b) A claimant may make a claim only for that portion of time served in prison or jail during which the claimant was serving no other sentence, unless the other sentence arose from the circumstances described in paragraph (a), clause (4), item (ii).

(c) A confession or admission later found to be false or a guilty plea to a crime the claimant did not commit does not constitute bringing about the claimant's conviction for purposes of paragraph (a), clause (3).

Sec. 16. Minnesota Statutes 2018, section 590.11, subdivision 7, is amended to read:

Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner is eligible for compensation, the court shall issue an order containing its findings and, if applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy of those sections in writing or on the record before the court.

Sec. 17. Minnesota Statutes 2018, section 609.749, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section, ~~"stalking"~~ "harass" means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

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Sec. 18. Minnesota Statutes 2018, section 609.749, subdivision 2, is amended to read:

Subd. 2. **~~Stalking~~ Harassment crimes.** A person who ~~stalks~~ harasses another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or

(8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

For purposes of this clause, "personal information" and "sexual act" have the meanings given in section 617.261, subdivision 7.

Sec. 19. Minnesota Statutes 2018, section 609.749, subdivision 3, is amended to read:

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

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

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

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) ~~stalks~~ harasses another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

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

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

Sec. 20. Minnesota Statutes 2018, section 609.749, subdivision 5, is amended to read:

Subd. 5. **~~Pattern of~~ Stalking ~~conduct~~.** (a) A person who engages in ~~a pattern of~~ stalking ~~conduct~~ with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both.

(b) For purposes of this subdivision, ~~a "pattern of stalking conduct"~~ "stalking" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories:

(1) this section;

(2) sections 609.185 to 609.205 (first- to third-degree murder and first- and second-degree manslaughter);

(3) section 609.713 (terroristic threats);

(4) section 609.224 (fifth-degree assault);

(5) section 609.2242 (domestic assault);

(6) section 518B.01, subdivision 14 (violations of domestic abuse orders for protection);

(7) section 609.748, subdivision 6 (violations of harassment restraining orders);

(8) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7) (certain trespass offenses);

(9) section 609.78, subdivision 2 (interference with an emergency call);

(10) section 609.79 (obscene or harassing telephone calls);

(11) section 609.795 (letter, telegram, or package; opening; harassment);

(12) section 609.582 (burglary);

(13) section 609.595 (damage to property);

(14) section 609.765 (criminal defamation);

(15) sections 609.342 to 609.3451 (first- to fifth-degree criminal sexual conduct); or

(16) section 629.75, subdivision 2 (violations of domestic abuse no contact orders).

(c) Words set forth in parentheses after references to statutory sections in paragraph (b) are mere catchwords included solely for convenience in reference. They are not substantive and may not be used to construe or limit the meaning of the cited statutory provision.

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Sec. 21. Minnesota Statutes 2018, section 609.749, subdivision 8, is amended to read:

Subd. 8. **Harassment; stalking; firearms.** (a) When a person is convicted of ~~a~~ harassment or stalking ~~crime~~ under this section and the court determines that the person used a firearm in any way during commission of the crime, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(b) Except as otherwise provided in paragraph (a), when a person is convicted of ~~a~~ harassment or stalking ~~crime~~ under this section, the court shall inform the defendant that the defendant is prohibited from possessing a firearm for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1996, of ~~a~~ harassment or stalking ~~crime~~ under this section, or to possess a firearm if the person has been convicted on or after August 1, 2014, of ~~a~~ harassment or stalking ~~crime~~ under this section, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a firearm in violation of this paragraph is guilty of a gross misdemeanor.

(d) If the court determines that a person convicted of ~~a~~ harassment or stalking ~~crime~~ under this section owns or possesses a firearm and used it in any way during the commission of the crime, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted of ~~a~~ harassment or stalking ~~crime~~ under this section, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a defendant shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

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(f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(g) When a person is convicted of ~~a~~ harassment or stalking ~~crime~~ under this section, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

Sec. 22. Minnesota Statutes 2018, section 611.365, subdivision 2, is amended to read:

Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums paid by the claimant as required by the judgment and sentence. In addition, the claimant is entitled to monetary damages of not less than $50,000 for each year of ~~imprisonment~~ incarceration, and not less than $25,000 for each year served on supervised release or as a registered predatory offender, to be prorated for partial years served. In calculating additional monetary damages, the panel shall consider:

(1) economic damages, including reasonable attorney fees, lost wages, reimbursement for costs associated with the claimant's criminal defense;

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(2) reimbursement for medical and dental expenses that the claimant already incurred and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~ incarceration;

(3) noneconomic damages for personal physical injuries or sickness and any nonphysical injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

(4) reimbursement for any tuition and fees paid for each semester successfully completed by the claimant in an educational program or for employment skills and development training, up to the equivalent value of a four-year degree at a public university, and reasonable payment for future unpaid costs for education and training, not to exceed the anticipated cost of a four-year degree at a public university;

(5) reimbursement for paid or unpaid child support payments owed by the claimant that became due, and interest on child support arrearages that accrued, during the time served in prison provided that there shall be no reimbursement for any child support payments already owed before the claimant's incarceration; and

(6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for immediate services secured by the claimant upon exoneration and release, including housing, transportation and subsistence, reintegrative services, and medical and dental health care costs.

(b) The panel shall award the claimant reasonable attorney fees incurred in bringing a claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for compensation based on exoneration under chapter 590.

Sec. 23. Minnesota Statutes 2018, section 611.365, subdivision 3, is amended to read:

Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages that may be awarded under this section. Damages that may be awarded under subdivision 2, paragraph (a), clauses (1) and (4) to (6), are limited to $100,000 per year of ~~imprisonment~~ incarceration and $50,000 per year served on supervised release or as a registered predatory offender.

Sec. 24. Minnesota Statutes 2018, section 611.367, is amended to read:

611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS PROCESS.

The compensation panel established in section 611.363 shall forward an award of damages under section 611.365 to the commissioner of management and budget. The commissioner shall submit the amount of the award to the legislature for consideration as an appropriation ~~during the next session of the legislature~~.

Sec. 25. Minnesota Statutes 2018, section 611.368, is amended to read:

611.368 SHORT TITLE.

Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and Exoneration Remedies Act."

Sec. 26. Minnesota Statutes 2018, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault

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in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 ~~(stalking)~~ (harassment); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

Sec. 27. Minnesota Statutes 2018, section 634.20, is amended to read:

634.20 EVIDENCE OF CONDUCT.

Evidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. "Domestic conduct" includes, but is not limited to, evidence of domestic abuse, violation of an order for protection under section 518B.01; violation of a harassment restraining order under section 609.748; violation of a domestic abuse no contact order under section 629.75; or violation of section 609.749 or 609.79, subdivision 1. "Domestic abuse" and "family or household members" have the meanings given under section 518B.01, subdivision 2.

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

Sec. 28. **TASK FORCE ON MISSING AND MURDERED INDIGENOUS WOMEN.**

Subdivision 1. **Creation and duties.** (a) By September 1, 2019, the commissioner, in consultation with the Minnesota Indian Affairs Council, shall appoint members to the Task Force on Missing and Murdered Indigenous Women to advise the commissioner and report to the legislature on recommendations to reduce and end violence against indigenous women and girls in Minnesota, including members of the two spirit community. The task force may also serve as a liaison between the commissioner and agencies and nongovernmental organizations that provide services to victims, victims' families, and victims' communities. Task force members may receive expense reimbursement as specified in Minnesota Statutes, section 15.059, subdivision 6.

(b) The Task Force on Missing and Murdered Indigenous Women must examine and report on the following:

(1) the systemic causes behind violence that indigenous women and girls experience, including patterns and underlying factors that explain why disproportionately high levels of violence occur against indigenous women and girls, including underlying historical, social, economic, institutional, and cultural factors which may contribute to the violence;

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(2) appropriate methods for tracking and collecting data on violence against indigenous women and girls, including data on missing and murdered indigenous women and girls;

(3) policies and institutions such as policing, child welfare, coroner practices, and other governmental practices that impact violence against indigenous women and girls and the investigation and prosecution of crimes of gender violence against indigenous people;

(4) measures necessary to address and reduce violence against indigenous women and girls; and

(5) measures to help victims, victims' families, and victims' communities prevent and heal from violence that occurs against indigenous women and girls.

(c) For the purposes of this section, "commissioner" means the commissioner of public safety and "nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.

Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and Murdered Indigenous Women shall consist of the following individuals, or their designees, who are knowledgeable in crime victims' rights or violence protection and, unless otherwise specified, members shall be appointed by the commissioner:

(1) two members of the senate, one appointed by the majority leader and one appointed by the minority leader;

(2) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader;

(3) two representatives from among the following:

(i) the Minnesota Chiefs of Police Association;

(ii) the Minnesota Sheriffs' Association;

(iii) the Bureau of Criminal Apprehension;

(iv) the Minnesota Police and Peace Officers Association; or

(v) a peace officer who works for and resides on a federally recognized American Indian reservation in Minnesota;

(4) one or more representatives from among the following:

(i) the Minnesota County Attorneys Association;

(ii) the United States Attorney's Office; or

(iii) a judge or attorney working in juvenile court;

(5) a county coroner or a representative from a statewide coroner's association or a representative of the Department of Health;

(6) one representative from each of the 11 federally recognized tribal governments, with a preference for individuals who work with victims of violence or their families; and

(7) four or more representatives from among the following:

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(i) a tribal, statewide, or local organization that provides legal services to indigenous women and girls;

(ii) a tribal, statewide, or local organization that provides advocacy or counseling for indigenous women and girls who have been victims of violence;

(iii) a tribal, statewide, or local organization that provides services to indigenous women and girls;

(iv) the Minnesota Indian Women's Sexual Assault Coalition;

(v) Mending the Sacred Hoop;

(vi) an Indian health organization or agency; or

(vii) an indigenous woman who is a survivor of gender violence.

