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State of Minnesota
HOUSE OF REPRESENTATIVES
First Division Engrossment

NINETY-FIRST SESSION

H. F. No. 2792

04/01/2019 Authored by Mariani
The bill was read for the first time and referred to the Committee on Ways and Means

Division Action

04/08/2019 *Referred by Chair to the Public Safety and Criminal Justice Reform Finance and Policy Division*
Division action, to adopt as amended and return to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to public safety; modifying certain provisions relating to public safety;

1.3 corrections; law enforcement; sexual offenders; controlled substances; DWI;

1.4 vehicle operations; pretrial release; firearms; offender sentencing, probation, and

1.5 diversion; firefighters; statewide emergency communication; predatory offenders;

1.6 modifying ex-offender voting rights; enacting the Uniform Collateral Consequences

1.7 of Conviction Act; requiring reports; providing for task forces; providing for

1.8 criminal penalties; appropriating money for sentencing guidelines; public safety;

1.9 courts; corrections; Peace Officer Standards and Training (POST) Board; private

1.10 detective board; Public Defense Board; human services; health; amending

1.11 Minnesota Statutes 2018, sections 13.6905, by adding a subdivision; 13.851, by

1.12 adding a subdivision; 15A.0815, subdivision 3; 84.91, subdivision 1; 86B.331,

1.13 subdivision 1; 144.121, subdivision 1a, by adding a subdivision; 151.37, subdivision

1.14 12; 152.021, subdivision 2a; 152.025, subdivisions 1, 2, 4; 152.0275; 152.18,

1.15 subdivision 1; 169.13, subdivisions 1, 2; 169.92, subdivision 4; 169A.03,

1.16 subdivision 18; 169A.37, subdivision 1; 169A.55, subdivision 2; 169A.60,

1.17 subdivisions 4, 5; 169A.63, by adding a subdivision; 171.07, subdivision 1a;

1.18 171.16, subdivisions 2, 3; 171.18, subdivision 1; 171.20, subdivision 4; 171.26,

1.19 subdivision 1; 171.29, subdivision 1; 201.014, by adding a subdivision; 201.071,

1.20 subdivision 1; 204C.10; 241.025, subdivisions 1, 2; 241.75, subdivision 2; 242.192;

1.21 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a, by adding a subdivision;

1.22 243.48, subdivision 1; 244.05, subdivisions 4, 5; 244.09, subdivisions 5, 6, 8;

1.23 245C.22, by adding a subdivision; 245C.24, by adding a subdivision; 260B.176,

1.24 by adding a subdivision; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14,

1.25 subdivision 3; 299A.706; 299C.091, subdivision 5; 299C.093; 299N.01,

1.26 subdivisions 2, 3; 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by

1.27 adding a subdivision; 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06;

1.28 340A.304; 340A.417; 357.021, subdivision 7; 364.07; 403.02, by adding a

1.29 subdivision; 403.03; 403.21, subdivision 7a; 403.36, subdivisions 1, 1b, 1c, 1d;

1.30 403.37, subdivision 12; 403.382, subdivisions 1, 8; 446A.083, subdivision 2;

1.31 480.15, by adding a subdivision; 590.01, subdivision 4; 590.11, subdivisions 1, 2,

1.32 5, 7; 609.106, subdivision 2, by adding a subdivision; 609.115, by adding a

1.33 subdivision; 609.135, subdivisions 1a, 1c, 2, by adding subdivisions; 609.165,

1.34 subdivision 1; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.341,

1.35 subdivisions 10, 11, 12, by adding subdivisions; 609.342, subdivision 1; 609.343,

1.36 subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451,

1.37 subdivision 1; 609.3455, subdivision 2; 609.582, subdivisions 3, 4; 609.749,

1.38 subdivisions 1, 2, 3, 5, 8; 609A.02, by adding a subdivision; 609A.025; 611.365,

2.1 subdivisions 2, 3; 611.367; 611.368; 611A.039, subdivision 1; 617.246,
 2.2 subdivisions 2, 3, 4, 7, by adding a subdivision; 617.247, subdivisions 3, 4, 9, by
 2.3 adding a subdivision; 624.712, subdivision 5; 626.556, subdivision 2; 626.841;
 2.4 626.93, subdivisions 3, 4; 628.26; 629.53; 631.412; 634.20; 638.02, subdivision
 2.5 3; 641.15, subdivision 3a; Laws 2009, chapter 59, article 3, section 4, subdivision
 2.6 9, as amended; Laws 2017, chapter 95, article 1, section 11, subdivision 7; article
 2.7 3, section 30; proposing coding for new law in Minnesota Statutes, chapters 152;
 2.8 171; 201; 241; 243; 244; 260B; 299A; 340A; 611A; 626; 638; 641; repealing
 2.9 Minnesota Statutes 2018, sections 152.027, subdivisions 3, 4; 299A.12, subdivision
 2.10 4; 299A.18; 401.13; 609.349; 609B.050; 609B.100; 609B.101; 609B.102;
 2.11 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109;
 2.12 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122;
 2.13 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129;
 2.14 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.139;
 2.15 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147;
 2.16 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153;
 2.17 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162;
 2.18 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171;
 2.19 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179;
 2.20 609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188;
 2.21 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200;
 2.22 609B.201; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235;
 2.23 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265;
 2.24 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311;
 2.25 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333;
 2.26 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400;
 2.27 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445;
 2.28 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510;
 2.29 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540;
 2.30 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614;
 2.31 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723;
 2.32 609B.724; 609B.725.

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

2.34 **ARTICLE 1**

2.35 **APPROPRIATIONS**

2.36 Section 1. **APPROPRIATIONS.**

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

2.45 **APPROPRIATIONS**
 2.46 **Available for the Year**
 2.47 **Ending June 30**

2.48 **2019** **2020** **2021**

4.1 \$850,000 each year is from the fire safety
4.2 account in the special revenue fund. These
4.3 amounts must be used to fund the hazardous
4.4 materials and chemical assessment teams. Of
4.5 this amount, \$100,000 the first year is for
4.6 cases for which there is no identified
4.7 responsible party.

4.8 **(b) Supplemental Nonprofit Security Grants**

4.9 \$300,000 each year is for supplemental
4.10 nonprofit security grants under this paragraph.

4.11 Nonprofit organizations whose applications
4.12 for funding through the Federal Emergency
4.13 Management Agency's nonprofit security grant
4.14 program have been approved by the Division
4.15 of Homeland Security and Emergency
4.16 Management are eligible for grants under this
4.17 paragraph. No additional application shall be
4.18 required for grants under this paragraph, and
4.19 an application for a grant from the federal
4.20 program is also an application for funding
4.21 from the state supplemental program.

4.22 Eligible organizations may receive grants of
4.23 up to \$75,000, except that the total received
4.24 by any individual from both the federal
4.25 nonprofit security grant program and the state
4.26 supplemental nonprofit security grant program
4.27 shall not exceed \$75,000. Grants shall be
4.28 awarded in an order consistent with the
4.29 ranking given to applicants for the federal
4.30 nonprofit security grant program. No grants
4.31 under the state supplemental nonprofit security
4.32 grant program shall be awarded until the
4.33 announcement of the recipients and the
4.34 amount of the grants awarded under the federal
4.35 nonprofit security grant program.

5.1 The commissioner may use up to one percent
5.2 of the appropriation received under this
5.3 paragraph to pay costs incurred by the
5.4 department in administering the supplemental
5.5 nonprofit security grant program. This
5.6 program shall have a base of \$150,000 in fiscal
5.7 year 2022 and \$0 in fiscal year 2023.

5.8 **(c) Emergency Responder Training; Autism**
5.9 **Spectrum Disorder**

5.10 \$250,000 the first year is for a grant or grants
5.11 to a person or entity to train emergency
5.12 responders and utilize applications for cell
5.13 phones and mobile electronic devices to
5.14 improve and de-escalate emergency
5.15 encounters and crisis situations with
5.16 individuals who have an autism spectrum
5.17 disorder or related disability, or other
5.18 nonvisible health issue, and to acquire these
5.19 applications. By February 15, 2023, the
5.20 commissioner shall report to the chairs and
5.21 ranking minority members of the senate and
5.22 house of representatives committees and
5.23 divisions having jurisdiction over criminal
5.24 justice policy and finance on how this
5.25 appropriation was spent and what results were
5.26 achieved.

5.27 **(d) Local Government Emergency**
5.28 **Management**

5.29 \$300,000 each year is for the director of the
5.30 Homeland Security and Emergency
5.31 Management Division (HSEM) to award
5.32 grants to emergency management departments
5.33 for planning and preparedness activities
5.34 including capital purchases.

6.1 A grant in the amount of \$20,000 shall be
6.2 awarded each fiscal year to each of the
6.3 following, subject to HSEM's final approval:

6.4 (1) 12 counties with two counties
6.5 recommended by each Homeland Security
6.6 Emergency Management Region;

6.7 (2) two tribal governments recommended by
6.8 the Indian Affairs Council; and

6.9 (3) one city of the first class chosen by HSEM.

6.10 Current local funding for emergency
6.11 management and preparedness activities may
6.12 not be supplanted by these additional state
6.13 funds. These appropriations are onetime.

6.14 **(e) Bomb Squad Reimbursements**

6.15 \$50,000 each year is for reimbursements to
6.16 local governments for bomb squad services.

6.17 **(f) School Safety Center**

6.18 \$250,000 each year is to hire two additional
6.19 school safety specialists in the school safety
6.20 center.

6.21 **Subd. 4. Criminal Apprehension**

63,229,000

62,974,000

6.22 Appropriations by Fund

6.23 General 60,793,000 60,538,000

6.24 State Government
6.25 Special Revenue 7,000 7,000

6.26 Trunk Highway 2,429,000 2,429,000

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

6.28 **Fund**

6.29 Notwithstanding Minnesota Statutes, section
6.30 161.20, subdivision 3, \$2,429,000 each year
6.31 is from the trunk highway fund for laboratory
6.32 analysis related to driving-while-impaired
6.33 cases.

7.1 **(b) FBI Cybersecurity Compliance**

7.2 \$1,501,000 the first year and \$1,325,000 the
7.3 second year are for staff and technology costs
7.4 to meet FBI cybersecurity requirements. The
7.5 base for fiscal year 2022 and thereafter is
7.6 \$1,175,000.

7.7 **(c) Automated Fingerprint Identification**
7.8 **System**

7.9 \$1,500,000 each year is to replace the current
7.10 automated fingerprint identification system
7.11 with a new leased technology system.

7.12 **(d) Equipment**

7.13 \$50,000 the first year is for information and
7.14 technology to receive and store data related
7.15 to complaints made against an employed peace
7.16 officer.

7.17 **(e) Base Adjustment**

7.18 To account for the base adjustments provided
7.19 in Laws 2018, chapter 211, article 21, section
7.20 1, paragraph (a), the general fund base is
7.21 reduced by \$19,000 in fiscal years 2022 and
7.22 2023.

7.23 **Subd. 5. Fire Marshal**

6,622,000

6,622,000

7.24 Appropriations by Fund

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

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

7.30 **Inspections.** \$300,000 each year is for
7.31 inspection of nursing homes and boarding care
7.32 facilities.

8.1 **Subd. 6. Firefighter Training and Education**
8.2 **Board** 5,015,000 5,015,000

8.3 Appropriations by Fund
8.4 Special Revenue 5,015,000 5,015,000

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

8.9 **(a) Firefighter Training and Education**
8.10 \$4,265,000 each year is for firefighter training
8.11 and education.

8.12 **(b) Task Force 1**
8.13 \$500,000 each year is for the Minnesota Task
8.14 Force 1.

8.15 **(c) Air Rescue**
8.16 \$250,000 each year is for the Minnesota Air
8.17 Rescue Team.

8.18 **(d) Unappropriated Revenue**
8.19 Any additional unappropriated money
8.20 collected in fiscal year 2019 is appropriated
8.21 to the commissioner of public safety for the
8.22 purposes of Minnesota Statutes, section
8.23 299F.012. The commissioner may transfer
8.24 appropriations and base amounts between
8.25 activities in this subdivision.

8.26 **Subd. 7. Alcohol and Gambling Enforcement** 2,929,000 2,927,000

8.27 Appropriations by Fund
8.28 General 2,165,000 2,163,000
8.29 Special Revenue 764,000 764,000

8.30 \$694,000 each year is from the alcohol
8.31 enforcement account in the special revenue

9.1 fund. Of this appropriation, \$500,000 each
 9.2 year shall be transferred to the general fund.
 9.3 \$70,000 each year is from the lawful gambling
 9.4 regulation account in the special revenue fund.
 9.5 \$175,000 the first year and \$165,000 the
 9.6 second year are for costs related to
 9.7 enforcement of laws regulating out-of-state
 9.8 direct wine shippers.

9.9 To account for the base adjustments provided
 9.10 in Laws 2018, chapter 211, article 21, section
 9.11 1, paragraph (a), the general fund base is
 9.12 increased by \$8,000 in fiscal years 2022 and
 9.13 2023.

9.14 **Subd. 8. Office of Justice Programs** 41,730,000 41,365,000

	<u>Appropriations by Fund</u>	
9.16 <u>General</u>	<u>41,634,000</u>	<u>41,269,000</u>
9.17 <u>State Government</u>		
9.18 <u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

9.19 To account for the base adjustments provided
 9.20 in Laws 2018, chapter 211, article 21, section
 9.21 1, paragraph (a), the general fund base is
 9.22 increased by \$2,000 in fiscal years 2022 and
 9.23 2023.

