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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3614**

- 02/13/2024 Authored by Moller and Curran
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
- 04/02/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 04/08/2024 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to public safety; making policy and technical changes to certain provisions,

1.3 including crime victim policy, criminal justice reform, public safety policy,

1.4 predatory offenders, and corrections policy; establishing crimes; providing

1.5 penalties; classifying data; requiring reports; amending Minnesota Statutes 2022,

1.6 sections 13.84, subdivision 6; 241.021, subdivisions 1h, 4b; 241.75, subdivision

1.7 2; 243.05, subdivision 1b; 243.166, subdivisions 1a, 3, 6, by adding a subdivision;

1.8 243.167, subdivision 1; 243.52, subdivision 2; 244.052, subdivisions 3, 4, 4a;

1.9 253B.18, subdivision 5a; 253D.14, subdivision 1; 260B.198, subdivision 7;

1.10 260E.06, subdivision 1; 260E.08; 326.338, subdivision 4; 326.3388; 518B.01,

1.11 subdivisions 2, 3a, 3b, 4, 5, 6a, 7, 8, 8a, 9, 9a, 11, by adding a subdivision; 590.01,

1.12 subdivision 4; 590.03; 595.02, subdivision 1; 604A.05, subdivision 1; 609.748,

1.13 subdivisions 3a, 5, 5b, by adding a subdivision; 611A.06, subdivision 3a, by adding

1.14 a subdivision; 611A.212, subdivision 1; 611A.73, subdivision 4; 626.05, subdivision

1.15 2; 626.84, subdivision 1; 626.8435, subdivision 1; 626.8457, subdivision 3; 629.72,

1.16 subdivisions 1, 7; 629.725; 629.73, subdivision 1, by adding a subdivision;

1.17 Minnesota Statutes 2023 Supplement, sections 146A.08, subdivision 1; 214.10,

1.18 subdivision 10; 241.021, subdivision 1; 243.166, subdivision 1b; 244.05,

1.19 subdivision 5; 244.17, subdivision 3; 244.21, subdivision 2; 299C.10, subdivision

1.20 1; 299C.105, subdivision 1; 326.3387, subdivision 1; 401.01, subdivision 2;

1.21 609.1095, subdivision 1; 609.133, subdivision 4; 609.135, subdivision 2; 609.3455,

1.22 subdivision 5; 609.35; 609.522, subdivisions 1, 2; 609A.015, subdivision 3;

1.23 609A.02, subdivision 3; 611A.039, subdivision 1; 611A.52, subdivision 5; 629.292,

1.24 subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 219;

1.25 260B; 609; 626; 627; repealing Minnesota Statutes 2022, section 299C.105,

1.26 subdivision 3.

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

1.28 **ARTICLE 1**

1.29 **CRIME VICTIM POLICY**

1.30 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1b, is amended to read:

1.31 Subd. 1b. **Victim's rights.** (a) This subdivision applies to parole decisions relating to

1.32 inmates convicted of first-degree murder who are described in subdivision 1, clauses (a)

2.1 and (b). As used in this subdivision, "victim" ~~means the murder victim's surviving spouse~~
2.2 ~~or next of kin~~ has the meaning given in section 611A.01, paragraph (b).

2.3 (b) The commissioner shall make reasonable efforts to notify the victim, in advance, of
2.4 the time and place of the inmate's parole review hearing. The victim has a right to submit
2.5 an oral or written statement at the review hearing. The statement may summarize the harm
2.6 suffered by the victim as a result of the crime and give the victim's recommendation on
2.7 whether the inmate should be paroled at that time. The commissioner must consider the
2.8 victim's statement when making the parole decision.

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

2.10 Sec. 2. Minnesota Statutes 2022, section 244.052, subdivision 3, is amended to read:

2.11 Subd. 3. **End-of-confinement review committee.** (a) The commissioner of corrections
2.12 shall establish and administer end-of-confinement review committees at each state
2.13 correctional facility and at each state treatment facility where predatory offenders are
2.14 confined. The committees shall assess on a case-by-case basis the public risk posed by
2.15 predatory offenders who are about to be released from confinement.

2.16 (b) Each committee shall be a standing committee and shall consist of the following
2.17 members appointed by the commissioner:

2.18 (1) the chief executive officer or head of the correctional or treatment facility where the
2.19 offender is currently confined, or that person's designee;

2.20 (2) a law enforcement officer;

2.21 (3) a treatment professional who is trained in the assessment of sex offenders;

2.22 (4) a caseworker experienced in supervising sex offenders; and

2.23 (5) a victim's services professional.

2.24 Members of the committee, other than the facility's chief executive officer or head, shall
2.25 be appointed by the commissioner to two-year terms. The chief executive officer or head
2.26 of the facility or designee shall act as chair of the committee and shall use the facility's staff,
2.27 as needed, to administer the committee, obtain necessary information from outside sources,
2.28 and prepare risk assessment reports on offenders.

2.29 (c) The committee shall have access to the following data on a predatory offender only
2.30 for the purposes of its assessment and to defend the committee's risk assessment
2.31 determination upon administrative review under this section:

3.1 (1) private medical data under section 13.384 or sections 144.291 to 144.298, or welfare
3.2 data under section 13.46 that relate to medical treatment of the offender;

3.3 (2) private and confidential court services data under section 13.84;

3.4 (3) private and confidential corrections data under section 13.85; and

3.5 (4) private criminal history data under section 13.87.

3.6 Data collected and maintained by the committee under this paragraph may not be
3.7 disclosed outside the committee, except as provided under section 13.05, subdivision 3 or
3.8 4. The predatory offender has access to data on the offender collected and maintained by
3.9 the committee, unless the data are confidential data received under this paragraph.

3.10 (d)(i) Except as otherwise provided in items (ii), (iii), and (iv), at least 90 days before a
3.11 predatory offender is to be released from confinement, the commissioner of corrections
3.12 shall convene the appropriate end-of-confinement review committee for the purpose of
3.13 assessing the risk presented by the offender and determining the risk level to which the
3.14 offender shall be assigned under paragraph (e). The offender and the law enforcement agency
3.15 that was responsible for the charge resulting in confinement shall be notified of the time
3.16 and place of the committee's meeting. The offender has a right to be present and be heard
3.17 at the meeting. The law enforcement agency, agent, and victim may provide material in
3.18 writing that is relevant to the offender's risk level to the chair of the committee. The
3.19 committee shall use the risk factors described in paragraph (g) and the risk assessment scale
3.20 developed under subdivision 2 to determine the offender's risk assessment score and risk
3.21 level. Offenders scheduled for release from confinement shall be assessed by the committee
3.22 established at the facility from which the offender is to be released.

3.23 (ii) If an offender is received for confinement in a facility with less than 90 days remaining
3.24 in the offender's term of confinement, the offender's risk shall be assessed at the first regularly
3.25 scheduled end of confinement review committee that convenes after the appropriate
3.26 documentation for the risk assessment is assembled by the committee. The commissioner
3.27 shall make reasonable efforts to ensure that offender's risk is assessed and a risk level is
3.28 assigned or reassigned at least 30 days before the offender's release date.

3.29 (iii) If the offender is subject to a mandatory life sentence under section 609.3455,
3.30 subdivision 3 or 4, the commissioner of corrections shall convene the appropriate
3.31 end-of-confinement review committee at least nine months before the offender's minimum
3.32 term of imprisonment has been served. If the offender is received for confinement in a
3.33 facility with less than nine months remaining before the offender's minimum term of

4.1 imprisonment has been served, the committee shall conform its procedures to those outlined
4.2 in item (ii) to the extent practicable.

4.3 (iv) If the offender is granted supervised release, the commissioner of corrections shall
4.4 notify the appropriate end-of-confinement review committee that it needs to review the
4.5 offender's previously determined risk level at its next regularly scheduled meeting. The
4.6 commissioner shall make reasonable efforts to ensure that the offender's earlier risk level
4.7 determination is reviewed and the risk level is confirmed or reassigned at least 60 days
4.8 before the offender's release date. The committee shall give the report to the offender and
4.9 to the law enforcement agency, and the commissioner shall provide notice of the risk level
4.10 assignment to the victim, if requested, at least 60 days before an offender is released from
4.11 confinement.

4.12 (e) The committee shall assign to risk level I a predatory offender whose risk assessment
4.13 score indicates a low risk of reoffense. The committee shall assign to risk level II an offender
4.14 whose risk assessment score indicates a moderate risk of reoffense. The committee shall
4.15 assign to risk level III an offender whose risk assessment score indicates a high risk of
4.16 reoffense.

4.17 (f) Before the predatory offender is released from confinement, the committee shall
4.18 prepare a risk assessment report which specifies the risk level to which the offender has
4.19 been assigned and the reasons underlying the committee's risk assessment decision. Except
4.20 for an offender subject to a mandatory life sentence under section 609.3455, subdivision 3
4.21 or 4, who has not been granted supervised release, the committee shall give the report to
4.22 the offender and to the law enforcement agency, and the commissioner shall provide notice
4.23 of the risk level assignment to the victim, if requested, at least 60 days before an offender
4.24 is released from confinement. If the offender is subject to a mandatory life sentence and
4.25 has not yet served the entire minimum term of imprisonment, the committee shall give the
4.26 report to the offender and to the commissioner at least six months before the offender is
4.27 first eligible for release. If the risk assessment is performed under the circumstances described
4.28 in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement
4.29 agency as soon as it is available. The committee also shall inform the offender of the
4.30 availability of review under subdivision 6.

4.31 (g) As used in this subdivision, "risk factors" includes, but is not limited to, the following
4.32 factors:

4.33 (1) the seriousness of the offense should the offender reoffend. This factor includes
4.34 consideration of the following:

- 5.1 (i) the degree of likely force or harm;
- 5.2 (ii) the degree of likely physical contact; and
- 5.3 (iii) the age of the likely victim;
- 5.4 (2) the offender's prior offense history. This factor includes consideration of the following:
- 5.5 (i) the relationship of prior victims to the offender;
- 5.6 (ii) the number of prior offenses or victims;
- 5.7 (iii) the duration of the offender's prior offense history;
- 5.8 (iv) the length of time since the offender's last prior offense while the offender was at
- 5.9 risk to commit offenses; and
- 5.10 (v) the offender's prior history of other antisocial acts;
- 5.11 (3) the offender's characteristics. This factor includes consideration of the following:
- 5.12 (i) the offender's response to prior treatment efforts; and
- 5.13 (ii) the offender's history of substance abuse;
- 5.14 (4) the availability of community supports to the offender. This factor includes
- 5.15 consideration of the following:
- 5.16 (i) the availability and likelihood that the offender will be involved in therapeutic
- 5.17 treatment;
- 5.18 (ii) the availability of residential supports to the offender, such as a stable and supervised
- 5.19 living arrangement in an appropriate location;
- 5.20 (iii) the offender's familial and social relationships, including the nature and length of
- 5.21 these relationships and the level of support that the offender may receive from these persons;
- 5.22 and
- 5.23 (iv) the offender's lack of education or employment stability;
- 5.24 (5) whether the offender has indicated or credible evidence in the record indicates that
- 5.25 the offender will reoffend if released into the community; and
- 5.26 (6) whether the offender demonstrates a physical condition that minimizes the risk of
- 5.27 reoffense, including but not limited to, advanced age or a debilitating illness or physical
- 5.28 condition.
- 5.29 (h) Upon the request of the law enforcement agency or the offender's corrections agent,
- 5.30 the commissioner may reconvene the end-of-confinement review committee for the purpose

6.1 of reassessing the risk level to which an offender has been assigned under paragraph (e). In
6.2 a request for a reassessment, the law enforcement agency which was responsible for the
6.3 charge resulting in confinement or agent shall list the facts and circumstances arising after
6.4 the initial assignment or facts and circumstances known to law enforcement or the agent
6.5 but not considered by the committee under paragraph (e) which support the request for a
6.6 reassessment. The request for reassessment by the law enforcement agency must occur
6.7 within 30 days of receipt of the report indicating the offender's risk level assignment. The
6.8 offender's corrections agent, in consultation with the chief law enforcement officer in the
6.9 area where the offender resides or intends to reside, may request a review of a risk level at
6.10 any time if substantial evidence exists that the offender's risk level should be reviewed by
6.11 an end-of-confinement review committee. This evidence includes, but is not limited to,
6.12 evidence of treatment failures or completions, evidence of exceptional crime-free community
6.13 adjustment or lack of appropriate adjustment, evidence of substantial community need to
6.14 know more about the offender or mitigating circumstances that would narrow the proposed
6.15 scope of notification, or other practical situations articulated and based in evidence of the
6.16 offender's behavior while under supervision. Upon review of the request, the
6.17 end-of-confinement review committee may reassign an offender to a different risk level. If
6.18 the offender is reassigned to a higher risk level, the offender has the right to seek review of
6.19 the committee's determination under subdivision 6.

6.20 (i) An offender may request the end-of-confinement review committee to reassess the
6.21 offender's assigned risk level after three years have elapsed since the committee's initial
6.22 risk assessment and may renew the request once every two years following subsequent
6.23 denials. In a request for reassessment, the offender shall list the facts and circumstances
6.24 which demonstrate that the offender no longer poses the same degree of risk to the
6.25 community. In order for a request for a risk level reduction to be granted, the offender must
6.26 demonstrate full compliance with supervised release conditions, completion of required
6.27 post-release treatment programming, and full compliance with all registration requirements
6.28 as detailed in section 243.166. The offender must also not have been convicted of any felony,
6.29 gross misdemeanor, or misdemeanor offenses subsequent to the assignment of the original
6.30 risk level. The committee shall follow the process outlined in paragraphs (a) to (c) in the
6.31 reassessment. An offender who is incarcerated may not request a reassessment under this
6.32 paragraph.

6.33 (j) Offenders returned to prison as release violators shall not have a right to a subsequent
6.34 risk reassessment by the end-of-confinement review committee unless substantial evidence
6.35 indicates that the offender's risk to the public has increased.

7.1 (k) If the committee assigns a predatory offender to risk level III, the committee shall
7.2 determine whether residency restrictions shall be included in the conditions of the offender's
7.3 release based on the offender's pattern of offending behavior.

7.4 Sec. 3. Minnesota Statutes 2022, section 253B.18, subdivision 5a, is amended to read:

7.5 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)
7.6 As used in this subdivision:

7.7 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
7.8 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
7.9 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
7.10 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
7.11 motivated;

7.12 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
7.13 behavior for which forms the basis for a commitment under this section or chapter 253D,
7.14 and includes the family members, guardian, conservator, or custodian of a minor,
7.15 incompetent, incapacitated, or deceased person; and

7.16 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
7.17 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
7.18 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
7.19 commitment cases under this section or chapter 253D that an act or acts constituting a crime
7.20 occurred or were part of their course of harmful sexual conduct.

7.21 (b) A county attorney who files a petition to commit a person under this section or chapter
7.22 253D shall make a reasonable effort to provide prompt notice of filing the petition to any
7.23 victim of a crime for which the person was convicted. In addition, the county attorney shall
7.24 make a reasonable effort to promptly notify the victim of the resolution of the petition and
7.25 the process for requesting notification of an individual's change in status as provided in
7.26 paragraph (c).

7.27 (c) A victim may request notification of an individual's discharge or release as provided
7.28 in paragraph (d) by submitting a written request for notification to the executive director of
7.29 the facility in which the individual is confined. The Department of Corrections or a county
7.30 attorney who receives a request for notification from a victim under this section shall
7.31 promptly forward the request to the executive director of the treatment facility in which the
7.32 individual is confined.

8.1 (d) Before provisionally discharging, discharging, granting pass-eligible status, approving
8.2 a pass plan, or otherwise permanently or temporarily releasing a person committed under
8.3 this section from a state-operated treatment program or treatment facility, the head of the
8.4 state-operated treatment program or head of the treatment facility shall make a reasonable
8.5 effort to notify any victim of a crime for which the person was convicted that the person
8.6 may be discharged or released and that the victim has a right to submit a written statement
8.7 regarding decisions of the medical director, special review board, or commissioner with
8.8 respect to the person. To the extent possible, the notice must be provided at least 14 days
8.9 before any special review board hearing or before a determination on a pass plan.

8.10 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial
8.11 appeal panel with victim information in order to comply with the provisions of this section.
8.12 The judicial appeal panel shall ensure that the data on victims remains private as provided
8.13 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who
8.14 have submitted a written request for notification as provided in paragraph (c).

8.15 (e) The rights under this subdivision are in addition to rights available to a victim under
8.16 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
8.17 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

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

8.19 Sec. 4. Minnesota Statutes 2022, section 253D.14, subdivision 1, is amended to read:

8.20 Subdivision 1. **Definitions.** As used in this section:

8.21 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
8.22 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
8.23 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
8.24 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
8.25 motivated;

8.26 (2) "victim" means a person who has incurred loss or harm as a result of a crime, the
8.27 behavior for which forms the basis for a commitment under this chapter, and includes the
8.28 family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated,
8.29 or deceased person; and

8.30 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
8.31 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
8.32 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in

9.1 commitment cases under this section or section 253B.18, that an act or acts constituting a
9.2 crime occurred.

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

9.4 Sec. 5. Minnesota Statutes 2022, section 260E.06, subdivision 1, is amended to read:

9.5 Subdivision 1. **Mandatory reporters.** (a) A person who knows or has reason to believe
9.6 a child is being maltreated, as defined in section 260E.03, or has been maltreated within
9.7 the preceding three years shall immediately report the information to the local welfare
9.8 agency, agency responsible for assessing or investigating the report, police department,
9.9 county sheriff, tribal social services agency, or tribal police department if the person is:

9.10 (1) a professional or professional's delegate who is engaged in the practice of the healing
9.11 arts, social services, hospital administration, psychological or psychiatric treatment, child
9.12 care, education, correctional supervision, probation and correctional services, or law
9.13 enforcement; or

9.14 (2) employed as a member of the clergy and received the information while engaged in
9.15 ministerial duties, provided that a member of the clergy is not required by this subdivision
9.16 to report information that is otherwise privileged under section 595.02, subdivision 1,
9.17 paragraph (c).

9.18 (b) "Practice of social services" for the purposes of this subdivision includes but is not
9.19 limited to employee assistance counseling and the provision of guardian ad litem and
9.20 parenting time expeditor services.

9.21 (c) A corporation, school, nonprofit organization, religious organization, facility as
9.22 defined in section 260E.03, subdivision 6, or similar entity must not have any policies,
9.23 written or otherwise, that prevent or discourage a mandatory or voluntary reporter from
9.24 reporting suspected or alleged maltreatment of a child in accordance with this section.

9.25 Sec. 6. Minnesota Statutes 2022, section 260E.08, is amended to read:

9.26 **260E.08 CRIMINAL PENALTIES FOR FAILURE TO REPORT; CIVIL**
9.27 **PENALTY FOR MAKING FALSE REPORT.**

9.28 (a) A person mandated by section 260E.06, subdivision 1, to report who knows or has
9.29 reason to believe that a child is maltreated, as defined in section 260E.03, or has been
9.30 maltreated within the preceding three years, and fails to report is guilty of a misdemeanor.

10.1 (b) A person mandated by section 260E.06, subdivision 1, to report who knows or has
10.2 reason to believe that two or more children not related to the offender have been maltreated,
10.3 as defined in section 260E.03, by the same offender within the preceding ten years, and
10.4 fails to report is guilty of a gross misdemeanor.

10.5 (c) A parent, guardian, or caretaker who knows or reasonably should know that the
10.6 child's health is in serious danger and who fails to report as required by section 260E.06,
10.7 subdivision 3, is guilty of a gross misdemeanor if the child suffers substantial or great bodily
10.8 harm because of the lack of medical care. If the child dies because of the lack of medical
10.9 care, the person is guilty of a felony and may be sentenced to imprisonment for not more
10.10 than two years or to payment of a fine of not more than \$4,000, or both. The provision in
10.11 section 609.378, subdivision 1, paragraph (a), clause (1), providing that a parent, guardian,
10.12 or caretaker may, in good faith, select and depend on spiritual means or prayer for treatment
10.13 or care of a child, does not exempt a parent, guardian, or caretaker from the duty to report
10.14 under this chapter.

10.15 (d) Any person who knowingly or recklessly makes a false report under the provisions
10.16 of this chapter shall be liable in a civil suit for any actual damages suffered by the person
10.17 or persons so reported and for any punitive damages set by the court or jury, plus costs and
10.18 reasonable attorney fees.

10.19 (e) A person who intentionally prevents or attempts to prevent a person mandated by
10.20 section 260E.06, subdivision 1, to report under this chapter is guilty of a misdemeanor.

10.21 Sec. 7. Minnesota Statutes 2022, section 518B.01, subdivision 2, is amended to read:

10.22 Subd. 2. **Definitions.** As used in this section, the following terms shall have the meanings
10.23 given them:

10.24 (a) "Domestic abuse" means the following, if committed against a family or household
10.25 member by a family or household member:

10.26 (1) physical harm, bodily injury, or assault;

10.27 (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or

10.28 (3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal
10.29 sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or
10.30 609.3451; sexual extortion within the meaning of section 609.3458; or interference with an
10.31 emergency call within the meaning of section 609.78, subdivision 2.

10.32 (b) "Family or household members" means:

- 11.1 (1) spouses and former spouses;
- 11.2 (2) parents and children;
- 11.3 (3) persons related by blood;
- 11.4 (4) persons who are presently residing together or who have resided together in the past;
- 11.5 (5) persons who have a child in common regardless of whether they have been married
- 11.6 or have lived together at any time;
- 11.7 (6) a man and woman if the woman is pregnant and the man is alleged to be the father,
- 11.8 regardless of whether they have been married or have lived together at any time; and
- 11.9 (7) persons involved in a significant romantic or sexual relationship.