(b) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies in commissioner appointed positions shall be filled by the commissioner consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. **Officers; meetings.** (a) The task force members shall annually elect a chair and vice-chair from among the task force's members, and may elect other officers as necessary. The task force shall meet at least quarterly, or upon the call of its chair, and may hold meetings throughout the state. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D. The task force shall seek out and enlist the cooperation and assistance of nongovernmental organizations, community and advocacy organizations working with the American Indian community, and academic researchers and experts, specifically those specializing in violence against indigenous women and girls, representing diverse communities disproportionately affected by violence against women and girls, or focusing on issues related to gender violence and violence against indigenous women and girls.

(b) The commissioner shall convene the first meeting of the task force no later than October 1, 2019, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

Subd. 4. **Report.** The task force shall report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety, human services, and state government on the work of the task force, including but not limited to the issues to be examined in subdivision 1, and shall include in the report institutional policies and practices or proposed institutional policies and practices that are effective in reducing gender violence and increasing the safety of indigenous women and girls. The report shall include recommendations to reduce and end violence against indigenous women and girls and help victims and communities heal from gender violence and violence against indigenous women and girls. The report shall be submitted to the legislative committees by December 15, 2020.

Subd. 5. **Expiration.** Notwithstanding Minnesota Statutes, section 15.059, the task force expires December 31, 2020.

Sec. 29. **REVISOR INSTRUCTION.**

The revisor of statutes shall make any cross-reference changes, language changes, or both to Minnesota Statutes made necessary by section 17.

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Sec. 30. **REPEALER.**

Minnesota Statutes 2018, section 13.72, subdivision 9, is repealed.

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

ARTICLE 3

CORRECTIONS

Section 1. **[13.856] OMBUDSPERSON FOR CORRECTIONS; DATA.**

Subdivision 1. **Private data.** The following data maintained by the ombudsperson for corrections are classified as private data, pursuant to section 13.02, subdivision 12:

(1) all data on individuals pertaining to contacts made by clients seeking the assistance of the ombudsperson, except as specified in subdivisions 2 and 3;

(2) data recorded from personal and phone conversations and in correspondence between the ombudsperson's staff and persons interviewed during the course of an investigation;

(3) client index cards;

(4) case assignment data; and

(5) monthly closeout data.

Subd. 2. **Confidential data.** The written summary of the investigation maintained by the ombudsperson is, to the extent it identifies individuals, classified as confidential data, pursuant to section 13.02, subdivision 3.

Subd. 3. **Public data.** The following data maintained by the ombudsperson are classified as public data pursuant to section 13.02, subdivision 15:

(1) client name;

(2) client location; and

(3) the inmate identification number assigned by the Department of Corrections.

Subd. 4. **Access to data.** The ombudsperson for corrections has access to corrections and detention data and medical data as provided under section 241.94.

Sec. 2. Minnesota Statutes 2018, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall not exceed 120 percent of the salary of the governor. This limit must be adjusted annually on January 1. The new limit must equal the limit for the prior year increased by the percentage increase, if any, in the Consumer Price Index for all urban consumers from October of the second prior year to October of the immediately prior year. The commissioner of management and budget must publish the limit on the department's website. This subdivision applies to the following positions:

Executive director of Gambling Control Board;

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Commissioner of Iron Range resources and rehabilitation;

Commissioner, Bureau of Mediation Services;

Ombudsman for mental health and developmental disabilities;

Ombudsperson for corrections;

Chair, Metropolitan Council;

School trust lands director;

Executive director of pari-mutuel racing; and

Commissioner, Public Utilities Commission.

Sec. 3. **[241.90] OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.**

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 4. **[241.91] DEFINITION.**

For the purposes of sections 241.90 to 241.95, "administrative agency" or "agency" means any division, official, or employee of the Department of Corrections, including the commissioner of corrections, charged with the care and custody of inmates and any regional or local correctional facility licensed or inspected by the commissioner of corrections, whether public or private, established and operated for the detention and confinement of adults or juveniles, including but not limited to programs or facilities operating under chapter 401, secure juvenile detention facilities, municipal holding facilities, juvenile temporary holdover facilities, regional or local jails, lockups, work houses, work farms, and detention facilities, but does not include:

(1) any court or judge;

(2) any member of the senate or house of representatives;

(3) the governor or the governor's personal staff;

(4) any instrumentality of the federal government;

(5) any interstate compact; or

(6) any person responsible for the supervision of offenders placed on supervised release, parole, or probation.

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Sec. 5. **[241.92] ORGANIZATION OF OFFICE OF OMBUDSPERSON.**

Subdivision 1. **Employee selection.** The ombudsperson may select, appoint, and compensate out of available funds assistants and employees as deemed necessary to discharge responsibilities. The ombudsperson and full-time staff shall be members of the Minnesota State Retirement Association.

Subd. 2. **Assistant ombudsperson.** The ombudsperson may appoint an assistant ombudsperson in the unclassified service.

Subd. 3. **Delegation of duties.** The ombudsperson may delegate to staff members any of the ombudsperson's authority or duties except the duty of formally making recommendations to an administrative agency or reports to the Office of the Governor or to the legislature.

Sec. 6. **[241.93] POWERS OF OMBUDSPERSON; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.**

Subdivision 1. **Powers.** The ombudsperson may:

(1) prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that the ombudsperson may not levy a complaint fee;

(2) determine the scope and manner of investigations to be made;

(3) except as otherwise provided, determine the form, frequency, and distribution of conclusions, recommendations, and proposals; provided, however, that the governor or a representative may, at any time the governor deems necessary, request and receive information from the ombudsperson. Neither the ombudsperson nor any member of the ombudsperson's staff shall be compelled to testify or to produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the ombudsperson's official duties except as may be necessary to enforce the provisions of sections 241.90 to 241.95;

(4) investigate, upon a complaint or upon personal initiative, any action of an administrative agency;

(5) request and be given access to information in the possession of an administrative agency deemed necessary for the discharge of responsibilities;

(6) examine the records and documents of an administrative agency;

(7) enter and inspect, at any time, premises within the control of an administrative agency;

(8) subpoena any person to appear, give testimony, or produce documentary or other evidence that the ombudsperson deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation shall possess the same privileges reserved to a witness in the courts or under the laws of this state;

(9) bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsperson may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of sections 241.90 to 241.95 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.90 to 241.95 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process; and

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(10) be present at commissioner of corrections parole, supervised release, and parole revocation hearings and deliberations.

Subd. 2. **Actions against ombudsperson.** No proceeding or civil action except removal from office or a proceeding brought pursuant to chapter 13 shall be commenced against the ombudsperson for actions taken under the provisions of sections 241.90 to 241.95, unless the act or omission is actuated by malice or is grossly negligent.

Subd. 3. **Matters appropriate for investigation.** (a) In selecting matters for attention, the ombudsperson should particularly address actions of an administrative agency that may be:

(1) contrary to law or rule;

(2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;

(3) mistaken in law or arbitrary in the ascertainment of facts;

(4) unclear or inadequately explained when reasons should have been revealed; or

(5) inefficiently performed.

(b) The ombudsperson may also be concerned with strengthening procedures and practices that lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 4. **Complaints.** (a) The ombudsperson may receive a complaint from any source concerning an action of an administrative agency. The ombudsperson may, on personal motion or at the request of another, investigate any action of an administrative agency.

(b) The ombudsperson may exercise powers without regard to the finality of any action of an administrative agency; however, the ombudsperson may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

(c) After completing investigation of a complaint, the ombudsperson shall inform the complainant, the administrative agency, and the official or employee of the action taken.

(d) A letter to the ombudsperson from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsperson's office. A reply from the ombudsperson to the person shall be promptly delivered unopened to the person after its receipt by the institution.

(e) No complainant shall be punished nor shall the general condition of the complainant's confinement or treatment be unfavorably altered as a result of the complainant having made a complaint to the ombudsperson.

Subd. 5. **Investigation of adult local jails and detention facilities.** Either the ombudsperson or the jail inspection unit of the Department of Corrections may investigate complaints involving local adult jails and detention facilities. The ombudsperson and Department of Corrections must enter into an arrangement with one another that ensures they are not duplicating services.

Subd. 6. **Recommendations.** (a) If, after duly considering a complaint and whatever material the ombudsperson deems pertinent, the ombudsperson is of the opinion that the complaint is valid, the ombudsperson may recommend that an administrative agency should:

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(1) consider the matter further;

(2) modify or cancel its actions;

(3) alter a ruling;

(4) explain more fully the action in question; or

(5) take any other step that the ombudsperson recommends to the administrative agency involved.

If the ombudsperson so requests, the agency shall, within the time the ombudsperson specifies, inform the ombudsperson about the action taken on the ombudsperson's recommendations or the reasons for not complying with it.