9.24 **(a) Administration Costs**
 9.25 Up to 2.5 percent of the grant funds
 9.26 appropriated in this subdivision may be used
 9.27 by the commissioner to administer the grant
 9.28 program.

9.29 **(b) Indigenous Women Task Force**
 9.30 \$105,000 the first year and \$45,000 the second
 9.31 year are to convene a task force on the causes
 9.32 and extent of victimization of indigenous
 9.33 women and girls and strategies to reduce

10.1 violence. A report on policies and
10.2 recommendations to reduce and end violence
10.3 against indigenous women and girls is due to
10.4 the legislature on December 15, 2020. These
10.5 are onetime appropriations.

10.6 **(c) Domestic Abuse Prevention Grants**

10.7 \$200,000 each year is for a grant to a domestic
10.8 abuse prevention program that provides
10.9 interdisciplinary, trauma-informed treatment
10.10 and evidence-informed intervention for
10.11 veterans and current or former service
10.12 members and their families affected by
10.13 domestic violence. The grantee must offer a
10.14 combination of services for perpetrators of
10.15 domestic violence and their families, including
10.16 individual and group therapy, evaluation and
10.17 research of programming, and short- and
10.18 long-term case management services to ensure
10.19 stabilization and increase their overall mental
10.20 health functioning and well-being. These
10.21 appropriations are onetime.

10.22 **(d) Criminal Sexual Conduct Statutory**
10.23 **Reform Working Group**

10.24 \$20,000 the first year and \$14,000 the second
10.25 year are to convene, administer, and
10.26 implement the criminal sexual conduct
10.27 statutory reform working group.

10.28 **(e) Legal Representation for Children**

10.29 \$150,000 each year is for a grant to an
10.30 organization that provides legal representation
10.31 for children in need of protection or services
10.32 and children in out-of-home placement. The
10.33 grant is contingent upon a match in an equal
10.34 amount from nonstate funds. The match may

- 11.1 be in kind, including the value of volunteer
11.2 attorney time, or in cash, or a combination of
11.3 the two. These appropriations are onetime.
- 11.4 **(f) Youth Intervention Programs**
- 11.5 \$500,000 each year is for youth intervention
11.6 programs under Minnesota Statutes, section
11.7 299A.73. One-half of the money is for
11.8 community-based youth intervention programs
11.9 that work with African American and African
11.10 immigrant youth and may be used to:
- 11.11 (1) identify behaviors indicating that an
11.12 individual is vulnerable to committing or being
11.13 the victim of bullying or interfamily,
11.14 community, or domestic abuse;
- 11.15 (2) identify and assess factors and influences
11.16 that make African immigrant and African
11.17 American youth vulnerable to recruitment by
11.18 violent organizations including but not limited
11.19 to family dysfunction and cultural
11.20 disengagement;
- 11.21 (3) develop strategies to reduce and eliminate
11.22 abusive and bullying behaviors among youth
11.23 and adults within the African immigrant and
11.24 African American community;
- 11.25 (4) develop and implement strategies to reduce
11.26 and eliminate the factors and influences that
11.27 make African immigrant and African
11.28 American youth vulnerable to recruitment by
11.29 violent organizations;
- 11.30 (5) develop strategies, programs, and services
11.31 to educate parents and other family members
11.32 to recognize and address behaviors indicating
11.33 that youth are being recruited by violent
11.34 organizations; and

12.1 (6) develop strategies, programs, and services,
12.2 in collaboration with public entities and other
12.3 community and private organizations that
12.4 provide services to at-risk youth and families,
12.5 to reduce and eliminate bullying, abusive
12.6 behavior, and the vulnerability of African
12.7 immigrant and African American youth to
12.8 recruitment by violent organizations.

12.9 These appropriations are onetime.

12.10 **(g) Domestic Abuse Transformation**

12.11 **Programs**

12.12 \$783,000 each year is for grants to domestic
12.13 abuse transformation programs that
12.14 demonstrate meaningful and effective
12.15 programming to reduce and eliminate domestic
12.16 abuse within intimate partner relationships.
12.17 The requirements for grant recipients shall be
12.18 developed by the Office of Justice Programs
12.19 in consultation with stakeholders impacted by
12.20 domestic abuse and working to end domestic
12.21 abuse. The base in fiscal year 2022 is \$0.

12.22 **(h) Peace Officer Community Policing**

12.23 **Excellence Report Database**

12.24 (1) \$200,000 the first year is for a grant to a
12.25 qualified community-based research
12.26 organization to develop a system to classify
12.27 and report peace officer discipline by category,
12.28 severity, type, demographic data of those
12.29 involved in the incident, and any other factor
12.30 determined to be appropriate by the Peace
12.31 Officers Standards and Training Board. As
12.32 part of the system, the grant recipient must
12.33 develop and incorporate:

- 13.1 (i) a protocol to assign a unique identifier for
13.2 each peace officer;
- 13.3 (ii) safeguards to protect personal identifying
13.4 information of peace officers; and
- 13.5 (iii) guidelines for data retention and user audit
13.6 trails.
- 13.7 (2) The grant recipient, in consultation with
13.8 the stakeholder group identified in clause (3),
13.9 may recommend changes on how to adapt the
13.10 system under clause (1) to collect additional
13.11 policing data that corresponds with peace
13.12 officer interactions with the public generally
13.13 and suspects, arrests, and victims specifically.
- 13.14 (3) In developing the system described in
13.15 clause (1), the grant recipient shall consult
13.16 with:
- 13.17 (i) the superintendent of the Bureau of
13.18 Criminal Apprehension;
- 13.19 (ii) the Peace Officer Standards and Training
13.20 Board;
- 13.21 (iii) the Minnesota Police and Peace Officers
13.22 Association;
- 13.23 (iv) the Minnesota Sheriff's Association;
- 13.24 (v) the Minnesota Chiefs of Police
13.25 Association; and
- 13.26 (vi) six community members appointed by the
13.27 commissioner of public safety, of which:
- 13.28 (A) at least two members must be from
13.29 communities represented by boards established
13.30 under section 257.0768;
- 13.31 (B) at least two members must be mental
13.32 health advocates; and

14.1 (C) at least two members must be advocates
14.2 for domestic abuse victims.

14.3 (4) The grant recipient and citizens must be
14.4 permitted ongoing direct access to the data
14.5 maintained in the system. Access to the data
14.6 under this clause must be strictly regulated
14.7 and monitored to ensure compliance with the
14.8 data privacy classifications assigned to the
14.9 data.

14.10 **(i) Sex Trafficking Investigations**
14.11 **Coordinator**

14.12 \$100,000 each year is for a statewide Sex
14.13 Trafficking Investigations Coordinator.

14.14 **(j) Cannabis Task Force**

14.15 \$100,000 the first year is to provide support
14.16 staff, office space, and administrative services
14.17 for the Cannabis Task Force.

14.18 **(k) Safe and Secure Storage of Firearms**

14.19 \$100,000 each year is for grants to local or
14.20 state law enforcement agencies to support the
14.21 safe and secure storage of firearms.

14.22 **(l) Community Policing Database**
14.23 **Maintenance**

14.24 \$50,000 the second year is for the Bureau of
14.25 Criminal Apprehension to maintain the
14.26 community policing database. Any unused
14.27 amount remaining in the account on June 1 is
14.28 for a grant to a community-based research
14.29 organization to maintain and update software
14.30 to monitor peace officer discipline.

14.31 **Subd. 9. Emergency Communication Networks**

77,750,000

77,750,000

15.1	<u>Appropriations by Fund</u>		
15.2	<u>General</u>	<u>100,000</u>	<u>100,000</u>
15.3	<u>Special Revenue</u>	<u>77,650,000</u>	<u>77,650,000</u>

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

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

15.17 **(a) Public Safety Answering Points**

15.18 \$13,664,000 each year is to be distributed as
15.19 provided in Minnesota Statutes, section
15.20 403.113, subdivision 2.

15.21 **(b) Medical Resource Communication Centers**

15.22 \$683,000 each year is for grants to the
15.23 Minnesota Emergency Medical Services
15.24 Regulatory Board for the Metro East and
15.25 Metro West Medical Resource
15.26 Communication Centers that were in operation
15.27 before January 1, 2000.

15.28 **(c) Medical Resource Control Centers**

15.29 \$100,000 the first year and \$100,000 the
15.30 second year are appropriated from the general
15.31 fund to the commissioner of public safety for
15.32 grants to the Minnesota Emergency Medical
15.33 Services Regulatory Board for the East Metro
15.34 and West Metro Medical Resource Control

16.1 Centers that were in operation before January
16.2 1, 2000. These appropriations are onetime.

16.3 **(d) ARMER Debt Service**

16.4 \$23,261,000 each year is transferred to the
16.5 commissioner of management and budget to
16.6 pay debt service on revenue bonds issued
16.7 under Minnesota Statutes, section 403.275.

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

16.16 **(e) ARMER State Backbone Operating**

16.17 **Costs**

16.18 \$9,675,000 each year is transferred to the
16.19 commissioner of transportation for costs of
16.20 maintaining and operating the statewide radio
16.21 system backbone.

16.22 **(f) ARMER Improvements**

16.23 \$1,000,000 each year is to the Statewide
16.24 Emergency Communications Board for
16.25 improvements to those elements of the
16.26 statewide public safety radio and
16.27 communication system that support mutual
16.28 aid communications and emergency medical
16.29 services or provide interim enhancement of
16.30 public safety communication interoperability
16.31 in those areas of the state where the statewide
16.32 public safety radio and communication system
16.33 is not yet implemented, and grants to local
16.34 units of government to further the strategic

17.1 goals set forth by the Statewide Emergency

17.2 Communications Board strategic plan.

17.3 **(g) Telephone Cardiopulmonary**

17.4 **Resuscitation Program**

17.5 \$50,000 the first year is appropriated from the

17.6 general fund for grants to reimburse public

17.7 safety answering points for the cost of 911

17.8 telecommunicator cardiopulmonary

17.9 resuscitation training. This is a onetime

17.10 appropriation.

17.11 **Subd. 10. Traffic Safety**

200,000

100,000

17.12 \$200,000 the first year and \$100,000 the

17.13 second year are for a study to report on the

17.14 use of screening tests that measure the level

17.15 of marijuana or tetrahydrocannabinols in the

17.16 blood of a person stopped or arrested for

17.17 driving while impaired.

17.18 **Sec. 4. PEACE OFFICER STANDARDS AND**
17.19 **TRAINING (POST) BOARD**

17.20 **Subdivision 1. Total**

17.21 **Appropriation** **\$ 500,000**

\$ 10,563,000 **\$**

10,316,000

17.22 The amounts that may be spent for each

17.23 purpose are specified in the following

17.24 subdivisions.

17.25 **Subd. 2. Deficiency**

17.26 \$500,000 in fiscal year 2019 is from the

17.27 general fund to pay for a projected deficiency

17.28 in operating expenses.

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

17.30 \$2,859,000 each year is for reimbursements

17.31 to local governments for peace officer training

17.32 costs.

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

18.2 (a) \$6,000,000 the first year is from the

18.3 general fund to the Peace Officer Standards

18.4 and Training Board for grants to support and

18.5 strengthen law enforcement training and

18.6 implement best practices. After January 2,

18.7 2021, these funds may only be used to

18.8 reimburse training expenses for peace officers

18.9 who are employed by law enforcement

18.10 agencies that the superintendent of the Bureau

18.11 of Criminal Apprehension has certified are:

18.12 (1) compliant with the Federal Bureau of

18.13 Investigation's National Incident-Based Report

18.14 System (NIBRS), which requires recording

18.15 the age, sex, and race of the arrestee and the

18.16 relationship of the arrestee and victim if this

18.17 information is known to the officer;

18.18 (2) in compliance with the peace officer

18.19 discipline reporting requirements established

18.20 in Minnesota Statutes, section 626.8435;

18.21 (3) in compliance with the Bureau of Criminal

18.22 Apprehension's use of force data collection

18.23 policy to include reporting whether the

18.24 incident was officer generated or in response

18.25 to a call for assistance; and

18.26 (4) in compliance with the report required by

18.27 Minnesota Statutes, sections 299C.22,

18.28 subdivision 2, and 626.553, subdivision 2.

18.29 This report includes the Federal Bureau of

18.30 Investigation's use of force data collection and

18.31 whether the incident was officer generated or

18.32 in response to a request for service.

- 19.1 The base for this activity is \$6,000,000 in
19.2 fiscal years 2020, 2021, 2022, and 2023 and
19.3 \$0 in fiscal year 2024 and thereafter.
- 19.4 (b) The superintendent of the Bureau of
19.5 Criminal Apprehension may grant up to one
19.6 additional year for an agency to become
19.7 substantially compliant with NIBRS if the
19.8 agency establishes good cause for delayed
19.9 compliance.
- 19.10 (c) The superintendent of the Bureau of
19.11 Criminal Apprehension shall modify the
19.12 Supplemental Reporting System on the agency
19.13 submissions page to provide fields for
19.14 agencies to report the data required under
19.15 paragraph (a), clause (3).
- 19.16 **Subd. 5. De-escalation Training**
- 19.17 \$100,000 each year is for training state and
19.18 local community safety personnel in the use
19.19 of crisis de-escalation techniques. When
19.20 selecting a service provider for this training,
19.21 the board may consult with any postsecondary
19.22 institution, any state or local government
19.23 official, or any nongovernment authority the
19.24 board determines to be relevant. Among any
19.25 other criteria the board may establish, the
19.26 training provider must have a demonstrated
19.27 understanding of the transitions and challenges
19.28 that veterans may experience during their
19.29 re-entry into society following combat service.
- 19.30 The board must ensure that training
19.31 opportunities provided are reasonably
19.32 distributed statewide.