11.10 Issuance of an order for protection on the ground in clause (6) does not affect a

11.11 determination of paternity under sections 257.51 to 257.74. In determining whether persons

11.12 are or have been involved in a significant romantic or sexual relationship under clause (7),

11.13 the court shall consider the length of time of the relationship; type of relationship; frequency

11.14 of interaction between the parties; and, if the relationship has terminated, length of time

11.15 since the termination.

11.16 (c) "Qualified domestic violence-related offense" has the meaning given in section

11.17 609.02, subdivision 16.

11.18 (d) "Custodian" means any person other than the petitioner or respondent who is under

11.19 a legal obligation to provide care and support for a minor child of a petitioner or who is in

11.20 fact providing care and support for a minor child of a petitioner. Custodian does not include

11.21 any person caring for a minor child if the petitioner's parental rights have been terminated.

11.22 Sec. 8. Minnesota Statutes 2022, section 518B.01, subdivision 3a, is amended to read:

11.23 Subd. 3a. **Filing fee.** The filing fees for an order for protection under this section are

11.24 waived for the petitioner and respondent. ~~The court administrator, the sheriff of any county~~

11.25 ~~in this state, and other law enforcement and corrections officers shall perform their duties~~

11.26 ~~relating to service of process without charge to the petitioner. The court shall direct payment~~

11.27 ~~of the reasonable costs of service of process if served by a private process server when the~~

11.28 ~~sheriff or other law enforcement or corrections officer is unavailable or if service is made~~

11.29 ~~by publication, without requiring the petitioner to make application under section 563.01.~~

12.1 Sec. 9. Minnesota Statutes 2022, section 518B.01, subdivision 3b, is amended to read:

12.2 Subd. 3b. **Information on petitioner's location or residence.** (a) Upon the petitioner's
12.3 request, information maintained by the court regarding the petitioner's location or residence
12.4 is not accessible to the public and may be disclosed only to court personnel or law
12.5 enforcement for purposes of service of process, conducting an investigation, or enforcing
12.6 an order.

12.7 (b) Upon request of the petitioner or a custodian of the petitioner's minor children,
12.8 information maintained by the court regarding the location or residence of the petitioner's
12.9 minor children is not accessible to the public and may be disclosed only to court personnel
12.10 or law enforcement for purposes of service of process, conducting an investigation, or
12.11 enforcing an order. If any custodian is a program participant as defined in section 5B.02,
12.12 paragraph (g), the protections, limitations, and requirements in chapter 5B apply and
12.13 information maintained by the court regarding the location or residence of the petitioner's
12.14 minor children is not accessible to the public.

12.15 Sec. 10. Minnesota Statutes 2022, section 518B.01, subdivision 4, is amended to read:

12.16 Subd. 4. **Order for protection.** There shall exist an action known as a petition for an
12.17 order for protection in cases of domestic abuse.

12.18 (a) A petition for relief under this section may be made by any family or household
12.19 member personally or by a family or household member, a guardian as defined in section
12.20 524.1-201, clause (27), or, if the court finds that it is in the best interests of the minor, by
12.21 a reputable adult age 25 or older on behalf of minor family or household members. A minor
12.22 age 16 or older may make a petition on the minor's own behalf against a spouse or former
12.23 spouse, or a person with whom the minor has a child in common, if the court determines
12.24 that the minor has sufficient maturity and judgment and that it is in the best interests of the
12.25 minor.

12.26 (b) A petition for relief shall allege the existence of domestic abuse, and shall be
12.27 accompanied by an affidavit made under oath stating the specific facts and circumstances
12.28 from which relief is sought.

12.29 (c) A petition for relief must state whether the petitioner has ever had an order for
12.30 protection in effect against the respondent.

12.31 (d) A petition for relief must state whether there is an existing order for protection in
12.32 effect under this chapter governing both the parties and whether there is a pending lawsuit,
12.33 complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B,

13.1 or 518C. The court administrator shall verify the terms of any existing order governing the
13.2 parties. The court may not delay granting relief because of the existence of a pending action
13.3 between the parties or the necessity of verifying the terms of an existing order. A subsequent
13.4 order in a separate action under this chapter may modify only the provision of an existing
13.5 order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition
13.6 for relief may be granted, regardless of whether there is a pending action between the parties.

13.7 (e) A petition for relief must state whether the petitioner has any minor children and, if
13.8 so, must provide the name of any custodian of the minor children and must identify the
13.9 location or residence of the custodian. If any custodian is a program participant as defined
13.10 in section 5B.02, paragraph (g), the location or residence of the custodian is the address
13.11 designated by the secretary of state as the address of the program participant. A petition
13.12 must not be rejected or denied for failure to identify any custodian.

13.13 ~~(e)~~ (f) The court shall provide simplified forms and clerical assistance to help with the
13.14 writing and filing of a petition under this section.

13.15 ~~(f)~~ (g) The court shall advise a petitioner under paragraph ~~(e)~~ (f) of the right to file a
13.16 motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist
13.17 with the writing and filing of the motion and affidavit.

13.18 ~~(g)~~ (h) The court shall advise a petitioner under paragraph ~~(e)~~ (f) of the right to serve
13.19 the respondent by published notice under subdivision 5, paragraph (b), if the respondent is
13.20 avoiding personal service by concealment or otherwise, and shall assist with the writing
13.21 and filing of the affidavit.

13.22 ~~(h)~~ (i) The court shall advise the petitioner of the right to seek restitution under the
13.23 petition for relief.

13.24 ~~(i)~~ (j) The court shall advise the petitioner of the right to request a hearing under
13.25 subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall
13.26 advise the petitioner that the respondent may request a hearing and that notice of the hearing
13.27 date and time will be provided to the petitioner and the custodian of any of the petitioner's
13.28 minor children by mail at least five days before the hearing.

13.29 ~~(j)~~ (k) The court shall advise the petitioner of the right to request supervised parenting
13.30 time, as provided in section 518.175, subdivision 1a.

14.1 Sec. 11. Minnesota Statutes 2022, section 518B.01, subdivision 5, is amended to read:

14.2 Subd. 5. **Hearing on application; notice.** (a) Upon receipt of the petition, the court
14.3 shall order a hearing which shall be held not later than 14 days from the date of the order
14.4 for hearing unless an ex parte order is issued.

14.5 (b) If an ex parte order has been issued under subdivision 7 and the petitioner seeks only
14.6 the relief under subdivision 7, paragraph (a), a hearing is not required unless:

14.7 (1) the court declines to order the requested relief; or

14.8 (2) one of the parties requests a hearing.

14.9 (c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief
14.10 beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief
14.11 requested by the petitioner, a hearing must be held within seven days. Personal service of
14.12 the ex parte order may be made upon the respondent and any custodian at any time up to
14.13 12 hours prior to the time set for the hearing, provided that the respondent at the hearing
14.14 may request a continuance of up to five days if served fewer than five days prior to the
14.15 hearing which continuance shall be granted unless there are compelling reasons not to.

14.16 (d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph
14.17 (a), and the respondent requests a hearing, the hearing shall be held within ten days of the
14.18 court's receipt of the respondent's request. Service of the notice of hearing must be made
14.19 upon the petitioner and any custodian not less than five days prior to the hearing. The court
14.20 shall serve the notice of hearing upon the petitioner and any custodian by mail in the manner
14.21 provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions
14.22 and shall also mail notice of the date and time of the hearing to the respondent. In the event
14.23 that service cannot be completed in time to give the respondent ~~or~~ petitioner, or any custodian
14.24 the minimum notice required under this subdivision, the court may set a new hearing date
14.25 no more than five days later.

14.26 (e) If for good cause shown either party is unable to proceed at the initial hearing and
14.27 requests a continuance and the court finds that a continuance is appropriate, the hearing
14.28 may be continued. Unless otherwise agreed by the parties and approved by the court, the
14.29 continuance shall be for no more than five days. If the court grants the requested continuance,
14.30 the court shall also issue a written order continuing all provisions of the ex parte order
14.31 pending the issuance of an order after the hearing.

14.32 (f) Notwithstanding the preceding provisions of this subdivision, service on the respondent
14.33 may be made by one week published notice, as provided under section 645.11, provided

15.1 the petitioner files with the court an affidavit stating that an attempt at personal service
15.2 made by a sheriff or other law enforcement or corrections officer was unsuccessful because
15.3 the respondent is avoiding service by concealment or otherwise, and that a copy of the
15.4 petition and notice of hearing has been mailed to the respondent at the respondent's residence
15.5 or that the residence is not known to the petitioner. Service under this paragraph is complete
15.6 seven days after publication. The court shall set a new hearing date if necessary to allow
15.7 the respondent the five-day minimum notice required under paragraph (d).

15.8 Sec. 12. Minnesota Statutes 2022, section 518B.01, subdivision 6a, is amended to read:

15.9 Subd. 6a. **Subsequent orders and extensions.** (a) Upon application, notice to all parties,
15.10 notice to any custodian, and hearing, the court may extend the relief granted in an existing
15.11 order for protection or, if a petitioner's order for protection is no longer in effect when an
15.12 application for subsequent relief is made, grant a new order. If the petitioner seeks only the
15.13 relief under subdivision 7, paragraph (a), a hearing is not required unless the court declines
15.14 to order the requested relief or the respondent requests a hearing. If a hearing is required,
15.15 subdivisions 5 and 7 apply to service of the application, notice to the parties and any
15.16 custodian, and time for the hearing.

15.17 (b) The court may extend the terms of an existing order or, if an order is no longer in
15.18 effect, grant a new order upon a showing that:

15.19 (1) the respondent has violated a prior or existing order for protection;

15.20 (2) the petitioner is reasonably in fear of physical harm from the respondent;

15.21 (3) the respondent has engaged in the act of harassment within the meaning of section
15.22 609.749, subdivision 2; or

15.23 (4) the respondent is incarcerated and about to be released, or has recently been released
15.24 from incarceration.

15.25 A petitioner does not need to show that physical harm is imminent to obtain an extension
15.26 or a subsequent order under this subdivision.

15.27 (c) Relief granted by the order for protection may be for a period of up to 50 years, if
15.28 the court finds:

15.29 (1) the respondent has violated a prior or existing order for protection on two or more
15.30 occasions; or

15.31 (2) the petitioner has had two or more orders for protection in effect against the same
15.32 respondent.

16.1 An order issued under this paragraph may restrain the abusing party from committing
16.2 acts of domestic abuse; or prohibit the abusing party from having any contact with the
16.3 petitioner, whether in person, by telephone, mail or electronic mail or messaging, through
16.4 electronic devices, through a third party, or by any other means.

16.5 Sec. 13. Minnesota Statutes 2022, section 518B.01, subdivision 7, is amended to read:

16.6 Subd. 7. **Ex parte order.** (a) Where an application under this section alleges an immediate
16.7 and present danger of domestic abuse, the court may grant an ex parte order for protection
16.8 and granting relief as the court deems proper, including an order:

16.9 (1) restraining the abusing party from committing acts of domestic abuse;

16.10 (2) excluding any party from the dwelling they share or from the residence of the other,
16.11 including a reasonable area surrounding the dwelling or residence, which area shall be
16.12 described specifically in the order, except by further order of the court;

16.13 (3) excluding the abusing party from the place of employment of the petitioner or
16.14 otherwise limiting access to the petitioner by the abusing party at the petitioner's place of
16.15 employment;

16.16 (4) ordering the abusing party to have no contact with the petitioner whether in person,
16.17 by telephone, mail, email, through electronic devices, or through a third party;

16.18 (5) continuing all currently available insurance coverage without change in coverage or
16.19 beneficiary designation;

16.20 (6) directing the care, possession, or control of a pet or companion animal owned,
16.21 possessed, or kept by a party or a child of a party; and

16.22 (7) directing the respondent to refrain from physically abusing or injuring any pet or
16.23 companion animal, without legal justification, known to be owned, possessed, kept, or held
16.24 by either party or a minor child residing in the residence or household of either party as an
16.25 indirect means of intentionally threatening the safety of such person.

16.26 (b) A finding by the court that there is a basis for issuing an ex parte order for protection
16.27 constitutes a finding that sufficient reasons exist not to require notice under applicable court
16.28 rules governing applications for ex parte relief.

16.29 (c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed
16.30 period set by the court, as provided in subdivision 6, paragraph (b), or until modified or
16.31 vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order
16.32 becomes effective upon the referee's signature. Upon request, a hearing, as provided by this

17.1 section, shall be set. Except as provided in paragraph (d), the respondent shall be personally
17.2 served forthwith a copy of the ex parte order along with a copy of the petition and, if
17.3 requested by the petitioner, notice of the date set for the hearing. Any custodian must be
17.4 served with a copy of the ex parte order. Service on a custodian may be made by personal
17.5 service or by certified mail. If the petitioner does not request a hearing, an order served on
17.6 a respondent under this subdivision must include a notice advising the respondent of the
17.7 right to request a hearing, must be accompanied by a form that can be used by the respondent
17.8 to request a hearing and must include a conspicuous notice that a hearing will not be held
17.9 unless requested by the respondent within five days of service of the order.

17.10 (d) Service of the ex parte order on the respondent may be made by published notice,
17.11 as provided under subdivision 5, provided that the petitioner files the affidavit required
17.12 under that subdivision. If personal service is not made or the affidavit is not filed within 14
17.13 days of issuance of the ex parte order, the order expires. If the petitioner does not request
17.14 a hearing, the petition mailed to the respondent's residence, if known, must be accompanied
17.15 by the form for requesting a hearing and notice described in paragraph (c). Unless personal
17.16 service is completed, if service by published notice is not completed within 28 days of
17.17 issuance of the ex parte order, the order expires. Notice that an order has expired under this
17.18 paragraph must be sent to any custodian.

17.19 (e) If the petitioner seeks relief under subdivision 6 other than the relief described in
17.20 paragraph (a), the petitioner must request a hearing to obtain the additional relief.

17.21 (f) Nothing in this subdivision affects the right of a party to seek modification of an
17.22 order under subdivision 11.

17.23 Sec. 14. Minnesota Statutes 2022, section 518B.01, subdivision 8, is amended to read:

17.24 Subd. 8. **Service; alternate service; publication; notice.** (a) The petition and any order
17.25 issued under this section other than orders for dismissal shall be served on the respondent
17.26 personally, or if the respondent appears remotely for a hearing and is notified at the hearing
17.27 by the judicial officer that an order for protection will be issued, the order may be served
17.28 on the respondent electronically or by first class mail, as ordered by the court. Orders for
17.29 dismissal may be served on the respondent personally or by certified mail. In lieu of personal
17.30 service of an order for protection, a law enforcement officer may serve a ~~person~~ respondent
17.31 with a short-form notification as provided in subdivision 8a. The petition and any order
17.32 issued under this section may be served on any custodian personally or by certified mail.

17.33 (b) When service is made out of this state and in the United States, it may be proved by
17.34 the affidavit of the person making the service. When service is made outside the United

18.1 States, it may be proved by the affidavit of the person making the service, taken before and
18.2 certified by any United States minister, charge d'affaires, commissioner, consul, or
18.3 commercial agent, or other consular or diplomatic officer of the United States appointed to
18.4 reside in the other country, including all deputies or other representatives of the officer
18.5 authorized to perform their duties; or before an office authorized to administer an oath with
18.6 the certificate of an officer of a court of record of the country in which the affidavit is taken
18.7 as to the identity and authority of the officer taking the affidavit.

18.8 (c) If personal service cannot be made on a respondent, the court may order service of
18.9 the petition and any order issued under this section by alternate means, or by publication,
18.10 which publication must be made as in other actions. The application for alternate service
18.11 must include the last known location of the respondent; the petitioner's most recent contacts
18.12 with the respondent; the last known location of the respondent's employment; the names
18.13 and locations of the respondent's parents, siblings, children, and other close relatives; the
18.14 names and locations of other persons who are likely to know the respondent's whereabouts;
18.15 and a description of efforts to locate those persons.

18.16 The court shall consider the length of time the respondent's location has been unknown,
18.17 the likelihood that the respondent's location will become known, the nature of the relief
18.18 sought, and the nature of efforts made to locate the respondent. The court shall order service
18.19 by first class mail, forwarding address requested, to any addresses where there is a reasonable
18.20 possibility that mail or information will be forwarded or communicated to the respondent.

18.21 The court may also order publication, within or without the state, but only if it might
18.22 reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed
18.23 complete 14 days after mailing or 14 days after court-ordered publication.

18.24 (d) A petition and any order issued under this section, including the short-form
18.25 notification, must include a notice to the respondent that if an order for protection is issued
18.26 to protect the petitioner or a child of the parties, upon request of the petitioner in any
18.27 parenting time proceeding, the court shall consider the order for protection in making a
18.28 decision regarding parenting time.

18.29 Sec. 15. Minnesota Statutes 2022, section 518B.01, subdivision 8a, is amended to read:

18.30 Subd. 8a. **Short-form notification.** (a) In lieu of personal service of an order for
18.31 protection under subdivision 8, a law enforcement officer may serve a ~~person~~ respondent
18.32 with a short-form notification. The short-form notification must include the following
18.33 clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's
18.34 name; the names of other protected parties; the date and county in which the ex parte order

19.1 for protection or order for protection was filed; the court file number; the hearing date and
19.2 time, if known; the conditions that apply to the respondent, either in checklist form or
19.3 handwritten; and the name of the judge who signed the order.

19.4 The short-form notification must be in bold print in the following form:

19.5 The order for protection is now enforceable. You must report to your nearest sheriff
19.6 office or county court to obtain a copy of the order for protection. You are subject to arrest
19.7 and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any
19.8 of the terms of the order for protection or this short-form notification.

19.9 (b) Upon verification of the identity of the respondent and the existence of an unserved
19.10 order for protection against the respondent, a law enforcement officer may detain the
19.11 respondent for a reasonable time necessary to complete and serve the short-form notification.

19.12 (c) When service is made by short-form notification, it may be proved by the affidavit
19.13 of the law enforcement officer making the service.

19.14 (d) For service under this section only, service upon an individual may occur at any
19.15 time, including Sundays, and legal holidays.

19.16 (e) The superintendent of the Bureau of Criminal Apprehension shall provide the short
19.17 form to law enforcement agencies.

19.18 (f) This section does not apply to service of an order for protection on any custodian.

19.19 Sec. 16. Minnesota Statutes 2022, section 518B.01, subdivision 9, is amended to read:

19.20 Subd. 9. **Assistance of sheriff in service or execution; possession of dwelling or**
19.21 **residence.** When an order is issued under this section upon request of the petitioner, the
19.22 court shall order the sheriff to accompany the petitioner and assist in placing the petitioner
19.23 in possession of the dwelling or residence, ~~or otherwise assist in execution or service of the~~
19.24 ~~order of protection. If the application for relief is brought in a county in which the respondent~~
19.25 ~~is not present, the sheriff shall forward the pleadings necessary for service upon the~~
19.26 ~~respondent to the sheriff of the county in which the respondent is present. This transmittal~~
19.27 ~~must be expedited to allow for timely service.~~

19.28 Sec. 17. Minnesota Statutes 2022, section 518B.01, subdivision 9a, is amended to read:

19.29 Subd. 9a. **Personal service by others; procedures; cost; reasonable efforts and**
19.30 **cooperation required.** (a) Where personal service is required under this section, service
19.31 must comply with subdivision 8 and rule 4.03 of the Rules of Civil Procedure.

20.1 (b) Upon request of the petitioner or order of the court, the sheriff of any county in this
20.2 state in which a respondent resides or is present must execute or serve any petition, ex parte
20.3 order, notice of hearing, order for protection, and any other order of a court on the respondent.
20.4 If the application for relief is brought in a county in which the respondent is not present,
20.5 the sheriff of the county where the application for relief was brought shall forward the
20.6 pleadings necessary for service upon the respondent to the sheriff of the county in which
20.7 the respondent is present. This transmittal must be expedited to allow for timely service.

20.8 (c) Peace officers licensed by the state of Minnesota and corrections officers, including,
20.9 but not limited to, probation officers, court services officers, parole officers, and employees
20.10 of jails or correctional facilities, may serve an order for protection on a respondent or any
20.11 custodian and must, to the extent possible, provide any sheriff, law enforcement officer, or
20.12 other peace officer attempting to effectuate service with relevant information regarding
20.13 where a respondent may be found, such as the respondent's residence, the respondent's place
20.14 of employment or schooling, or other locations frequented by the respondent.

20.15 (d) The court administrator, the sheriff of any county in this state, and any other law
20.16 enforcement officer, peace officer, or corrections officer shall perform the duties relating
20.17 to service of process without charge to the petitioner. The court shall direct payment of the
20.18 reasonable costs of service of process if served by a private process server when the sheriff
20.19 or other law enforcement officer, peace officer, or corrections officer is unavailable or if
20.20 service is made by publication, without requiring the petitioner to make application under
20.21 section 563.01.

20.22 (e) A sheriff, law enforcement officer, or any other peace officer must make reasonable
20.23 efforts to locate a respondent to effectuate service. Reasonable efforts may include:

20.24 (1) a search of any information that is publicly available;

20.25 (2) a search of any government data in a database to which the sheriff, law enforcement
20.26 officer, or other peace officer has access, provided the data is classified as public data on
20.27 individuals as defined in section 13.02, subdivision 15, or is otherwise available to criminal
20.28 justice agencies, as defined in section 13.02, subdivision 3a; and

20.29 (3) communication with any court administrator, the sheriff of any county in this state,
20.30 and any other law enforcement officer, peace officer, or corrections officer.

