

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3454

02/12/2024

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03/20/2024

The bill was read for the first time and referred to the Committee on Veterans and Military Affairs Finance and Policy

04/04/2024

Adoption of Report: Placed on the General Register as Amended

Read for the Second Time

Calendar for the Day

Read for the Third Time

Passed by the House and transmitted to the Senate

1.1A bill for an act

1.2relating to the military; modifying the definition of criminal justice agencies;

1.3modifying data that the adjutant general may request from other agencies;

1.4modifying powers of the adjutant general; authorizing the adjutant general to

1.5establish a referral bonus program; modifying the crime of unauthorized presence

1.6at military installations; amending Minnesota Statutes 2022, sections 13.02,

1.7subdivision 3a; 13.785; 190.16, subdivisions 3, 6a; 192.25; 192.501, by adding a

1.8subdivision; 192.67; 609.396.

1.9BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10Section 1. Minnesota Statutes 2022, section 13.02, subdivision 3a, is amended to read:

1.11Subd. 3a. **Criminal justice agencies.** "Criminal justice agencies" means all state and

1.12local prosecution authorities, all state and local law enforcement agencies, the Sentencing

1.13Guidelines Commission, the Bureau of Criminal Apprehension, the Department of

1.14Corrections, the Minnesota National Guard, and all probation officers who are not part of

1.15the judiciary.

1.16Sec. 2. Minnesota Statutes 2022, section 13.785, is amended to read:

1.17**13.785 VETERANS OR MILITARY AFFAIRS DATA CODED ELSEWHERE.**

1.18Subdivision 1. **Scope.** The sections referred to in this section are codified outside this

1.19chapter. Those sections classify veterans or military affairs data as other than public, place

1.20restrictions on access to government data, or involve data sharing.

1.21Subd. 2. **Department of Veterans Affairs.** (a) **Certain veterans benefits and military**

1.22**certificates of discharge.** Access to military certificates of discharge and to files pertaining

1.23to claims for certain veterans benefits is governed by section 196.08.

(b) **Environmental Hazards Information and Assistance Act.** Disclosure of summary data and of the identity of a veteran about whom information is received under sections 196.19 to 196.26, is governed by section 196.25.

Subd. 3. **Veterans rewards and privileges; service officers.** Data maintained by county veterans service officers are classified under section 197.603.

Subd. 4. **Deceased veterans data.** Data relating to veterans deceased as a result of service-connected causes are classified under section 197.225.

Subd. 5. **Veterans stable housing.** Data maintained for purposes of the veterans stable housing initiative is classified under section 196.081.

Subd. 6. **Service member data; disclosure to adjutant general.** Access to data on a service member of the military forces by the adjutant general of the Minnesota National Guard is governed by section 192.67, subdivision 2.

Sec. 3. Minnesota Statutes 2022, section 190.16, subdivision 3, is amended to read:

Subd. 3. **Contracts; agreements.** ~~When prescribed or required by the laws of the United States and any rules or regulations made thereunder, and~~ Notwithstanding any state law to the contrary, the adjutant general shall be the contracting authority and officer for any construction, improvement or maintenance program or project, or any other program or project financed either in whole or in part by moneys made available by the federal government and may execute agreements and contracts for and in behalf of the state therefor, including a dedication of the primary use and purpose of such buildings, air bases, roads, utilities or other structures or facilities required in the training, housing, and maintenance of the military forces of the state for periods up to and including 25 years.

Sec. 4. Minnesota Statutes 2022, section 190.16, subdivision 6a, is amended to read:

Subd. 6a. **Rental of Camp Ripley military facilities.** The adjutant general or the adjutant general's designee may rent buildings or other facilities ~~at Camp Ripley~~ of the Minnesota National Guard to persons under terms and conditions specified by the adjutant general or designee. Subject to any prohibitions or restrictions in any agreement between the United States and the state of Minnesota, proceeds of rentals under this subdivision must be applied as follows:

(1) payment of increased utilities, maintenance, or other costs directly attributable to the rental;

(2) other operating and maintenance or repair costs for the building or facility being rented; and

(3) maintenance and improvement of buildings or other facilities at Camp Ripley.

Rentals under this subdivision must be made under terms and conditions that do not conflict with the use of ~~Camp Ripley~~ the facilities for military purposes.

Sec. 5. Minnesota Statutes 2022, section 192.25, is amended to read:

192.25 EXEMPTION FROM PROCESS; TRANSFER TO CIVIL AUTHORITIES.

Subdivision 1. Exemption from process. No member of the guard shall be arrested, or served with any summons, order, warrant or other civil process after having been ordered to any duty or while going to, attending or returning from any place to which the member is required to go for military duty; but nothing herein shall prevent an arrest by order of a military officer or for a felony or breach of the peace committed while not in the actual performance of assigned duties. The articles of equipment personally owned by such members shall be exempt from seizure or sale for debt.