- 21.1 \$4,000,000 each year is for staffing
21.2 recruitment and retention.
- 21.3 **(e) Offender Health Care**
- 21.4 \$2,072,000 the first year and \$3,272,000 the
21.5 second year are to maintain full funding of the
21.6 offender health care contract.
- 21.7 **(f) Security**
- 21.8 \$5,700,000 the first year and \$5,600,000 the
21.9 second year are to upgrade critical security
21.10 infrastructure and modernize critical security
21.11 systems. Of the second year amount,
21.12 \$3,600,000 is onetime funding.
- 21.13 **(g) Safety and Security Staff**
- 21.14 \$891,000 the first year and \$1,426,000 the
21.15 second year are to add full-time equivalent
21.16 positions deemed critical to facility safety and
21.17 security.
- 21.18 **(h) Office of Ombudsman for Corrections**
- 21.19 \$900,000 each year is to reestablish and
21.20 operate the Office of Ombudsman for
21.21 Corrections.
- 21.22 **(i) Restrictive Housing Reform**
- 21.23 \$844,000 the first year and \$1,688,000 the
21.24 second year are to implement restrictive
21.25 housing reforms that will reduce the risk of
21.26 future misconduct and comply with federal
21.27 guidelines and accreditation standards.
- 21.28 **(j) Offender Medical Services**
- 21.29 \$879,000 the first year and \$2,160,000 the
21.30 second year are to expand and improve
21.31 offender medical services.
- 21.32 **(k) Juvenile Correction Management**

22.1 \$544,000 the first year and \$206,000 the
22.2 second year are to replace the Juvenile
22.3 Correctional Management System. These are
22.4 onetime appropriations.

22.5 **(l) Opioid Treatment**

22.6 To the extent of available funding, up to
22.7 \$965,000 each year are from the opioid
22.8 stewardship fund to expand access to opioid
22.9 treatment and services for offenders, including
22.10 those who are being released to the
22.11 community.

22.12 **Subd. 3. Community Services** 141,145,000 146,459,000

22.13 **(a) Base Adjustment**

22.14 To account for the base adjustments provided
22.15 in Laws 2018, chapter 211, article 21, section
22.16 1, paragraph (a), the base is increased by
22.17 \$168,000 in fiscal year 2022 and \$168,000 in
22.18 fiscal year 2023.

22.19 **(b) Pretrial Services and Supervision**

22.20 \$617,000 the first year and \$1,234,000 the
22.21 second year are to provide pretrial services
22.22 and pretrial supervision to offenders.

22.23 **(c) Community Corrections Act Subsidy**

22.24 \$1,044,000 the first year and \$2,088,000 the
22.25 second year are added to the Community
22.26 Corrections Act subsidy, as described in
22.27 Minnesota Statutes, section 401.14, to provide
22.28 pretrial services and pretrial supervision to
22.29 offenders.

22.30 \$1,588,000 the first year and \$3,176,000 the
22.31 second year are added to the Community
22.32 Corrections Act subsidy, as described in
22.33 Minnesota Statutes, section 401.14, to provide

- 23.1 intensive supervised release to offenders in
23.2 the community.
- 23.3 **(d) County Probation Officers**
- 23.4 \$64,000 the first year and \$128,000 the second
23.5 year are for county probation officers
23.6 reimbursement as described in Minnesota
23.7 Statutes, section 244.19, subdivision 6, to
23.8 provide pretrial services and pretrial
23.9 supervision to offenders.
- 23.10 **(e) Intensive Supervision Agents**
- 23.11 \$912,000 the first year and \$1,824,000 the
23.12 second year are to increase the number of
23.13 supervision agents for offenders on intensive
23.14 supervised release through the Department of
23.15 Corrections.
- 23.16 **(f) Integrated Offender Case Management**
23.17 **Services**
- 23.18 \$321,000 the first year and \$831,000 the
23.19 second year are to expand and improve
23.20 integrated offender case management services.
23.21 \$193,000 is added to the base in each of fiscal
23.22 years 2022 and 2023.
- 23.23 **(g) Victim Notification System Replacement**
- 23.24 \$300,000 the first year and \$100,000 the
23.25 second year are to complete the replacement
23.26 of the Department of Corrections' Victim
23.27 Notification System. These appropriations are
23.28 onetime.
- 23.29 **(h) High-Risk Offenders**
- 23.30 \$1,500,000 each year is to provide electronic
23.31 monitoring services and transitional housing
23.32 for high-risk offenders under supervision by
23.33 the Department of Corrections.

- 24.1 **(i) Transportation Services to Children of**
24.2 **Incarcerated Parents**
- 24.3 \$150,000 each year is for grants to nonprofit
24.4 organizations to provide transportation
24.5 services to children of incarcerated parents at
24.6 up to three correctional facilities.
- 24.7 **(j) Culturally Specific Reintegration**
24.8 **Services for Adult American Indian**
24.9 **Offenders**
- 24.10 \$425,000 each year is for grants to
24.11 community-based providers to deliver
24.12 culturally specific reintegration services for
24.13 adult American Indian offenders.
- 24.14 **(k) Parenting Skills**
- 24.15 \$425,000 each year is to improve parenting
24.16 skills at four correctional facilities.
- 24.17 **(l) Juvenile Justice Reform**
- 24.18 (1) \$280,000 each year is to provide juvenile
24.19 justice services and resources to Minnesota
24.20 counties.
- 24.21 (2) \$220,000 each year is for grants to local
24.22 agencies to establish juvenile detention
24.23 alternatives.
- 24.24 **(m) Alternatives to Incarceration**
- 24.25 \$240,000 each year is for grants to counties
24.26 that are not metropolitan counties as defined
24.27 in Minnesota Statutes, section 473.121,
24.28 subdivision 4, to facilitate access to
24.29 community treatment options under the
24.30 alternatives to incarceration program. These
24.31 appropriations are onetime.
- 24.32 **(n) Mental Health Community Supervision**

25.1 \$400,000 each year is to award grants to two
25.2 or more counties for establishment of a mental
25.3 health community supervision caseload pilot
25.4 project. These appropriations are onetime.

25.5 **(o) Exit from Supervised Release**

25.6 \$200,000 each year is for grants to government
25.7 agencies that supervise offenders placed on
25.8 probation to be used to connect offenders with
25.9 community treatment options including, but
25.10 not limited to, inpatient chemical dependency
25.11 treatment for the purpose of addressing and
25.12 correcting behavior that is, or is likely to result
25.13 in, a violation of the terms and conditions of
25.14 probation. Each fiscal year, these funds are
25.15 available only to entities outside the
25.16 seven-county metropolitan area until March
25.17 15. After March 15, entities inside the
25.18 seven-county metropolitan area also may apply
25.19 for grants. These appropriations are onetime.

25.20 **Subd. 4. Operations Support** 31,958,000 33,459,000

25.21 **(a) Base Adjustment**

25.22 To account for the base adjustments provided
25.23 in Laws 2018, chapter 211, article 21, section
25.24 1, paragraph (a), the base is increased by
25.25 \$64,000 in fiscal year 2022 and \$64,000 in
25.26 fiscal year 2023.

25.27 **(b) Critical Technology Needs**

25.28 \$3,100,000 the first year and \$4,300,000 the
25.29 second year are to support critical technology
25.30 needs.

25.31 **(c) Staff Recruiting**

27.1 \$250,000 each year is for grants to local law
27.2 enforcement agencies to develop strategies
27.3 and make efforts to combat the recruitment of
27.4 Minnesota residents by terrorist organizations
27.5 such as ISIS and al-Shabaab. This is a onetime
27.6 appropriation.

27.7 **(c) Sex Trafficking Prevention Grants**

27.8 \$180,000 each year is for grants to state and
27.9 local units of government for the following
27.10 purposes:

27.11 (1) to support new or existing
27.12 multijurisdictional entities to investigate sex
27.13 trafficking crimes; and

27.14 (2) to provide technical assistance, including
27.15 training and case consultation, to law
27.16 enforcement agencies statewide.

27.17 **(d) Pathway to Policing Reimbursement Grants**

27.18 \$400,000 the second year is for reimbursement
27.19 grants to local units of government that operate
27.20 pathway to policing programs intended to
27.21 bring persons with nontraditional backgrounds
27.22 into law enforcement. Applicants for
27.23 reimbursement grants may receive up to 50
27.24 percent of the cost of compensating and
27.25 training pathway to policing participants.

27.26 Reimbursement grants shall be proportionally
27.27 allocated based on the number of grant
27.28 applications approved by the commissioner.

27.29 This is a onetime appropriation.

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

28.1 Sec. 11. **TRANSFER.**

28.2 \$453,000 in fiscal year 2020 and \$474,000 in fiscal year 2021 and annually thereafter
28.3 are appropriated to the commissioner of management and budget for transfer to the driver
28.4 services account in the special revenue fund.

28.5 **ARTICLE 2**

28.6 **PUBLIC SAFETY**

28.7 Section 1. Minnesota Statutes 2018, section 13.6905, is amended by adding a subdivision
28.8 to read:

28.9 Subd. 36. **Direct wine shipments.** Data obtained and shared by the commissioner of
28.10 public safety relating to direct shipments of wine are governed by sections 340A.550 and
28.11 340A.555.

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

28.13 Sec. 2. Minnesota Statutes 2018, section 201.014, is amended by adding a subdivision to
28.14 read:

28.15 Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual convicted
28.16 of a felony has the civil right to vote restored when the individual completes any incarceration
28.17 imposed and executed by the court for the offense, or upon sentencing if no incarceration
28.18 is imposed. If the individual is later incarcerated for the same offense, the individual's civil
28.19 right to vote is lost only during the period of incarceration.

28.20 Sec. 3. Minnesota Statutes 2018, section 201.071, subdivision 1, is amended to read:

28.21 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
28.22 contain the same information unless otherwise provided by law. A voter registration
28.23 application must contain spaces for the following required information: voter's first name,
28.24 middle name, and last name; voter's previous name, if any; voter's current address; voter's
28.25 previous address, if any; voter's date of birth; voter's municipality and county of residence;
28.26 voter's telephone number, if provided by the voter; date of registration; current and valid
28.27 Minnesota driver's license number or Minnesota state identification number, or if the voter
28.28 has no current and valid Minnesota driver's license or Minnesota state identification, the
28.29 last four digits of the voter's Social Security number; and voter's signature. The paper
28.30 registration application may include the voter's e-mail address, if provided by the voter. The
28.31 electronic voter registration application must include the voter's e-mail address. The

29.1 registration application may include the voter's interest in serving as an election judge, if
29.2 indicated by the voter. The application must also contain the following certification of voter
29.3 eligibility:

29.4 "I certify that I:

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

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

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

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

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

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

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

29.15 (8) have read and understand the following statement: that giving false information is a
29.16 felony punishable by not more than five years imprisonment or a fine of not more than
29.17 \$10,000, or both."

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

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

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

29.21 And the instruction:

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

29.23 The form of the voter registration application and the certification of voter eligibility
29.24 must be as provided in this subdivision and approved by the secretary of state. Voter
29.25 registration forms authorized by the National Voter Registration Act must also be accepted
29.26 as valid. The federal postcard application form must also be accepted as valid if it is not
29.27 deficient and the voter is eligible to register in Minnesota.

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

30.1 Sec. 4. **[201.276] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT**
30.2 **VOTING RIGHTS.**

30.3 The secretary of state shall develop accurate and complete information in a single
30.4 publication about the voting rights of people who have been charged with or convicted of
30.5 a crime. This publication must be made available electronically to the state court administrator
30.6 for distribution to judges, court personnel, probation officers, and the commissioner of
30.7 corrections for distribution to corrections officials, parole and supervised release agents,
30.8 and the public.

30.9 Sec. 5. Minnesota Statutes 2018, section 204C.10, is amended to read:

30.10 **204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE;**
30.11 **VOTER RECEIPT.**

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

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

30.15 (2) is a citizen of the United States;

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

30.17 (4) maintains residence at the address shown;

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

30.20 (6) has not been found by a court of law to be legally incompetent to vote;

30.21 (7) has the right to vote because, if the individual was convicted of a felony, ~~the felony~~
30.22 ~~sentence has expired or been completed or the individual has been discharged from the~~
30.23 ~~sentence,~~ completed the term of incarceration, if any, for the felony offense;

30.24 (8) is registered; and

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

30.26 The roster must also state: "I understand that deliberately providing false information
30.27 is a felony punishable by not more than five years imprisonment and a fine of not more than
30.28 \$10,000, or both."

30.29 (b) At the presidential nomination primary, the polling place roster must also state: "I
30.30 am in general agreement with the principles of the party for whose candidate I intend to
30.31 vote, and I understand that my choice of a party's ballot will be public information." This

31.1 statement must appear separately from the statements required in paragraph (a). The felony
31.2 penalty provided for in paragraph (a) does not apply to this paragraph.

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

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

31.10 (e) Whenever a challenged status appears on the polling place roster, an election judge
31.11 must ensure that the challenge is concealed or hidden from the view of any voter other than
31.12 the voter whose status is challenged.

31.13 Sec. 6. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

31.14 **Subdivision 1. Correctional facilities; designation of official.** The chief executive
31.15 officer of each state and local correctional facility shall designate an official within the
31.16 facility to provide the notice and application required under this section to persons to whom
31.17 the civil right to vote is restored by reason of the persons' release from actual incarceration.
31.18 The official shall maintain an adequate supply of voter registration applications and
31.19 informational materials for this purpose.