20.31 (f) A sheriff, law enforcement officer, or any other peace officer who serves a respondent
20.32 who the sheriff or officer knows is on supervised probation or supervised release with an
20.33 ex parte order, order for protection, or short-form notification must provide a copy of the

21.1 served order or notification to the respondent's probation officer, supervised release or
21.2 conditional release agent, or parole officer.

21.3 Sec. 18. Minnesota Statutes 2022, section 518B.01, subdivision 11, is amended to read:

21.4 Subd. 11. **Modifying or vacating order.** (a) Upon application, notice to all parties,
21.5 notice to any custodian, and hearing, the court may modify the terms of an existing order
21.6 for protection.

21.7 (b) If the court orders relief under subdivision 6a, paragraph (c), the respondent named
21.8 in the order for protection may request to have the order vacated or modified if the order
21.9 has been in effect for at least five years and the respondent has not violated the order during
21.10 that time. Application for relief under this subdivision must be made in the county in which
21.11 the order for protection was issued. Upon receipt of the request, the court shall set a hearing
21.12 date. Personal service must be made upon the petitioner named in the order for protection
21.13 not less than 30 days before the date of the hearing. Notice of the request and hearing may
21.14 be made on any custodian personally or by certified mail. At the hearing, the respondent
21.15 named in the order for protection has the burden of proving by a preponderance of the
21.16 evidence that there has been a material change in circumstances and that the reasons upon
21.17 which the court relied in granting or extending the order for protection no longer apply and
21.18 are unlikely to occur. If the court finds that the respondent named in the order for protection
21.19 has met the burden of proof, the court may vacate or modify the order. If the court finds
21.20 that the respondent named in the order for protection has not met the burden of proof, the
21.21 court shall deny the request and no request may be made to vacate or modify the order for
21.22 protection until five years have elapsed from the date of denial. An order vacated or modified
21.23 under this paragraph must be personally served on the petitioner named in the order for
21.24 protection and may be served on any custodian personally or by certified mail.

21.25 Sec. 19. Minnesota Statutes 2022, section 518B.01, is amended by adding a subdivision
21.26 to read:

21.27 Subd. 11a. **Notice to custodian; Safe at Home participants; failure not a bar to**
21.28 **enforcement.** (a) A custodian who is a program participant as defined in section 5B.02,
21.29 paragraph (g), may direct the court to use the address designated by the secretary of state
21.30 as the address of the program participant. Section 5B.03, subdivision 1, clause (3), applies
21.31 to service of any notice, order, or other document required to be served under this section.
21.32 The protections, limitations, and requirements in chapter 5B apply to any information
21.33 regarding a custodian who is a program participant.

22.1 (b) Failure to serve a custodian with a petition, order for protection, dismissal, or any
22.2 other order must not prevent any order from taking effect or otherwise invalidate any order
22.3 issued pursuant to this section. In the event that service of a notice of a hearing is not
22.4 completed on any custodian at least 24 hours prior to the time set for the hearing, the court
22.5 may set a new hearing date no more than five days later.

22.6 Sec. 20. Minnesota Statutes 2022, section 595.02, subdivision 1, is amended to read:

22.7 Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding,
22.8 including a party, may testify in any action or proceeding, civil or criminal, in court or
22.9 before any person who has authority to receive evidence, except as provided in this
22.10 subdivision:

22.11 (a) A husband cannot be examined for or against his wife without her consent, nor a
22.12 wife for or against her husband without his consent, nor can either, during the marriage or
22.13 afterwards, without the consent of the other, be examined as to any communication made
22.14 by one to the other during the marriage. This exception does not apply to a civil action or
22.15 proceeding by one against the other, nor to a criminal action or proceeding for a crime
22.16 committed by one against the other or against a child of either or against a child under the
22.17 care of either spouse, nor to a criminal action or proceeding in which one is charged with
22.18 homicide or an attempt to commit homicide and the date of the marriage of the defendant
22.19 is subsequent to the date of the offense, nor to an action or proceeding for nonsupport,
22.20 neglect, dependency, or termination of parental rights.

22.21 (b) An attorney cannot, without the consent of the attorney's client, be examined as to
22.22 any communication made by the client to the attorney or the attorney's advice given thereon
22.23 in the course of professional duty; nor can any employee of the attorney be examined as to
22.24 the communication or advice, without the client's consent.

22.25 (c) A member of the clergy or other minister of any religion shall not, without the consent
22.26 of the party making the confession, be allowed to disclose a confession made to the member
22.27 of the clergy or other minister in a professional character, in the course of discipline enjoined
22.28 by the rules or practice of the religious body to which the member of the clergy or other
22.29 minister belongs; nor shall a member of the clergy or other minister of any religion be
22.30 examined as to any communication made to the member of the clergy or other minister by
22.31 any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in
22.32 the course of the member of the clergy's or other minister's professional character, without
22.33 the consent of the person.

23.1 (d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent
23.2 of the patient, be allowed to disclose any information or any opinion based thereon which
23.3 the professional acquired in attending the patient in a professional capacity, and which was
23.4 necessary to enable the professional to act in that capacity; after the decease of the patient,
23.5 in an action to recover insurance benefits, where the insurance has been in existence two
23.6 years or more, the beneficiaries shall be deemed to be the personal representatives of the
23.7 deceased person for the purpose of waiving this privilege, and no oral or written waiver of
23.8 the privilege shall have any binding force or effect except when made upon the trial or
23.9 examination where the evidence is offered or received.

23.10 (e) A public officer shall not be allowed to disclose communications made to the officer
23.11 in official confidence when the public interest would suffer by the disclosure.

23.12 (f) Persons of unsound mind and persons intoxicated at the time of their production for
23.13 examination are not competent witnesses if they lack capacity to remember or to relate
23.14 truthfully facts respecting which they are examined.

23.15 (g) A registered nurse, psychologist, consulting psychologist, or licensed social worker
23.16 engaged in a psychological or social assessment or treatment of an individual at the
23.17 individual's request shall not, without the consent of the professional's client, be allowed to
23.18 disclose any information or opinion based thereon which the professional has acquired in
23.19 attending the client in a professional capacity, and which was necessary to enable the
23.20 professional to act in that capacity. Nothing in this clause exempts licensed social workers
23.21 from compliance with the provisions of section 626.557 and chapter 260E.

23.22 (h) An interpreter for a person disabled in communication shall not, without the consent
23.23 of the person, be allowed to disclose any communication if the communication would, if
23.24 the interpreter were not present, be privileged. For purposes of this section, a "person disabled
23.25 in communication" means a person who, because of a hearing, speech or other communication
23.26 disorder, or because of the inability to speak or comprehend the English language, is unable
23.27 to understand the proceedings in which the person is required to participate. The presence
23.28 of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

23.29 (i) Licensed chemical dependency counselors shall not disclose information or an opinion
23.30 based on the information which they acquire from persons consulting them in their
23.31 professional capacities, and which was necessary to enable them to act in that capacity,
23.32 except that they may do so:

24.1 (1) when informed consent has been obtained in writing, except in those circumstances
24.2 in which not to do so would violate the law or would result in clear and imminent danger
24.3 to the client or others;

24.4 (2) when the communications reveal the contemplation or ongoing commission of a
24.5 crime; or

24.6 (3) when the consulting person waives the privilege by bringing suit or filing charges
24.7 against the licensed professional whom that person consulted.

24.8 (j) A parent or the parent's minor child may not be examined as to any communication
24.9 made in confidence by the minor to the minor's parent. A communication is confidential if
24.10 made out of the presence of persons not members of the child's immediate family living in
24.11 the same household. This exception may be waived by express consent to disclosure by a
24.12 parent entitled to claim the privilege or by the child who made the communication or by
24.13 failure of the child or parent to object when the contents of a communication are demanded.
24.14 This exception does not apply to a civil action or proceeding by one spouse against the other
24.15 or by a parent or child against the other, nor to a proceeding to commit either the child or
24.16 parent to whom the communication was made or to place the person or property or either
24.17 under the control of another because of an alleged mental or physical condition, nor to a
24.18 criminal action or proceeding in which the parent is charged with a crime committed against
24.19 the person or property of the communicating child, the parent's spouse, or a child of either
24.20 the parent or the parent's spouse, or in which a child is charged with a crime or act of
24.21 delinquency committed against the person or property of a parent or a child of a parent, nor
24.22 to an action or proceeding for termination of parental rights, nor any other action or
24.23 proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport
24.24 by a parent.

24.25 (k) Sexual assault counselors may not be allowed to disclose any opinion or information
24.26 received from or about the victim without the consent of the victim. However, a counselor
24.27 may be compelled to identify or disclose information in investigations or proceedings related
24.28 to neglect or termination of parental rights if the court determines good cause exists. In
24.29 determining whether to compel disclosure, the court shall weigh the public interest and need
24.30 for disclosure against the effect on the victim, the treatment relationship, and the treatment
24.31 services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from
24.32 compliance with the provisions of section 626.557 and chapter 260E.

24.33 "Sexual assault counselor" for the purpose of this section means a person who has
24.34 undergone at least 40 hours of crisis counseling training and works under the direction of

25.1 a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or
25.2 assistance to victims of sexual assault.

25.3 (l) A domestic abuse advocate ~~may~~ shall not, without the consent of the victim, be
25.4 ~~compelled~~ allowed to disclose any opinion or information received from or about the victim
25.5 ~~without the consent of the victim unless ordered by the court which the advocate acquired~~
25.6 in attending the victim in a professional capacity. In determining whether to compel
25.7 ~~disclosure, the court shall weigh the public interest and need for disclosure against the effect~~
25.8 ~~on the victim, the relationship between the victim and domestic abuse advocate, and the~~
25.9 ~~services if disclosure occurs.~~ Nothing in this paragraph exempts domestic abuse advocates
25.10 from compliance with the provisions of section 626.557 and chapter 260E.

25.11 For the purposes of this section, "domestic abuse advocate" means an employee or
25.12 supervised volunteer from a community-based ~~battered women's shelter and~~ domestic abuse
25.13 program eligible to receive grants under section 611A.32; that provides information,
25.14 advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse
25.15 and who is not employed by or under the direct supervision of a law enforcement agency,
25.16 a prosecutor's office, or by a city, county, or state agency.

25.17 (m) A person cannot be examined as to any communication or document, including
25.18 work notes, made or used in the course of or because of mediation pursuant to an agreement
25.19 to mediate or a collaborative law process pursuant to an agreement to participate in
25.20 collaborative law. This does not apply to the parties in the dispute in an application to a
25.21 court by a party to have a mediated settlement agreement or a stipulated agreement resulting
25.22 from the collaborative law process set aside or reformed. A communication or document
25.23 otherwise not privileged does not become privileged because of this paragraph. This
25.24 paragraph is not intended to limit the privilege accorded to communication during mediation
25.25 or collaborative law by the common law.

25.26 (n) A child under ten years of age is a competent witness unless the court finds that the
25.27 child lacks the capacity to remember or to relate truthfully facts respecting which the child
25.28 is examined. A child describing any act or event may use language appropriate for a child
25.29 of that age.

25.30 (o) A communication assistant for a telecommunications relay system for persons who
25.31 have communication disabilities shall not, without the consent of the person making the
25.32 communication, be allowed to disclose communications made to the communication assistant
25.33 for the purpose of relaying.

25.34 **EFFECTIVE DATE.** This section is effective July 1, 2024.

26.1 Sec. 21. Minnesota Statutes 2023 Supplement, section 609.35, is amended to read:

26.2 **609.35 COSTS OF MEDICAL EXAMINATION.**

26.3 (a) Costs incurred by a hospital or other emergency medical facility or by a physician,
26.4 sexual assault nurse examiner, forensic nurse, or other licensed health care provider for the
26.5 examination of a victim of criminal sexual conduct that occurred in the state shall be paid
26.6 by the state. These costs include, but are not limited to, the cost of the medical forensic
26.7 examination, associated tests and treatments relating to sexually transmitted infection, and
26.8 pregnancy status, including emergency contraception. A hospital, emergency medical facility,
26.9 or health care provider shall submit the costs for examination and any associated tests and
26.10 treatment to the Office of Justice Programs for payment. Upon receipt of the costs, the
26.11 commissioner shall provide payment to the facility or health care provider. Reimbursement
26.12 for an examination and any associated test and treatments shall not exceed \$1,400. Beginning
26.13 on January 1, 2024, the maximum amount of an award shall be adjusted annually by the
26.14 inflation rate.

26.15 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or
26.16 liabilities of any insurer, whether public or private. The hospital or other licensed health
26.17 care provider performing the examination may seek insurance reimbursement from the
26.18 victim's insurer only if authorized by the victim. This authorization may only be sought
26.19 after the examination is performed. When seeking this authorization, the hospital or other
26.20 licensed health care provider shall inform the victim that if the victim does not authorize
26.21 this, the state is required by law to pay for the examination and that the victim is in no way
26.22 liable for these costs or obligated to authorize the reimbursement.

26.23 (c) The applicability of this section does not depend upon whether the victim reports
26.24 the offense to law enforcement or the existence or status of any investigation or prosecution.

26.25 (d) Requests for reimbursement and supporting documents are private data on individuals
26.26 as defined in section 13.02, subdivision 12.

26.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
26.28 applies to data requests received before that date if the responsible authority has not yet
26.29 provided a response.

26.30 Sec. 22. Minnesota Statutes 2022, section 609.748, subdivision 3a, is amended to read:

26.31 Subd. 3a. ~~Filing fee; cost of service.~~ The filing fees for a restraining order under this
26.32 section are waived for the petitioner and the respondent if the petition alleges acts that would
26.33 constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to

27.1 609.3451. ~~The court administrator and any peace officer in this state shall perform their~~
27.2 ~~duties relating to service of process without charge to the petitioner. The court shall direct~~
27.3 ~~payment of the reasonable costs of service of process if served by a private process server~~
27.4 ~~when a peace officer is unavailable or if service is made by publication.~~

27.5 Sec. 23. Minnesota Statutes 2022, section 609.748, subdivision 5, is amended to read:

27.6 Subd. 5. **Restraining order.** (a) The court may issue a restraining order that provides
27.7 any or all of the following:

27.8 (1) orders the respondent to cease or avoid the harassment of another person; or

27.9 (2) orders the respondent to have no contact with another person.

27.10 (b) The court may issue an order under paragraph (a) if all of the following occur:

27.11 (1) the petitioner has filed a petition under subdivision 3;

27.12 (2) a peace officer has served respondent with a copy of the temporary restraining order
27.13 obtained under subdivision 4, and with notice of the right to request a hearing, or service
27.14 has been made by publication under subdivision 3, paragraph (b); and

27.15 (3) the court finds at the hearing that there are reasonable grounds to believe that the
27.16 respondent has engaged in harassment.

27.17 A restraining order may be issued only against the respondent named in the petition; except
27.18 that if the respondent is an organization, the order may be issued against and apply to all of
27.19 the members of the organization. If the court finds that the petitioner has had two or more
27.20 previous restraining orders in effect against the same respondent or the respondent has
27.21 violated a prior or existing restraining order on two or more occasions, relief granted by the
27.22 restraining order may be for a period of up to 50 years. In all other cases, relief granted by
27.23 the restraining order must be for a fixed period of not more than two years. When a referee
27.24 presides at the hearing on the petition, the restraining order becomes effective upon the
27.25 referee's signature.

27.26 (c) An order issued under this subdivision must be personally served upon the respondent,
27.27 or if the respondent appears remotely for a hearing and is notified at the hearing by the
27.28 judicial officer that a restraining order will be issued, the order may be served on the
27.29 respondent electronically or by first class mail, as ordered by the court.

27.30 (d) If the court orders relief for a period of up to 50 years under paragraph (a), the
27.31 respondent named in the restraining order may request to have the restraining order vacated
27.32 or modified if the order has been in effect for at least five years and the respondent has not

28.1 violated the order. Application for relief under this paragraph must be made in the county
28.2 in which the restraining order was issued. Upon receipt of the request, the court shall set a
28.3 hearing date. Personal service must be made upon the petitioner named in the restraining
28.4 order not less than 30 days before the date of the hearing. At the hearing, the respondent
28.5 named in the restraining order has the burden of proving by a preponderance of the evidence
28.6 that there has been a material change in circumstances and that the reasons upon which the
28.7 court relied in granting the restraining order no longer apply and are unlikely to occur. If
28.8 the court finds that the respondent named in the restraining order has met the burden of
28.9 proof, the court may vacate or modify the order. If the court finds that the respondent named
28.10 in the restraining order has not met the burden of proof, the court shall deny the request and
28.11 no request may be made to vacate or modify the restraining order until five years have
28.12 elapsed from the date of denial. An order vacated or modified under this paragraph must
28.13 be personally served on the petitioner named in the restraining order.

28.14 Sec. 24. Minnesota Statutes 2022, section 609.748, subdivision 5b, is amended to read:

28.15 Subd. 5b. **Personal service by others; procedures; cost; reasonable efforts and**
28.16 **cooperation required.** (a) Where personal service is required under this section, service
28.17 must comply with rule 4.03 of the Rules of Civil Procedure.

28.18 (b) In addition to peace officers, corrections officers, including but not limited to
28.19 probation officers, court services officers, parole officers, and employees of jails or
28.20 correctional facilities, may serve a temporary restraining order or restraining order and must,
28.21 to the extent possible, provide any sheriff, law enforcement officer, or other peace officer
28.22 attempting to effectuate service with relevant information regarding where a respondent
28.23 may be found, such as the respondent's residence, the respondent's place of employment or
28.24 schooling, or other locations frequented by the respondent.

28.25 (c) The court administrator and any peace officer in this state shall perform their duties
28.26 relating to service of process without charge to the petitioner. The court shall direct payment
28.27 of the reasonable costs of service of process if served by a private process server when a
28.28 peace officer is unavailable or if service is made by publication.

28.29 (d) A sheriff, law enforcement officer, or any other peace officer must make reasonable
28.30 efforts to locate a respondent to effectuate service. Reasonable efforts may include:

28.31 (1) a search of any information that is publicly available;

28.32 (2) a search of any government data in a database to which the sheriff, law enforcement
28.33 officer, or other peace officer has access, provided the data is classified as public data on

29.1 individuals as defined in section 13.02, subdivision 15, or is otherwise available to criminal
29.2 justice agencies, as defined in section 13.02, subdivision 3a; and

29.3 (3) communication with any court administrator, the sheriff of any county in this state,
29.4 and any other law enforcement officer, peace officer, or corrections officer.

29.5 (e) A sheriff, law enforcement officer, or any other peace officer who serves a respondent
29.6 who the sheriff or officer knows is on supervised probation or supervised release with a
29.7 temporary restraining order, restraining order, or short-form notification must provide a
29.8 copy of the served order or notification to the respondent's probation officer, supervised
29.9 release or conditional release agent, or parole officer.

29.10 Sec. 25. Minnesota Statutes 2022, section 609.748, is amended by adding a subdivision
29.11 to read:

29.12 Subd. 5c. **Dismissals.** Orders for dismissal of a temporary restraining order or a
29.13 restraining order may be served personally or by certified mail.

29.14 Sec. 26. Minnesota Statutes 2023 Supplement, section 611A.039, subdivision 1, is amended
29.15 to read:

29.16 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
29.17 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
29.18 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
29.19 to provide to each affected crime victim oral or written notice of the final disposition of the
29.20 case and of the victim rights under section 611A.06. When the court is considering modifying
29.21 the sentence for a felony or a crime of violence or an attempted crime of violence, the
29.22 prosecutor shall make a reasonable and good faith effort to notify the victim of the crime.
29.23 ~~If the victim is incapacitated or deceased, notice must be given to the victim's family. If the~~
29.24 ~~victim is a minor, notice must be given to the victim's parent or guardian.~~ The notice must
29.25 include:

29.26 (1) the date and approximate time of the review;

29.27 (2) the location where the review will occur;

29.28 (3) the name and telephone number of a person to contact for additional information;

29.29 and

29.30 (4) a statement that the victim ~~and victim's family~~ may provide input to the court
29.31 concerning the sentence modification.

30.1 (b) The Office of Justice Programs in the Department of Public Safety shall develop and
30.2 update a model notice of postconviction rights under this subdivision and section 611A.06.

30.3 (c) As used in this section:

30.4 (1) "crime of violence" has the meaning given in section 624.712, subdivision 5, and
30.5 also includes violations of section 609.3458, gross misdemeanor violations of section
30.6 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and
30.7 609.749; and

30.8 (2) "victim" has the meaning given in section 611A.01, paragraph (b).

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

30.10 Sec. 27. Minnesota Statutes 2022, section 611A.06, is amended by adding a subdivision
30.11 to read:

30.12 **Subd. 2a. Notice of end-of-confinement review committee process and opportunity**
30.13 **to provide input.** If an individual scheduled to be released from imprisonment is subject
30.14 to an end-of-confinement review under section 244.052, the commissioner of corrections
30.15 shall make a good faith effort to notify the victim of the end-of-confinement review process
30.16 and that the victim has a right to submit written input for consideration at the
30.17 end-of-confinement review hearing. The victim has a continuing right to submit input if the
30.18 end-of-confinement review committee receives a request to reassess the individual's assigned
30.19 risk level. These notices shall only be provided to victims who have submitted a written
30.20 request for this notice to the commissioner of corrections or an electronic request through
30.21 the Department of Corrections electronic victim notification system. The good faith effort
30.22 to notify the victim must occur before the offender's end-of-confinement review hearing
30.23 and provide sufficient time for the input to be considered in the end-of-confinement
30.24 determination.

30.25 Sec. 28. Minnesota Statutes 2022, section 611A.212, subdivision 1, is amended to read:

30.26 Subdivision 1. **Grants.** The commissioner of public safety shall award grants for
30.27 statewide organizations to provide subgrants, support, resources, and technical assistance
30.28 to sexual assault programs that provide sexual assault primary prevention services to prevent
30.29 initial perpetration or victimization of sexual assault.