(b) If the ombudsperson has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, the ombudsperson may refer the matter to the appropriate authorities.

(c) If the ombudsperson believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects that are unfair or otherwise objectionable, the ombudsperson shall bring to the attention of the governor and the legislature the ombudsperson's view concerning desirable statutory change.

Subd. 7. **Grants.** The ombudsperson may apply for and receive grants from public and private entities for purposes of carrying out the ombudsperson's powers and duties under sections 241.90 to 241.95.

Sec. 7. **[241.94] ACCESS BY OMBUDSPERSON TO DATA.**

Notwithstanding section 13.384 or 13.85, the ombudsperson has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals when access to the data is necessary for the ombudsperson to perform the powers under section 241.93.

Sec. 8. **[241.95] PUBLICATION OF RECOMMENDATIONS; REPORTS.**

Subdivision 1. **Publication.** The ombudsperson may publish conclusions and suggestions by transmitting them to the Office of the Governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency or any person, the ombudsperson shall consult with that agency or person. When publishing an opinion adverse to an administrative agency or any person, the ombudsperson shall include in the publication any statement of reasonable length made to the ombudsperson by that agency or person in defense or mitigation of the action.

Subd. 2. **Annual report.** In addition to whatever reports the ombudsperson may make on an ad hoc basis, the ombudsperson shall report to the governor and the senate and house committee chairs and ranking minority members for the committees and divisions with fiscal and policy jurisdiction over public safety and corrections at the end of each year on the ombudsperson's functions during the preceding year.

Sec. 9. Minnesota Statutes 2018, section 243.48, subdivision 1, is amended to read:

Subdivision 1. **General searches.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, ~~and~~ state officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules

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prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the commissioner of management and budget under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the general fund.

Sec. 10. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.**

Subdivision 1. **Authorization.** In any adult correctional facility under the control of the commissioner of corrections, the commissioner may require an inmate to be placed on disciplinary segregation status for rule violations or on administrative segregation status when the continued presence of the inmate in general population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer may be included, provided the warden's written approval is sought and granted within seven business days of placing the inmate in restrictive housing under this provision. The warden of each facility must document any time approval is granted and the reason for it, and submit a quarterly report to the commissioner of corrections.

Subd. 2. **Conditions in segregated housing.** The restrictive housing unit shall provide living conditions that are approximate to those offenders in general population, including reduced lighting during nighttime hours.

Subd. 3. **Review of disciplinary segregation status.** The commissioner of corrections shall receive notification of all inmates with consecutive placement in a restrictive housing setting for more than 30 days. This notification shall occur on a monthly basis. In the event an inmate is placed into restrictive housing for more than 120 days, the reason for the placement and the behavior management plan for the inmate shall be submitted to the commissioner of corrections.

Subd. 4. **Graduated interventions.** The commissioner shall design and implement a continuum of interventions, including informal sanctions, administrative segregation, formal discipline, disciplinary segregation, and step-down management. The commissioner shall implement a method of due process for all offenders with formal discipline proceedings.

Subd. 5. **Mental health screening.** (a) If it is apparent that the inmate is exhibiting serious symptoms of a mental illness that prevents the inmate from understanding or fully participating in the disciplinary process, a mental health professional shall be consulted regarding appropriate treatment and placement. For other inmates placed in a restrictive setting, an inmate shall be screened by a health services staff member within 24 hours of placement in a restrictive housing setting. If the screening indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement. The health services staff member shall document any time an inmate screens in for symptoms of a mental health illness and whether or not the health services staff member connected with a mental health professional.

(b) If mental health staff believe the inmate's behavior may be more appropriately treated through alternative interventions or programming, or determine that the inmate's actions were the result of mental illness, this information must be considered during the disciplinary process.

Subd. 6. **Mental health care within segregated housing.** A health services staff member shall perform a daily wellness round in the restrictive housing setting. If a health services staff member indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement.

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Subd. 7. **Incentives for return to the general population.** The commissioner shall design and implement a system of incentives so that an inmate who demonstrates appropriate behavior can earn additional privileges and an accelerated return to the general population.

Subd. 8. **Discharge from segregated housing.** An inmate shall not be released into the community directly from a stay in restrictive housing for 60 or more days absent a compelling reason. In cases where there is a compelling reason, the commissioner of corrections or deputy commissioner shall directly authorize the inmate's release into the community from restrictive housing.

Subd. 9. **Reporting.** (a) By January 15, 2020, and by January 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the implementation of the provisions in this section. This report shall include but not be limited to data regarding:

(1) the number of inmates in each institution placed in restrictive housing during the past year;

(2) the ages of inmates placed in restrictive housing during the past year;

(3) the number of inmates transferred from restrictive housing to the mental health unit;

(4) disciplinary sanctions by infraction;

(5) the lengths of terms served in restrictive housing, including terms served consecutively; and

(6) the number of inmates by race in restrictive housing.

(b) The Department of Corrections shall submit a qualitative report detailing outcomes, measures, and challenges to implementation of a step-down management program by April 1, 2020.

Sec. 11. Minnesota Statutes 2018, section 631.412, is amended to read:

631.412 SAME SEX ESCORT FOR INMATES BEING TRANSFERRED.

(a) Except as provided in paragraph (b), when a sheriff or other correctional officer has custody of a person charged with or convicted of a crime and transfers that person more than 100 miles, that sheriff or other correctional officer shall provide the transferee with a custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion exists, a suitable person to carry out this section. The expenses of the person's employment must be paid out of county funds not otherwise appropriated.

(b) A sheriff or other correctional officer is not required to provide a same sex escort if: (1) the vehicle used to transport the transferee has video and audio recording equipment installed; (2) the vehicle's video and audio recording equipment is operational and positioned to record the portion of the vehicle where the transferee is held during the transfer; and (3) the video and audio equipment records the duration of the transfer. A recording of an inmate transfer made under this paragraph must be maintained by the sheriff or agency employing the correctional officer for at least 12 months after the date of the transfer.

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ARTICLE 4

SEXUAL OFFENDERS

Section 1. Minnesota Statutes 2018, section 609.095, is amended to read:

609.095 LIMITS OF SENTENCES.

(a) The legislature has the exclusive authority to define crimes and offenses and the range of the sentences or punishments for their violation. No other or different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law.

(b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial. A decision by the court to issue a stay of adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and on the record.

(c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:

Subd. 10. **Current or recent position of authority.** "Current or recent position of authority" includes but is not limited to any person who is a parent or acting in the place of a parent and charged with or assumes any of a parent's rights, duties or responsibilities to a child, or a person who is charged with or assumes any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of or within 120 days immediately preceding the act. For the purposes of subdivision 11, "current or recent position of authority" includes a psychotherapist.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 609.341, subdivision 11, is amended to read:

Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to ~~(o)~~ (p), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a current or recent position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a current or recent position of authority, or

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(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts;

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(c) "Sexual contact with a person under 13" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 609.341, subdivision 12, is amended to read:

Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion however slight into the genital or anal openings:

(i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;

(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired; or

(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

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Sec. 5. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish ~~sexual penetration~~ the act; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the ~~sexual penetration~~ act. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the ~~sexual penetration~~ act, and:

(i) the actor or an accomplice used force or coercion to accomplish the ~~penetration~~ act;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

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Sec. 6. Minnesota Statutes 2018, section 609.343, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

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Sec. 7. Minnesota Statutes 2018, section 609.344, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

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(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant~~.~~; or

(p) the actor is a peace officer, as defined in section 626.84, and the officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2018, section 609.345, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense;

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(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release

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facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant~~.~~; or

(p) the actor is a peace officer, as defined in section 626.84, and the officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the officer's presence. Consent by the complainant is not a defense.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2018, section 609.3451, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v)~~, but does not include the intentional touching of the clothing covering the immediate area of the buttocks~~. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 10. **[609.3459] LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

(a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law enforcement investigation by contacting any law enforcement agency, regardless of where the crime may have occurred. The agency must prepare a summary of the allegation and provide the person with a copy of it. The agency must begin an investigation of the facts, or, if the suspected crime was committed in a different jurisdiction, refer the matter along with the summary to the law enforcement agency where the suspected crime was committed for an investigation of the facts.

(b) If a law enforcement agency refers the matter to the law enforcement agency where the crime was committed, it need not include the allegation as a crime committed in its jurisdiction for purposes of information that the agency is required to provide to the commissioner of public safety pursuant to section 299C.06, but must confirm that the other law enforcement agency has received the referral.

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Sec. 11. Minnesota Statutes 2018, section 609.746, subdivision 1, is amended to read:

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

(1) enters upon another's property;

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

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

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

(1) enters upon another's property;

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

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:

Subd. 2. **Use of minor.** (a) It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage minors in posing or modeling alone or with others in any sexual performance or pornographic work if the person knows or has reason to know that the conduct intended is a sexual performance or a pornographic work.