31.20 **Subd. 2. Notice requirement.** A notice of restoration of the civil right to vote and a
31.21 voter registration application must be provided as follows:

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

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

31.27 **Subd. 3. Form of notice.** The notice required by subdivision 2 must appear substantially
31.28 as follows:

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

31.30 Your receipt of this notice today means that your right to vote in Minnesota has been
31.31 restored. Before you can vote on election day, you still need to register to vote. To register,
31.32 you may complete a voter registration application and return it to the Office of the Minnesota

32.1 Secretary of State. You may also register to vote in your polling place on election day. You
32.2 will not be permitted to cast a ballot until you register to vote. The first time you appear at
32.3 your polling place to cast a ballot, you may be required to provide proof of your current
32.4 residence."

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

32.7 Sec. 7. Minnesota Statutes 2018, section 299A.55, subdivision 2, is amended to read:

32.8 Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety
32.9 account is created in the special revenue fund. The account consists of funds collected under
32.10 subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

32.11 (b) ~~\$104,000~~ \$250,000 is annually appropriated from the railroad and pipeline safety
32.12 account to the commissioner of the Pollution Control Agency for environmental protection
32.13 activities related to railroad discharge preparedness under chapter 115E.

32.14 ~~(e) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from~~
32.15 ~~the railroad and pipeline safety account to the commissioner of transportation for improving~~
32.16 ~~safety at railroad grade crossings.~~

32.17 ~~(d)~~ (c) Following the appropriation in ~~paragraphs~~ paragraph (b) ~~and (e)~~, the remaining
32.18 money in the account is annually appropriated to the commissioner of public safety for the
32.19 purposes specified in subdivision 3.

32.20 Sec. 8. Minnesota Statutes 2018, section 299A.55, subdivision 4, is amended to read:

32.21 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
32.22 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
32.23 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
32.24 and pipeline safety account under subdivision 2.

32.25 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
32.26 divided in equal proportion between applicable rail carriers based on route miles operated
32.27 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
32.28 assessment amount, divided in equal proportion between companies based on the yearly
32.29 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

32.30 ~~(e) The assessments under this subdivision expire July 1, 2017.~~

33.1 Sec. 9. Minnesota Statutes 2018, section 299A.706, is amended to read:

33.2 **299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.**

33.3 An alcohol enforcement account is created in the special revenue fund, consisting of
33.4 money credited to the account by law. Money in the account may be appropriated by law
33.5 for (1) costs of the Alcohol and Gambling Division related to administration and enforcement
33.6 of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; ~~and~~ 340A.504, subdivision
33.7 7; and 340A.550, subdivisions 2, 4, 5, and 6; and (2) costs of the State Patrol.

33.8 **EFFECTIVE DATE.** This section is effective July 1, 2019.

33.9 Sec. 10. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision
33.10 to read:

33.11 Subd. 6. **Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner
33.12 of management and budget shall transfer \$461,000 from the general fund to the community
33.13 justice reinvestment account.

33.14 Sec. 11. **[299A.783] STATEWIDE SEX TRAFFICKING INVESTIGATION**
33.15 **COORDINATOR.**

33.16 Subdivision 1. **Sex trafficking investigation coordinator.** The commissioner of public
33.17 safety must appoint a statewide sex trafficking investigation coordinator who shall work in
33.18 the Office of Justice Programs. The coordinator must be a current or former law enforcement
33.19 officer or prosecutor with experience investigating or prosecuting trafficking-related offenses.
33.20 The coordinator must also have knowledge of services available to victims of sex trafficking
33.21 and Minnesota's child protection system. The coordinator serves at the pleasure of the
33.22 commissioner in the unclassified service.

33.23 Subd. 2. **Coordinator's responsibilities.** The coordinator shall have the following duties:

33.24 (1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,
33.25 courts, child protection workers, social service providers, medical providers, and other
33.26 community members;

33.27 (2) establish standards for approved training and review compliance with those standards;

33.28 (3) coordinate and monitor multijurisdictional sex trafficking task forces;

33.29 (4) review, develop, promote, and monitor compliance with investigative protocols to
33.30 assure that law enforcement officers and prosecutors engage in best practices;

34.1 (5) provide technical assistance and advice related to the investigation and prosecution
34.2 of trafficking offenses and the treatment of victims;

34.3 (6) promote the efficient use of resources by addressing issues of deconfliction, providing
34.4 advice regarding questions of jurisdiction, and promoting the sharing of data between entities
34.5 investigating and prosecuting trafficking offenses;

34.6 (7) assist in the appropriate distribution of grants; and

34.7 (8) perform other duties necessary to ensure effective and efficient investigation and
34.8 prosecution of trafficking-related offenses.

34.9 **EFFECTIVE DATE.** This section is effective July 1, 2019.

34.10 Sec. 12. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

34.11 Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network
34.12 shall be used exclusively by:

34.13 (1) criminal justice agencies in connection with the performance of duties required by
34.14 law;

34.15 (2) agencies investigating federal security clearances of individuals for assignment or
34.16 retention in federal employment with duties related to national security, as required by
34.17 United States Code, title 5, section 9101;

34.18 (3) other agencies to the extent necessary to provide for protection of the public or
34.19 property in a declared emergency or disaster situation;

34.20 (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct
34.21 checks into state databases prior to disbursing licenses or providing benefits;

34.22 (5) the public authority responsible for child support enforcement in connection with
34.23 the performance of its duties;

34.24 (6) the public defender, as provided in section 611.272;

34.25 (7) a county attorney or the attorney general, as the county attorney's designee, for the
34.26 purpose of determining whether a petition for the civil commitment of a proposed patient
34.27 as a sexual psychopathic personality or as a sexually dangerous person should be filed, and
34.28 during the pendency of the commitment proceedings;

34.29 (8) an agency of the state or a political subdivision whose access to systems or services
34.30 provided from or through the bureau is specifically authorized by federal law or regulation
34.31 or state statute; and

35.1 (9) a court for access to data as authorized by federal law or regulation or state statute
35.2 and related to the disposition of a pending case.

35.3 (b) The commissioner of public safety shall establish a monthly network access charge
35.4 to be paid by each participating criminal justice agency. The network access charge shall
35.5 be a standard fee established for each terminal, computer, or other equipment directly
35.6 addressable by the data communications network, as follows: January 1, 1984 to December
35.7 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per
35.8 month.

35.9 (c) The commissioner of public safety is authorized to arrange for the connection of the
35.10 data communications network with the criminal justice information system of the federal
35.11 government, any state, or country for the secure exchange of information for any of the
35.12 purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

35.13 (d) Prior to establishing a secure connection, a criminal justice agency that is not part
35.14 of the Minnesota judicial branch must:

35.15 (1) agree to comply with all applicable policies governing access to, submission of or
35.16 use of the data and Minnesota law governing the classification of the data;

35.17 (2) meet the bureau's security requirements;

35.18 (3) agree to pay any required fees; and

35.19 (4) conduct fingerprint-based state and national background checks on its employees
35.20 and contractors as required by the Federal Bureau of Investigation.

35.21 (e) Prior to establishing a secure connection, a criminal justice agency that is part of the
35.22 Minnesota judicial branch must:

35.23 (1) agree to comply with all applicable policies governing access to, submission of or
35.24 use of the data and Minnesota law governing the classification of the data to the extent
35.25 applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated
35.26 by the Minnesota Supreme Court;

35.27 (2) meet the bureau's security requirements;

35.28 (3) agree to pay any required fees; and

35.29 (4) conduct fingerprint-based state and national background checks on its employees
35.30 and contractors as required by the Federal Bureau of Investigation.

35.31 (f) Prior to establishing a secure connection, a noncriminal justice agency must:

36.1 (1) agree to comply with all applicable policies governing access to, submission of or
36.2 use of the data and Minnesota law governing the classification of the data;

36.3 (2) meet the bureau's security requirements;

36.4 (3) agree to pay any required fees; and

36.5 (4) conduct fingerprint-based state and national background checks on its employees
36.6 and contractors.

36.7 (g) Those noncriminal justice agencies that do not have a secure network connection
36.8 yet receive data either retrieved over the secure network by an authorized criminal justice
36.9 agency or as a result of a state or federal criminal history records check shall conduct a
36.10 background check as provided in paragraph (h) of those individuals who receive and review
36.11 the data to determine another individual's eligibility for employment, housing, a license, or
36.12 another legal right dependent on a statutorily mandated background check and on any
36.13 contractor with access to the results of a federal criminal history records check.

36.14 (h) The background check required by paragraph (f) or (g) is accomplished by submitting
36.15 a request to the superintendent of the Bureau of Criminal Apprehension that includes a
36.16 signed, written consent for the Minnesota and national criminal history records check,
36.17 fingerprints, and the required fee. The superintendent may exchange the fingerprints with
36.18 the Federal Bureau of Investigation for purposes of obtaining the individual's national
36.19 criminal history record information.

36.20 The superintendent shall return the results of the national criminal history records check to
36.21 the noncriminal justice agency to determine if the individual is qualified to have access to
36.22 state and federal criminal history record information or the secure network. An individual
36.23 is disqualified when the state and federal criminal history record information show any of
36.24 the disqualifiers that the individual will apply to the records of others.

36.25 When the individual is to have access to the secure network, the noncriminal justice agency
36.26 shall review the criminal history of each employee or contractor with the Criminal Justice
36.27 Information Services systems officer at the bureau, or the officer's designee, to determine
36.28 if the employee or contractor qualifies for access to the secure network. The Criminal Justice
36.29 Information Services systems officer or the designee shall make the access determination
36.30 based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension
36.31 policy.

37.1 Sec. 13. Minnesota Statutes 2018, section 299F.857, is amended to read:

37.2 **299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.**

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

37.10 Sec. 14. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

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

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

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

37.19 Sec. 15. Minnesota Statutes 2018, section 340A.304, is amended to read:

37.20 **340A.304 LICENSE SUSPENSION AND REVOCATION.**

37.21 The commissioner shall revoke, or suspend for up to 60 days, a license issued under
37.22 section 340A.301 ~~or~~ 340A.302, or 340A.550, or impose a fine of up to \$2,000 for each
37.23 violation, on a finding that the licensee has violated a state law or rule of the commissioner
37.24 relating to the possession, sale, transportation, or importation of alcoholic beverages. A
37.25 license revocation or suspension under this section is a contested case under sections 14.57
37.26 to 14.69 of the Administrative Procedure Act.

37.27 **EFFECTIVE DATE.** This section is effective July 1, 2019.

38.1 Sec. 16. Minnesota Statutes 2018, section 340A.417, is amended to read:

38.2 **340A.417 SHIPMENTS INTO MINNESOTA.**

38.3 (a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter
38.4 except for section 340A.550, a winery licensed in a state other than Minnesota, or a winery
38.5 located in Minnesota, may ship, for personal use and not for resale, not more than ~~two cases~~
38.6 12 cases of wine, containing a maximum of nine liters per case, in any calendar year to any
38.7 resident of Minnesota age 21 or over. ~~Delivery of a shipment under this section may not be~~
38.8 ~~deemed a sale in this state.~~

38.9 (b) The shipping container of any wine sent under this section must be clearly marked
38.10 "Alcoholic Beverages: adult signature (over 21 years of age) required."

38.11 (c) It is not the intent of this section to impair the distribution of wine through distributors
38.12 or importing distributors, but only to permit shipments of wine for personal use.

38.13 (d) Except for a violation of section 295.75 or chapters 297A and 297G, no criminal
38.14 penalty may be imposed on a person for a violation of this section or section 340A.550
38.15 other than a violation described in paragraph (e) or (f). Whenever it appears to the
38.16 commissioner that any person has engaged in any act or practice constituting a violation of
38.17 this section, or section 340A.550 and the violation is not within two years of any previous
38.18 violation of this section, the commissioner shall issue and cause to be served upon the person
38.19 an order requiring the person to cease and desist from violating this section. The order must
38.20 give reasonable notice of the rights of the person to request a hearing and must state the
38.21 reason for the entry of the order. Unless otherwise agreed between the parties, a hearing
38.22 shall be held not later than ~~seven~~ 20 days after the request for the hearing is received by the
38.23 commissioner after which and within 20 days after the receipt of the administrative law
38.24 judge's report and subsequent exceptions and argument, the commissioner shall issue an
38.25 order vacating the cease and desist order, modifying it, or making it permanent as the facts
38.26 require. If no hearing is requested within 30 days of the service of the order, the order
38.27 becomes final and remains in effect until modified or vacated by the commissioner. All
38.28 hearings shall be conducted in accordance with the provisions of chapter 14. If the person
38.29 to whom a cease and desist order is issued fails to appear at the hearing after being duly
38.30 notified, the person shall be deemed in default, and the proceeding may be determined
38.31 against the person upon consideration of the cease and desist order, the allegations of which
38.32 may be deemed to be true.

39.1 (e) Any person who violates this section or section 340A.550 within two years of a
39.2 violation for which a cease and desist order was issued under paragraph (d), is guilty of a
39.3 misdemeanor.

39.4 (f) Any person who commits a third or subsequent violation of this section or section
39.5 340A.550 within any subsequent two-year period is guilty of a gross misdemeanor.

39.6 **EFFECTIVE DATE.** This section is effective July 1, 2019.