30.30 **EFFECTIVE DATE.** This section is effective July 1, 2024.

31.1 Sec. 29. Minnesota Statutes 2023 Supplement, section 611A.52, subdivision 5, is amended
31.2 to read:

31.3 Subd. 5. **Collateral source.** "Collateral source" means a source of benefits or advantages
31.4 for economic loss otherwise reimbursable under sections 611A.51 to 611A.68 which the
31.5 victim or claimant has received, or which is readily available to the victim, from:

31.6 (1) the offender;

31.7 (2) the government of the United States or any agency thereof, a state or any of its
31.8 political subdivisions, or an instrumentality of two or more states, unless the law providing
31.9 for the benefits or advantages makes them excess or secondary to benefits under sections
31.10 611A.51 to 611A.68;

31.11 (3) Social Security, Medicare, and Medicaid;

31.12 (4) state required temporary nonoccupational disability insurance;

31.13 (5) workers' compensation;

31.14 (6) wage continuation programs of any employer;

31.15 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained
31.16 because of the crime;

31.17 (8) a contract providing prepaid hospital and other health care services, or benefits for
31.18 disability; or

31.19 ~~(9) any private source as a voluntary donation or gift; or~~

31.20 ~~(10)~~ (9) proceeds of a lawsuit brought as a result of the crime.

31.21 The term does not include a life insurance contract or benefits from any private source
31.22 provided as a voluntary donation or gift.

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

31.24 Sec. 30. Minnesota Statutes 2022, section 611A.73, subdivision 4, is amended to read:

31.25 Subd. 4. **Victim.** "Victim" ~~refers to anyone or the next of kin of anyone who has been~~
31.26 ~~or purports to have been subjected to a criminal act, whether a felony, a gross misdemeanor,~~
31.27 ~~or misdemeanor~~ has the meaning given in section 611A.01, paragraph (b).

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

32.1 Sec. 31. Minnesota Statutes 2022, section 629.72, subdivision 1, is amended to read:

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

32.4 (b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

32.5 (c) "Harass" and "stalking" have the meanings given in section 609.749.

32.6 (d) "Violation of a domestic abuse no contact order" has the meaning given in section
32.7 629.75.

32.8 (e) "Violation of an order for protection" has the meaning given in section 518B.01,
32.9 subdivision 14.

32.10 (f) "Victim" has the meaning in section 611A.01, paragraph (b).

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

32.12 Sec. 32. Minnesota Statutes 2022, section 629.72, subdivision 7, is amended to read:

32.13 Subd. 7. **Notice to victim regarding bail hearing.** (a) When a person arrested for or a
32.14 juvenile detained for domestic assault or harassing or stalking is scheduled to be reviewed
32.15 under subdivision 2 for release from pretrial detention, the court shall make a reasonable
32.16 good faith effort to notify:

32.17 ~~(1) the victim of the alleged crime;~~

32.18 ~~(2) if the victim is incapacitated or deceased, the victim's family; and~~

32.19 ~~(3) if the victim is a minor, the victim's parent or guardian.~~

32.20 (b) The notification must include:

32.21 (1) the date and approximate time of the review;

32.22 (2) the location where the review will occur;

32.23 (3) the name and telephone number of a person that can be contacted for additional
32.24 information; and

32.25 (4) a statement that the victim ~~and the victim's family~~ may attend the review.

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

33.1 Sec. 33. Minnesota Statutes 2022, section 629.725, is amended to read:

33.2 **629.725 NOTICE TO VICTIM REGARDING BAIL HEARING OF ARRESTED**
 33.3 **OR DETAINED PERSON.**

33.4 (a) When a person arrested or a juvenile detained for a crime of violence or an attempted
 33.5 crime of violence is scheduled to be reviewed under section 629.715 for release from pretrial
 33.6 detention, the court shall make a reasonable and good faith effort to notify the victim of the
 33.7 alleged crime. ~~If the victim is incapacitated or deceased, notice must be given to the victim's~~
 33.8 ~~family. If the victim is a minor, notice must be given to the victim's parent or guardian.~~ The
 33.9 notification must include:

33.10 (1) the date and approximate time of the review;

33.11 (2) the location where the review will occur;

33.12 (3) the name and telephone number of a person that can be contacted for additional
 33.13 information; and

33.14 (4) a statement that the victim and the victim's family may attend the review.

33.15 (b) As used in this section:

33.16 (1) "crime of violence" has the meaning given it in section 624.712, subdivision 5, and
 33.17 also includes:

33.18 ~~(1)~~ (i) sections 609.2112, 609.2113, 609.2114, and 609.3458;

33.19 ~~(2)~~ (ii) gross misdemeanor violations of section 609.224;

33.20 ~~(3)~~ (iii) nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and
 33.21 609.749; ~~and~~

33.22 ~~(4)~~ (iv) Minnesota Statutes 2012, section 609.21; and

33.23 (2) "victim" has the meaning given in section 611A.01, paragraph (b).

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

33.25 Sec. 34. Minnesota Statutes 2022, section 629.73, subdivision 1, is amended to read:

33.26 Subdivision 1. **Oral notice.** When a person arrested or a juvenile detained for a crime
 33.27 of violence or an attempted crime of violence is about to be released from pretrial detention,
 33.28 the agency having custody of the arrested or detained person or its designee shall make a
 33.29 reasonable and good faith effort before release to inform orally the victim ~~or, if the victim~~

34.1 ~~is incapacitated, the same or next of kin, or if the victim is a minor, the victim's parent or~~
34.2 ~~guardian~~ of the following matters:

34.3 (1) the conditions of release, if any;

34.4 (2) the time of release;

34.5 (3) the time, date, and place of the next scheduled court appearance of the arrested or
34.6 detained person and, where applicable, the victim's right to be present at the court appearance;
34.7 and

34.8 (4) the location and telephone number of at least one area crime victim service provider
34.9 as designated by the Office of Justice Programs in the Department of Public Safety.

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

34.11 Sec. 35. Minnesota Statutes 2022, section 629.73, is amended by adding a subdivision to
34.12 read:

34.13 **Subd. 4. Definition.** As used in this section, "victim" has the meaning given in section
34.14 611A.01, paragraph (b).

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

34.16 ARTICLE 2

34.17 CRIMINAL JUSTICE REFORM

34.18 Section 1. **[260B.009] DNA COLLECTION; PARENTAL CONSENT, COURT**
34.19 **ORDER, OR WARRANT REQUIRED.**

34.20 (a) As used in this section, "DNA analysis" has the meaning given in section 299C.155.

34.21 (b) A biological specimen for the purpose of DNA analysis must not be taken from a
34.22 minor without the consent of the minor's parent or custodian, a court order, or a warrant.

34.23 (c) A minor whose biological specimen is collected in violation of paragraph (b) may
34.24 move the court to suppress the use, as evidence, of the results of the DNA analysis and for
34.25 destruction of the biological specimen.

34.26 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to biological
34.27 specimens collected on or after that date.

35.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 299C.105, subdivision 1, is amended
35.2 to read:

35.3 Subdivision 1. **Required collection of biological specimen for DNA testing.** (a) Sheriffs,
35.4 peace officers, and community corrections agencies operating secure juvenile detention
35.5 facilities shall take or cause to be taken biological specimens for the purpose of DNA analysis
35.6 as defined in section 299C.155, of the following:

35.7 (1) ~~persons who have appeared in court and have had a judicial probable cause~~
35.8 ~~determination on a charge of committing, or~~ persons having been convicted of or attempting
35.9 to commit, any of the following:

35.10 (i) murder under section 609.185, 609.19, or 609.195;

35.11 (ii) manslaughter under section 609.20 or 609.205;

35.12 (iii) assault under section 609.221, 609.222, or 609.223;

35.13 (iv) robbery under section 609.24, aggravated robbery under section 609.245, or
35.14 carjacking under section 609.247;

35.15 (v) kidnapping under section 609.25;

35.16 (vi) false imprisonment under section 609.255;

35.17 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
35.18 609.3451, subdivision 3, or 609.3453;

35.19 (viii) incest under section 609.365;

35.20 (ix) burglary under section 609.582, subdivision 1; or

35.21 (x) indecent exposure under section 617.23, subdivision 3;

35.22 (2) persons sentenced as patterned sex offenders under section 609.3455, subdivision
35.23 3a; or

35.24 (3) ~~juveniles who have appeared in court and have had a judicial probable cause~~
35.25 ~~determination on a charge of committing, or~~ juveniles having been adjudicated delinquent
35.26 for committing or attempting to commit, any of the following:

35.27 (i) murder under section 609.185, 609.19, or 609.195;

35.28 (ii) manslaughter under section 609.20 or 609.205;

35.29 (iii) assault under section 609.221, 609.222, or 609.223;

36.1 (iv) robbery under section 609.24, aggravated robbery under section 609.245, or
36.2 carjacking under section 609.247;

36.3 (v) kidnapping under section 609.25;

36.4 (vi) false imprisonment under section 609.255;

36.5 (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345,
36.6 609.3451, subdivision 3, or 609.3453;

36.7 (viii) incest under section 609.365;

36.8 (ix) burglary under section 609.582, subdivision 1; or

36.9 (x) indecent exposure under section 617.23, subdivision 3.

36.10 (b) Unless the superintendent of the bureau requires a shorter period, within 72 hours
36.11 the biological specimen required under paragraph (a) must be forwarded to the bureau in
36.12 such a manner as may be prescribed by the superintendent.

36.13 (c) Prosecutors, courts, and probation officers shall attempt to ensure that the biological
36.14 specimen is taken on a person described in paragraph (a).

36.15 Sec. 3. Minnesota Statutes 2022, section 590.01, subdivision 4, is amended to read:

36.16 Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than
36.17 two years after the later of:

36.18 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

36.19 (2) an appellate court's disposition of petitioner's direct appeal.

36.20 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
36.21 if:

36.22 (1) the petitioner establishes that a physical disability or mental disease precluded a
36.23 timely assertion of the claim;

36.24 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
36.25 evidence, that provides facts necessary to sustain one or more legally cognizable claims for
36.26 postconviction relief, if such evidence could not have been ascertained by the exercise of
36.27 due diligence by the petitioner or petitioner's attorney within the two-year time period for
36.28 filing a postconviction petition, ~~and the evidence~~ is not cumulative to evidence presented
36.29 at trial, and is not for impeachment purposes, ~~and establishes by a clear and convincing~~
36.30 ~~standard that the petitioner is innocent of the offense or offenses for which the petitioner~~
36.31 ~~was convicted;~~

37.1 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
 37.2 law by either the United States Supreme Court or a Minnesota appellate court and the
 37.3 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
 37.4 case;

37.5 (4) the petition is brought pursuant to subdivision 3; or

37.6 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
 37.7 and is in the interests of justice.

37.8 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
 37.9 two years of the date the claim arises.

37.10 Sec. 4. Minnesota Statutes 2022, section 590.03, is amended to read:

37.11 **590.03 PLEADINGS AND PRACTICE AFTER FILING A POSTCONVICTION**
 37.12 **PETITION.**

37.13 Within ~~20~~ 45 days after the filing of the petition pursuant to section 590.01 or within
 37.14 such time as the judge to whom the matter has been assigned may fix, the county attorney,
 37.15 or the attorney general, on behalf of the state, shall respond to the petition by answer or
 37.16 motion which shall be filed with the court administrator of district court and served on the
 37.17 petitioner if unrepresented or on the petitioner's attorney. No further pleadings are necessary
 37.18 except as the court may order. The court may at any time prior to its decision on the merits
 37.19 permit a withdrawal of the petition, may permit amendments thereto, and to the answer.
 37.20 The court shall liberally construe the petition and any amendments thereto and shall look
 37.21 to the substance thereof and waive any irregularities or defects in form.

37.22 Sec. 5. Minnesota Statutes 2022, section 604A.05, subdivision 1, is amended to read:

37.23 Subdivision 1. **Person seeking medical providing assistance; immunity from**
 37.24 **prosecution.** A person acting in good faith who seeks medical assistance for or acts in
 37.25 concert with a person seeking medical assistance for another person who is experiencing a
 37.26 drug-related overdose may not be charged or prosecuted for the possession, sharing, or use
 37.27 of a controlled substance under section 152.023, subdivision 2, ~~clauses (4) and (6);~~ 152.024;
 37.28 or 152.025, or possession of drug paraphernalia. A person qualifies for the immunities
 37.29 provided in this subdivision only if:

37.30 (1) the evidence for the charge or prosecution was obtained as a result of the person's
 37.31 seeking medical assistance for or acting in concert with a person seeking medical assistance
 37.32 for another person; and

38.1 (2) the person seeks medical assistance for or acts in concert with a person seeking
38.2 medical assistance for another person who is in need of medical assistance for an immediate
38.3 health or safety concern, provided that the person ~~who seeks the medical assistance is the~~
38.4 first person to seek the assistance, provides a name and contact information, remains on the
38.5 scene until assistance arrives or is provided, and cooperates with the authorities.

38.6 Good faith does not include seeking medical assistance during the course of the execution
38.7 of an arrest warrant or search warrant or a lawful search.

38.8 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to acts
38.9 committed on or after that date.

38.10 Sec. 6. Minnesota Statutes 2023 Supplement, section 609.135, subdivision 2, is amended
38.11 to read:

38.12 Subd. 2. **Stay of sentence maximum periods.** (a) Except as provided in paragraph (b),
38.13 if the conviction is for a felony, the stay shall be for not more than five years or the maximum
38.14 period for which the sentence of imprisonment might have been imposed, whichever is less.

38.15 (b) If the conviction is for a felony ~~described in~~ violation of, or a felony-level attempt
38.16 or conspiracy to violate, section 609.19; 609.195; 609.20; 609.2112; 609.2113, subdivision
38.17 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342; 609.343; 609.344; 609.345; 609.3451;
38.18 609.3458; or 609.749; or a felony-level attempt or conspiracy to violate section 609.185 or
38.19 609.2661, the stay shall be for not more than four years or the maximum period for which
38.20 the sentence of imprisonment might have been imposed, whichever is longer.

38.21 (c) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113,
38.22 subdivision 3, or 609.3451, the stay shall be for not more than four years. The court shall
38.23 provide for unsupervised probation for the last year of the stay unless the court finds that
38.24 the defendant needs supervised probation for all or part of the last year.

38.25 (d) If the conviction is for a gross misdemeanor not specified in paragraph (c), the stay
38.26 shall be for not more than two years.

38.27 (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision
38.28 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision
38.29 1, in which the victim of the crime was a family or household member as defined in section
38.30 518B.01, the stay shall be for not more than two years. The court shall provide for
38.31 unsupervised probation for the second year of the stay unless the court finds that the
38.32 defendant needs supervised probation for all or part of the second year.

39.1 (f) If the conviction is for a misdemeanor not specified in paragraph (e), the stay shall
39.2 be for not more than one year.

39.3 (g) The defendant shall be discharged six months after the term of the stay expires, unless
39.4 the stay has been revoked or extended under paragraph (h), or the defendant has already
39.5 been discharged.

39.6 (h) Notwithstanding the maximum periods specified for stays of sentences under
39.7 paragraphs (a) to (g), a court may extend a defendant's term of probation for up to one year
39.8 if it finds, at a hearing conducted under subdivision 1a, that:

39.9 (1) the defendant has not paid court-ordered restitution in accordance with the payment
39.10 schedule or structure; and

39.11 (2) the defendant is likely to not pay the restitution the defendant owes before the term
39.12 of probation expires.

39.13 This one-year extension of probation for failure to pay restitution may be extended by the
39.14 court for up to one additional year if the court finds, at another hearing conducted under
39.15 subdivision 1a, that the defendant still has not paid the court-ordered restitution that the
39.16 defendant owes.

39.17 Nothing in this subdivision limits the court's ability to refer the case to collections under
39.18 section 609.104.

39.19 (i) Notwithstanding the maximum periods specified for stays of sentences under
39.20 paragraphs (a) to (g), a court may extend a defendant's term of probation for up to three
39.21 years if it finds, at a hearing conducted under subdivision 1c, that:

39.22 (1) the defendant has failed to complete court-ordered treatment successfully; and

39.23 (2) the defendant is likely not to complete court-ordered treatment before the term of
39.24 probation expires.

39.25 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to sentences
39.26 announced on or after that date.

39.27 Sec. 7. Minnesota Statutes 2023 Supplement, section 609.3455, subdivision 5, is amended
39.28 to read:

39.29 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
39.30 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
39.31 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
39.32 served before the offender may be considered for supervised release. If the offender was

40.1 under 18 years of age at the time of the commission of the offense, the minimum term of
40.2 imprisonment specified by the court shall not exceed the applicable minimum term of
40.3 imprisonment described in section 244.05, subdivision 4b.

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

40.5 Sec. 8. Minnesota Statutes 2023 Supplement, section 609A.015, subdivision 3, is amended
40.6 to read:

40.7 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant
40.8 of expungement relief if the person:

40.9 (1) was convicted of a qualifying offense;

40.10 (2) has not been convicted of a new offense, other than an offense that would be a petty
40.11 misdemeanor, in Minnesota:

40.12 (i) during the applicable waiting period immediately following discharge of the disposition
40.13 or sentence for the crime; or

40.14 (ii) during the applicable waiting period immediately preceding a subsequent review
40.15 performed pursuant to subdivision 5, paragraph (a); and

40.16 (3) is not charged with an offense, other than an offense that would be a petty
40.17 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
40.18 period or at the time of a subsequent review.

40.19 (b) As used in this subdivision, "qualifying offense" means a conviction for:

40.20 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
40.21 to the operation or parking of motor vehicles;

40.22 (2) any misdemeanor offense other than:

40.23 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
40.24 while impaired);

40.25 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

40.26 (iii) section 609.224 (assault in the fifth degree);

40.27 (iv) section 609.2242 (domestic assault);

40.28 (v) section 609.746 (interference with privacy);

40.29 (vi) section 609.748 (violation of a harassment restraining order);

40.30 (vii) section 609.78 (interference with emergency call);

- 41.1 (viii) section 609.79 (obscene or harassing phone calls);
- 41.2 (ix) section 617.23 (indecent exposure); or
- 41.3 (x) section 629.75 (violation of domestic abuse no contact order);
- 41.4 (3) any gross misdemeanor offense other than:
- 41.5 (i) section 169.13, subdivision 1, if the person causes great bodily harm or death to
- 41.6 another (reckless driving resulting in great bodily harm or death);
- 41.7 ~~(i)~~ (ii) section 169A.25 (second-degree driving while impaired);
- 41.8 ~~(ii)~~ (iii) section 169A.26 (third-degree driving while impaired);
- 41.9 ~~(iii)~~ (iv) section 518B.01, subdivision 14 (violation of an order for protection);
- 41.10 ~~(iv)~~ (v) section 609.2113, subdivision 3 (criminal vehicular operation);
- 41.11 ~~(v)~~ (vi) section 609.2231 (assault in the fourth degree);
- 41.12 ~~(vi)~~ (vii) section 609.224 (assault in the fifth degree);
- 41.13 ~~(vii)~~ (viii) section 609.2242 (domestic assault);
- 41.14 ~~(viii)~~ (ix) section 609.233 (criminal neglect);
- 41.15 ~~(ix)~~ (x) section 609.3451 (criminal sexual conduct in the fifth degree);
- 41.16 ~~(x)~~ (xi) section 609.377 (malicious punishment of child);
- 41.17 ~~(xi)~~ (xii) section 609.485 (escape from custody);
- 41.18 ~~(xii)~~ (xiii) section 609.498 (tampering with witness);
- 41.19 ~~(xiii)~~ (xiv) section 609.582, subdivision 4 (burglary in the fourth degree);
- 41.20 ~~(xiv)~~ (xv) section 609.746 (interference with privacy);
- 41.21 ~~(xv)~~ (xvi) section 609.748 (violation of a harassment restraining order);
- 41.22 ~~(xvi)~~ (xvii) section 609.749 (harassment; stalking);
- 41.23 ~~(xvii)~~ (xviii) section 609.78 (interference with emergency call);
- 41.24 ~~(xviii)~~ (xix) section 617.23 (indecent exposure);
- 41.25 ~~(xix)~~ (xx) section 617.261 (nonconsensual dissemination of private sexual images); or
- 41.26 ~~(xx)~~ (xxi) section 629.75 (violation of domestic abuse no contact order); or
- 41.27 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 41.28 than:

42.1 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
42.2 degree);

42.3 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);

42.4 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
42.5 commitment for mental illness); ~~or~~

42.6 (iv) section 609.582, subdivision 3, paragraph (a) (burglary in the third degree; other
42.7 than trespass); or

42.8 (v) section 609.746, subdivision 1, paragraph (g) (interference with privacy;
42.9 subsequent violation or minor victim).

42.10 (c) As used in this subdivision, "applicable waiting period" means:

42.11 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

42.12 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
42.13 crime;

42.14 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
42.15 for the crime;

42.16 (4) if the offense was a felony violation of section 152.025, four years since the discharge
42.17 of the sentence for the crime; and

42.18 (5) if the offense was any other felony, five years since discharge of the sentence for the
42.19 crime.

42.20 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
42.21 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
42.22 misdemeanor offenses ineligible for a grant of expungement under this section remain
42.23 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

42.24 (e) The service requirements in section 609A.03, subdivision 8, do not apply to any
42.25 expungements ordered under this subdivision.

42.26 (f) An expungement order does not apply to records held by the commissioners of health
42.27 and human services.

42.28 **EFFECTIVE DATE.** This section is effective January 1, 2025.