Subd. 2. Transfer to civil authorities. When probable cause exists that a criminal offense, other than a crime designated as a purely military offense in section 192A.021, has been committed by any officer or enlisted member of the military forces while on duty status other than federal duty, the officer or enlisted member may be turned over by superior officers to the proper civil authorities of the county or municipality in which the offense occurred for adjudication of such crime, to include imposition of pretrial restraint, but trial and punishment by the civil authorities shall not preclude trial and additional punishment or dismissal from the service by court-martial for any military offense resulting from the commission of said crime.

Sec. 6. Minnesota Statutes 2022, section 192.501, is amended by adding a subdivision to read:

Subd. 1e. Referral bonus program. (a) The adjutant general may establish a program to provide a bonus for referrals leading to enlistment in or commissioning into the Minnesota National Guard.

(b) The adjutant general may determine eligibility criteria for the bonus. The adjutant general must specify all criteria for the bonus in regulations and publish changes as necessary.

(c) The referral bonus payments must be made on a schedule that is determined and published in department regulations by the adjutant general.

4.1 (d) If the adjutant general determines that a referral bonus was paid to an individual who
4.2 was ineligible, the adjutant general may seek to recoup the bonus.

4.3 (e) If the adjutant general implements a referral bonus program, the adjutant general
4.4 must:

4.5 (1) notify the legislative committees with jurisdiction over the Minnesota National Guard;

4.6 (2) develop internal controls for the referral bonus program aimed at preventing fraud,
4.7 waste, and abuse of government resources, and publish these internal controls in regulation;

4.8 (3) by January 16 each year, submit regulations developed under this subdivision to the
4.9 legislative committees with jurisdiction over the Minnesota National Guard; and

4.10 (4) maintain an accurate record of the recipients and benefits paid under this subdivision
4.11 and summarize this information in the agency performance report, including information
4.12 regarding the rank and unit locations of bonus recipients.

4.13 Sec. 7. Minnesota Statutes 2022, section 192.67, is amended to read:

4.14 **~~192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES; SERVICE~~**
4.15 **~~MEMBER DATA.~~**

4.16 ~~Subdivision 1. **Transfer to civil authorities.** When any criminal offense is committed~~
4.17 ~~by any officer or enlisted member of the military forces while on duty status other than~~
4.18 ~~federal duty, the officer or enlisted member shall be turned over by superior officers to the~~
4.19 ~~proper civil authorities of the county or municipality in which the offense occurred for~~
4.20 ~~punishment for such crime, but such trial and punishment by the civil authorities shall not~~
4.21 ~~preclude trial and additional punishment or dismissal from the service by court-martial for~~
4.22 ~~any military offense resulting from the commission of said crime.~~

4.23 Subd. 2. **Service member data.** Notwithstanding any provision of chapter 13 or other
4.24 state law, all confidential data on individuals and private data on individuals, as defined by
4.25 section 13.02, subdivisions 3 and 12, pertaining to any service member of the military forces
4.26 and maintained by any government entity, including but not limited to investigative reports
4.27 and law enforcement data, including but not limited to all data collected and defined under
4.28 section 13.82 pertaining to any service member of the military forces, must be made
4.29 accessible to the adjutant general of the Minnesota National Guard upon request of the
4.30 Office of the State Judge Advocate. All information, data, and records obtained under this
4.31 subdivision may be accessed, copied, transmitted, or provided to the adjutant general without
4.32 a court order or request from the subject of the data when the matter involves any officer
4.33 or enlisted member of the military forces. ~~The adjutant general may only use data made~~

5.1 ~~accessible under this subdivision in support of military justice and Minnesota National~~
5.2 ~~Guard administrative and disciplinary actions.~~

5.3 Sec. 8. Minnesota Statutes 2022, section 609.396, is amended to read:

5.4 **609.396 UNAUTHORIZED PRESENCE AT CAMP RIPLEY ON MILITARY**
5.5 **INSTALLATIONS.**

5.6 Subdivision 1. **Misdemeanor.** A person is guilty of a misdemeanor if the person
5.7 intentionally and without the authorization of the adjutant general or a duly appointed
5.8 commander in accordance with federal regulations enters or is present on ~~the Camp Ripley~~
5.9 ~~Military Reservation~~ or in any campground, any military reservation, any armory, any
5.10 installation, or any facility owned or controlled by the state or federal government for
5.11 military purposes.

5.12 Subd. 2. **Felony.** A person is guilty of a felony and may be sentenced to not more than
5.13 five years imprisonment or to payment of a fine of not more than \$10,000, or both, if:

5.14 ~~(1) the person intentionally enters or is present in an area at the Camp Ripley Military~~
5.15 ~~Reservation~~ that is posted by order of the adjutant general as restricted for weapon firing
5.16 or other hazardous military activity; ~~and.~~

5.17 ~~(2) the person knows that doing so creates a risk of death, bodily harm, or serious property~~
5.18 ~~damage.~~