39.7 Sec. 17. **[340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION,**
39.8 **AND RESTRICTIONS.**

39.9 **Subdivision 1. Definitions.** (a) "Direct ship purchaser" means a person who purchases
39.10 wine for personal use and not for resale from a winery located in a state other than Minnesota
39.11 for delivery to a Minnesota address.

39.12 (b) "Direct ship winery" means a winery licensed in a state other than Minnesota that
39.13 manufactures and makes a retail sale of wine and ships the wine to a direct ship purchaser
39.14 as authorized under section 340A.417.

39.15 **Subd. 2. License requirements.** (a) A direct ship winery must apply to the commissioner
39.16 for a direct ship license. The commissioner must not issue a license under this section unless
39.17 the applicant:

39.18 (1) is a licensed winery in a state other than Minnesota and provides a copy of its current
39.19 license in any state in which it is licensed to manufacture wine;

39.20 (2) provides a shipping address list, including all addresses from which it intends to ship
39.21 wine;

39.22 (3) agrees to comply with the requirements of subdivision 4; and

39.23 (4) consents to the jurisdiction of the Departments of Public Safety and Revenue, the
39.24 courts of this state, and any statute, law, or rule in this state related to the administration or
39.25 enforcement of this section, including any provision authorizing the commissioners of public
39.26 safety and revenue to audit a direct ship winery for compliance with this and any related
39.27 section.

39.28 (b) A direct ship winery obtaining a license under this section must annually renew its
39.29 license by January 1 of each year and must inform the commissioner at the time of renewal
39.30 of any changes to the information previously provided in paragraph (a).

40.1 (c) The application fee for a license is \$170. The fee for a license renewal is \$170. The
40.2 commissioner must deposit all fees received under this subdivision in the alcohol enforcement
40.3 account in the special revenue fund established under section 299A.706.

40.4 Subd. 3. **Direct ship wineries; restrictions.** (a) A direct ship winery may only ship
40.5 wine from an address provided to the commissioner as required in subdivision 2, paragraph
40.6 (a), clause (2), or through a third-party provider whose name and address the licensee
40.7 provided to the commissioner in its application for a license.

40.8 (b) A direct ship winery or its third-party provider may only ship wine from the direct
40.9 ship winery's own production.

40.10 Subd. 4. **Taxation.** A direct ship winery must:

40.11 (1) collect and remit the liquor gross receipts tax as required in section 295.75;

40.12 (2) apply for a permit as required in section 297A.83 and collect and remit the sales and
40.13 use tax imposed as required in chapter 297A;

40.14 (3) remit the tax as required in chapter 297G; and

40.15 (4) provide a statement to the commissioner, on a form prescribed by the commissioner,
40.16 detailing each shipment of wine made to a resident of this state and any other information
40.17 required by the commissioner.

40.18 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,
40.19 created, or maintained by the commissioner as required under this section are classified as
40.20 private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9
40.21 and 12.

40.22 (b) The commissioner must share data classified as private or nonpublic under this
40.23 section with the commissioner of revenue for purposes of administering section 295.75 and
40.24 chapters 289A, 297A, and 297G.

40.25 Subd. 6. **Enforcement; penalties.** Section 340A.417, paragraphs (d) to (f), apply to this
40.26 section.

40.27 **EFFECTIVE DATE.** This section is effective July 1, 2019.

40.28 Sec. 18. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT**
40.29 **SHIPMENTS OF WINE.**

40.30 Subdivision 1. **Monthly report required.** Each common carrier that contracts with a
40.31 winery under section 340A.417 for delivery of wine into this state must file with the

41.1 commissioner a monthly report of known wine shipments made by the carrier. The report
41.2 must be made in a form and manner as prescribed by the commissioner and must contain:

41.3 (1) the name of the common carrier making the report;

41.4 (2) the period of time covered by the report;

41.5 (3) the name and business address of the consignor;

41.6 (4) the name and address of the consignee;

41.7 (5) the weight of the package delivered to the consignee;

41.8 (6) a unique tracking number; and

41.9 (7) the date of delivery.

41.10 Subd. 2. **Record availability and retention.** Upon written request by the commissioner,
41.11 any records supporting the report in subdivision 1 must be made available to the
41.12 commissioner within 30 days of the request. Any records containing information relating
41.13 to a required report must be retained and preserved for a period of two years, unless
41.14 destruction of the records prior to the end of the two-year period is authorized in writing
41.15 by the commissioner. All retained records must be open and available for inspection by the
41.16 commissioner upon written request. The commissioner must make the required reports
41.17 available to any law enforcement agency or regulatory body of any local government in
41.18 this state in which the common carrier making the report resides or does business.

41.19 Subd. 3. **Penalty.** If a common carrier willfully violates the requirement to report a
41.20 delivery as required under this section or violates any rule related to the administration and
41.21 enforcement of this section, the commissioner must notify the common carrier in writing
41.22 of the violation. The commissioner may impose a fine in an amount not to exceed \$500 for
41.23 each subsequent violation.

41.24 Subd. 4. **Exemptions.** This section does not apply to common carriers regulated as
41.25 provided by United States Code, title 49, section 10101, et. seq., or to rail
41.26 trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal
41.27 Regulations, title 49, section 1090.1, or highway TOFC/COFC service provided by a rail
41.28 carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight
41.29 transportation, including, without limitation, any other TOFC/COFC transportation as
41.30 defined under federal law.

41.31 Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected,
41.32 created, or maintained by the commissioner as required under subdivision 1, clauses (4) to

42.1 (6), are classified as private data on individuals or nonpublic data, as defined in section
42.2 13.02, subdivisions 9 and 12.

42.3 (b) The commissioner must share data classified as private or nonpublic under this
42.4 section with the commissioner of revenue for purposes of administering section 295.75 and
42.5 chapters 289A, 297A, and 297G.

42.6 **EFFECTIVE DATE.** This section is effective July 1, 2019.

42.7 Sec. 19. Minnesota Statutes 2018, section 403.02, is amended by adding a subdivision to
42.8 read:

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

42.14 Sec. 20. Minnesota Statutes 2018, section 403.03, is amended to read:

42.15 **403.03 911 SERVICES TO BE PROVIDED.**

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

42.21 Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) On or before July
42.22 1, 2021, every public safety answering point must maintain a telephone cardiopulmonary
42.23 resuscitation program by either:

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

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

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

42.29 (1) use of an evidence-based protocol or script for providing cardiopulmonary
42.30 resuscitation instruction that has been recommended by an academic institution or a nationally

43.1 recognized organization specializing in medical dispatch and, if the public safety answering
43.2 point has a medical director, approved by that medical director; and

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

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

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

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

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

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

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

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

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

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

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

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

44.4 (4) determining when to transfer a caller to another public safety answering point with
44.5 911 telecommunicators that have received training in cardiopulmonary resuscitation.

44.6 **EFFECTIVE DATE.** This section is effective July 1, 2019.

44.7 Sec. 21. Minnesota Statutes 2018, section 609.165, subdivision 1, is amended to read:

44.8 Subdivision 1. **Restoration.** ~~When~~ Except as provided in section 201.014, subdivision
44.9 2a, when a person has been deprived of civil rights by reason of conviction of a crime and
44.10 is thereafter discharged, such discharge shall restore the person to all civil rights and to full
44.11 citizenship, ~~with full right to vote and hold office,~~ the same as if such conviction had not
44.12 taken place, and the order of discharge shall so provide.

44.13 Sec. 22. Minnesota Statutes 2018, section 609.582, subdivision 3, is amended to read:

44.14 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,
44.15 whoever enters a building without consent and with intent to steal or commit any felony or
44.16 gross misdemeanor while in the building, or enters a building without consent and steals or
44.17 commits a felony or gross misdemeanor while in the building, either directly or as an
44.18 accomplice, commits burglary in the third degree and may be sentenced to imprisonment
44.19 for not more than five years or to payment of a fine of not more than \$10,000, or both.

44.20 (b) Whoever enters a building while it is open to the public, other than a building
44.21 identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters
44.22 a building while it is open to the public, other than a building identified in subdivision 2,
44.23 paragraph (b), and steals while in the building, either directly or as an accomplice, commits
44.24 burglary in the third degree and may be sentenced to imprisonment for not more than five
44.25 years or to payment of a fine of not more than \$10,000, or both, if:

44.26 (1) the person enters the building within one year after being served with a valid civil
44.27 trespass notice instructing the person to leave the building and not return; and

44.28 (2) the person has been convicted within the preceding five years for an offense under
44.29 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.53, 609.625, 609.63,
44.30 609.631, or 609.821, or a statute from another state, the United States, or a foreign
44.31 jurisdiction, in conformity with any of those sections, and the person received a felony

45.1 sentence for the offense, or a sentence that was stayed under section 609.135 if the offense
45.2 to which a plea was entered would allow imposition of a felony sentence.

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

45.5 Sec. 23. Minnesota Statutes 2018, section 609.582, subdivision 4, is amended to read:

45.6 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent
45.7 and with intent to commit a misdemeanor other than to steal, or enters a building without
45.8 consent and commits a misdemeanor other than to steal while in the building, either directly
45.9 or as an accomplice, commits burglary in the fourth degree and may be sentenced to
45.10 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,
45.11 or both.

45.12 (b) Whoever enters a building while it is open to the public, other than a building
45.13 identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters
45.14 a building while it is open to the public, other than a building identified in subdivision 2,
45.15 paragraph (b), and steals while in the building, either directly or as an accomplice, commits
45.16 burglary in the fourth degree and may be sentenced to imprisonment for not more than one
45.17 year or to payment of a fine of not more than \$3,000, or both if the person enters the building
45.18 within one year after being served with a valid civil trespass notice instructing the person
45.19 to leave the building and not return.

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

45.22 Sec. 24. Minnesota Statutes 2018, section 609.749, subdivision 1, is amended to read:

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

45.28 Sec. 25. Minnesota Statutes 2018, section 609.749, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

46.21 Sec. 26. Minnesota Statutes 2018, section 609.749, subdivision 3, is amended to read:

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

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

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

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

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

47.6 (5) commits any offense described in subdivision 2 against a victim under the age of
47.7 18, if the actor is more than 36 months older than the victim.

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

47.13 Sec. 27. Minnesota Statutes 2018, section 609.749, subdivision 5, is amended to read:

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

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

47.24 (1) this section;

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

47.27 (3) section 609.713 (terroristic threats);

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

47.29 (5) section 609.2242 (domestic assault);

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

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

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

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

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

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

48.6 (12) section 609.582 (burglary);

48.7 (13) section 609.595 (damage to property);

48.8 (14) section 609.765 (criminal defamation);

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

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

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

48.14 Sec. 28. Minnesota Statutes 2018, section 609.749, subdivision 8, is amended to read:

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

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

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

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

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

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

50.19 (g) When a person is convicted of a harassment or stalking crime under this section, the
 50.20 court shall determine by a preponderance of the evidence if the person poses an imminent
 50.21 risk of causing another person substantial bodily harm. Upon a finding of imminent risk,
 50.22 the court shall order that the local law enforcement agency take immediate possession of
 50.23 all firearms in the person's possession. The local law enforcement agency shall exercise due
 50.24 care to preserve the quality and function of the defendant's firearms and shall return the
 50.25 firearms to the person upon request after the expiration of the prohibiting time period,
 50.26 provided the person is not otherwise prohibited from possessing firearms under state or
 50.27 federal law. The local law enforcement agency shall, upon written notice from the person,
 50.28 transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully
 50.29 receive them. Before a local law enforcement agency transfers a firearm under this paragraph,
 50.30 the agency shall require the third party or federally licensed firearms dealer receiving the
 50.31 firearm to submit an affidavit or proof of transfer that complies with the requirements for
 50.32 affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits
 50.33 or proofs of transfer received with the court within two business days of the transfer. The
 50.34 court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally
 50.35 licensed firearms dealer or third party who accepts a firearm transfer pursuant to this
 50.36 paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant.

51.1 If the law enforcement agency does not receive written notice from the defendant within
51.2 three business days, the agency may charge a reasonable fee to store the defendant's firearms.
51.3 A law enforcement agency may establish policies for disposal of abandoned firearms,
51.4 provided such policies require that the person be notified via certified mail prior to disposal
51.5 of abandoned firearms.

51.6 Sec. 29. Minnesota Statutes 2018, section 624.712, subdivision 5, is amended to read:

51.7 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
51.8 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the
51.9 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
51.10 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding
51.11 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
51.12 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);
51.13 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic
51.14 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235
51.15 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
51.16 robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation,
51.17 inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct
51.18 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
51.19 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
51.20 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
51.21 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52
51.22 (involving theft of a firearm and theft involving the theft of a controlled substance, an
51.23 explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in
51.24 the second degree); 609.582, subdivision 1 or 2 (burglary in the first and second degrees);
51.25 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating
51.26 a machine gun or short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749
51.27 (~~stalking~~) (harassment); 609.855, subdivision 5 (shooting at a public transit vehicle or
51.28 facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of
51.29 these offenses.

51.30 Sec. 30. Minnesota Statutes 2018, section 634.20, is amended to read:

51.31 **634.20 EVIDENCE OF CONDUCT.**

51.32 Evidence of domestic conduct by the accused against the victim of domestic conduct,
51.33 or against other family or household members, is admissible unless the probative value is

52.1 substantially outweighed by the danger of unfair prejudice, confusion of the issue, or
52.2 misleading the jury, or by considerations of undue delay, waste of time, or needless
52.3 presentation of cumulative evidence. "Domestic conduct" includes, but is not limited to,
52.4 evidence of domestic abuse, violation of an order for protection under section 518B.01;
52.5 violation of a harassment restraining order under section 609.748; violation of a domestic
52.6 abuse no contact order under section 629.75; or violation of section 609.749 or 609.79,
52.7 subdivision 1. "Domestic abuse" and "family or household members" have the meanings
52.8 given under section 518B.01, subdivision 2.