Any person who violates this ~~subdivision~~ paragraph is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000 ~~for the first offense and $40,000 for a second or subsequent offense~~, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 13 years.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2018, section 617.246, subdivision 3, is amended to read:

Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a business in which a pornographic work, as defined in this section, is disseminated to an adult or a minor or is reproduced, and who knows the content and character of the pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than $20,000 ~~for the first offense and $40,000 for a second or subsequent offense~~, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 13 years.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

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Sec. 14. Minnesota Statutes 2018, section 617.246, subdivision 4, is amended to read:

Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor a pornographic work, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than $20,000 ~~for the first offense and $40,000 for a second or subsequent offense~~, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $40,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.247;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 13 years.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 617.246, subdivision 7, is amended to read:

Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for five years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2018, section 617.247, subdivision 3, is amended to read:

Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than seven years ~~and~~ or to payment of a fine of not more than $10,000 ~~for a first offense and for not more than 15 years and a fine of not more than $20,000 for a second or subsequent offense~~, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $20,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.246;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 13 years.

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EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2018, section 617.247, subdivision 4, is amended to read:

Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than five years ~~and~~ or to payment of a fine of not more than $5,000 ~~for a first offense and for not more than ten years and a fine of not more than $10,000 for a second or subsequent offense~~, or both.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $10,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for violating this section or section 617.246;

(2) the violation occurs when the person is a registered predatory offender under section 243.166; or

(3) the violation involved a minor under the age of 13 years.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2018, section 617.247, subdivision 9, is amended to read:

Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for five years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

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(b) "Commissioner" means the commissioner of human services.

(c) "Facility" means:

(1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 144H, 245D, or 245H;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

(d) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(e) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve sexual abuse or substantial child endangerment, and for reports of maltreatment in facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

(f) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(g) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical

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care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(h) "Nonmaltreatment mistake" means:

(1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and

(5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident.

This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

(i) "Operator" means an operator or agency as defined in section 245A.02.

(j) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(k) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury

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that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following:

(1) throwing, kicking, burning, biting, or cutting a child;

(2) striking a child with a closed fist;

(3) shaking a child under age three;

(4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;

(5) unreasonable interference with a child's breathing;

(6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

(7) striking a child under age one on the face or head;

(8) striking a child who is at least age one but under age four on the face or head, which results in an injury;

(9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(m) "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

(n) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a current or recent position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known

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or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

(o) "Substantial child endangerment" means a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following:

(1) egregious harm as defined in section 260C.007, subdivision 14;

(2) abandonment under section 260C.301, subdivision 2;

(3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(5) manslaughter in the first or second degree under section 609.20 or 609.205;

(6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(7) solicitation, inducement, and promotion of prostitution under section 609.322;

(8) criminal sexual conduct under sections 609.342 to 609.3451;

(9) solicitation of children to engage in sexual conduct under section 609.352;

(10) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;

(11) use of a minor in sexual performance under section 617.246; or

(12) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.503, subdivision 2.

(p) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (j), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (q) from the Department of Human Services.

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(q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (p), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

(r) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 20. **[626.8442] POLICIES ON SEXUAL ASSAULTS.**

(a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy addressing how the agency will respond to and investigate reports of sexual assault. The policy must substantially incorporate the main items from the board's model policy on responding to reports of sexual assault, but also may expand on the board's policy. As an alternative, the policy may be identical to the board's policy.

(b) Each chief law enforcement officer must certify to the board that the policy described in paragraph (a) is in place and being enforced and forward a copy of the policy to the board.

EFFECTIVE DATE. This section is effective the day following final enactment. Chief law enforcement officers must comply with this section's requirements by October 1, 2019.

Sec. 21. **CRIMINAL SEXUAL CONDUCT STATUTORY REFORM WORKING GROUP; REPORT.**

Subdivision 1. **Direction.** By September 1, 2019, the commissioner of public safety shall convene a working group on criminal sexual conduct statutory reform. The commissioner shall invite representatives from city and county prosecuting agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of Public Defense, private criminal defense attorneys, the Department of Public Safety, the Department of Human Services, the Sentencing Guidelines Commission, state and local law enforcement agencies, and other interested parties to participate in the working group. The commissioner shall ensure that the membership of the working group is balanced among the various representatives and reflects a broad spectrum of viewpoints, and is inclusive of marginalized communities as well as victim and survivor voices.

Subd. 2. **Duties.** The working group must review, assess, and make specific recommendations with regard to substantive and technical amendments to Minnesota Statutes, sections 609.341 to 609.3451, 609.3453 to 609.3455, 609.349, 628.26, and any other related criminal laws.

Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working group's findings and recommendations with the chairs and ranking minority members of the house of representatives

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and senate committees and divisions having jurisdiction over public safety and judiciary policy and finance by January 15, 2021.

Sec. 22. **SENTENCING GUIDELINES MODIFICATION.**

The Sentencing Guidelines Commission shall comprehensively review and consider modifying how the Sentencing Guidelines and the sex offender grid address the crimes described in Minnesota Statutes, sections 617.246 and 617.247, as compared to similar crimes, including other sex offenses and other offenses with similar maximum penalties.

ARTICLE 5

PREDATORY OFFENDERS

Section 1. Minnesota Statutes 2018, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses;

(2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, location of individuals required to register under section 243.166 or 243.167, and supervision of offenders;

(3) to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts;

(4) to child support enforcement purposes under section 256.978; and

(5) to a county medical examiner or coroner as required by section 390.005 as necessary to fulfill the duties under sections 390.11 and 390.25.

Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates otherwise, the following terms have the meanings given them.

(b) "Bureau" means the Bureau of Criminal Apprehension.

(c) "Corrections agent" means a county or state probation agent or other corrections employee. The term also includes United States Probation and Pretrial Services System employees who work with a person subject to this section.

~~(c)~~ (d) "Dwelling" means the building where the person lives under a formal or informal agreement to do so. However, dwelling does not include a supervised publicly or privately operated shelter or facility

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designed to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5.

~~(d)~~ (e) "Incarceration" and "confinement" do not include electronic home monitoring.

~~(e)~~ (f) "Law enforcement authority" or "authority" means~~, with respect to~~ the chief of police of a home rule charter or statutory city~~, the chief of police,~~ and ~~with respect to~~ the county sheriff of an unincorporated area~~, the county sheriff~~ in that county. An authority must be located in Minnesota.

~~(f)~~ (g) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

~~(g)~~ (h) "Primary address" means the mailing address of the person's dwelling. If the mailing address is different from the actual location of the dwelling, primary address also includes the physical location of the dwelling described with as much specificity as possible.

~~(h)~~ (i) "School" includes any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis.

~~(i)~~ (j) "Secondary address" means the mailing address of any place where the person regularly or occasionally stays overnight when not staying at the person's primary address. If the mailing address is different from the actual location of the place, secondary address also includes the physical location of the place described with as much specificity as possible. However, the location of a supervised publicly or privately operated shelter or facility designated to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5, does not constitute a secondary address.

~~(j)~~ (k) "Treatment facility" means a residential facility, as defined in section 244.052, subdivision 1, and residential chemical dependency treatment programs and halfway houses licensed under chapter 245A, including, but not limited to, those facilities directly or indirectly assisted by any department or agency of the United States.

~~(k)~~ (l) "Work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

Sec. 3. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, paragraph (a), clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; ~~or~~

(iv) indecent exposure under section 617.23, subdivision 3; or

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(v) surreptitious intrusion under the circumstances described in section 609.746, subdivision 1, paragraph (f);

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

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

(iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322;

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

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

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

(vii) possessing pornographic work involving a minor in violation of section 617.247~~, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances~~;

(3) the person was sentenced as a patterned sex offender under section 609.3455, subdivision 3a; or

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

(b) A person also shall register under this section if:

(1) the person was charged with or petitioned for an offense in another state that would be a violation of a law described in paragraph (a) if committed in this state and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer or for an aggregate period of time exceeding 30 days during any calendar year; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

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(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date. For calendar year 2019, only days spent in the state on or after August 1, 2019, may be counted toward the 30-day aggregate period in paragraph (b), clause (2).

Sec. 4. Minnesota Statutes 2018, section 243.166, subdivision 2, is amended to read:

Subd. 2. **Notice.** When a person who is required to register under subdivision 1b, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means. The court may not modify the person's duty to register in the pronounced sentence or disposition order. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The court shall ~~forward~~ make available the signed ~~sex offender registration~~ court notification form, the complaint, and sentencing documents to the bureau. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition and does not have a corrections agent, the law enforcement authority with jurisdiction over the person's primary address shall notify the person of the requirements. When a person who is required to register under subdivision 1b, paragraph (c) or (d), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau.

Sec. 5. Minnesota Statutes 2018, section 243.166, subdivision 4, is amended to read:

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau, fingerprints, biological specimen for DNA analysis as defined under section 299C.155, subdivision 1, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility or residential housing unit or shelter to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility or residential housing unit or shelter. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

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(b) For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation is limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the bureau. The bureau shall ascertain whether the person has registered with the law enforcement authority in the area of the person's primary address, if any, or if the person lacks a primary address, where the person is staying, as required by subdivision 3a. If the person has not registered with the law enforcement authority, the bureau shall ~~send one copy to~~ notify that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall ~~forward~~ submit the photograph to the bureau.

(1) Except as provided in clause (2), the agent or authority may photograph any offender at a time and frequency chosen by the agent or authority.

(2) The requirements of this paragraph shall not apply during any period where the person to be photographed is: (i) committed to the commissioner of corrections and incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the commissioner of human services and receiving treatment in a secure treatment facility.