43.1 Sec. 9. Minnesota Statutes 2023 Supplement, section 609A.02, subdivision 3, is amended
43.2 to read:

43.3 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
43.4 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
43.5 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

43.6 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
43.7 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
43.8 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
43.9 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
43.10 that the petitioner is eligible for compensation based on exoneration;

43.11 (2) the petitioner has successfully completed the terms of a diversion program or stay
43.12 of adjudication and has not been charged with a new crime for at least one year since
43.13 completion of the diversion program or stay of adjudication;

43.14 (3) the petitioner was convicted of a petty misdemeanor or misdemeanor or the sentence
43.15 imposed was within the limits provided by law for a misdemeanor and the petitioner has
43.16 not been convicted of a new crime for at least two years since discharge of the sentence for
43.17 the crime;

43.18 (4) the petitioner was convicted of a gross misdemeanor or the sentence imposed was
43.19 within the limits provided by law for a gross misdemeanor and the petitioner has not been
43.20 convicted of a new crime for at least three years since discharge of the sentence for the
43.21 crime;

43.22 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
43.23 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
43.24 of a new crime for at least three years since discharge of the sentence for the crime;

43.25 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
43.26 been convicted of a new crime for at least four years since discharge of the sentence for the
43.27 crime;

43.28 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
43.29 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
43.30 convicted of a new crime for at least:

43.31 (i) four years since discharge of the sentence for the crime if the conviction was for an
43.32 offense listed in paragraph (b); or

44.1 (ii) five years since discharge of the sentence for the crime if the conviction was for any
44.2 other offense; or

44.3 (8) the petitioner was convicted of a felony violation of an offense listed in paragraph
44.4 (b), and has not been convicted of a new crime for at least four years since discharge of the
44.5 sentence for the crime.

44.6 (b) Paragraph (a), clause ~~(7)~~ (8), applies to the following offenses:

44.7 (1) section 35.824 (altering livestock certificate);

44.8 (2) section 62A.41 (insurance regulations);

44.9 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

44.10 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
44.11 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
44.12 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
44.13 substance);

44.14 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
44.15 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

44.16 (6) chapter 201; 203B; or 204C (voting violations);

44.17 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

44.18 (8) section 256.984 (false declaration in assistance application);

44.19 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

44.20 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

44.21 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

44.22 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
44.23 and solicitations);

44.24 (13) section 346.155, subdivision 10 (failure to control regulated animal);

44.25 (14) section 349.2127; or 349.22 (gambling regulations);

44.26 (15) section 588.20 (contempt);

44.27 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);

44.28 (17) section 609.31 (leaving state to evade establishment of paternity);

- 45.1 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
45.2 commitment for mental illness);
- 45.3 (19) section 609.49 (failure to appear in court);
- 45.4 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
45.5 subdivision 3, clause (3)(a) (theft of \$5,000 or less) or 609.52, subdivision 3a, clause (1)
45.6 (theft of \$1,000 or less with risk of bodily harm); or any other offense sentenced pursuant
45.7 to section 609.52, subdivision 3, clause (3)(a);
- 45.8 (21) section 609.521 (possession of shoplifting gear);
- 45.9 (22) section 609.525 (bringing stolen goods into state);
- 45.10 (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 45.11 (24) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);
45.12 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or
45.13 609.529 (mail theft);
- 45.14 (25) section 609.53 (receiving stolen goods);
- 45.15 (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over
45.16 \$500);
- 45.17 (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 45.18 (28) section 609.551 (rustling and livestock theft);
- 45.19 (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 45.20 (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 45.21 (31) section 609.582, subdivision 3 (burglary in the third degree);
- 45.22 (32) section 609.59 (possession of burglary or theft tools);
- 45.23 (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
45.24 (a) (criminal damage to property);
- 45.25 (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 45.26 (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
45.27 clause (3)(a) (check forgery and offering forged check, \$2,500 or less); 609.635 (obtaining
45.28 signature by false pretense); 609.64 (recording, filing forged instrument); or 609.645
45.29 (fraudulent statements);

46.1 (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
46.2 4, paragraph (a) (lottery fraud);

46.3 (37) section 609.652 (fraudulent driver's license and identification card);

46.4 (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
46.5 609.66, subdivision 1b (furnishing firearm to minor);

46.6 (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);

46.7 (40) section 609.686, subdivision 2 (tampering with fire alarm);

46.8 (41) section 609.746, subdivision 1, paragraph (g) (interference with privacy; subsequent
46.9 violation or minor victim);

46.10 (42) section 609.80, subdivision 2 (interference with cable communications system);

46.11 (43) section 609.821, subdivision 2 (financial transaction card fraud);

46.12 (44) section 609.822 (residential mortgage fraud);

46.13 (45) section 609.825, subdivision 2 (bribery of participant or official in contest);

46.14 (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
46.15 operator);

46.16 (47) section 609.88 (computer damage); or 609.89 (computer theft);

46.17 (48) section 609.893, subdivision 2 (telecommunications and information services fraud);

46.18 (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

46.19 (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
46.20 property);

46.21 (51) section 609.896 (movie pirating);

46.22 (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,
46.23 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2
46.24 (transfer of pistol to ineligible person); or

46.25 (53) section 624.7181 (rifle or shotgun in public by minor).

46.26 Sec. 10. **[627.16] CRIMINAL SEXUAL CONDUCT; MENTALLY**
46.27 **INCAPACITATED; ASLEEP OR NOT CONSCIOUS.**

46.28 A criminal action arising out of an incident of alleged criminal sexual conduct may be
46.29 prosecuted either in the county where any element of the alleged sexual penetration or sexual

47.1 contact was committed or the county where the complainant is found when the complainant
47.2 is:

47.3 (1) mentally incapacitated, as defined in section 609.341, subdivision 7; or

47.4 (2) physically helpless, as defined in section 609.341, subdivision 9, as the result of
47.5 being asleep or not conscious.

47.6 Sec. 11. **REPEALER.**

47.7 Minnesota Statutes 2022, section 299C.105, subdivision 3, is repealed.

47.8 **ARTICLE 3**

47.9 **PUBLIC SAFETY POLICY**

47.10 Section 1. Minnesota Statutes 2023 Supplement, section 146A.08, subdivision 1, is
47.11 amended to read:

47.12 Subdivision 1. **Prohibited conduct.** (a) The commissioner may impose disciplinary
47.13 action as described in section 146A.09 against any unlicensed complementary and alternative
47.14 health care practitioner. The following conduct is prohibited and is grounds for disciplinary
47.15 action:

47.16 (b) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt,
47.17 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,
47.18 reasonably related to engaging in complementary and alternative health care practices.

47.19 Conviction, as used in this subdivision, includes a conviction of an offense which, if
47.20 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,
47.21 without regard to its designation elsewhere, or a criminal proceeding where a finding or
47.22 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not
47.23 entered.

47.24 (c) Conviction of any crime against a person. For purposes of this chapter, a crime against
47.25 a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20;
47.26 609.205; 609.2112; 609.2113; 609.2114; 609.215; 609.221; 609.222; 609.223; 609.224;
47.27 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245;
47.28 609.247; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342;
47.29 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1 or 1b; 609.50, subdivision 1,
47.30 clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3; and Minnesota Statutes
47.31 2012, section 609.21.

48.1 (d) Failure to comply with the self-reporting requirements of section 146A.03, subdivision
48.2 7.

48.3 (e) Engaging in sexual contact with a complementary and alternative health care client,
48.4 engaging in contact that may be reasonably interpreted by a client as sexual, engaging in
48.5 any verbal behavior that is seductive or sexually demeaning to the client, or engaging in
48.6 sexual exploitation of a client or former client.

48.7 (f) Advertising that is false, fraudulent, deceptive, or misleading.

48.8 (g) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or
48.9 careless disregard for the health, welfare, or safety of a complementary and alternative
48.10 health care client; or any other practice that may create danger to any client's life, health,
48.11 or safety, in any of which cases, proof of actual injury need not be established.

48.12 (h) Adjudication as mentally incompetent or as a person who is dangerous to self or
48.13 adjudication pursuant to chapter 253B as chemically dependent, mentally ill, developmentally
48.14 disabled, mentally ill and dangerous to the public, or as a sexual psychopathic personality
48.15 or sexually dangerous person.

48.16 (i) Inability to engage in complementary and alternative health care practices with
48.17 reasonable safety to complementary and alternative health care clients.

48.18 (j) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

48.19 (k) Improper or unauthorized personal or other use of any legend drugs as defined in
48.20 chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined
48.21 in chapter 152.

48.22 (l) Revealing a communication from, or relating to, a complementary and alternative
48.23 health care client except when otherwise required or permitted by law.

48.24 (m) Failure to comply with a complementary and alternative health care client's request
48.25 made under sections 144.291 to 144.298 or to furnish a complementary and alternative
48.26 health care client record or report required by law.

48.27 (n) Splitting fees or promising to pay a portion of a fee to any other professional other
48.28 than for services rendered by the other professional to the complementary and alternative
48.29 health care client.

48.30 (o) Engaging in abusive or fraudulent billing practices, including violations of the federal
48.31 Medicare and Medicaid laws or state medical assistance laws.

49.1 (p) Failure to make reports as required by section 146A.03 or cooperate with an
49.2 investigation of the office.

49.3 (q) Obtaining money, property, or services from a complementary and alternative health
49.4 care client, other than reasonable fees for services provided to the client, through the use
49.5 of undue influence, harassment, duress, deception, or fraud.

49.6 (r) Failure to provide a complementary and alternative health care client with a copy of
49.7 the client bill of rights or violation of any provision of the client bill of rights.

49.8 (s) Violating any order issued by the commissioner.

49.9 (t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules
49.10 adopted under those sections.

49.11 (u) Failure to comply with any additional disciplinary grounds established by the
49.12 commissioner by rule.

49.13 (v) Revocation, suspension, restriction, limitation, or other disciplinary action against
49.14 any health care license, certificate, registration, or right to practice of the unlicensed
49.15 complementary and alternative health care practitioner in this or another state or jurisdiction
49.16 for offenses that would be subject to disciplinary action in this state or failure to report to
49.17 the office that charges regarding the practitioner's license, certificate, registration, or right
49.18 of practice have been brought in this or another state or jurisdiction.

49.19 (w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any
49.20 other words, letters, or insignia to describe the complementary and alternative health care
49.21 practices the practitioner provides.

49.22 (x) Failure to provide a complementary and alternative health care client with a
49.23 recommendation that the client see a health care provider who is licensed or registered by
49.24 a health-related licensing board or the commissioner of health, if there is a reasonable
49.25 likelihood that the client needs to be seen by a licensed or registered health care provider.

49.26 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to violations
49.27 that occur on or after that date.

49.28 Sec. 2. Minnesota Statutes 2023 Supplement, section 214.10, subdivision 10, is amended
49.29 to read:

49.30 Subd. 10. **Board of Peace Officers Standards and Training; receipt of**
49.31 **complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the
49.32 executive director or any member of the Board of Peace Officer Standards and Training

50.1 produces or receives a written statement or complaint that alleges a violation of a statute or
50.2 rule that the board is empowered to enforce, the executive director ~~shall designate the~~
50.3 ~~appropriate law enforcement agency to investigate the complaint and may order it an~~
50.4 appropriate law enforcement agency to conduct an inquiry into the complaint's allegations.
50.5 If directed to complete an investigation, the investigating agency must complete the inquiry
50.6 and submit a written summary of it to the executive director within 30 days of the order for
50.7 inquiry.

50.8 Sec. 3. **[219.995] RAILROAD PEACE OFFICERS.**

50.9 Subdivision 1. **Chief law enforcement officer.** A railroad that intends to employ railroad
50.10 peace officers as defined in section 626.84, subdivision 1, paragraph (h), shall appoint a
50.11 chief law enforcement officer to oversee and take responsibility for all railroad peace officers
50.12 employed by the railroad. The chief law enforcement officer of a railroad company must
50.13 be a Minnesota-licensed peace officer. Before appointing a railroad chief law enforcement
50.14 officer, the railroad must submit a request for license for a license-eligible applicant, or a
50.15 notice of appointment for an officer already licensed in Minnesota, to the Board of Peace
50.16 Officer Standards and Training attesting that the appointee has met all education, training,
50.17 and minimum selection standards in Minnesota Rules, chapter 6700. The appointee may
50.18 not exercise peace officer powers until the request for license or notification form is received
50.19 and approved by the board.

50.20 Subd. 2. **Railroad; employment of peace officers.** After appointing a railroad chief
50.21 law enforcement officer, a railroad may employ railroad peace officers to aid and supplement
50.22 law enforcement agencies in the protection of property owned by or in the care, custody,
50.23 or control of a railroad and to protect the persons and property of railroad passengers and
50.24 employees.

50.25 Subd. 3. **Responsibilities of railroad company.** A railroad company that employs
50.26 railroad peace officers must cooperate with the Board of Peace Officer Standards and
50.27 Training with respect to the board's authority to oversee peace officer licensing. Upon
50.28 request by the board, a railroad company that employs railroad peace officers must share
50.29 or produce any public, private, or confidential data that the board has the authority to request
50.30 from other state and local law enforcement agencies. Failure by the railroad company to
50.31 comply with the board's exercise of its regulatory and oversight authority may result in
50.32 implementation of sanctions as described in subdivision 7.

50.33 Subd. 4. **Duties of railroad chief law enforcement officer.** A railroad chief law
50.34 enforcement officer has the same duties and responsibilities as the chief law enforcement

51.1 officer of any state or local law enforcement agency, including but not limited to appointing
51.2 and supervising peace officers, ensuring ongoing continuing education of peace officers,
51.3 maintaining agency and peace officer records, reporting misconduct and policy compliance,
51.4 and any other duty or responsibility described in chapter 626 or Minnesota Rules, chapter
51.5 6700.

51.6 Subd. 5. **Authority; limitation.** (a) Except as otherwise provided by this section, a
51.7 railroad peace officer has all powers and privileges of a licensed peace officer in this state
51.8 in connection with the prevention, investigation, arrest, or prosecution of an offense occurring
51.9 on railroad property and involving injury to passengers or employees of a railroad or
51.10 involving an offense against property owned by or in the care, custody, or control of a
51.11 railroad. A railroad peace officer's law enforcement powers shall apply only on railroad
51.12 property, except that an officer may exercise the authority given to peace officers under
51.13 section 629.40, subdivisions 2 and 4. If a search warrant is obtained by a railroad peace
51.14 officer, the officer shall notify the chief of police of an organized full-time police department
51.15 of the municipality or, if there is no local chief of police, the sheriff or a deputy sheriff of
51.16 the county in which service of the warrant is to be made, prior to execution.

51.17 (b) A railroad must not direct, require, or allow a railroad peace officer to enforce a
51.18 railroad's rules, policies, or procedures that are unrelated to the commission of a criminal
51.19 offense, or investigate any matter involving civil litigation by or against a railroad. A railroad
51.20 company that employs railroad peace officers must adopt or update any applicable policy
51.21 to be consistent with this paragraph and must provide a copy of the policy to the
51.22 representatives of any labor organization that represents employees of the railroad, including
51.23 but not limited to any labor organization subject to the Federal Railway Labor Act.
51.24 Notwithstanding any law to the contrary, a railroad peace officer who makes a representation
51.25 of being a peace officer and performs or attempts to perform any of those acts is subject to
51.26 discipline as if the peace officer violated the standards of conduct set forth in Minnesota
51.27 Rules, chapter 6700.

51.28 Subd. 6. **Licensing.** The Board of Peace Officer Standards and Training shall license
51.29 railroad peace officers appointed by the railroad's chief law enforcement officer under
51.30 subdivision 1 who meet the board's standards for peace officer licensure under chapter 626
51.31 and Minnesota Rules, chapter 6700. Except as otherwise provided in this section, railroad
51.32 peace officers are subject to all of the provisions applicable to peace officers under chapter
51.33 626 and Minnesota Rules, chapter 6700.

51.34 Subd. 7. **Immediate suspension of authority.** At the sole discretion of the Board of
51.35 Peace Officer Standards and Training, the board may immediately suspend or revoke the

52.1 license of the chief law enforcement officer of a railroad company for any reason within
52.2 the board's jurisdiction. If the board suspends or revokes the license of the chief law
52.3 enforcement officer, the railroad's law enforcement agency shall be deemed disbanded and
52.4 the licenses of all peace officers on the railroad agency roster will be placed in inactive
52.5 status. The requirement to place a peace officer's license in inactive status does not apply
52.6 to a railroad peace officer who also works as a licensed peace officer for a different law
52.7 enforcement agency in Minnesota, but such an officer must no longer be designated a railroad
52.8 peace officer. Except as noted in this section, the licenses of railroad peace officers are
52.9 subject to the requirements, restrictions, and disciplinary procedures that apply to any other
52.10 licensed peace officer.

52.11 Subd. 8. **Compensation; benefits; fees.** (a) A railroad peace officer shall be compensated
52.12 by the railroad by which the officer is employed.

52.13 (b) A railroad peace officer is not entitled to receive any compensation, benefits, or other
52.14 remuneration provided or required to be provided to other licensed peace officers by this
52.15 state or any political subdivision or agency of this state.

52.16 (c) A railroad peace officer may attend any training course offered to peace officers of
52.17 this state, provided that railroad peace officers pay reasonable tuition and costs.

52.18 Subd. 9. **Railroad liability.** A railroad company employing a railroad peace officer in
52.19 this state is liable for all acts, errors, and omissions of a railroad peace officer occurring in
52.20 the course and scope of the peace officer's employment by the railroad and shall indemnify
52.21 its peace officers for civil damages, penalties, or fines claimed or levied against the officer
52.22 according to section 181.970. Neither this state nor any political subdivision or agency of
52.23 the state is liable for any act, error, or omission of a railroad peace officer.

52.24 Subd. 10. **Construction.** Nothing in this section shall be construed to limit or in any
52.25 way restrict the rights, powers, or privileges granted to a peace officer in this state who is
52.26 not a railroad peace officer.

52.27 Sec. 4. Minnesota Statutes 2022, section 243.167, subdivision 1, is amended to read:

52.28 Subdivision 1. **Definition.** As used in this section, "crime against the person" means a
52.29 violation of any of the following or a similar law of another state or of the United States:
52.30 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
52.31 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;
52.32 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1

53.1 or 1b; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of
53.2 section 609.229; 609.377; 609.749; or 624.713.

53.3 Sec. 5. Minnesota Statutes 2023 Supplement, section 299C.10, subdivision 1, is amended
53.4 to read:

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

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

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

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

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

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

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

53.23 (7) persons currently involved in the criminal justice process, on probation, on parole,
53.24 or in custody for any offense whom the superintendent of the bureau identifies as being the
53.25 subject of a court disposition record which cannot be linked to an arrest record, and whose
53.26 fingerprints are necessary to reduce the number of suspense files, or to comply with the
53.27 mandates of section 299C.111, relating to the reduction of the number of suspense files.
53.28 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
53.29 shall include the requirement that fingerprints be taken in post-arrest interviews, while
53.30 making court appearances, while in custody, or while on any form of probation, diversion,
53.31 or supervised release.

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

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

54.9 (d) Fingerprints and thumbprints must be obtained no later than:

54.10 (1) release from booking; or

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

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

54.19 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
54.20 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
54.21 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
54.22 609.748 (harassment or restraining order violation), ~~609.749~~ 609.79 (obscene or harassing
54.23 telephone calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

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

54.25 Sec. 6. Minnesota Statutes 2022, section 326.338, subdivision 4, is amended to read:

54.26 Subd. 4. **Protective agent.** A person who for a fee, reward, or other valuable consideration
54.27 undertakes any of the following acts is considered to be engaged in the business of protective
54.28 agent:

54.29 (1) providing guards, private patrol, or other security personnel to protect persons or
54.30 their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or
54.31 to prevent the misappropriation or concealment of goods, merchandise, money, or other
54.32 valuable things, or to procure the return of those things;

55.1 (2) physically responding to any alarm signal device, burglar alarm, television camera,
55.2 still camera, or a mechanical or electronic device installed or used to prevent or detect
55.3 burglary, theft, shoplifting, pilferage, losses, or other security measures;

55.4 (3) providing armored car services for the protection of persons or property;

55.5 (4) controlling motor traffic on public streets, roads, and highways for the purpose of
55.6 escorting a funeral procession and oversized loads; ~~or~~

55.7 (5) providing management and control of crowds for the purpose of safety and protection;
55.8 or

55.9 (6) providing guards or other security personnel to transport prisoners or any other person
55.10 arrested on a warrant, except that this does not apply to the transport or escort of offenders
55.11 by staff of the Department of Corrections; the transport of a person by the sheriff of a county
55.12 to the appropriate adult or juvenile correctional facility as designated by the commissioner
55.13 of corrections or to and from court in connection with postconviction, habeas corpus, or
55.14 intrastate mandatory disposition of detainers proceedings; the transfer of a person by
55.15 emergency medical services personnel; or the transfer of a person by a peace officer as
55.16 defined in section 626.84, subdivision 1, paragraph (c).

55.17 A person covered by this subdivision may perform the traffic-control duties in clause
55.18 (4) in place of a police officer when a special permit is required, provided that the protective
55.19 agent is first-aid qualified.

55.20 Sec. 7. Minnesota Statutes 2023 Supplement, section 326.3387, subdivision 1, is amended
55.21 to read:

55.22 Subdivision 1. **Basis for action.** (a) The board may revoke or suspend or refuse to issue
55.23 or reissue a private detective or protective agent license if:

55.24 (1) the license holder violates a provision of sections 326.32 to 326.339 or a rule adopted
55.25 under those sections;

55.26 (2) the license holder has engaged in fraud, deceit, or misrepresentation while in the
55.27 business of private detective or protective agent;

55.28 (3) the license holder has made a false statement in an application submitted to the board
55.29 or in a document required to be submitted to the board;

55.30 (4) the license holder violates an order of the board; or

55.31 (5) the individual or entity previously operated without a license.