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

52.10 Sec. 31. **TASK FORCE ON MISSING AND MURDERED INDIGENOUS WOMEN.**

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

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

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

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

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

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

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

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

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

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

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

53.14 (3) two representatives from among the following:

53.15 (i) the Minnesota Chiefs of Police Association;

53.16 (ii) the Minnesota Sheriffs' Association;

53.17 (iii) the Bureau of Criminal Apprehension;

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

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

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

53.22 (i) the Minnesota County Attorneys Association;

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

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

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

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

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

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

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

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

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

54.8 (v) Mending the Sacred Hoop;

54.9 (vi) an Indian health organization or agency; or

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

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

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

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

54.30 Subd. 4. **Report.** The task force shall report to the chairs and ranking minority members
54.31 of the legislative committees with jurisdiction over public safety, human services, and state
54.32 government on the work of the task force, including but not limited to the issues to be
54.33 examined in subdivision 1, and shall include in the report institutional policies and practices

55.1 or proposed institutional policies and practices that are effective in reducing gender violence
55.2 and increasing the safety of indigenous women and girls. The report shall include
55.3 recommendations to reduce and end violence against indigenous women and girls and help
55.4 victims and communities heal from gender violence and violence against indigenous women
55.5 and girls. The report shall be submitted to the legislative committees by December 15, 2020.

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

55.8 **Sec. 32. INTERAGENCY OPIOID ENFORCEMENT COORDINATOR.**

55.9 The governor is encouraged to appoint an interagency opioid enforcement coordinator
55.10 to perform the following duties:

55.11 (1) coordinate the statewide response to opioid abuse;

55.12 (2) develop, coordinate, and facilitate training for law enforcement officers, prosecutors,
55.13 courts, child protection workers, social service providers, medical providers, and other
55.14 community members;

55.15 (3) promote the efficient use of resources; and

55.16 (4) consult with local government officials, representatives from other states, and federal
55.17 officials to monitor local and national trends relating to opioid abuse and responses to that
55.18 abuse.

55.19 **Sec. 33. REVISOR INSTRUCTION.**

55.20 The revisor of statutes shall make any cross-reference changes, language changes, or
55.21 both to Minnesota Statutes made necessary by section 24.

55.22 **ARTICLE 3**

55.23 **CORRECTIONS**

55.24 **Section 1.** Minnesota Statutes 2018, section 13.851, is amended by adding a subdivision
55.25 to read:

55.26 Subd. 12. **Mental health screening.** The treatment of data collected by a sheriff or local
55.27 corrections agency related to individuals who may have a mental illness is governed by
55.28 section 641.15, subdivision 3a.

56.1 Sec. 2. [13.856] OMBUDSMAN FOR CORRECTIONS; DATA.

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

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

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

56.8 (3) client index cards;

56.9 (4) case assignment data; and

56.10 (5) monthly closeout data.

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

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

56.16 (1) client name;

56.17 (2) client location; and

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

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

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

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

56.29 Executive director of Gambling Control Board;

56.30 Commissioner of Iron Range resources and rehabilitation;

57.1 Commissioner, Bureau of Mediation Services;

57.2 Ombudsman for mental health and developmental disabilities;

57.3 Ombudsman for corrections;

57.4 Chair, Metropolitan Council;

57.5 School trust lands director;

57.6 Executive director of pari-mutuel racing; and

57.7 Commissioner, Public Utilities Commission.

57.8 Sec. 4. Minnesota Statutes 2018, section 144.121, subdivision 1a, is amended to read:

57.9 Subd. 1a. **Fees for ionizing radiation-producing equipment.** (a) A facility with ionizing
57.10 radiation-producing equipment must pay an annual initial or annual renewal registration
57.11 fee consisting of a base facility fee of \$100 and an additional fee for each radiation source,
57.12 as follows:

57.13 (1) medical or veterinary equipment \$ 100

57.14 (2) dental x-ray equipment \$ 40

57.15 (3) x-ray equipment not used on \$ 100
57.16 humans or animals

57.17 (4) devices with sources of ionizing \$ 100
57.18 radiation not used on humans or
57.19 animals

57.20 (5) security screening system \$ 100

57.21 (b) A facility with radiation therapy and accelerator equipment must pay an annual
57.22 registration fee of \$500. A facility with an industrial accelerator must pay an annual
57.23 registration fee of \$150.

57.24 (c) Electron microscopy equipment is exempt from the registration fee requirements of
57.25 this section.

57.26 (d) For purposes of this section, a security screening system means radiation-producing
57.27 equipment designed and used for security screening of humans who are in the custody of a
57.28 correctional or detention facility, and used by the facility to image and identify contraband
57.29 items concealed within or on all sides of a human body. For purposes of this section, a
57.30 correctional or detention facility is a facility licensed under section 241.021 and operated
57.31 by a state agency or political subdivision charged with detection, enforcement, or
57.32 incarceration in respect to state criminal and traffic laws.

58.1 Sec. 5. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to
58.2 read:

58.3 Subd. 9. **Exemption from examination requirements; operators of security screening**
58.4 **systems.** (a) An employee of a correctional or detention facility who operates a security
58.5 screening system and the facility in which the system is being operated are exempt from
58.6 the requirements of subdivisions 5 and 6.

58.7 (b) An employee of a correctional or detention facility who operates a security screening
58.8 system and the facility in which the system is being operated must meet the requirements
58.9 of a variance to Minnesota Rules, parts 4732.0305 and 4732.0565, issued under Minnesota
58.10 Rules, parts 4717.7000 to 4717.7050. This paragraph expires on December 31 of the year
58.11 that the permanent rules adopted by the commissioner governing security screening systems
58.12 are published in the State Register.

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

58.14 Sec. 6. Minnesota Statutes 2018, section 151.37, subdivision 12, is amended to read:

58.15 Subd. 12. **Administration of opiate antagonists for drug overdose.** (a) A licensed
58.16 physician, a licensed advanced practice registered nurse authorized to prescribe drugs
58.17 pursuant to section 148.235, or a licensed physician assistant authorized to prescribe drugs
58.18 pursuant to section 147A.18 may authorize the following individuals to administer opiate
58.19 antagonists, as defined in section 604A.04, subdivision 1:

58.20 (1) an emergency medical responder registered pursuant to section 144E.27;

58.21 (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d);

58.22 **and**

58.23 (3) employees of a correctional facility; and

58.24 (4) staff of community-based health disease prevention or social service programs.

58.25 (b) For the purposes of this subdivision, opiate antagonists may be administered by one
58.26 of these individuals only if:

58.27 (1) the licensed physician, licensed physician assistant, or licensed advanced practice
58.28 registered nurse has issued a standing order to, or entered into a protocol with, the individual;
58.29 **and**

58.30 (2) the individual has training in the recognition of signs of opiate overdose and the use
58.31 of opiate antagonists as part of the emergency response to opiate overdose.

59.1 (c) Nothing in this section prohibits the possession and administration of naloxone
59.2 pursuant to section 604A.04.

59.3 Sec. 7. Minnesota Statutes 2018, section 241.01, subdivision 3a, is amended to read:

59.4 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
59.5 following powers and duties:

59.6 (a) To accept persons committed to the commissioner by the courts of this state for care,
59.7 custody, and rehabilitation.

59.8 (b) To determine the place of confinement of committed persons in a correctional facility
59.9 or other facility of the Department of Corrections and to prescribe reasonable conditions
59.10 and rules for their employment, conduct, instruction, and discipline within or outside the
59.11 facility. After July 1, 2019, the commissioner shall not allow inmates to be housed in facilities
59.12 that are not owned and operated by the state, a local unit of government, or a group of local
59.13 units of government. Inmates shall not exercise custodial functions or have authority over
59.14 other inmates.

59.15 (c) To administer the money and property of the department.

59.16 (d) To administer, maintain, and inspect all state correctional facilities.

59.17 (e) To transfer authorized positions and personnel between state correctional facilities
59.18 as necessary to properly staff facilities and programs.

59.19 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
59.20 beneficial to accomplish the purposes of this section, but not to close the Minnesota
59.21 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
59.22 legislative approval. The commissioner may place juveniles and adults at the same state
59.23 minimum security correctional facilities, if there is total separation of and no regular contact
59.24 between juveniles and adults, except contact incidental to admission, classification, and
59.25 mental and physical health care.

59.26 (g) To organize the department and employ personnel the commissioner deems necessary
59.27 to discharge the functions of the department, including a chief executive officer for each
59.28 facility under the commissioner's control who shall serve in the unclassified civil service
59.29 and may, under the provisions of section 43A.33, be removed only for cause.

59.30 (h) To define the duties of these employees and to delegate to them any of the
59.31 commissioner's powers, duties and responsibilities, subject to the commissioner's control
59.32 and the conditions the commissioner prescribes.

60.1 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
60.2 establish the priorities of the Department of Corrections. This report shall be submitted to
60.3 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
60.4 committees.

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

60.6 Sec. 8. Minnesota Statutes 2018, section 241.025, subdivision 1, is amended to read:

60.7 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
60.8 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
60.9 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
60.10 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
60.11 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
60.12 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
60.13 enforcement agency is limited to the activities related to the arrest of Department of
60.14 Corrections' discretionary and statutory released violators and Department of Corrections'
60.15 escapees. The Department of Corrections Fugitive Apprehension Unit may exercise general
60.16 law enforcement duties upon request for assistance from a law enforcement agency and
60.17 subject to availability and resources of the Department of Corrections Fugitive Apprehension
60.18 Unit.

60.19 Sec. 9. Minnesota Statutes 2018, section 241.025, subdivision 2, is amended to read:

60.20 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
60.21 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
60.22 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
60.23 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
60.24 agency of the jurisdiction in which a new crime is committed.

60.25 Sec. 10. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

60.26 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections
60.27 may make a health care decision for an inmate incarcerated in a state correctional facility
60.28 or placed in an outside facility on conditional medical release if the inmate's attending
60.29 physician determines that the inmate lacks decision-making capacity and:

60.30 (1) there is not a documented health care agent designated by the inmate or the health
60.31 care agent is not reasonably available to make the health care decision;

61.1 (2) if there is a documented health care directive, the decision is consistent with that
61.2 directive;

61.3 (3) the decision is consistent with reasonable medical practice and other applicable law;
61.4 and

61.5 (4) the medical director has made a good faith attempt to consult with the inmate's next
61.6 of kin or emergency contact person in making the decision, to the extent those persons are
61.7 reasonably available.

61.8 Sec. 11. **[241.90] OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS;**
61.9 **FUNCTION.**

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

61.19 Sec. 12. **[241.91] DEFINITION.**

61.20 For the purposes of sections 241.90 to 241.95, "administrative agency" or "agency"
61.21 means any division, official, or employee of the Department of Corrections, including the
61.22 commissioner of corrections, charged with the care and custody of inmates and any regional
61.23 or local correctional facility licensed or inspected by the commissioner of corrections,
61.24 whether public or private, established and operated for the detention and confinement of
61.25 adults or juveniles, including but not limited to programs or facilities operating under chapter
61.26 401, secure juvenile detention facilities, municipal holding facilities, juvenile temporary
61.27 holdover facilities, regional or local jails, lockups, work houses, work farms, and detention
61.28 facilities, but does not include:

61.29 (1) any court or judge;

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

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

61.32 (4) any instrumentality of the federal government;

62.1 (5) any interstate compact; or

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

62.4 **Sec. 13. [241.92] ORGANIZATION OF OFFICE OF OMBUDSMAN.**

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

62.9 Subd. 2. **Assistant ombudsman.** The ombudsman may appoint an assistant ombudsman
62.10 in the unclassified service.

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

62.14 **Sec. 14. [241.93] POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON**
62.15 **COMPLAINTS; RECOMMENDATIONS.**

62.16 Subdivision 1. **Powers.** The ombudsman may:

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

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

62.20 (3) except as otherwise provided, determine the form, frequency, and distribution of
62.21 conclusions, recommendations, and proposals; provided, however, that the governor or a
62.22 representative may, at any time the governor deems necessary, request and receive
62.23 information from the ombudsman. Neither the ombudsman nor any member of the
62.24 ombudsman's staff shall be compelled to testify or to produce evidence in any judicial or
62.25 administrative proceeding with respect to any matter involving the exercise of the
62.26 ombudsman's official duties except as may be necessary to enforce the provisions of sections
62.27 241.90 to 241.95;

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

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

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

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

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

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

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

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

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

63.25 (1) contrary to law or rule;

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

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

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

63.30 (5) inefficiently performed.

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

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

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

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

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

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

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

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

64.25 (1) consider the matter further;

64.26 (2) modify or cancel its actions;

64.27 (3) alter a ruling;

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

64.29 (5) take any other step that the ombudsman recommends to the administrative agency
64.30 involved.