(e) During the period a person is required to register under this section, the following provisions apply:

(1) Except for persons registering under subdivision 3a, the bureau shall mail a verification form to the person's last reported primary address. This verification form must provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means. For persons who are registered under subdivision 3a, the bureau shall mail an annual verification form to the law enforcement authority where the offender most recently reported. The authority shall provide the verification form to the person at the next weekly meeting and ensure that the person completes and signs the form and returns it to the bureau. Notice is sufficient under this paragraph~~,~~ if the verification form is sent by first class mail to the person's last reported primary address, or for persons registered under subdivision 3a, to the law enforcement authority where the offender most recently reported.

(2) The person shall mail the signed verification form back to the bureau within ten days after receipt of the form, stating on the form the current and last address of the person's residence and the other information required under subdivision 4a.

(3) In addition to the requirements listed in this section, an offender who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school in Minnesota, shall have an in-person contact with a law enforcement authority as provided in this section. If the person resides in Minnesota, the in-person contact shall be with the law enforcement authority that has jurisdiction over the person's primary address or, if the person has no address, the location where the person is staying. If the person does not reside in Minnesota but works or attends school in this state, the person shall have an in-person contact with the law enforcement authority or authorities with jurisdiction over the person's school or workplace. During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three

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days of this contact, the authority shall enter information as required by the bureau into the predatory offender registration database and submit an updated photograph of the person to the bureau's predatory offender registration unit.

(4) If the person fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form, or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person is in violation of this section.

(5) For any person who fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form and who has been determined to be subject to community notification pursuant to section 253D.32 or is a risk level III offender under section 244.052, the bureau shall immediately investigate and notify local law enforcement authorities to investigate the person's location and to ensure compliance with this section. The bureau also shall immediately give notice of the person's violation of this section to the law enforcement authority having jurisdiction over the person's last registered primary address ~~or addresses~~.

For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, the bureau shall comply with clause (1) at least ~~four~~ two times each year. For persons who, under section 244.052, are assigned to risk level III and who are no longer under correctional supervision for a registration offense or a failure to register offense, the bureau shall comply with clause (1) at least two times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

(f) ~~When sending out a verification form, the bureau shall determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in paragraph (a). If the person has not signed such a consent form, the bureau shall send a written consent form to the person along with the verification form. A person who receives this written consent form shall sign and return it to the bureau at the same time as the verification form.~~ For persons registered under this section on the effective date of this section, each person, on or before one year from that date, must provide a biological specimen for the purpose of DNA analysis to the probation agency or law enforcement authority where that person is registered. A person who provides or has provided a biological specimen for the purpose of DNA analysis under chapter 299C or section 609.117 meets the requirements of this paragraph.

(g) For persons registered under this section on the effective date of this section, each person, on or before one year from that date, must provide fingerprints to the probation agency or law enforcement authority where that person is registered.

Sec. 6. Minnesota Statutes 2018, section 243.166, subdivision 4a, is amended to read:

Subd. 4a. **Information required to be provided.** (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

(1) the person's primary address;

(2) all of the person's secondary addresses in Minnesota, including all addresses used for residential or recreational purposes;

(3) the addresses of all Minnesota property owned, leased, or rented by the person;

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(4) the addresses of all locations where the person is employed;

(5) the addresses of all schools where the person is enrolled; ~~and~~

(6) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person~~.~~;

(7) the expiration year for the motor vehicle license plate tabs of all motor vehicles owned by the person; and

(8) all telephone numbers including work, school, and home and any cellular telephone service.

(b) The person shall report to the agent or authority the information required to be provided under paragraph (a), clauses (2) to ~~(6)~~ (8), within five days of the date the clause becomes applicable. If because of a change in circumstances any information reported under paragraph (a), clauses (1) to ~~(6)~~ (8), no longer applies, the person shall immediately inform the agent or authority that the information is no longer valid. If the person leaves a primary address and does not have a new primary address, the person shall register as provided in subdivision 3a.

Sec. 7. Minnesota Statutes 2018, section 243.166, subdivision 4b, is amended to read:

Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision~~,~~:

(1) "health care facility" means a facility:

~~(1)~~ (i) licensed by the commissioner of health as a hospital, boarding care home or supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

~~(2)~~ (ii) registered by the commissioner of health as a housing with services establishment as defined in section 144D.01; or

~~(3)~~ (iii) licensed by the commissioner of human services as a residential facility under chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency treatment to adults, or residential services to persons with disabilities~~.~~; and

(2) "home care provider" has the meaning given in section 144A.43.

(b) Prior to admission to a health care facility or home care services from a home care provider, a person required to register under this section shall disclose to:

(1) the health care facility employee or the home care provider processing the admission the person's status as a registered predatory offender under this section; and

(2) the person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority with whom the person is currently required to register, that ~~inpatient~~ admission will occur.

(c) A law enforcement authority or corrections agent who receives notice under paragraph (b) or who knows that a person required to register under this section is planning to be admitted and receive, or has been admitted and is receiving health care at a health care facility or home care services from a home care provider, shall notify the administrator of the facility or the home care provider and deliver a fact sheet to the administrator or provider containing the following information: (1) name and physical description of

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the offender; (2) the offender's conviction history, including the dates of conviction; (3) the risk level classification assigned to the offender under section 244.052, if any; and (4) the profile of likely victims.

(d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, and if the facility admits the offender, the facility shall distribute the fact sheet to all residents at the facility. If the facility determines that distribution to a resident is not appropriate given the resident's medical, emotional, or mental status, the facility shall distribute the fact sheet to the patient's next of kin or emergency contact.

(e) If a home care provider receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, the provider shall distribute the fact sheet to any individual who will provide direct services to the offender before the individual begins to provide the service.

Sec. 8. Minnesota Statutes 2018, section 243.166, subdivision 4c, is amended to read:

Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in writing and signed by the person required to register. For purposes of this section, a signature is as defined in section 645.44, subdivision 14, by an electronic method established by the bureau, or by use of a biometric for the person. If a biometric is used, the person must provide a sample that is forwarded to the bureau so that it can be maintained for comparison purposes to verify the person's identity. The bureau shall determine the signature methods available for use and post this determination on the bureau's website.

Sec. 9. Minnesota Statutes 2018, section 243.166, subdivision 5, is amended to read:

Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was given notice, knows, or reasonably should know of the duty to register and who:

(1) knowingly commits an act or fails to fulfill a requirement that violates any ~~of its provisions~~ provision of this section; or

(2) intentionally provides false information to a corrections agent, law enforcement authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years.

(c) A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section or a similar statute of another state or the United States, shall be committed to the custody of the commissioner of corrections for not less than two years, nor more than five years.

(d) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.

(e) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term

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of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections 244.052 and 299C.093, the data provided under this section is private data on individuals under section 13.02, subdivision 12.

(b) The data may be used only by law enforcement and corrections agencies for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under section 626.556. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057.

(c) The commissioner of human services is authorized to have access to the data for:

(1) state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b); and

(2) purposes of completing background studies under chapter 245C.

Sec. 11. Minnesota Statutes 2018, section 244.052, subdivision 4, is amended to read:

Subd. 4. **Law enforcement agency; disclosure of information to public.** (a) The law enforcement agency in the area where the predatory offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under subdivision 3, paragraph (f), that is relevant and necessary to protect the public and to counteract the offender's dangerousness, consistent with the guidelines in paragraph (b). The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety.

(b) The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:

(1) if the offender is assigned to risk level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure and to adult members of the offender's immediate household;

(2) if the offender is assigned to risk level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency believes are likely to be victimized

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by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the department of corrections or human services;

(3) if the offender is assigned to risk level III, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter, unless the law enforcement agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim.

Notwithstanding the assignment of a predatory offender to risk level II or III, a law enforcement agency may not make the disclosures permitted or required by clause (2) or (3), if: the offender is placed or resides in a residential facility. However, if an offender is placed or resides in a residential facility, the offender and the head of the facility shall designate the offender's likely residence upon release from the facility and the head of the facility shall notify the commissioner of corrections or the commissioner of human services of the offender's likely residence at least 14 days before the offender's scheduled release date. The commissioner shall give this information to the law enforcement agency having jurisdiction over the offender's likely residence. The head of the residential facility also shall notify the commissioner of corrections or human services within 48 hours after finalizing the offender's approved relocation plan to a permanent residence. Within five days after receiving this notification, the appropriate commissioner shall give to the appropriate law enforcement agency all relevant information the commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. After receiving this information, the law enforcement agency shall make the disclosures permitted or required by clause (2) or (3), as appropriate.

(c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

(1) the organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and

(2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.

(d) A law enforcement agency or official who discloses information under this subdivision shall make a good faith effort to make the notification within 14 days of receipt of a confirmed address from the Department of Corrections indicating that the offender will be, or has been, released from confinement, or accepted for supervision, or has moved to a new address and will reside at the address indicated. If a change occurs in the release plan, this notification provision does not require an extension of the release date.

(e) A law enforcement agency or official who discloses information under this subdivision shall not disclose the identity or any identifying characteristics of the victims of or witnesses to the offender's offenses.

(f) A law enforcement agency shall continue to disclose information on an offender as required by this subdivision for as long as the offender is required to register under section 243.166. This requirement on a law enforcement agency to continue to disclose information also applies to an offender who lacks a primary address and is registering under section 243.166, subdivision 3a.