56.1 (b) The board must revoke or suspend or refuse to issue or reissue a protective agent
56.2 license if the license holder provides guards or other security personnel to transport prisoners
56.3 or any other person arrested on a warrant and the board determines that the license holder
56.4 or any employee or agent of the license holder committed an act in any place that, if
56.5 committed in Minnesota, would constitute criminal sexual conduct against a person being
56.6 transported or committed an act in any place that involved the unreasonable use of force on
56.7 a person being transported.

56.8 Sec. 8. Minnesota Statutes 2022, section 326.3388, is amended to read:

56.9 **326.3388 ADMINISTRATIVE PENALTIES.**

56.10 The board shall, by rule, establish a graduated schedule of administrative penalties for
56.11 violations of sections 326.32 to 326.339 or the board's rules. The schedule must include
56.12 minimum and maximum penalties for each violation and be based on and reflect the
56.13 culpability, frequency, and severity of the violator's actions. The minimum penalty for an
56.14 act described in section 326.3387, subdivision 1, paragraph (b), must be \$10,000 for each
56.15 act. The board may impose a penalty from the schedule on a license holder for a violation
56.16 of sections 326.32 to 326.339 or the rules of the board. The penalty is in addition to any
56.17 criminal penalty imposed for the same violation. Administrative penalties imposed by the
56.18 board must be paid to the general fund.

56.19 Sec. 9. Minnesota Statutes 2023 Supplement, section 609.1095, subdivision 1, is amended
56.20 to read:

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

56.23 (b) "Conviction" means any of the following accepted and recorded by the court: a plea
56.24 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes
56.25 a conviction by any court in Minnesota or another jurisdiction.

56.26 (c) "Prior conviction" means a conviction that occurred before the offender committed
56.27 the next felony resulting in a conviction and before the offense for which the offender is
56.28 being sentenced under this section.

56.29 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of
56.30 the following laws of this state or any similar laws of the United States or any other state:
56.31 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;
56.32 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.247; 609.25;

57.1 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
57.2 609.322; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1 or 1b; 609.561;
57.3 609.562; 609.582, subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision
57.4 5; any provision of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is
57.5 punishable by a felony penalty; or any provision of chapter 152 that is punishable by a
57.6 maximum sentence of 15 years or more; or Minnesota Statutes 2012, section 609.21.

57.7 Sec. 10. Minnesota Statutes 2023 Supplement, section 609.522, subdivision 1, is amended
57.8 to read:

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

57.11 (b) "Pattern of retail theft" means acts committed or directed by the defendant on at least
57.12 two separate occasions in the preceding six months that would constitute a violation of:

57.13 (1) section 609.52, subdivision 2, paragraph (a), ~~clauses~~ clause (1), (3), ~~and~~ or (4),
57.14 involving retail merchandise;

57.15 (2) section 609.521;

57.16 (3) section 609.53, subdivision 1, involving retail merchandise;

57.17 (4) section 609.582 when the building was a retail establishment; or

57.18 (5) section 609.59.

57.19 (c) "Retail establishment" means the building where a retailer sells retail merchandise.

57.20 (d) "Retail merchandise" means all forms of tangible property, without limitation, held
57.21 out for sale by a retailer.

57.22 (e) "Retail theft enterprise" means a group of two or more individuals with a shared goal
57.23 involving the unauthorized removal of retail merchandise from a retailer. Retail theft
57.24 enterprise does not require the membership of the enterprise to remain the same or that the
57.25 same individuals participate in each offense committed by the enterprise.

57.26 (f) "Retailer" means a person or entity that sells retail merchandise.

57.27 (g) "Value" means the retail market value at the time of the theft or, if the retail market
57.28 value cannot be ascertained, the cost of replacement of the property within a reasonable
57.29 time after the theft.

58.1 Sec. 11. Minnesota Statutes 2023 Supplement, section 609.522, subdivision 2, is amended
58.2 to read:

58.3 Subd. 2. **Organized retail theft.** A person is guilty of organized retail theft if:

58.4 (1) the person is employed by or associated with a retail theft enterprise;

58.5 (2) the person has previously engaged in a pattern of retail theft and intentionally commits
58.6 an act or directs another member of the retail theft enterprise to commit an act involving
58.7 retail merchandise that would constitute a violation of:

58.8 (i) section 609.52, subdivision 2, paragraph (a), ~~elases clause~~ clause (1), (3), ~~and or~~ or (4); or

58.9 (ii) section 609.53, subdivision 1; and

58.10 (3) the person or another member of the retail theft enterprise:

58.11 (i) resells or intends to resell the stolen retail merchandise;

58.12 (ii) advertises or displays any item of the stolen retail merchandise for sale; or

58.13 (iii) returns any item of the stolen retail merchandise to a retailer for anything of value.

58.14 Sec. 12. **[609.84] SALE OF CALCIFIED HUMAN REMAINS.**

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

58.17 (b) "Human remains" means the calcified portion of a dead human body, not including
58.18 isolated teeth; the cremated remains of a dead human body deposited in a container or
58.19 discrete feature; or the hydrolyzed remains of a dead human body deposited in a container
58.20 or discrete feature.

58.21 (c) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
58.22 paragraph (f).

58.23 (d) "Local organization for emergency management" has the meaning given in section
58.24 12.03, subdivision 6.

58.25 (e) "Search and rescue unit" means an organization, team, or individual authorized by
58.26 the state or federal government, a Tribal government, or by a county, city, town, or a
58.27 metropolitan airports commission organized and existing under sections 473.601 to 473.679
58.28 whose mission is to locate lost, missing, or trapped persons, victims of natural or other
58.29 disasters, and human bodies.

59.1 Subd. 2. Sale of calcified human remains prohibited; donation and
59.2 reimbursement. (a) Except as provided in paragraph (b), a person is prohibited from selling
59.3 calcified human remains or offering calcified human remains for sale.

59.4 (b) Paragraph (a) shall not be construed to limit the donation of human remains:

59.5 (1) to a licensed health care provider, an individual employed by or under contract with
59.6 a licensed health care provider, a public or private postsecondary educational institution,
59.7 or an individual employed by or under contract with a public or private postsecondary
59.8 educational institution, for legitimate medical or scientific purposes or for educational
59.9 purposes;

59.10 (2) to a company registered with the United States Food and Drug Administration or an
59.11 individual, company, or entity employed by or under contract with a company registered
59.12 with the United States Food and Drug Administration for legitimate medical or scientific
59.13 purposes, including but not limited to the development, manufacturing, and research of
59.14 medical products; or

59.15 (3) to a law enforcement agency, search and rescue unit, or local organization for
59.16 emergency management to conduct search and rescue training or to train dogs to locate
59.17 dead human bodies.

59.18 (c) Paragraph (a) does not apply to the sale or offer for sale of human remains that is
59.19 incidental to the sale of real property, including undisturbed burial plots, cemeteries, crypts,
59.20 or other burial features.

59.21 (d) Nothing in this section shall be construed to prohibit a person from recovering
59.22 reasonable expenses for the processing, preservation, quality control, storage, transportation,
59.23 or final disposition of human remains for the legitimate purposes as described in this section.

59.24 Subd. 3. Penalty. A person who violates this section is guilty of a felony.

59.25 EFFECTIVE DATE. This section is effective the day following final enactment and
59.26 applies to crimes committed on or after that date.

59.27 Sec. 13. Minnesota Statutes 2022, section 626.05, subdivision 2, is amended to read:

59.28 Subd. 2. **Peace officer.** The term "peace officer," as used in sections 626.04 to 626.17,
59.29 means a person who is licensed as a peace officer in accordance with section 626.84,
59.30 subdivision 1, and who serves as a sheriff, deputy sheriff, police officer, conservation officer,
59.31 agent of the Bureau of Criminal Apprehension, agent of the Division of Alcohol and
59.32 Gambling Enforcement, peace officer of the Commerce Fraud Bureau, University of

60.1 Minnesota peace officer, Metropolitan Transit police officer, Minnesota Department of
60.2 Corrections Fugitive Apprehension Unit member, ~~or~~ State Patrol trooper as authorized by
60.3 section 299D.03, or railroad peace officer as authorized by section 219.995 and United
60.4 States Code, title 49, section 28101.

60.5 Sec. 14. Minnesota Statutes 2022, section 626.84, subdivision 1, is amended to read:

60.6 Subdivision 1. **Definitions.** For purposes of sections 626.84 to 626.863, the following
60.7 terms have the meanings given them:

60.8 (a) "Board" means the Board of Peace Officer Standards and Training.

60.9 (b) "Director" means the executive director of the board.

60.10 (c) "Peace officer" means:

60.11 (1) an employee or an elected or appointed official of a political subdivision or law
60.12 enforcement agency who is licensed by the board, charged with the prevention and detection
60.13 of crime and the enforcement of the general criminal laws of the state and who has the full
60.14 power of arrest, and shall also include the Minnesota State Patrol, agents of the Division of
60.15 Alcohol and Gambling Enforcement, state conservation officers, Metropolitan Transit police
60.16 officers, Department of Corrections Fugitive Apprehension Unit officers, ~~and~~ Department
60.17 of Commerce Fraud Bureau Unit officers, ~~and~~ the statewide coordinator of the Violent
60.18 Crime Coordinating Council, and railroad peace officers as authorized by section 219.995
60.19 and United States Code, title 49, section 28101; and

60.20 (2) a peace officer who is employed by a law enforcement agency of a federally
60.21 recognized tribe, as defined in United States Code, title 25, section 450b(e), and who is
60.22 licensed by the board.

60.23 (d) "Part-time peace officer" means an individual licensed by the board whose services
60.24 are utilized by law enforcement agencies no more than an average of 20 hours per week,
60.25 not including time spent on call when no call to active duty is received, calculated on an
60.26 annual basis, who has either full powers of arrest or authorization to carry a firearm while
60.27 on active duty. The term shall apply even though the individual receives no compensation
60.28 for time spent on active duty, and shall apply irrespective of the title conferred upon the
60.29 individual by any law enforcement agency.

60.30 (e) "Reserve officer" means an individual whose services are utilized by a law
60.31 enforcement agency to provide supplementary assistance at special events, traffic or crowd
60.32 control, and administrative or clerical assistance, and shall include reserve deputies, special
60.33 deputies, mounted or unmounted patrols, and all other employees or volunteers performing

61.1 reserve officer functions. A reserve officer's duties do not include enforcement of the general
61.2 criminal laws of the state, and the officer does not have full powers of arrest or authorization
61.3 to carry a firearm on duty.

61.4 (f) "Law enforcement agency" means:

61.5 (1) a unit of state or local government that is authorized by law to grant full powers of
61.6 arrest and to charge a person with the duties of preventing and detecting crime and enforcing
61.7 the general criminal laws of the state; ~~and~~

61.8 (2) subject to the limitations in section 626.93, a law enforcement agency of a federally
61.9 recognized tribe, as defined in United States Code, title 25, section 450b(e); and

61.10 (3) subject to the limitation of section 219.995, a railroad company.

61.11 (g) "Professional peace officer education" means a postsecondary degree program, or a
61.12 nondegree program for persons who already have a college degree, that is offered by a
61.13 college or university in Minnesota, designed for persons seeking licensure as a peace officer,
61.14 and approved by the board.

61.15 (h) "Railroad peace officer" means an individual as authorized under United States Code,
61.16 title 49, section 28101:

61.17 (1) employed by a railroad for the purpose of aiding and supplementing law enforcement
61.18 agencies in the protection of property owned by or in the care, custody, or control of a
61.19 railroad and to protect the persons and property of railroad passengers and employees; and

61.20 (2) licensed by the board.

61.21 Sec. 15. Minnesota Statutes 2022, section 626.8435, subdivision 1, is amended to read:

61.22 Subdivision 1. **Establishment and membership.** ~~The Ensuring Police Excellence and~~
61.23 ~~Improving Community Relations~~ Public Safety Advisory Council is established under the
61.24 Peace Officer Standards and Training Board. The council consists of the following 15
61.25 members:

61.26 (1) the superintendent of the Bureau of Criminal Apprehension, or a designee;

61.27 (2) the executive director of the Peace Officer Standards and Training Board, or a
61.28 designee;

61.29 (3) the executive director of the Minnesota Police and Peace Officers Association, or a
61.30 designee;

61.31 (4) the executive director of the Minnesota Sheriffs' Association, or a designee;

62.1 (5) the executive director of the Minnesota Chiefs of Police Association, or a designee;

62.2 (6) six community members, of which:

62.3 (i) four members shall represent the community-specific boards established under sections
62.4 15.0145 and 3.922, reflecting one appointment made by each board;

62.5 (ii) one member shall be a mental health advocate and shall be appointed by the Minnesota
62.6 chapter of the National Alliance on Mental Illness; and

62.7 (iii) one member shall be an advocate for victims and shall be appointed by Violence
62.8 Free Minnesota; and

62.9 (7) four members appointed by the legislature, of which one shall be appointed by the
62.10 speaker of the house, one by the house minority leader, one by the senate majority leader,
62.11 and one by the senate minority leader.

62.12 The appointing authorities shall make their appointments by September 15, 2020, and
62.13 shall ensure geographical balance when making appointments.

62.14 Sec. 16. **[626.8437] TRAINING IN EXCITED DELIRIUM AND SIMILAR TERMS**
62.15 **PROHIBITED.**

62.16 Subdivision 1. **Definition.** For the purposes of this chapter, "excited delirium" means a
62.17 description of a person's state of agitation, excitability, paranoia, extreme aggression, physical
62.18 violence, and apparent immunity to pain that is not listed in the most current version of the
62.19 Diagnostic and Statistical Manual of Mental Disorders, or for which there is insufficient
62.20 scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited
62.21 delirium includes excited delirium syndrome, hyperactive delirium, agitated delirium,
62.22 exhaustive mania, and similar terms.

62.23 Subd. 2. **No continuing education credits or tuition reimbursement.** (a) The board
62.24 may not certify a continuing education course that includes training on the detection or use
62.25 of the term excited delirium.

62.26 (b) The board may not grant continuing education credit to a peace officer for a course
62.27 that includes training on the detection or use of the term excited delirium.

62.28 (c) The board may not reimburse a law enforcement agency or a peace officer for a
62.29 course that includes training on the detection or use of the term excited delirium.

62.30 Subd. 3. **Training prohibited.** A law enforcement agency may not provide, directly or
62.31 through a third party, to a peace officer any course that includes training on the detection

63.1 or use of excited delirium. This section does not prohibit peace officer training in responding
63.2 to and the proper care of a person in crisis.

63.3 Sec. 17. Minnesota Statutes 2022, section 626.8457, subdivision 3, is amended to read:

63.4 Subd. 3. **Report on alleged misconduct; database; report.** (a) A chief law enforcement
63.5 officer shall report annually to the board summary data regarding the investigation and
63.6 disposition of cases involving alleged misconduct, indicating the total number of
63.7 investigations, the total number by each subject matter, the number dismissed as unfounded,
63.8 and the number dismissed on grounds that the allegation was unsubstantiated.

63.9 (b) Beginning July 1, 2021, a chief law enforcement officer, in real time, must submit
63.10 individual peace officer data classified as public data on individuals, as defined by section
63.11 13.02, subdivision 15, or private data on individuals, as defined by section 13.02, subdivision
63.12 12, and submitted using encrypted data that the board determines is necessary to:

63.13 (1) evaluate the effectiveness of statutorily required training;

63.14 (2) assist the ~~Ensuring Police Excellence and Improving Community Relations~~ Public
63.15 Safety Advisory Council in accomplishing the council's duties; and

63.16 (3) allow for the board, the ~~Ensuring Police Excellence and Improving Community~~
63.17 ~~Relations~~ Public Safety Advisory Council, and the board's complaint investigation committee
63.18 to identify patterns of behavior that suggest an officer is in crisis or is likely to violate a
63.19 board-mandated model policy.

63.20 (c) The reporting obligation in paragraph (b) is ongoing. A chief law enforcement officer
63.21 must update data within 30 days of final disposition of a complaint or investigation.

63.22 (d) Law enforcement agencies and political subdivisions are prohibited from entering
63.23 into a confidentiality agreement that would prevent disclosure of the data identified in
63.24 paragraph (b) to the board. Any such confidentiality agreement is void as to the requirements
63.25 of this section.

63.26 (e) By February 1 of each year, the board shall prepare a report that contains summary
63.27 data provided under paragraph (b). The board must post the report on its publicly accessible
63.28 website and provide a copy to the chairs and ranking minority members of the senate and
63.29 house of representatives committees and divisions having jurisdiction over criminal justice
63.30 policy.

64.1 Sec. 18. GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA TRIBE;
64.2 COAST GUARD SERVICES; GRANT PURPOSES EXPANSION.

64.3 In addition to the uses specified in Laws 2023, chapter 52, article 2, section 3, subdivision
64.4 3, paragraph (d), the Grand Portage Band of Lake Superior Chippewa may use the grant
64.5 awarded for equipment, personnel, patrolling, and other related costs of providing coast
64.6 guard services off the north shore of Lake Superior.

64.7 **ARTICLE 4**

64.8 **PREDATORY OFFENDERS**

64.9 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1a, is amended to read:

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

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

64.13 (c) "Conservator" has the meaning given in chapter 524.

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

64.17 ~~(d)~~ (e) "Dwelling" means the building where the person lives under a formal or informal
64.18 agreement to do so. However, dwelling does not include a supervised publicly or privately
64.19 operated shelter or facility designed to provide temporary living accommodations for
64.20 homeless individuals as defined in section 116L.361, subdivision 5.

64.21 (f) "Guardian" has the meaning given in chapter 524.

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

64.23 ~~(f)~~ (h) "Law enforcement authority" or "authority" means the chief of police of a home
64.24 rule charter or statutory city and the county sheriff of an unincorporated area in that county.
64.25 An authority must be located in Minnesota.

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

64.27 (j) "Power of attorney" has the meaning given in chapter 523.

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

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

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

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

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

65.19 Sec. 2. Minnesota Statutes 2023 Supplement, section 243.166, subdivision 1b, is amended
65.20 to read:

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

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

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

65.27 (ii) kidnapping under section 609.25;

65.28 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
65.29 subdivision 3, paragraph (b); or 609.3453;

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

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

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

66.4 (i) criminal abuse in violation of Minnesota Statutes 2020, section 609.2325, subdivision
66.5 1, paragraph (b);

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

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

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

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

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

66.14 ~~(vii)~~ (vi) possessing or disseminating a pornographic work involving a minor in violation
66.15 of section 617.247;

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

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

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

66.24 (1) the person was charged with or petitioned for an offense in another state similar to
66.25 an offense or involving similar circumstances to an offense described in paragraph (a),
66.26 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
66.27 offense arising out of the same set of circumstances;

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

66.31 (3) ten years have not elapsed since the person was released from confinement or, if the
66.32 person was not confined, since the person was convicted of or adjudicated delinquent for

67.1 the offense that triggers registration, unless the person is subject to a longer registration
67.2 period under the laws of another state in which the person has been convicted or adjudicated,
67.3 or is subject to lifetime registration.

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

67.8 (c) A person also shall register under this section if the person was committed pursuant
67.9 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
67.10 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
67.11 United States, regardless of whether the person was convicted of any offense.

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

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

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

67.21 (3) the person was committed pursuant to a court commitment order under section
67.22 253B.18 or a similar law of another state or the United States.

67.23 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to:

67.24 (1) convictions and delinquency adjudications for a violation of Minnesota Statutes,
67.25 section 609.255, subdivision 2, or another offense arising out of the same set of circumstances
67.26 that occur on or after that date and to convictions and delinquency adjudications for such
67.27 an offense that are not yet final on that date; and

67.28 (2) convictions and delinquency adjudications for disseminating a pornographic work
67.29 involving a minor in violation of Minnesota Statutes, section 617.247, or another offense
67.30 arising out of the same set of circumstances that occur on or after that date and to convictions
67.31 and delinquency adjudications for such an offense that occurred before that date if the court
67.32 told the person of the duty to register.

68.1 Sec. 3. Minnesota Statutes 2022, section 243.166, subdivision 3, is amended to read:

68.2 Subd. 3. **Registration procedure.** (a) Except as provided in subdivision 3a, a person
68.3 required to register under this section shall register with the corrections agent as soon as
68.4 the agent is assigned to the person. If the person does not have an assigned corrections agent
68.5 or is unable to locate the assigned corrections agent, the person shall register with the law
68.6 enforcement authority that has jurisdiction in the area of the person's primary address.

68.7 (b) Except as provided in subdivision 3a, at least five days before the person starts living
68.8 at a new primary address, including living in another state, the person shall give written
68.9 notice of the new primary address to the assigned corrections agent or to the law enforcement
68.10 authority with which the person currently is registered. If the person will be living in a new
68.11 state and that state has a registration requirement, the person shall also give written notice
68.12 of the new address to the designated registration agency in the new state. A person required
68.13 to register under this section shall also give written notice to the assigned corrections agent
68.14 or to the law enforcement authority that has jurisdiction in the area of the person's primary
68.15 address that the person is no longer living or staying at an address, immediately after the
68.16 person is no longer living or staying at that address. The written notice required by this
68.17 paragraph must be provided in person. The corrections agent or law enforcement authority
68.18 shall, within two business days after receipt of this information, forward it to the bureau.
68.19 The bureau shall, if it has not already been done, notify the law enforcement authority having
68.20 primary jurisdiction in the community where the person will live of the new address. If the
68.21 person is leaving the state, the bureau shall notify the registration authority in the new state
68.22 of the new address. The person's registration requirements under this section are suspended
68.23 after the person begins living in the new state and the bureau has confirmed the address in
68.24 the other state through the annual verification process on at least one occasion. The bureau
68.25 may also attempt to confirm the person's address in the other state by the following methods:

68.26 (1) receipt of a verification letter from the law enforcement authority having primary
68.27 jurisdiction in the community where the person is now living, acknowledging the person's
68.28 address;

68.29 (2) receipt of a written communication or verification letter from a criminal justice
68.30 agency confirming the person's location;

68.31 (3) confirmation of the individual's compliance with registration requirements or
68.32 incarceration status in the new state via an online registry or website, if applicable; or

68.33 (4) confirmation of the individual's motor vehicle records under United States Code,
68.34 title 18, section 2721, in the new state via the new state's documentation.