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

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

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

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

65.14 **Sec. 15. [241.94] ACCESS BY OMBUDSMAN TO DATA.**

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

65.19 **Sec. 16. [241.95] PUBLICATION OF RECOMMENDATIONS; REPORTS.**

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

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

66.1 Sec. 17. Minnesota Statutes 2018, section 242.192, is amended to read:

66.2 **242.192 CHARGES TO COUNTIES.**

66.3 The commissioner shall charge counties or other appropriate jurisdictions 65 percent of
66.4 the per diem cost of confinement, excluding educational costs and nonbillable service, of
66.5 juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed
66.6 to the commissioner of corrections. This charge applies to juveniles committed to the
66.7 commissioner of corrections and juveniles admitted to the Minnesota Correctional
66.8 Facility-Red Wing under established admissions criteria. This charge applies to both counties
66.9 that participate in the Community Corrections Act and those that do not. The commissioner
66.10 shall determine the per diem cost of confinement based on projected population, pricing
66.11 incentives, and market conditions, ~~and the requirement that expense and revenue balance~~
66.12 ~~out over a period of two years.~~ All money received under this section must be deposited in
66.13 the state treasury and credited to the general fund.

66.14 Sec. 18. Minnesota Statutes 2018, section 243.48, subdivision 1, is amended to read:

66.15 Subdivision 1. **General searches.** The commissioner of corrections, the governor,
66.16 lieutenant governor, members of the legislature, ~~and state officers,~~ and the ombudsman for
66.17 corrections may visit the inmates at pleasure, but no other persons without permission of
66.18 the chief executive officer of the facility, under rules prescribed by the commissioner. A
66.19 moderate fee may be required of visitors, other than those allowed to visit at pleasure. All
66.20 fees so collected shall be reported and remitted to the commissioner of management and
66.21 budget under rules as the commissioner may deem proper, and when so remitted shall be
66.22 placed to the credit of the general fund.

66.23 Sec. 19. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

68.15 (4) disciplinary sanctions by infraction;

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

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

68.19 (b) The Department of Corrections shall submit a qualitative report detailing outcomes,
68.20 measures, and challenges to implementation of a step-down management program by April
68.21 1, 2020.

68.22 **Sec. 20. [243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

68.23 The commissioner may not contract with privately owned and operated prisons for the
68.24 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

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

68.26 **Sec. 21. [244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

68.27 Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release
68.28 Board is established to review eligible cases and make release decisions for inmates serving
68.29 indeterminate sentences under the authority of the commissioner.

68.30 (b) The board shall consist of five members as follows:

69.1 (1) four persons appointed by the governor from two recommendations of each of the
69.2 majority leaders and minority leaders of the house of representatives and the senate; and

69.3 (2) the commissioner of corrections who shall serve as chair.

69.4 (c) The members appointed from the legislative recommendations must meet the
69.5 following qualifications at a minimum:

69.6 (1) a bachelor's degree;

69.7 (2) five years of experience in corrections, a criminal justice or community corrections
69.8 field, rehabilitation programming, behavioral health, or criminal law; and

69.9 (3) demonstrated knowledge of victim issues and correctional processes.

69.10 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
69.11 terms except that the terms of the initial members of the board must be as follows:

69.12 (1) two members must be appointed for terms that expire January 1, 2022; and

69.13 (2) two members must be appointed for terms that expire January 1, 2024.

69.14 (b) A member is eligible for reappointment.

69.15 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
69.16 under subdivision 1.

69.17 (d) Member compensation and removal of members on the board shall be as provided
69.18 in section 15.0575.

69.19 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
69.20 quorum.

69.21 (b) The commissioner of corrections shall provide the board with all other personnel,
69.22 supplies, equipment, office space, and other administrative services necessary and incident
69.23 to the discharge of the functions of the board.

69.24 Subd. 4. **Majority vote.** An inmate may not be placed on supervised release unless a
69.25 majority of the board members present vote in favor of the action.

69.26 Subd. 5. **Limitation.** Nothing in this section supersedes the commissioner's authority
69.27 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
69.28 power of the Board of Pardons to grant a pardon or commutation in any case.

69.29 Subd. 6. **Report.** On or before February 15 each year, the board shall submit to the
69.30 legislative committees with jurisdiction over criminal justice policy a written report detailing
69.31 the number of inmates reviewed and identifying persons granted release in the preceding

70.1 year. The report shall also include the board's recommendations for policy modifications
70.2 that influence the board's duties.

70.3 Sec. 22. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

70.4 Subd. 5. **Supervised release, life sentence.** (a) Upon a majority vote of the board
70.5 members present, the ~~commissioner of corrections~~ board may, under rules promulgated by
70.6 the commissioner, give supervised release to an inmate serving a mandatory life sentence
70.7 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
70.8 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
70.9 served the minimum term of imprisonment specified in subdivision 4.

70.10 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
70.11 report and shall consider the findings of the report when making a supervised release decision
70.12 under this subdivision. The report shall reflect the sentiment of the various elements of the
70.13 community toward the inmate, both at the time of the offense and at the present time. The
70.14 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
70.15 personnel who may have been involved in the case, and any successors to these individuals
70.16 who may have information relevant to the supervised release decision. The report shall also
70.17 include the views of the victim and the victim's family unless the victim or the victim's
70.18 family chooses not to participate.

70.19 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
70.20 the time and place of the inmate's supervised release review hearing. The victim has a right
70.21 to submit an oral or written statement at the review hearing. The statement may summarize
70.22 the harm suffered by the victim as a result of the crime and give the victim's recommendation
70.23 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
70.24 board must consider the victim's statement when making the supervised release decision.

70.25 (d) When considering whether to give supervised release to an inmate serving a life
70.26 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,
70.27 at a minimum, the following: the risk the inmate poses to the community if released, the
70.28 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or
70.29 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
70.30 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
70.31 board may not give supervised release to the inmate unless:

70.32 (1) while in prison:

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

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

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

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

71.9 (e) As used in this subdivision:

71.10 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;
71.11 and

71.12 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
71.13 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

71.14 Sec. 23. Minnesota Statutes 2018, section 299C.091, subdivision 5, is amended to read:

71.15 Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau
71.16 shall destroy data entered into the system when three years have elapsed since the data were
71.17 entered into the system, except as otherwise provided in this subdivision. If the bureau has
71.18 information that the individual has been convicted as an adult, or has been adjudicated or
71.19 has a stayed adjudication as a juvenile for an offense that would be a crime if committed
71.20 by an adult, since entry of the data into the system, the data must be maintained until three
71.21 years have elapsed since the last record of a conviction or adjudication or stayed adjudication
71.22 of the individual, except that if the individual is committed to the custody of the
71.23 commissioner of corrections and the commissioner documents activities meeting the criminal
71.24 gang identification criteria that take place while the individual is confined in a state
71.25 correctional facility, the three-year period begins after release from incarceration. Upon
71.26 request of the law enforcement agency that submitted data to the system, the bureau shall
71.27 destroy the data regardless of whether three years have elapsed since the data were entered
71.28 into the system.

71.29 Sec. 24. Minnesota Statutes 2018, section 631.412, is amended to read:

71.30 **631.412 SAME SEX ESCORT FOR INMATES BEING TRANSFERRED.**

71.31 (a) Except as provided in paragraph (b), when a sheriff or other correctional officer has
71.32 custody of a person charged with or convicted of a crime and transfers that person more

72.1 than 100 miles, that sheriff or other correctional officer shall provide the transferee with a
72.2 custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion
72.3 exists, a suitable person to carry out this section. The expenses of the person's employment
72.4 must be paid out of county funds not otherwise appropriated.

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

72.12 **Sec. 25. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

72.13 Subdivision 1. **Placement prohibited.** After August 1, 2019, a sheriff shall not allow
72.14 inmates committed to the custody of the sheriff to be housed in facilities that are not owned
72.15 and operated by a local government or a group of local units of government.

72.16 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to
72.17 contract with privately owned and operated prisons for the care, custody, and rehabilitation
72.18 of offenders committed to the custody of the sheriff.

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

72.20 **Sec. 26. [641.061] LOCAL CORRECTIONAL OFFICERS DISCIPLINE**
72.21 **PROCEDURES.**

72.22 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this
72.23 subdivision have the meanings given them.

72.24 (b) "Correctional officer" or "officer" means a person employed in a security capacity
72.25 by a local correctional or detention facility.

72.26 (c) "Exclusive representative" means an employee organization which has been certified
72.27 by the commissioner of the Bureau of Mediation Services to meet and negotiate with an
72.28 employer on behalf of all employees in the appropriate unit.

72.29 (d) "Formal statement" means the questioning of an officer in the course of obtaining a
72.30 recorded, stenographic, or signed statement to be used as evidence in a disciplinary
72.31 proceeding against the officer.

73.1 Subd. 2. **Applicability.** This section applies to local correctional authorities.

73.2 Subd. 3. **Formal statement; procedures.** A formal statement of a correctional officer
73.3 must be taken according to subdivisions 4 to 15.

73.4 Subd. 4. **Place of formal statement.** A formal statement must be taken at a facility of
73.5 the employing or investigating agency or at a place agreed to by the investigating individual
73.6 and the investigated correctional officer and exclusive representative.

73.7 Subd. 5. **Complaint.** A correctional officer's formal statement may not be taken unless
73.8 a written complaint signed by the complainant stating the complainant's knowledge is filed
73.9 with the employing or investigating agency and the correctional officer and exclusive
73.10 representative have been given a summary of the allegations.

73.11 Subd. 6. **Witnesses; investigative reports.** Upon request, the investigating agency or
73.12 the correctional officer shall provide the other party with a list of witnesses the agency or
73.13 correctional officer expects to testify at an administrative hearing or arbitration authorized
73.14 to recommend, approve, or order discipline and the substance of the testimony. A party is
73.15 entitled to copies of any witness statements in the possession of the other party and an officer
73.16 is entitled to a copy of the investigating agency's investigative report, provided that any
73.17 references in a witness statement or investigative report that would reveal the identity of
73.18 confidential informants need not be disclosed except for good cause shown upon order of
73.19 the person presiding over the administrative hearing or arbitration.

73.20 Subd. 7. **Sessions.** Sessions at which a formal statement is taken must be of reasonable
73.21 duration and must give the correctional officer reasonable periods for rest and personal
73.22 necessities. When practicable, sessions must be held during the correctional officer's regularly
73.23 scheduled work shift. If the session is not held during the correctional officer's regularly
73.24 scheduled work shift, the correctional officer must be paid by the employing agency at the
73.25 officer's current compensation rate for time spent attending the session. Notification of a
73.26 formal statement must also be provided to the correctional officer's exclusive representative
73.27 and the exclusive representative shall be allowed to be present during the session.

73.28 Subd. 8. **Record.** A complete record of sessions at which a formal statement is taken
73.29 must be made by electronic recording or otherwise. A complete copy or transcript must be
73.30 provided to the correctional officer and the officer's exclusive representative without charge
73.31 or undue delay. The session may be recorded by the investigating officer and by the
73.32 correctional officer under investigation.

73.33 Subd. 9. **Presence of attorney and union representative.** The correctional officer
73.34 whose formal statement is taken has the right to have a union representative or an attorney

74.1 retained by the officer, or both, present during the session. The correctional officer may
74.2 request the presence of a union representative, attorney, or both, at any time before or during
74.3 the session. When a request under this subdivision is made, no formal statement may be
74.4 taken until a reasonable opportunity is provided for the correctional officer to obtain the
74.5 presence of a union representative or attorney.

74.6 Subd. 10. **Admissions.** Before an officer's formal statement is taken, the officer shall
74.7 be advised in writing or on the record that admissions made in the course of the formal
74.8 statement may be used as evidence of misconduct or as a basis for discipline.

74.9 Subd. 11. **Disclosure of financial records.** No employer may require an officer to
74.10 produce or disclose the officer's personal financial records except pursuant to a valid search
74.11 warrant or subpoena.

74.12 Subd. 12. **Release of photographs.** No local correctional facility or governmental unit
74.13 may publicly release photographs of an officer without the written permission of the officer,
74.14 except that the facility or unit may display a photograph of an officer to a prospective witness
74.15 as part of an agency or unit investigation.

74.16 Subd. 13. **Disciplinary letter.** No disciplinary letter or reprimand may be included in
74.17 an officer's personnel record unless the officer has been given a copy of the letter or
74.18 reprimand.

74.19 Subd. 14. **Retaliatory action prohibited.** No officer may be discharged, disciplined,
74.20 or threatened with discharge or discipline as retaliation for or solely by reason of the officer's
74.21 exercise of the rights provided by this section.

74.22 Subd. 15. **Rights not reduced.** The rights of officers provided by this section are in
74.23 addition to and do not diminish the rights and privileges of officers that are provided under
74.24 an applicable collective bargaining agreement or any other applicable law.

74.25 Sec. 27. Minnesota Statutes 2018, section 641.15, subdivision 3a, is amended to read:

74.26 Subd. 3a. **Intake procedure; approved mental health screening.** (a) As part of its
74.27 intake procedure for new ~~prisoners~~ inmates, the sheriff or local corrections shall use a mental
74.28 health screening tool approved by the commissioner of corrections in consultation with the
74.29 commissioner of human services and local corrections staff to identify persons who may
74.30 have mental illness.

74.31 (b) Names of persons who have screened positive or may have a mental illness may be
74.32 shared with the local county social services agency. The jail may refer an offender to county
74.33 personnel of the welfare system, as defined in section 13.46, subdivision 1, paragraph (c),

75.1 in order to arrange for services upon discharge and may share private data on the offender
75.2 as necessary to:

75.3 (1) provide assistance in filling out an application for medical assistance or
75.4 MinnesotaCare;

75.5 (2) make a referral for case management as provided under section 245.467, subdivision
75.6 4;

75.7 (3) provide assistance in obtaining a state photo identification;

75.8 (4) secure a timely appointment with a psychiatrist or other appropriate community
75.9 mental health provider;

75.10 (5) provide prescriptions for a 30-day supply of all necessary medications; or

75.11 (6) coordinate behavioral health services.