(g) A law enforcement agency that is disclosing information on an offender assigned to risk level III to the public under this subdivision shall inform the commissioner of corrections what information is being disclosed and forward this information to the commissioner within two days of the agency's determination. The commissioner shall post this information on the Internet as required in subdivision 4b.

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(h) A city council may adopt a policy that addresses when information disclosed under this subdivision must be presented in languages in addition to English. The policy may address when information must be presented orally, in writing, or both in additional languages by the law enforcement agency disclosing the information. The policy may provide for different approaches based on the prevalence of non-English languages in different neighborhoods.

(i) An offender who is the subject of a community notification meeting held pursuant to this section may not attend the meeting.

(j) When a school, day care facility, or other entity or program that primarily educates or serves children receives notice under paragraph (b), clause (3), that a level III predatory offender resides or works in the surrounding community, notice to parents must be made as provided in this paragraph. If the predatory offender identified in the notice is participating in programs offered by the facility that require or allow the person to interact with children other than the person's children, the principal or head of the entity must notify parents with children at the facility of the contents of the notice received pursuant to this section. The immunity provisions of subdivision 7 apply to persons disclosing information under this paragraph.

(k) When an offender for whom notification was made under this subdivision no longer resides, is employed, or is regularly found in the area, and the law enforcement agency that made the notification is aware of this, the agency shall inform the entities and individuals initially notified of the change in the offender's status. If notification was made under paragraph (b), clause (3), the agency shall provide the updated information required under this paragraph in a manner designed to ensure a similar scope of dissemination. However, the agency is not required to hold a public meeting to do so.

Sec. 12. Minnesota Statutes 2018, section 299C.093, is amended to read:

299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.

The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the data required to be provided under section 243.166, subdivisions 4, 4a, and ~~4a~~ 4b, and indicate the time period that the person is required to register. The superintendent shall maintain this data in a manner that ensures that it is readily available to law enforcement agencies. This data is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under section 626.556. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057. The commissioner of human services has access to the data for state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background studies under chapter 245C.

ARTICLE 6

VEHICLE OPERATIONS

Section 1. Minnesota Statutes 2018, section 84.91, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason

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to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it, or who refuses to comply with a lawful request to submit to testing or fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections, ~~shall be~~ is prohibited from operating a snowmobile or all-terrain vehicle for ~~a period of~~ one year. The commissioner shall notify the person of the ~~time~~ period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under:

(1) this section;

(2) chapter 169 relating to snowmobiles and all-terrain vehicles;

(3) chapter 169A; and

(4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to violations committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 86B.331, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance to operate the motorboat in operation on the waters of this state.

(b) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(c) A person who operates or is in physical control of a motorboat on the waters of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it, or who fails a test lawfully administered under sections 169A.50 to 169A.53 or 17l.177, or an ordinance in conformity with ~~it~~ any of these sections, ~~shall be~~ is prohibited from operating a motorboat on the waters of this state for ~~a period of~~ 90 days between

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May 1 and October 31, extending over two consecutive years if necessary. If the person refuses to comply with a lawful demand to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections, the person ~~shall be~~ is prohibited from operating a motorboat for ~~a period of~~ one year. The commissioner shall notify the person of the period during which the person is prohibited from operating a motorboat.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this section; (2) chapter 169 relating to motorboats; (3) chapter 169A; and (4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(g) For purposes of this subdivision, a motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to violations committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 169A.24, subdivision 1, is amended to read:

Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

(1) commits the violation within ten years of the first of three or more qualified prior impaired driving incidents;

(2) has previously been convicted of a felony under this section; or

(3) has previously been convicted of a felony under:

(i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury, substance-related offenses), subdivision 1, clauses (2) to (6);

(ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury, substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6); ~~or~~

(iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114, subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6)~~.~~; or

(iv) a statute from this state or another state in conformity with any provision listed in item (i), (ii), or (iii).

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.

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Sec. 4. Minnesota Statutes 2018, section 169A.63, is amended by adding a subdivision to read:

Subd. 13. **Exception.** (a) If the driver who committed a designated offense or whose conduct resulted in a designated license revocation becomes a program participant in the ignition interlock program under section 171.306 at any time before the motor vehicle is forfeited, the forfeiture proceeding is stayed and the vehicle must be returned.

(b) Notwithstanding paragraph (a), the vehicle whose forfeiture was stayed in paragraph (a) may be seized and the forfeiture action may proceed under this section if the program participant described in paragraph (a):

(1) subsequently operates a motor vehicle:

(i) to commit a violation of section 169A.20 (driving while impaired);

(ii) in a manner that results in a license revocation under section 169A.52 (license revocation for test failure or refusal) or 171.177 (revocation; search warrant) or a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52 or 171.177;

(iii) after tampering with, circumventing, or bypassing an ignition interlock device; or

(iv) without an ignition interlock device; or

(2) either voluntarily or involuntarily ceases to participate in the program for more than 30 days, or fails to successfully complete it as required by the Department of Public Safety due to:

(i) two or more occasions of the participant's driving privileges being withdrawn for violating the terms of the program, unless the withdrawal is determined to be caused by an error of the department or the interlock provider; or

(ii) violating the terms of the contract with the provider as determined by the provider.

(c) Paragraph (b) applies only if the described conduct occurs before the participant has been restored to full driving privileges or within three years of the original designated offense or designated license revocation, whichever occurs latest.

(d) The requirement in subdivision 2, paragraph (b), that device manufacturers provide a discounted rate to indigent program participants applies also to device installation under this subdivision.

(e) An impound or law enforcement storage lot operator must allow an ignition interlock manufacturer sufficient access to the lot to install an ignition interlock device under this subdivision.

(f) Notwithstanding paragraph (a), an entity in possession of the vehicle is not required to release it until the reasonable costs of the towing, seizure, and storage of the vehicle have been paid by the vehicle owner.

(g) At any time prior to the vehicle being forfeited, the appropriate agency may require that the owner or driver of the vehicle give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized vehicle. If this occurs, any future forfeiture action against the vehicle must instead proceed against the security as if it were the vehicle.

(h) The appropriate agency may require an owner or driver to give security or post bond payable to the agency in an amount equal to the retail value of the vehicle, prior to releasing the vehicle from the impound lot to install an ignition interlock device.

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(i) If an event described in paragraph (b) occurs in a jurisdiction other than the one in which the original forfeitable event occurred, and the vehicle is subsequently forfeited, the proceeds shall be divided equally, after payment of seizure, towing, storage, forfeiture, and sale expenses and satisfaction of valid liens against the vehicle, among the appropriate agencies and prosecuting authorities in each jurisdiction.

(j) Upon successful completion of the program, the stayed forfeiture proceeding is terminated or dismissed and any vehicle, security, or bond held by an agency must be returned to the owner of the vehicle.

(k) A claimant of a vehicle for which a forfeiture action was stayed under paragraph (a) but which later proceeds under paragraph (b), may file a demand for judicial forfeiture as provided in subdivision 8, in which case the forfeiture proceedings must be conducted as provided in subdivision 9.

Sec. 5. **[171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.**

Subdivision 1. **Establishment.** (a) A city or county may establish a license reinstatement diversion program for holders of class D drivers' licenses who have been charged with violating section 171.24, subdivision 1 or 2. An individual charged with driving after revocation under section 171.24, subdivision 2, is eligible for diversion only if the revocation was due to a violation of section 169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision 1, paragraph (a), clause (6); or 171.177. An individual who is a holder of a commercial driver's license or who has committed an offense in a commercial motor vehicle is not eligible to participate in the diversion program. Nothing in this section authorizes the issuance of a driver's license to a diversion program participant during the underlying suspension or revocation period at issue in the violation of section 171.24, subdivision 1 or 2.

(b) Notwithstanding any law or ordinance to the contrary, a city or county may contract with a third party to create and administer the diversion program under this section. Any participating city or county, at its own expense, may request an audit of the administrator.

(c) For purposes of this section, "administrator" means the city, county, or administrator of the program.

Subd. 2. **Diversion of an individual.** (a) A prosecutor for a participating city or county may determine whether to accept an individual for diversion. When making the determination, the prosecutor must consider:

(1) whether the individual has a record of driving without a valid license or other criminal record, or has previously participated in a diversion program;

(2) the strength of the evidence against the individual, along with any mitigating factors; and

(3) the apparent ability and willingness of the individual to participate in the diversion program and comply with program requirements.

(b) A city or county attorney may request that an individual be reviewed for a diversion program without a formal city or county diversion program being established. The city or county attorney must follow the requirements of subdivisions 1 and 2 and may submit the individual's application to an administrator for processing in collaboration with DVS to determine if an individual is eligible for approval into the diversion program. The participant must meet the requirements in subdivision 4.

(c) A judge may submit a request for an individual to apply for entry into a diversion program under subdivisions 1 and 2. The participant must meet the requirements in subdivision 4.

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Subd. 3. **Diversion driver's license.** (a) Notwithstanding any law to the contrary, the commissioner may issue a diversion driver's license to a person who is a participant in a diversion program, after receiving an application and payment of:

(1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose driver's license has been suspended;

(2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or

(3) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under section 169A.52, 169A.54, or 171.177. The reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), must also be paid during the course of and as a condition of the diversion program.