69.1 The bureau is the sole determinant as to whether the information provided by any of the
69.2 methods in clauses (1) to (3) is sufficient for verification purposes and may use more than
69.3 one of these methods to satisfy the verification requirement. For purposes of this subdivision,
69.4 "criminal justice agency" means an agency of a state, a political subdivision, a federally
69.5 recognized Tribe, a United States territory, or the federal government charged with detection,
69.6 enforcement, prosecution, adjudication, or incarceration with respect to federal or state
69.7 criminal laws. The person's registration requirements under this section are reactivated if
69.8 the person resumes living in Minnesota and the registration time period described in
69.9 subdivision 6 has not expired.

69.10 (c) A person required to register under subdivision 1b, paragraph (b), because the person
69.11 is working or attending school in Minnesota shall register with the law enforcement authority
69.12 that has jurisdiction in the area where the person works or attends school. In addition to
69.13 other information required by this section, the person shall provide the address of the school
69.14 or of the location where the person is employed. A person shall comply with this paragraph
69.15 within five days of beginning employment or school. A person's obligation to register under
69.16 this paragraph terminates when the person is no longer working or attending school in
69.17 Minnesota.

69.18 (d) A person required to register under this section who works or attends school outside
69.19 of Minnesota shall register as a predatory offender in the state where the person works or
69.20 attends school. The person's corrections agent, or if the person does not have an assigned
69.21 corrections agent, the law enforcement authority that has jurisdiction in the area of the
69.22 person's primary address shall notify the person of this requirement.

69.23 Sec. 4. Minnesota Statutes 2022, section 243.166, is amended by adding a subdivision to
69.24 read:

69.25 Subd. 4d. **Guardians, conservators, and power of attorney.** Guardians and conservators
69.26 of persons required to register shall have the authority to complete all verification and
69.27 registration paperwork under this section and section 243.167 on the person's behalf. A
69.28 validly executed power of attorney under chapter 523 grants the attorney in fact the authority
69.29 to complete all verification and registration paperwork under this section and section 243.167
69.30 on behalf of a person required to register.

69.31 Sec. 5. Minnesota Statutes 2022, section 243.166, subdivision 6, is amended to read:

69.32 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
69.33 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to

70.1 register under this section shall continue to comply with this section until ten years have
70.2 elapsed since the person initially registered in connection with the offense, or until the
70.3 probation, supervised release, or conditional release period expires, whichever occurs later.
70.4 For a person required to register under this section who is committed under section 253B.18,
70.5 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
70.6 does not include the period of commitment.

70.7 (b) If a person required to register under this section fails to provide the person's primary
70.8 address as required by subdivision 3, paragraph (b), fails to comply with the requirements
70.9 of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to
70.10 return the verification form referenced in subdivision 4 within ten days, the commissioner
70.11 of public safety shall require the person to continue to register for an additional period of
70.12 five years. This five-year period is added to the end of the offender's registration period.

70.13 (c) If a person required to register under this section is incarcerated due to a conviction
70.14 for a new offense that requires registration under this section or section 243.167 or following
70.15 a revocation of probation, supervised release, or conditional release for ~~any~~ an offense that
70.16 requires registration under this section or section 243.167, the person shall continue to
70.17 register until ten years have elapsed since the person was last released from incarceration
70.18 or until the person's probation, supervised release, or conditional release period expires,
70.19 whichever occurs later.

70.20 (d) A person shall continue to comply with this section for the life of that person:

70.21 (1) if the person is convicted of or adjudicated delinquent for any offense for which
70.22 registration is required under subdivision 1b, or any offense from another state or any federal
70.23 offense similar to the offenses described in subdivision 1b, and the person has a prior
70.24 conviction or adjudication for an offense for which registration was or would have been
70.25 required under subdivision 1b, or an offense from another state or a federal offense similar
70.26 to an offense described in subdivision 1b;

70.27 (2) if the person is required to register based upon a conviction or delinquency
70.28 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar
70.29 statute from another state or the United States;

70.30 (3) if the person is required to register based upon a conviction for an offense under
70.31 section 609.342, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e)
70.32 or (h); 609.343, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or
70.33 (h); 609.344, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h);
70.34 or 609.345, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or

71.1 a statute from another state or the United States similar to the offenses described in this
71.2 clause; or

71.3 (4) if the person is required to register under subdivision 1b, paragraph (c), following
71.4 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
71.5 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
71.6 another state or the United States.

71.7 (e) A person described in subdivision 1b, paragraph (b), who is required to register under
71.8 the laws of a state in which the person has been previously convicted or adjudicated
71.9 delinquent, shall register under this section for the time period required by the state of
71.10 conviction or adjudication unless a longer time period is required elsewhere in this section.

71.11 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to convictions
71.12 and revocations of probation, supervised release, or conditional release that occur on or
71.13 after that date and to convictions that are not yet final on that date.

71.14 Sec. 6. Minnesota Statutes 2022, section 244.052, subdivision 4, is amended to read:

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

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

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

71.32 (2) if the offender is assigned to risk level II, the agency also may disclose the information
71.33 to agencies and groups that the offender is likely to encounter for the purpose of securing

72.1 those institutions and protecting individuals in their care while they are on or near the
72.2 premises of the institution. These agencies and groups include the staff members of public
72.3 and private educational institutions, day care establishments, and establishments and
72.4 organizations that primarily serve individuals likely to be victimized by the offender. The
72.5 agency also may disclose the information to individuals the agency believes are likely to
72.6 be victimized by the offender. The agency's belief shall be based on the offender's pattern
72.7 of offending or victim preference as documented in the information provided by the
72.8 department of corrections or human services. The agency may disclose the information to
72.9 property assessors, property inspectors, code enforcement officials, and child protection
72.10 officials who are likely to visit the offender's home in the course of their duties;

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

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

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

72.34 (1) the organizations or community members are in a location or in close proximity to
72.35 a location where the offender lives or is employed, or which the offender visits or is likely

73.1 to visit on a regular basis, other than the location of the offender's outpatient treatment
73.2 program; and

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

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

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

73.14 (f) A law enforcement agency shall continue to disclose information on an offender as
73.15 required by this subdivision for as long as the offender is required to register under section
73.16 243.166. This requirement on a law enforcement agency to continue to disclose information
73.17 also applies to an offender who lacks a primary address and is registering under section
73.18 243.166, subdivision 3a.

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

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

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

73.32 (j) When a school, day care facility, or other entity or program that primarily educates
73.33 or serves children receives notice under paragraph (b), clause (3), that a level III predatory

74.1 offender resides or works in the surrounding community, notice to parents must be made
74.2 as provided in this paragraph. If the predatory offender identified in the notice is participating
74.3 in programs offered by the facility that require or allow the person to interact with children
74.4 other than the person's children, the principal or head of the entity must notify parents with
74.5 children at the facility of the contents of the notice received pursuant to this section. The
74.6 immunity provisions of subdivision 7 apply to persons disclosing information under this
74.7 paragraph.

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

74.15 Sec. 7. Minnesota Statutes 2022, section 244.052, subdivision 4a, is amended to read:

74.16 Subd. 4a. **Level III offenders; location of residence.** (a) When an offender assigned
74.17 to risk level III is released from confinement or a residential facility to reside in the
74.18 community or changes residence while on supervised or conditional release, the agency
74.19 responsible for the offender's supervision shall:

74.20 (1) take into consideration the proximity of the offender's residence to that of other level
74.21 III offenders ~~and~~ if the proximity presents a risk of reoffending;

74.22 (2) take into consideration the proximity to of the offender's residence to the following
74.23 locations if the locations present a risk of reoffending:

74.24 (i) schools;

74.25 (ii) child care facilities or family or group family day care programs;

74.26 (iii) licensed residences for vulnerable adults;

74.27 (iv) attractions within public parks that are regularly used by minors, including but not
74.28 limited to playgrounds or athletic fields; and

74.29 (v) community centers and recreation centers that are regularly used in youth athletic
74.30 activities or offer regularly scheduled indoor playtimes or access to gymnasiums and other
74.31 facilities that are restricted to minors; and;

75.1 (3) to the greatest extent feasible, ~~shall~~ mitigate the concentration of level III offenders
75.2 and concentration of level III offenders near ~~schools~~ the locations listed in clause (2) when
75.3 the concentration presents a risk of reoffending.

75.4 (b) If the owner or property manager of a hotel, motel, lodging establishment, or
75.5 apartment building has an agreement with an agency that arranges or provides shelter for
75.6 victims of domestic abuse, the owner or property manager may not knowingly rent rooms
75.7 to both level III offenders and victims of domestic abuse at the same time. If the owner or
75.8 property manager has an agreement with an agency to provide housing to domestic abuse
75.9 victims and discovers or is informed that a tenant is a level III offender after signing a lease
75.10 or otherwise renting to the offender, the owner or property manager may evict the offender.

75.11 Sec. 8. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

75.12 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not
75.13 inimical to public safety and when the child has admitted the allegations contained in the
75.14 petition before the judge or referee, or when a hearing has been held as provided for in
75.15 section 260B.163 and the allegations contained in the petition have been duly proven but,
75.16 in either case, before a finding of delinquency has been entered, the court may continue the
75.17 case for a period not to exceed 180 days on any one order. Except as otherwise provided in
75.18 paragraph (c), the continuance may be extended for one additional successive period not to
75.19 exceed 180 days, but only with the consent of the prosecutor and only after the court has
75.20 reviewed the case and entered its order for the additional continuance without a finding of
75.21 delinquency. During a continuance the court may enter an order in accordance with the
75.22 provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention
75.23 for a period not to exceed 15 days on any one order for the purpose of completing any
75.24 consideration, or any investigation or examination ordered in accordance with the provisions
75.25 of section 260B.157.

75.26 (b) A prosecutor may appeal a continuance ordered in contravention of this subdivision.
75.27 This subdivision does not extend the court's jurisdiction under section 260B.193 and does
75.28 not apply to an extended jurisdiction juvenile proceeding.

75.29 (c) A continuance granted under paragraph (a) for a violation of section 609.342; 609.343;
75.30 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23 or another offense
75.31 arising out of a delinquency petition based on one or more of those sections that would
75.32 require the child to register as a predatory offender under section 243.166 may be extended
75.33 for additional successive periods not to exceed a total of 24 months so the offender can
75.34 receive sex offender treatment, but only with the consent of the prosecutor and only after

76.1 the court has reviewed the case and entered its order for the additional continuance without
 76.2 a finding of delinquency.

76.3 **ARTICLE 5**

76.4 **CORRECTIONS POLICY**

76.5 Section 1. Minnesota Statutes 2022, section 13.84, subdivision 6, is amended to read:

76.6 Subd. 6. **Public benefit data.** (a) The responsible authority or its designee of a parole
 76.7 or probation authority or correctional agency may release private or confidential court
 76.8 services data related to:

76.9 (1) criminal acts to any law enforcement agency, if necessary for law enforcement
 76.10 purposes; and

76.11 (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the
 76.12 extent that the data are necessary for the victim to assert the victim's legal right to restitution.

76.13 (b) A parole or probation authority, a correctional agency, or agencies that provide
 76.14 correctional services under contract to a correctional agency may release to a law enforcement
 76.15 agency the following data on defendants, parolees, or probationers: current address, dates
 76.16 of entrance to and departure from agency programs, and dates and times of any absences,
 76.17 both authorized and unauthorized, from a correctional program.

76.18 (c) The responsible authority or its designee of a juvenile correctional agency may release
 76.19 private or confidential court services data to a victim of a delinquent act to the extent the
 76.20 data are necessary to enable the victim to assert the victim's right to request notice of release
 76.21 under section 611A.06. The data that may be released include only the name, home address,
 76.22 and placement site of a juvenile who has been placed in a juvenile correctional facility as
 76.23 a result of a delinquent act.

76.24 ~~(d) Upon the victim's written or electronic request and, if the victim and offender have~~
 76.25 ~~been household or family members as defined in section 518B.01, subdivision 2, paragraph~~
 76.26 ~~(b);~~ The commissioner of corrections or the commissioner's designee may disclose to the
 76.27 victim of an offender convicted of a qualified domestic violence-related offense as defined
 76.28 in section 609.02, subdivision 16, notification of the city and five-digit zip code of the
 76.29 offender's residency upon or after release from a Department of Corrections facility, unless:

76.30 ~~(1) the offender is not under correctional supervision at the time of the victim's request;~~

76.31 ~~(2) the commissioner or the commissioner's designee does not have the city or zip code;~~

76.32 ~~or~~

77.1 ~~(3)~~ the commissioner or the commissioner's designee reasonably believes that disclosure
77.2 of the city or zip code of the offender's residency creates a risk to the victim, offender, or
77.3 public safety.

77.4 ~~(e) Paragraph (d) applies only where the offender is serving a prison term for a qualified~~
77.5 ~~domestic violence related offense committed against the victim seeking notification.~~

77.6 Sec. 2. Minnesota Statutes 2023 Supplement, section 241.021, subdivision 1, is amended
77.7 to read:

77.8 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
77.9 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
77.10 facilities throughout the state, whether public or private, established and operated for the
77.11 detention and confinement of persons confined or incarcerated therein according to law
77.12 except to the extent that they are inspected or licensed by other state regulating agencies.
77.13 The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum
77.14 standards for these facilities with respect to their management, operation, physical condition,
77.15 and the security, safety, health, treatment, and discipline of persons confined or incarcerated
77.16 therein. These minimum standards shall include but are not limited to specific guidance
77.17 pertaining to:

77.18 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated
77.19 in correctional facilities with mental illness or substance use disorders;

77.20 (2) a policy on the involuntary administration of medications;

77.21 (3) suicide prevention plans and training;

77.22 (4) verification of medications in a timely manner;

77.23 (5) well-being checks;

77.24 (6) discharge planning, including providing prescribed medications to persons confined
77.25 or incarcerated in correctional facilities upon release;

77.26 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional
77.27 institution;

77.28 (8) use of segregation and mental health checks;

77.29 (9) critical incident debriefings;

77.30 (10) clinical management of substance use disorders and opioid overdose emergency
77.31 procedures;

78.1 (11) a policy regarding identification of persons with special needs confined or
78.2 incarcerated in correctional facilities;

78.3 (12) a policy regarding the use of telehealth;

78.4 (13) self-auditing of compliance with minimum standards;

78.5 (14) information sharing with medical personnel and when medical assessment must be
78.6 facilitated;

78.7 (15) a code of conduct policy for facility staff and annual training;

78.8 (16) a policy on death review of all circumstances surrounding the death of an individual
78.9 committed to the custody of the facility; and

78.10 (17) dissemination of a rights statement made available to persons confined or
78.11 incarcerated in licensed correctional facilities.

78.12 No individual, corporation, partnership, voluntary association, or other private
78.13 organization legally responsible for the operation of a correctional facility may operate the
78.14 facility unless it possesses a current license from the commissioner of corrections. Private
78.15 adult correctional facilities shall have the authority of section 624.714, subdivision 13, if
78.16 the Department of Corrections licenses the facility with the authority and the facility meets
78.17 requirements of section 243.52.

78.18 The commissioner shall review the correctional facilities described in this subdivision
78.19 at least once every two years, except as otherwise provided, to determine compliance with
78.20 the minimum standards established according to this subdivision or other Minnesota statute
78.21 related to minimum standards and conditions of confinement.

78.22 The commissioner shall grant a license to any facility found to conform to minimum
78.23 standards or to any facility which, in the commissioner's judgment, is making satisfactory
78.24 progress toward substantial conformity and the standards not being met do not impact the
78.25 interests and well-being of the persons confined or incarcerated in the facility. A limited
78.26 license under subdivision 1a may be issued for purposes of effectuating a facility closure.
78.27 The commissioner may grant licensure up to two years. Unless otherwise specified by
78.28 statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the
78.29 expiration date stated on the license.

78.30 The commissioner shall have access to the buildings, grounds, books, records, staff, and
78.31 to persons confined or incarcerated in these facilities. The commissioner may require the
78.32 officers in charge of these facilities to furnish all information and statistics the commissioner
78.33 deems necessary, at a time and place designated by the commissioner. Notwithstanding

79.1 chapter 13 or any other state law classifying or restricting access to data, the officers in
79.2 charge of these facilities must furnish all data available to the facility that the commissioner
79.3 deems necessary to conduct a review of any emergency or unusual occurrence at the facility.
79.4 Failure to provide or grant access to relevant information or statistics necessary to fulfill
79.5 inspection or emergency or unusual occurrence reviews, as requested by the commissioner,
79.6 may be grounds for the commissioner to take action against a correctional facility's license
79.7 under subdivision 1a, 1b, or 1c.

79.8 All facility administrators of correctional facilities are required to report all deaths of
79.9 individuals who died while committed to the custody of the facility, regardless of whether
79.10 the death occurred at the facility or after removal from the facility for medical care stemming
79.11 from an incident or need for medical care at the correctional facility, as soon as practicable,
79.12 but no later than 24 hours of receiving knowledge of the death, including any demographic
79.13 information as required by the commissioner.

79.14 All facility administrators of correctional facilities are required to report all other
79.15 emergency or unusual occurrences as defined by rule, including uses of force by facility
79.16 staff that result in substantial bodily harm or suicide attempts, to the commissioner of
79.17 corrections within ten days from the occurrence, including any demographic information
79.18 as required by the commissioner. The commissioner of corrections shall consult with the
79.19 Minnesota Sheriffs' Association and a representative from the Minnesota Association of
79.20 Community Corrections Act Counties who is responsible for the operations of an adult
79.21 correctional facility to define "use of force" that results in substantial bodily harm for
79.22 reporting purposes.

79.23 The commissioner may require that any or all such information be provided through the
79.24 Department of Corrections detention information system. The commissioner shall post each
79.25 inspection report publicly and on the department's website within 30 days of completing
79.26 the inspection. The education program offered in a correctional facility for the confinement
79.27 or incarceration of juvenile offenders must be approved by the commissioner of education
79.28 before the commissioner of corrections may grant a license to the facility.

79.29 (b) For juvenile facilities licensed by the commissioner of human services, the
79.30 commissioner may inspect and certify programs based on certification standards set forth
79.31 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given
79.32 it in section 245A.02.

79.33 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional
79.34 facilities shall, insofar as is possible, ensure that the minimum standards it requires are

80.1 substantially the same as those required by other state agencies which regulate, inspect, or
 80.2 license the same aspects of similar types of correctional facilities, although at different
 80.3 correctional facilities.

80.4 (d) Nothing in this section shall be construed to limit the commissioner of corrections'
 80.5 authority to promulgate rules establishing standards of eligibility for counties to receive
 80.6 funds under chapter 401, or to require counties to comply with operating standards the
 80.7 commissioner establishes as a condition precedent for counties to receive that funding.

80.8 (e) The department's inspection unit must report directly to a division head outside of
 80.9 the correctional institutions division.

80.10 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 1h, is amended to read:

80.11 Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal
 80.12 year 2022, the commissioner shall form a state correctional facilities security audit group.
 80.13 The group must consist of the following members:

80.14 (1) a Department of Corrections employee who is not assigned to the correctional
 80.15 institutions division, appointed by the commissioner;

80.16 (2) the ombudsperson for corrections or a designee;

80.17 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association and
 80.18 appointed by the commissioner;

80.19 ~~(4) a physical plant safety consultant, appointed by the governor;~~

80.20 ~~(5) a private security consultant with expertise in correctional facility security, appointed~~
 80.21 ~~by the governor;~~

80.22 (4) an individual with expertise in security related to infrastructure and operational
 80.23 logistics of correctional facilities who is not required to reside in Minnesota, appointed by
 80.24 the governor;

80.25 (5) the commissioner of health or a designee;

80.26 (6) the commissioner of administration or a designee;

80.27 ~~(6)~~ (7) two senators, one appointed by the senate majority leader and one appointed by
 80.28 the minority leader; and

80.29 ~~(7)~~ (8) two representatives, one appointed by the speaker of the house and one appointed
 80.30 by the minority leader of the house of representatives.

81.1 (b) ~~By January 1, 2022,~~ The ombudsperson or a designee shall chair the group. The
81.2 group shall establish security audit standards for state correctional facilities. In developing
81.3 the standards, the group, or individual members of the group, may gather information from
81.4 state correctional facilities and state correctional staff and inmates. The security audit group
81.5 must periodically review the standards and modify them as needed. The group must report
81.6 the standards to the chairs and ranking minority members of the house of representatives
81.7 and senate committees with jurisdiction over public safety policy and finance ~~by February~~
81.8 ~~15, 2022~~ whenever the standards are updated.

81.9 (c) The group shall meet twice a year to review facility audit reports submitted to the
81.10 group by the agency's inspection unit. Notwithstanding any law to the contrary, the group
81.11 is entitled to review the full audit reports including nonpublic security information and
81.12 corrections and detention confidential data. Within 60 days of ~~receiving an~~ meeting to review
81.13 ~~audit report~~ reports from the department's inspection unit, the group must make
81.14 recommendations to the commissioner. Within 45 days of receiving the group's
81.15 recommendations, the commissioner must reply in writing to the group's findings and
81.16 recommendations. The commissioner's response must explain whether the agency will
81.17 implement the group's recommendations, the timeline for implementation of the changes,
81.18 and, if not, why the commissioner will not or cannot implement the group's recommendations.