(b) The commissioner may impose restrictions on a diversion driver's license that are suitable to the licensee's driving ability or applicable to the licensee as the commissioner deems appropriate to ensure the safe operation of a motor vehicle by the licensee. The participant must follow all requirements of this section, the requirements set out by DVS and court restrictions.

(c) Payments made by participants in the diversion program of the reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), must be applied first toward payment of the reinstatement fee and, after the reinstatement fee has been fully paid, toward payment of the surcharge. Each payment that is applied toward the reinstatement fee must be credited as provided in section 171.29, subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must be credited as provided in section 171.29, subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied, the participant must pay the program participation fee.

(d) Notwithstanding any law to the contrary, a diversion driver's license issued to a participant in the program must not be revoked or suspended for convictions entered due to payments made under subdivision 4.

Subd. 4. **Program components.** (a) At a minimum, the diversion program must require individuals to:

(1) successfully attend and complete, at the individual's expense, educational classes that provide, among other things, information on driver's licensure;

(2) pay to the administrator, under a schedule approved by the prosecutor, all required related fees, fines, and charges, including applicable statutory license reinstatement fees and costs of participation in the program;

(3) comply with all traffic laws; and

(4) demonstrate compliance with motor vehicle insurance requirements.

(b) Individuals whose underlying citations cost less than $250 shall receive a 60 percent discount on the diversion program fee. Individuals whose underlying citations cost $250 to $500 shall receive a 40 percent discount on the diversion program fee.

Subd. 5. **Termination of participation; reinstatement of driver's license.** (a) An individual's participation in the diversion program must be terminated if:

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(1) the individual is found guilty of a moving traffic violation;

(2) the individual fails to provide proof of vehicle insurance; or

(3) the administrator of the diversion program informs the commissioner that the individual is no longer satisfying the conditions of the diversion program.

(b) The commissioner must cancel an individual's diversion driver's license upon receiving notice from the administrator that the individual is not complying with the requirements of the program.

(c) The original charge against the individual of a violation of section 171.24 may be reinstated against an individual whose participation in the diversion program terminates under paragraph (a), clause (1) or (2).

(d) If an individual satisfies all requirements of the diversion program, including, at a minimum, satisfactory fulfillment of the components under subdivision 4, the administrator must inform the court, the prosecutor, and the commissioner of the individual's satisfactory completion of the diversion program.

(e) Upon receiving notice under paragraph (d), the commissioner must reinstate the individual's driver's license.

(f) Upon receiving notice under paragraph (d), the court must dismiss the charge or the prosecutor must decline to prosecute the individual.

Subd. 6. **Fees held on termination of participant.** (a) Upon termination of the participant in the program under subdivision 5, where there are any held funds and only after the administrator has made payouts on citations and fees, the third-party administrator shall hold remaining participant fees for 12 months from the date of termination under subdivision 5, paragraph (a), clause (1) or (2).

(b) A participant who meets DVS requirements to re-enter the diversion program may use held funds to pay fees to be reinstated into the program.

(c) After 12 months, the administrator shall retain the funds for the work performed during the participant's enrollment period, prior to the participant's termination date in the diversion program.

Subd. 7. **Biennial report.** (a) By February 1 of each even-numbered year, the administrator must report on each city and county that participated in the diversion program and provide a report to each participating city and county, the commissioner, and the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. The report must be made available electronically and, upon request, in print. The report must include, without limitation, the effect of the program on:

(1) recidivism rates for participants in the diversion program;

(2) the number of participants who successfully completed the program;

(3) the amount charged to individuals for program fees;

(4) payment of the fees and fines collected in the diversion program to cities, counties, and the state;

(5) the total amount of money collected from participants in the program;

(6) the total amount of money, by category, paid or applied to reinstatement;

(7) educational support provided to participants in the diversion program;

(8) the total number of participants in the diversion program;

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(9) the total number of participants terminated from the program under subdivision 5, paragraph (a), clauses (1) to (3);

(10) the reimbursement policy for all payments listed under clause (4); and

(11) the amount of all payments listed under clause (4) retained from participants who were terminated from the program.

(b) The report must include all recommendations made by cities or counties regarding the future of the program and any necessary or suggested legislative changes.

EFFECTIVE DATE. This section is effective July 1, 2019. A city or county participating in the diversion program may accept an individual into the program until June 30, 2019. The third party administering the diversion program may collect and disperse fees collected pursuant to Minnesota Statutes, section 171.2405, subdivision 6, paragraph (a), clause (2), through June 30, 2019.

Sec. 6. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, Laws 2013, chapter 127, section 60, and Laws 2017, chapter 95, article 3, section 29, is amended to read:

Subd. 9. **Sunset; transition.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program ~~until June 30, 2019.~~ and the third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), ~~through December 31, 2020~~ until the day following the date the permanent diversion program established under Minnesota Statutes, section 171.2405, is effective, at which time the pilot program under this section expires. An individual participating in but who has not completed the pilot program on the date the pilot program expires is automatically transferred and enrolled in the permanent diversion program under Minnesota Statutes, section 171.2405, and credited for any fees paid or activities completed under the pilot program.

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

ARTICLE 7

FIREFIGHTERS

Section 1. Minnesota Statutes 2018, section 299N.01, subdivision 2, is amended to read:

Subd. 2. **Fire department.** "Fire department" means a regularly organized fire department, fire protection district, or fire company~~, as defined in the State Fire Code adopted under section 326B.02, subdivision 6,~~ regularly charged with the responsibility of providing fire protection to the state or a local government and includes a private nonprofit fire department directly serving a local government. It does not include industrial fire brigades that do not have a fire department identification number issued by the state fire marshal.

Sec. 2. Minnesota Statutes 2018, section 299N.01, subdivision 3, is amended to read:

Subd. 3. **Firefighter.** "Firefighter" means a volunteer, paid on-call, part-time, or ~~career~~ full-time firefighter serving a general population within the boundaries of the state.

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Sec. 3. Minnesota Statutes 2018, section 299N.02, subdivision 1, is amended to read:

Subdivision 1. **Membership.** Notwithstanding any provision of chapter 15 to the contrary, the Board of Firefighter Training and Education consists of the following members:

(1) five members representing the Minnesota State Fire Department Association, four of whom must be volunteer firefighters and one of whom may be a ~~career~~ full-time firefighter, appointed by the governor;

(2) two members representing the Minnesota State Fire Chiefs Association, one of whom must be a volunteer fire chief, appointed by the governor;

(3) two members representing the Minnesota Professional Firefighters Association, appointed by the governor;

(4) two members representing Minnesota home rule charter and statutory cities, appointed by the governor;

(5) two members representing Minnesota towns, appointed by the governor;

(6) the commissioner of public safety or the commissioner's designee; and

(7) one public member not affiliated or associated with any member or interest represented in clauses (1) to (6), appointed by the governor.

The Minnesota State Fire Department Association shall recommend five persons to be the members described in clause (1), the Minnesota State Fire Chiefs Association shall recommend two persons to be the members described in clause (2), the Minnesota Professional Firefighters Association shall recommend two persons to be the members described in clause (3), the League of Minnesota Cities shall recommend two persons to be the members described in clause (4), and the Minnesota Association of Townships shall recommend two persons to be the members described in clause (5). In making the appointments the governor shall try to achieve representation from all geographic areas of the state.

Sec. 4. Minnesota Statutes 2018, section 299N.02, subdivision 2, is amended to read:

Subd. 2. **Terms; chair; compensation.** Members of the board shall serve for terms of four years and ~~annually~~ biennially elect a chair from among the members. Terms and filling of vacancies are subject to section 15.0575, subdivisions 2, 4, and 5. Members serve without compensation.

Sec. 5. Minnesota Statutes 2018, section 299N.02, subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** (a) The board shall:

(1) review fire service training needs and make recommendations on training to Minnesota fire service organizations;

(2) establish standards for educational programs for the fire service and develop procedures for continuing oversight of the programs;

(3) establish qualifications for fire service training instructors in programs established under clause (2); ~~and~~

(4) maintain a list of instructors that have met the qualifications established under clause (3), subject to application procedures and requirements established by the board; and

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~~(4)~~ (5) license full-time firefighters and volunteer firefighters under this chapter.

(b) The board may:

(1) hire or contract for technical or professional services according to section 15.061;

(2) pay expenses necessary to carry out its duties;

(3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity may make to the board for the purposes of this chapter and may use any money given to it consistent with the terms and conditions under which the money was received and for the purposes stated;

(4) accept funding from the fire safety account and allocate funding to Minnesota fire departments in the form of reimbursements that are consistent with the board's recommendations and the Department of Public Safety firefighter training;

(5) set guidelines regarding how the allocated reimbursement funds must be disbursed;

(6) set and make available to the fire service standards governing the use of funds reimbursed under this section;

~~(4)~~ (7) make recommendations to the legislature to improve the quality of firefighter training;

~~(5)~~ (8) collect and provide data, subject to section 13.03;

~~(6)~~ (9) conduct studies and surveys and make reports; and

~~(7)~~ (10) conduct other activities necessary to carry out its duties.

Sec. 6. Minnesota Statutes 2018, section 299N.03, subdivision 4, is amended to read:

Subd. 4. **Fire department.** "Fire department" has the meaning given it in section 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department also includes a division of a state agency, regularly charged with the responsibility of providing fire protection to the state or a local government, to include a private, nonprofit fire department directly serving a local government, but does not include ~~an~~ industrial fire ~~brigade~~ brigades that do not have a fire department identification number issued by the state fire marshal.

Sec. 7. Minnesota Statutes 2018, section 299N.03, subdivision 5, is amended to read:

Subd. 5. **Full-time firefighter.** A "full-time firefighter" means a person who is employed and charged with the prevention ~~and~~ or suppression of fires within the boundaries of the state on a full-time~~, salaried~~ basis and who is directly engaged in the hazards of firefighting or is in charge of ~~a~~ designated fire ~~company or~~ companies, as defined in section 299N.01, subdivision 2, that are directly engaged in the hazards of firefighting. Full-time firefighter does not include a volunteer, part-time, or paid-on-call firefighter.

Sec. 8. Minnesota Statutes 2018, section 299N.03, subdivision 6, is amended to read:

Subd. 6. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to include a fire department employee, member, supervisor, state employee, or appointed official, who is licensed by the board and charged with the prevention or suppression of fires within the boundaries of the state. Licensed firefighter may also include a volunteer firefighter.

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Sec. 9. Minnesota Statutes 2018, section 299N.03, is amended by adding a subdivision to read:

Subd. 8. **NFPA 1001 standard.** "NFPA 1001 standard" means the standard for firefighter professional qualifications established by the National Fire Protection Association.

Sec. 10. Minnesota Statutes 2018, section 299N.04, is amended to read:

299N.04 FIREFIGHTER ~~CERTIFICATION~~ EXAMINATION.

Subdivision 1. **~~Certification~~ Examination; requirements.** (a) The board must appoint an organization that is accredited by the International Fire Service Accreditation Congress to prepare and administer firefighter certification examinations. Firefighter certification examinations ~~shall~~ must be designed to ensure and demonstrate competency ~~in at least the following areas:~~ that meets the NFPA 1001 standard or a national standard in areas including but not limited to:

(1) fire prevention;

(2) fire suppression; and

(3) hazardous materials operations.

~~(b) To receive a certificate, an individual must demonstrate competency in fire prevention and fire suppression.~~

(b) Certification must be obtained by the individual demonstrating competency in fire prevention and protection under the NFPA 1001 standard.

(c) Nothing in this section shall be construed to prohibit any requirement imposed by a local fire department for more comprehensive training.

Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision 3, any person may take the firefighter certification examination who has successfully completed the following:

(1)(i) a firefighter course from a postsecondary educational institution, an accredited institution of higher learning, or another entity that teaches a course that has been approved by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire department ~~employing the person~~ that has been approved by the board; and

(2) a skills-oriented basic training course.

Subd. 3. **Certain baccalaureate or associate degree holders eligible to take certification examination.** A person with a baccalaureate degree or an associate degree in applied fire science technology from an accredited college or university, who has successfully completed the skills-oriented basic training course under subdivision 2, clause (2), is eligible to take the firefighter certification examination notwithstanding the requirements of subdivision 2, clause (1).

Sec. 11. Minnesota Statutes 2018, section 299N.05, subdivision 1, is amended to read:

Subdivision 1. **Licensure requirement.** A firefighter employed full time by a fire department is not eligible for permanent employment without being licensed by the board~~.~~ and meeting the following requirements:

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(1) the firefighter successfully completes a firefighter examination under section 299N.04 or completes the examination while serving a probationary period, if any, as determined by the hiring authority; and

(2) the chief firefighting officer or the chief designee completes the employment verification portion of the licensing process.

Sec. 12. Minnesota Statutes 2018, section 299N.05, subdivision 2, is amended to read:

Subd. 2. **Optional licensing.** A volunteer firefighter affiliated with a department may receive or apply for licensure under ~~this section~~ subdivision 1 and section 299N.04 under the same terms as full-time firefighters.

Sec. 13. Minnesota Statutes 2018, section 299N.05, subdivision 5, is amended to read:

Subd. 5. **Obtaining a firefighter license.** To obtain a license, a firefighter must be affiliated with a fire department, complete the board application process, and meet the requirements of this section or section 299N.04 or 299N.06. A license is valid for a three-year period determined by the board, and the fee for the license is $75. Fees under this subdivision may be prorated by the board for licenses issued with a three-year licensure period.

Sec. 14. Minnesota Statutes 2018, section 299N.05, subdivision 6, is amended to read:

Subd. 6. **License renewal; expiration and reinstatement.** (a) A license ~~shall~~ must be renewed ~~so long as~~ if the firefighter and the chief firefighting officer ~~provide evidence to the board that the licensed firefighter has had 72 hours of approved firefighting training in the preceding three years and the firefighter completes the renewal application. The fee for renewing a firefighter license is $75, and the license is valid for an additional three years.~~ or chief designee completes the renewal application and:

(1) attests to the board that the licensed firefighter has met the required 72 hours of approved firefighter training in the preceding three years;

(2) upon request, provides evidence the licensed firefighter completed the required 72 hours of approved firefighter training in the preceding three years;

(3) verifies that the licensed firefighter is actively serving on a department; and

(4) attests that the licensed firefighter has not been convicted of or pled guilty or nolo contendere to a felony, any arson-related charge, or another offense arising from the same set of circumstances.

(b) The fee to renew a firefighter license is $75. The license is valid for an additional three-year period, unless submitted within the triennial period. Fees under this subdivision may be prorated by the board for licenses reinstated or renewed within the three-year licensure period.

~~(b)~~ (c) If a license expires, a firefighter may apply to have it reinstated. In order to receive reinstatement, the firefighter must:

(1) complete a reinstatement application;

(2) satisfy all ~~prior firefighter training~~ requirements listed in paragraph (a);

(3) pay any outstanding renewal fees; and

(4) pay the delayed renewal fee set by the board.

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~~(c)~~ (d) In lieu of a reinstatement application under paragraph ~~(b)~~ (c), a firefighter may complete a new application for licensure under section 299N.04.

Sec. 15. Minnesota Statutes 2018, section 299N.05, subdivision 7, is amended to read:

Subd. 7. **Duties of chief firefighting officer.** (a) Every chief firefighting officer has a duty to ensure that every full-time firefighter has a license issued by the board.

(b) Every chief firefighting officer or designee has the duty to verify that every full-time and volunteer individual applying, reinstating, or renewing a license is affiliated with a Minnesota fire department.

~~(b)~~ (c) Every chief firefighting officer, provider, and individual licensee has a duty to ensure proper training records and reports are retained. Records must include, for the three-year period subsequent to the license renewal date:

(1) the dates, subjects, and duration of programs;

(2) sponsoring organizations;

(3) fire training hours earned;

(4) registration receipts to prove attendance at training sessions; and

(5) other pertinent information.

~~(c)~~ (d) The board may require a licensee, provider, or fire department to provide the information under paragraph ~~(b)~~ (c) to demonstrate compliance with the 72-hour firefighting training requirement under subdivision 6, paragraph (a).

Sec. 16. Minnesota Statutes 2018, section 299N.05, subdivision 9, is amended to read:

Subd. 9. **Fees; appropriation.** Fees collected under this section must be deposited in the state treasury and credited to a special account and are appropriated to the board to pay costs incurred under this section and sections 299N.04 ~~and 299N.05~~ and 299N.06.

Sec. 17. Minnesota Statutes 2018, section 299N.06, is amended to read:

299N.06 ELIGIBILITY FOR RECIPROCITY AND EXAMINATION BASED ON RELEVANT MILITARY EXPERIENCE.

Subdivision 1. **Reciprocity license requirements for out-of-state certified applicants.** A person may apply for licensure if the person (1) becomes employed by or becomes an active member of a fire department, (2) has the appropriately certified accreditation by the International Fire Service Accreditation Congress or Pro Board, and (3) has met the requirements of section 299N.04.

Subd. 2. **Examination based on relevant military experience.** (a) For purposes of this section:

(1) "active service" has the meaning given in section 190.05, subdivision 5; and

(2) "relevant military experience" means:

(i) four years' cumulative service experience in a military firefighting occupational specialty;

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(ii) two years' cumulative service experience in a military firefighting occupational specialty, and completion of at least a two-year degree from a regionally accredited postsecondary education institution; or

(iii) four years' cumulative experience as a full-time firefighter in another state combined with cumulative service experience in a military firefighting occupational specialty.

(b) A person is eligible to take ~~the reciprocity~~ a firefighter examination and does not have to otherwise meet the requirements of section 299N.04, subdivisions 2 and 3, if the person has:

(1) relevant military experience; and

(2) been honorably discharged from military active service as evidenced by the most recent form DD-214 or is currently in active service, as evidenced by:

(i) active duty orders providing service time in a military firefighting specialty;

(ii) a United States Department of Defense Manpower Data Center status report pursuant to the Service Members Civil Relief Act, active duty status report; or

(iii) Military Personnel Center assignment information.

(c) A person who passed the examination under paragraph (b), clause (2), shall not be eligible to be licensed as a firefighter until honorably discharged as evidenced by the most recent form DD-214.

(d) To receive a firefighter license, a person who passed ~~the reciprocity certification~~ a firefighter examination must meet the requirements of section 299N.05~~, subdivision 4~~.

Presented to the governor May 28, 2019

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