81.19 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
81.20 recommendations based on each security audit and assessment of a state correctional facility
81.21 and the commissioner's responses to the recommendations in the biennial report required
81.22 under section 241.016, subdivision 1. The commissioner shall not include corrections and
81.23 detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security
81.24 information, as defined in section 13.37, subdivision 1, in the commissioner's report to the
81.25 legislature.

81.26 (e) The commissioner shall provide staffing and administrative support to the group.

81.27 (f) The state correctional facilities security audit group is not subject to chapter 13D.

81.28 (g) Except as otherwise provided in this paragraph, the terms, compensation, and removal
81.29 of members of the group are governed by section 15.059. Members of the group serve
81.30 without compensation but shall receive expense reimbursement. Notwithstanding section
81.31 15.059, subdivision 6, the group does not expire.

82.1 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 4b, is amended to read:

82.2 Subd. 4b. **Health care peer review committee.** The commissioner of corrections shall
 82.3 establish a health care peer review committee. Sections 145.61 to 145.67 apply to the
 82.4 committee. The committee shall gather, review, and evaluate information relating to the
 82.5 on-site and off-site quality of care and treatment of offenders. The committee shall consist
 82.6 of:

82.7 ~~(1) the director of health services;~~

82.8 ~~(2)~~ (1) the department medical director;

82.9 ~~(3)~~ (2) the regional medical director of the contracted health care vendor;

82.10 ~~(4)~~ (3) the department director of nursing or a designee;

82.11 ~~(5)~~ (4) a physician from the contracting hospital provider; and

82.12 ~~(6)~~ (5) another physician who provides health care to offenders on site at a correctional
 82.13 facility;

82.14 (6) one or more licensed physicians or nurse practitioners from the community, in person
 82.15 or by telephone, with expertise in the most appropriate clinical area;

82.16 (7) the director of psychiatry of the contracted vendor;

82.17 (8) the pharmacist liaison of the contracted vendor's pharmacy vendor;

82.18 (9) the clinical pharmacist of the contracted vendor;

82.19 (10) in cases of suicide or unanticipated death, a representative from the Office of Special
 82.20 Investigations; and

82.21 (11) other ad hoc members as indicated at the discretion of the Department of Corrections
 82.22 medical director or chief medical officer.

82.23 Sec. 5. Minnesota Statutes 2022, section 241.75, subdivision 2, is amended to read:

82.24 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections,
 82.25 or the medical director's designee, who must be a physician licensed under chapter 147,
 82.26 may make a health care decision for an inmate incarcerated in a state correctional facility
 82.27 or placed in an outside facility on conditional medical release if the inmate's attending
 82.28 physician determines that the inmate lacks decision-making capacity and:

82.29 (1) there is not a documented health care agent designated by the inmate or the health
 82.30 care agent is not reasonably available to make the health care decision;

83.1 (2) if there is a documented health care directive, the decision is consistent with that
83.2 directive;

83.3 (3) the decision is consistent with reasonable medical practice and other applicable law;
83.4 and

83.5 (4) the medical director has made a good faith attempt to consult with the inmate's next
83.6 of kin or emergency contact person in making the decision, to the extent those persons are
83.7 reasonably available.

83.8 Sec. 6. Minnesota Statutes 2022, section 243.52, subdivision 2, is amended to read:

83.9 Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically
83.10 for the purpose of causing harm to a confined or incarcerated person.

83.11 (b) Unless the use of deadly force is justified in this section, a correctional officer working
83.12 in an adult correctional facility either under the control of the commissioner of corrections
83.13 or licensed by the commissioner under section 241.021 may not use any of the following
83.14 restraints:

83.15 (1) a choke hold;

83.16 (2) a prone restraint;

83.17 (3) tying all of a person's limbs together behind the person's back to render the person
83.18 immobile; or

83.19 (4) securing a person in any way that results in transporting the person face down in a
83.20 vehicle, except as directed by a medical professional.

83.21 (c) For the purposes of this subdivision, the following terms have the meanings given
83.22 them:

83.23 (1) "choke hold" means a method by which a person applies sufficient pressure to a
83.24 person to make breathing difficult or impossible, and includes but is not limited to any
83.25 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce
83.26 intake of air. Choke hold also means applying pressure to a person's neck on either side of
83.27 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the
83.28 carotid arteries;

83.29 (2) "prone restraint" means the use of manual restraint that places a person in a face-down
83.30 position; and

83.31 (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

84.1 (d) Use of deadly force is justified only if an objectively reasonable correctional officer
84.2 would believe, based on the totality of the circumstances known to the officer at the time
84.3 and without the benefit of hindsight, that deadly force is necessary:

84.4 (1) to protect the correctional officer or another from death or great bodily harm, provided
84.5 that the threat:

84.6 (i) can be articulated with specificity ~~by the correctional officer~~;

84.7 (ii) is reasonably likely to occur absent action by the correctional officer; and

84.8 (iii) must be addressed through the use of deadly force without unreasonable delay; or

84.9 (2) to effect the capture or prevent the escape of a person when the officer reasonably
84.10 believes that the person will cause death or great bodily harm to another person under the
84.11 threat criteria in clause (1), unless immediately apprehended.

84.12 Sec. 7. Minnesota Statutes 2023 Supplement, section 244.05, subdivision 5, is amended
84.13 to read:

84.14 Subd. 5. **Supervised release, life and indeterminate sentences.** (a) The board may,
84.15 under rules adopted by the commissioner, grant supervised release or parole as follows:

84.16 (1) to an inmate serving a mandatory life sentence after the inmate has served the
84.17 minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision
84.18 1, paragraph (a);

84.19 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
84.20 committed on or before April 30, 1980; or

84.21 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate
84.22 has served the minimum term of imprisonment.

84.23 (b) For cases involving multiple sentences, the board must grant or deny supervised
84.24 release as follows:

84.25 (1) if an inmate is serving multiple sentences that are concurrent to one another, the
84.26 board must grant or deny supervised release on all unexpired sentences; and

84.27 (2) notwithstanding any other law to the contrary, if an inmate who was under the age
84.28 of 18 at the time of the commission of the relevant offenses and has served the minimum
84.29 term of imprisonment specified in subdivision 4b is serving multiple sentences that are
84.30 consecutive to one another, the board may grant or deny supervised release on one or more
84.31 sentences.

85.1 (c) No less than three years before an inmate has served the applicable minimum term
85.2 of imprisonment, the board must assess the inmate's status and make programming
85.3 recommendations relevant to the inmate's release review. The commissioner must ensure
85.4 that any board programming recommendations are followed and implemented.

85.5 (d) The board must conduct a supervised release review hearing as soon as practicable
85.6 before an inmate has served the applicable minimum term of imprisonment.

85.7 (e) The board shall require the preparation of a community investigation report. The
85.8 report shall:

85.9 (1) reflect the sentiment of the various elements of the community toward the inmate,
85.10 both at the time of the offense and at the present time;

85.11 (2) include the views of the sentencing judge, the prosecutor, any law enforcement
85.12 personnel who may have been involved in the case, and any successors to these individuals
85.13 who may have information relevant to the supervised release decision; and

85.14 (3) include the views of the victim and the victim's family unless the victim or the victim's
85.15 family chooses not to participate.

85.16 (f) The board shall require the preparation of a development report when making a
85.17 supervised release decision regarding an inmate who was under 18 years of age at the time
85.18 of the commission of the offense. The report must be prepared by a mental health professional
85.19 qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to
85.20 (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The
85.21 board may use a previous report that was prepared within 12 months immediately preceding
85.22 the hearing.

85.23 (g) The board shall make reasonable efforts to notify the victim, in advance, of the time
85.24 and place of the inmate's release review hearing. The victim has a right to submit an oral
85.25 or written statement at the review hearing. Notwithstanding chapter 13D, the board may
85.26 meet in closed session to receive and review a victim's statement, at the request of the victim.
85.27 The statement may summarize the harm suffered by the victim as a result of the crime and
85.28 give the victim's recommendation on whether the inmate should be given supervised release
85.29 at this time.

85.30 (h) The board shall permit a prosecutor from the office that prosecuted the case to submit
85.31 a written statement in advance of the review hearing.

86.1 (i) When considering whether to grant supervised release or parole to an inmate serving
86.2 a life sentence or indeterminate sentence, the board shall consider, at a minimum, the
86.3 following:

86.4 (1) the report prepared pursuant to paragraph (e);

86.5 (2) the report prepared pursuant to paragraph (f), if applicable;

86.6 (3) a victim statement under paragraph (g), if submitted;

86.7 (4) the statement of a prosecutor under paragraph (h), if submitted;

86.8 (5) the risk the inmate poses to the community if released;

86.9 (6) the inmate's progress in treatment, if applicable;

86.10 (7) the inmate's behavior while incarcerated;

86.11 (8) psychological or other diagnostic evaluations of the inmate;

86.12 (9) information on the inmate's rehabilitation while incarcerated;

86.13 (10) the inmate's criminal history;

86.14 (11) if the inmate was under 18 years of age at the time of the commission of the offense,
86.15 relevant science on the neurological development of juveniles and information on the inmate's
86.16 maturity and development while incarcerated; and

86.17 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.

86.18 (j) The board may not grant supervised release or parole to an inmate unless:

86.19 (1) while in prison:

86.20 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

86.21 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
86.22 has successfully completed substance use disorder treatment; and

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

86.25 (2) a comprehensive individual release plan is in place for the inmate that:

86.26 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
86.27 aftercare and community-based treatment; and

86.28 (ii) includes a postprison employment or education plan for the inmate.

87.1 (k) Supervised release or parole must be granted with a majority vote of the quorum
87.2 required under section 244.049, subdivision 3. If there is a tie vote, supervised release or
87.3 parole is granted only if the commissioner votes in favor of granting supervised release or
87.4 parole.

87.5 (l) Within 30 days after a supervised release review hearing, the board must issue a
87.6 decision on granting release, including an explanation for the decision. If an inmate is serving
87.7 multiple sentences that are concurrent to one another, the board must grant or deny supervised
87.8 release on all sentences.

87.9 (m) If the board does not grant supervised release, the explanation of that decision must
87.10 identify specific steps that the inmate can take to increase the likelihood that release will
87.11 be granted at a future hearing.

87.12 (n) When granting supervised release under this subdivision, the board must set prerelease
87.13 conditions to be followed by the inmate, if time permits, before their actual release or before
87.14 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
87.15 the commissioner may rescind the grant of supervised release without a hearing at any time
87.16 before the inmate's release or before constructive parole becomes effective. A grant of
87.17 constructive parole becomes effective once the inmate begins serving the consecutive
87.18 sentence.

87.19 (o) If the commissioner rescinds a grant of supervised release or parole, the board:

87.20 (1) must set a release review date that occurs within 90 days of the commissioner's
87.21 rescission; and

87.22 (2) by majority vote, may set a new supervised release date or set another review date.

87.23 (p) If the commissioner revokes supervised release or parole for an inmate serving a life
87.24 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

87.25 (1) must set a release review date that occurs within one year of the commissioner's final
87.26 revocation decision; and

87.27 (2) by majority vote, may set a new supervised release date or set another review date.

87.28 (q) The board may, by a majority vote, grant a person on supervised release or parole
87.29 for a life or indeterminate sentence a final discharge from their sentence in accordance with
87.30 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
87.31 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
87.32 that term.

88.1 (r) For purposes of this subdivision:

88.2 (1) "board" means the ~~Indeterminate Sentence~~ Supervised Release Board under section
88.3 244.049;

88.4 (2) "constructive parole" means the status of an inmate who has been paroled from an
88.5 indeterminate sentence to begin serving a consecutive sentence in prison; and

88.6 (3) "victim" has the meaning given in section 611A.01, paragraph (b).

88.7 Sec. 8. Minnesota Statutes 2023 Supplement, section 244.17, subdivision 3, is amended
88.8 to read:

88.9 Subd. 3. **Offenders not eligible.** ~~(a)~~ The following offenders are not eligible to be placed
88.10 in the challenge incarceration program:

88.11 (1) offenders who are committed to the commissioner's custody following a conviction
88.12 for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking,
88.13 arson, or any other offense involving death or intentional personal injury;

88.14 (2) offenders who were convicted within the preceding ten years of an offense described
88.15 in clause (1) and were committed to the custody of the commissioner;

88.16 (3) offenders who have been convicted or adjudicated delinquent within the past five
88.17 years for a violation of section 609.485;

88.18 (4) offenders who are committed to the commissioner's custody for an offense that
88.19 requires registration under section 243.166;

88.20 (5) offenders who are the subject of a current arrest warrant or detainer;

88.21 (6) offenders who have fewer than 180 days remaining until their supervised release
88.22 date;

88.23 (7) offenders who have had disciplinary confinement time added to their sentence or
88.24 who have been placed in segregation, unless 90 days have elapsed from the imposition of
88.25 the additional disciplinary confinement time or the last day of segregation;

88.26 (8) offenders who have received a suspended formal disciplinary sanction, unless the
88.27 suspension has expired; and

88.28 (9) offenders whose governing sentence is for an offense from another state or the United
88.29 States; and.

88.30 ~~(10) offenders who have a medical condition included on the list of ineligible conditions~~
88.31 ~~described in paragraph (b).~~

89.1 ~~(b) The commissioner of corrections shall develop a list of medical conditions that will~~
89.2 ~~disqualify an offender from participating in the challenge incarceration program. The~~
89.3 ~~commissioner shall submit the list and any changes to it to the chairs and ranking minority~~
89.4 ~~members of the senate and house committees having jurisdiction over criminal justice policy~~
89.5 ~~and funding.~~

89.6 Sec. 9. Minnesota Statutes 2023 Supplement, section 244.21, subdivision 2, is amended
89.7 to read:

89.8 Subd. 2. **Commissioner of corrections; report.** By ~~January 15~~ May 1 each year, the
89.9 commissioner must report to the chairs of the legislative committees with jurisdiction over
89.10 public safety policy and finance on ~~recommended methods of coordinating the exchange~~
89.11 ~~of~~ information collected on individuals on probation under subdivision 1:

89.12 ~~(1) between probation service providers; and~~

89.13 ~~(2) between probation service providers and the Department of Corrections.~~

89.14 Sec. 10. Minnesota Statutes 2023 Supplement, section 401.01, subdivision 2, is amended
89.15 to read:

89.16 Subd. 2. **Definitions.** (a) For purposes of this chapter, the terms defined in this subdivision
89.17 have the meanings given them.

89.18 (b) "CCA jurisdiction" means a county or Tribal Nation that participates in the
89.19 Community Corrections Act, the subsidy program under this chapter.

89.20 (c) "Commissioner" means the commissioner of corrections or a designee.

89.21 (d) "Conditional release" means:

89.22 (1) parole, supervised release, or conditional release as authorized by section 609.3455,
89.23 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota
89.24 Statutes 2004, section 609.109, subdivision 7;

89.25 (2) work release as authorized by sections 241.26, 244.065, and 631.425; and

89.26 (3) probation, furlough, and any other authorized temporary release from a correctional
89.27 facility.

89.28 (e) "Detain" means to take into actual custody, including custody within a local
89.29 correctional facility.

89.30 (f) "Joint board" means the board under section 471.59.

90.1 (g) "Local advisory board" means:

90.2 (1) for a CCA jurisdiction, a corrections advisory board as defined in section 401.08;

90.3 (2) for a non-CCA jurisdiction other than a Tribal Nation, a human services advisory
90.4 board as defined in section 402.02, or advisory committee or task force as defined in section
90.5 402.03; or

90.6 (3) for a Tribal Nation that is a non-CCA jurisdiction, a board with membership as
90.7 determined by the Tribal Nation.

90.8 ~~(g)~~ (h) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating
90.9 in the Community Corrections Act subsidy program and provides or receives probation
90.10 services according to section 244.19.

90.11 ~~(h)~~ (i) "Probation officer" means a county or Tribal probation officer under a CCA or
90.12 non-CCA jurisdiction appointed with the powers under section 244.19.

90.13 ~~(i)~~ (j) "Release" means to release from actual custody.

90.14 ~~(j)~~ (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
90.15 of the state of Minnesota.

90.16 Sec. 11. Minnesota Statutes 2023 Supplement, section 609.133, subdivision 4, is amended
90.17 to read:

90.18 Subd. 4. **Petition; contents; fee.** (a) A prosecutor's petition for sentence adjustment
90.19 shall be filed in the district court where the individual was convicted and include the
90.20 following:

90.21 (1) the full name of the individual on whose behalf the petition is being brought and, to
90.22 the extent possible, all other legal names or aliases by which the individual has been known
90.23 at any time;

90.24 (2) the individual's date of birth;

90.25 (3) the individual's address;

90.26 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for
90.27 the individual;

90.28 (5) the details of the offense for which an adjustment is sought, including:

90.29 (i) the date and jurisdiction of the occurrence;

90.30 (ii) either the names of any victims or that there were no identifiable victims;

91.1 (iii) whether there is a current order for protection, restraining order, or other no contact
 91.2 order prohibiting the individual from contacting the victims or whether there has ever been
 91.3 a prior order for protection or restraining order prohibiting the individual from contacting
 91.4 the victims;

91.5 (iv) the court file number; and

91.6 (v) the date of conviction;

91.7 (6) what steps the individual has taken since the time of the offense toward personal
 91.8 rehabilitation, including treatment, work, good conduct within correctional facilities, or
 91.9 other personal history that demonstrates rehabilitation;

91.10 (7) the individual's criminal conviction record indicating all convictions for
 91.11 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable
 91.12 convictions in any other state, federal court, or foreign country, whether the convictions
 91.13 occurred before or after the conviction for which an adjustment is sought;

91.14 (8) the individual's criminal charges record indicating all prior and pending criminal
 91.15 charges against the individual in this state or another jurisdiction, including all criminal
 91.16 charges that have been continued for dismissal, stayed for adjudication, or were the subject
 91.17 of pretrial diversion; and

91.18 (9) to the extent known, all prior requests by the individual, whether for the present
 91.19 offense or for any other offenses in this state or any other state or federal court, for pardon,
 91.20 return of arrest records, or expungement or sealing of a criminal record, whether granted
 91.21 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

91.22 (b) The filing fee for a petition brought under this section shall be waived.

91.23 (c) Notwithstanding chapter 13 or any other statute related to the classification of
 91.24 government data, a supervising agent or the commissioner of corrections may provide private
 91.25 or confidential data to a prosecutor for purposes of a petition for sentence adjustment.

91.26 Sec. 12. Minnesota Statutes 2022, section 611A.06, subdivision 3a, is amended to read:

91.27 Subd. 3a. **Offender location.** ~~(a) Upon the victim's written or electronic request and if~~
 91.28 ~~the victim and offender have been household or family members as defined in section~~
 91.29 ~~518B.01, subdivision 2, paragraph (b),~~ The commissioner of corrections or the
 91.30 commissioner's designee shall may disclose to the victim of an offender ~~convicted of a~~
 91.31 ~~qualified domestic violence-related offense as defined in section 609.02, subdivision 16,~~

92.1 notification of the city and five-digit zip code of the offender's residency upon release from
 92.2 a Department of Corrections facility, unless:

92.3 ~~(1) the offender is not under correctional supervision at the time of the victim's request;~~

92.4 ~~(2) the commissioner or the commissioner's designee does not have the city or zip code;~~

92.5 ~~or~~

92.6 ~~(3) the commissioner or the commissioner's designee reasonably believes that disclosure~~
 92.7 ~~of the city or zip code of the offender's residency creates a risk to the victim, offender, or~~
 92.8 ~~public safety.~~

92.9 ~~(b) All identifying information regarding the victim including, but not limited to, the~~
 92.10 ~~notification provided by the commissioner or the commissioner's designee is classified as~~
 92.11 ~~private data on individuals as defined in section 13.02, subdivision 12, and is accessible~~
 92.12 ~~only to the victim.~~

92.13 ~~(c) This subdivision applies only where the offender is serving a prison term for a~~
 92.14 ~~qualified domestic violence-related offense committed against the victim seeking notification.~~

92.15 Sec. 13. Minnesota Statutes 2023 Supplement, section 629.292, subdivision 2, is amended
 92.16 to read:

92.17 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the
 92.18 commissioner of corrections or other official designated by the commissioner having custody
 92.19 of the prisoner, who shall forthwith:

92.20 (1) certify the term of commitment under which the prisoner is being held, the time
 92.21 already served on the sentence, the time remaining to be served, the good time earned, the
 92.22 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections
 92.23 relating to the prisoner; and

92.24 (2) send by registered or certified mail, return receipt requested, one copy of the request
 92.25 and certificate to the court and one copy to the prosecuting attorney to whom it is addressed;
 92.26 and, or

92.27 ~~(3) send by e-filing and e-serving the paperwork, one copy of the request to the court~~
 92.28 ~~and one copy to the prosecuting attorney to whom it is addressed.~~

299C.105 DNA DATA REQUIRED.

Subd. 3. **Bureau duty.** (a) The bureau shall destroy the biological specimen and return all records to a person who submitted a biological specimen under subdivision 1 but who was found not guilty of a felony. Upon the request of a person who submitted a biological specimen under subdivision 1 but where the charge against the person was later dismissed, the bureau shall destroy the person's biological specimen and return all records to the individual.

(b) If the bureau destroys a biological specimen under paragraph (a), the bureau shall also remove the person's information from the bureau's combined DNA index system and return all related records and all copies or duplicates of them.