75.12 (c) Notwithstanding section 138.17, if an offender is referred to a government entity
75.13 within the welfare system pursuant to paragraph (b), and the offender refuses all services
75.14 from the entity, the entity must, within 15 days of the refusal, destroy all private data on
75.15 the offender that it created or received because of the referral.

75.16 **Sec. 28. COORDINATED CRISIS RESPONSE PLAN.**

75.17 (a) By January 15, 2021, the commissioner of corrections shall develop and implement
75.18 a coordinated crisis response plan to support facility, central office, and field services staff.

75.19 (b) In developing the response plan, the commissioner may consult with the Department
75.20 of Corrections Office of Special Investigations, the Department of Corrections Victim
75.21 Assistance Program, human resources offices, facility and field services administration,
75.22 peer support programs, county attorneys, victim witness coordinators, community based
75.23 victim advocates, the Crime Victim Reparations Board, employee assistance programs,
75.24 offices or organizations assisting with workers' compensation claims and benefits, mental
75.25 health services, central office administration, and supervisors.

75.26 (c) To increase support to staff in crisis, the coordinated crisis response plan shall, at a
75.27 minimum, include the following:

75.28 (1) a protocol establishing collaboration between the offices, services, and organizations
75.29 identified in paragraph (b);

75.30 (2) a process to develop and implement individualized support plans based on the
75.31 identified needs of staff members in crisis;

76.1 (3) identification or development of training on trauma-informed victim and crisis
76.2 response; and

76.3 (4) a plan to implement training on trauma-informed victim and crisis response including
76.4 initial training, refresher courses, and training for new employees.

76.5 Sec. 29. **PILOT PROGRAM TO ADDRESS MENTAL HEALTH IN**
76.6 **CORRECTIONAL FACILITIES.**

76.7 Subdivision 1. **Pilot program established.** The commissioner of corrections shall
76.8 establish and administer a pilot program in Minnesota Correctional Facility-Stillwater to
76.9 address mental health issues among correctional officers and inmates. The program shall
76.10 offer, at a minimum, support to correctional officers through skill refreshers, mental health
76.11 training and techniques, and mental health services. The program shall conduct, at a
76.12 minimum, mental health interventions for inmates and educate inmates on mental health
76.13 resources available to them. The pilot program is from July 1, 2019, to June 30, 2020.

76.14 Subd. 2. **Report.** By October 1, 2020, the commissioner shall report to the legislative
76.15 committees with jurisdiction over corrections on the impact and outcomes of the program.

76.16 Sec. 30. **REPEALER.**

76.17 Minnesota Statutes 2018, section 401.13, is repealed.

76.18 **ARTICLE 4**

76.19 **LAW ENFORCEMENT**

76.20 Section 1. Minnesota Statutes 2018, section 171.20, subdivision 4, is amended to read:

76.21 Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose
76.22 driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.175;
76.23 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license
76.24 under section 171.165, and (2) an individual whose driver's license has been suspended
76.25 under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

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

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

77.1 ~~(d) Reinstatement fees collected under paragraph (a) for suspensions under sections~~
77.2 ~~171.16, subdivision 3, and 171.18, subdivision 1, clause (10), must be deposited in the~~
77.3 ~~special revenue fund and are appropriated to the Peace Officer Standards and Training Board~~
77.4 ~~for peace officer training reimbursement to local units of government.~~

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

77.6 Sec. 2. Minnesota Statutes 2018, section 171.26, subdivision 1, is amended to read:

77.7 Subdivision 1. **Driver services operating account.** All money received under this
77.8 chapter must be paid into the state treasury and credited to the driver services operating
77.9 account in the special revenue fund specified under sections 299A.705, except as provided
77.10 in subdivision 2; 171.06, subdivision 2a; 171.07, subdivision 11, paragraph (g); ~~171.20,~~
77.11 ~~subdivision 4, paragraph (d); and 171.29, subdivision 2, paragraph (b).~~

77.12 Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

77.13 Subd. 7. **Disbursement of surcharges by commissioner of management and**
77.14 **budget.** (a) Except as provided in paragraphs (b), ~~(e), and~~ to (d), the commissioner of
77.15 management and budget shall disburse surcharges received under subdivision 6 and section
77.16 97A.065, subdivision 2, as follows:

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

77.21 ~~(2) 39 percent shall be credited to the peace officers training account in the special~~
77.22 ~~revenue fund; and~~

77.23 ~~(3) 60~~ (2) 99 percent shall be credited to the general fund.

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

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

77.29 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
77.30 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the
77.31 Second Judicial District shall transmit the surcharge to the commissioner of management

78.1 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
78.2 in the special revenue fund and amounts in the account are appropriated to the trial courts
78.3 for the administration of the petty misdemeanor diversion program operated by the Second
78.4 Judicial District Ramsey County Violations Bureau.

78.5 Sec. 4. [611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.

78.6 Subdivision 1. Definitions. For purposes of this section, the following terms have the
78.7 meanings given:

78.8 (1) "certifying entity" means a state or local law enforcement agency;

78.9 (2) "criminal activity" means qualifying criminal activity pursuant to section
78.10 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,
78.11 conspiracy, or solicitation to commit such crimes; and

78.12 (3) "certification" means any certification or statement required by federal immigration
78.13 law including, but not limited to, the information required by United States Code, title 8,
78.14 section 1184(p), and United States Code, title 8, section 1184(o), including current United
78.15 States Citizenship and Immigration Services Form I-918, Supplement B, and United States
78.16 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

78.17 Subd. 2. Certification process. (a) A certifying entity shall process a certification
78.18 requested by a victim of criminal activity or a representative of the victim, including but
78.19 not limited to the victim's attorney, family member, or domestic violence or sexual assault
78.20 violence advocate, within the time period prescribed in paragraph (b).

78.21 (b) A certifying entity shall process the certification within 60 days of request, unless
78.22 the victim is in removal proceedings, in which case the certification shall be processed
78.23 within 14 days of request. Requests for expedited certification must be affirmatively raised
78.24 at the time of the request.

78.25 (c) An active investigation, the filing of charges, or a prosecution or conviction are not
78.26 required for the victim of criminal activity to request and obtain the certification.

78.27 Subd. 3. Certifying entity; designate agent. (a) The head of a certifying entity shall
78.28 designate an agent to perform the following responsibilities:

78.29 (1) timely process requests for certification;

78.30 (2) provide outreach to victims of criminal activity to inform them of the entity's
78.31 certification process; and

78.32 (3) keep a written or electronic record of all certification requests and responses.

79.1 (b) All certifying entities shall implement a language access protocol for
79.2 non-English-speaking victims of criminal activity.

79.3 Subd. 4. **Disclosure prohibited; data classification.** (a) A certifying entity is prohibited
79.4 from disclosing the immigration status of a victim of criminal activity or representative
79.5 requesting the certification, except to comply with federal law or legal process, or if
79.6 authorized by the victim of criminal activity or representative requesting the certification.

79.7 (b) Data provided to a certifying entity under this section is classified as private data
79.8 pursuant to section 13.02, subdivision 12.

79.9 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final
79.10 enactment. Subdivision 3 is effective July 1, 2019.

79.11 Sec. 5. **[626.19] USE OF UNMANNED AERIAL VEHICLES.**

79.12 Subdivision 1. **Application; definitions.** (a) This section applies to law enforcement
79.13 agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, for
79.14 training, or in response to emergencies, incidents, and requests for service.

79.15 (b) For purposes of this section, the following terms have the meanings given:

79.16 (1) "law enforcement agency" has the meaning given in section 626.84, subdivision 1;
79.17 and

79.18 (2) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the
79.19 possibility of direct human intervention from within or on the aircraft.

79.20 Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in subdivision
79.21 3, a law enforcement agency may not operate a UAV without a search warrant issued under
79.22 this chapter.

79.23 Subd. 3. **Authorized use.** (a) A law enforcement agency may use a UAV during or
79.24 immediately after an emergency situation that involves the risk of death or serious physical
79.25 harm to a person.

79.26 (b) A law enforcement agency may use a UAV over a public event where there is a
79.27 substantial risk to the safety of participants or bystanders. If a law enforcement agency
79.28 collects information under this paragraph, it must document each use, connect each
79.29 deployment to a unique case number, and provide a description of the facts giving rise to a
79.30 substantial risk.

80.1 (c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist
80.2 attack by a specific individual or organization if the agency determines that credible
80.3 intelligence indicates this risk.

80.4 (d) A law enforcement agency may use a UAV to prevent the loss of life and property
80.5 in natural or man-made disasters and to facilitate the operational planning, rescue, and
80.6 recovery operations in the aftermath of these disasters.

80.7 (e) A law enforcement agency may use a UAV for officer training purposes.

80.8 (f) A law enforcement agency may operate a UAV for a non-law-enforcement purpose
80.9 at the request of a government entity, as defined in section 13.02, subdivision 7a, provided
80.10 that the government entity makes the request in writing and specifies the reason for the
80.11 request and proposed period of use.

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

80.14 (b) The governing body overseeing the law enforcement agency must approve the
80.15 agency's acquisition of a UAV.

80.16 (c) Unless specifically authorized in a warrant, a law enforcement agency must use a
80.17 UAV to collect data only on a clearly and narrowly defined target and avoid data collection
80.18 on individuals, homes, or areas other than the defined target.

80.19 (d) A law enforcement agency may not deploy a UAV with facial recognition or other
80.20 biometric-matching technology unless expressly authorized by a warrant.

80.21 (e) A law enforcement agency may not equip a UAV with weapons.

80.22 (f) A law enforcement agency may not use a UAV to collect data on public protests or
80.23 demonstrations unless expressly authorized by a warrant or an exception applies under
80.24 subdivision 3. A law enforcement agency must document which exception applies or whether
80.25 a warrant was obtained.

80.26 Subd. 5. **Access by data subjects.** An individual who is the subject of data collected
80.27 through use of a UAV has access to the data. If the individual requests a copy of the
80.28 recording, data on other individuals who do not consent to its release must be redacted from
80.29 the copy.

80.30 Subd. 6. **Data classification; retention.** (a) Data collected by a UAV are private data
80.31 on individuals or nonpublic data, subject to the following:

81.1 (1) UAV data may be disclosed as necessary in an emergency situation under subdivision
81.2 3, paragraph (a);

81.3 (2) UAV data may be disclosed to the government entity making a request for UAV use
81.4 under subdivision 3, paragraph (f);

81.5 (3) UAV data that are criminal investigative data are governed by section 13.82,
81.6 subdivision 7; and

81.7 (4) UAV data that are not public data under other provisions of chapter 13 retain that
81.8 classification.

81.9 (b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

81.10 (c) Notwithstanding section 138.17, the data must be deleted by a UAV as soon as
81.11 possible, and in no event later than seven days after collection unless the data is part of an
81.12 active criminal investigation.

81.13 Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency in
81.14 violation of this section is not admissible as evidence in a criminal, administrative, or civil
81.15 proceeding against the data subject.

81.16 Subd. 8. **Remedies.** An aggrieved party may initiate a civil action against a law
81.17 enforcement agency to obtain all appropriate relief to prevent or remedy a violation of this
81.18 section, including remedies available under chapter 13.

81.19 Subd. 9. **Written policies required.** The chief officer of every state and local law
81.20 enforcement agency that uses or plans to use a UAV must establish and enforce a written
81.21 policy governing UAV use. The agency must post the written policy on its website if the
81.22 agency has a website.

81.23 Subd. 10. **Notice; disclosure of warrant.** (a) Within a reasonable time but not later than
81.24 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge
81.25 shall cause to be served on the persons named in the warrant and the application an inventory
81.26 that shall include notice of:

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

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

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

81.31 (b) A warrant authorizing collection of information with a UAV must direct that:

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

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

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

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

82.16 Subd. 11. **Reporting.** (a) By January 15 of each year, each law enforcement agency that
82.17 deploys a UAV shall report to the commissioner of public safety the following information
82.18 for the preceding calendar year:

82.19 (1) the number of times a UAV was deployed, organized by the types of incidents and
82.20 the types of justification for deployment;

82.21 (2) the number of criminal investigations aided by the deployment of UAVs;

82.22 (3) the number of deployments of UAVs for reasons other than criminal investigations;
82.23 and

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

82.25 (b) By June 15 of each year, the commissioner of public safety shall compile a full and
82.26 complete report summarizing the information submitted to the commissioner under paragraph
82.27 (a), and submit the report to the chairs and ranking minority members of the senate and
82.28 house of representatives committees having jurisdiction over criminal justice and public
82.29 safety issues and make the report public on the department's website.

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

- 83.1 (1) the fact that a warrant or extension was applied for;
- 83.2 (2) the kind of warrant or extension applied for;
- 83.3 (3) the fact that the warrant or extension was granted as applied for, was modified, or
83.4 was denied;
- 83.5 (4) the period of UAV use authorized by the warrant and the number and duration of
83.6 any extensions of the warrant;
- 83.7 (5) the offense specified in the warrant or application or extension of a warrant; and
- 83.8 (6) the identity of the law enforcement agency making the application and the person
83.9 authorizing the application.
- 83.10 (d) By June 15 of each year, the state court administrator shall transmit to the chairs and
83.11 ranking minority members of the senate and house of representatives committees having
83.12 jurisdiction over criminal justice and public safety issues and post on the supreme court's
83.13 website a full and complete report concerning the number of applications for warrants
83.14 authorizing or approving operation of UAVs or disclosure of information from the operation
83.15 of UAVs under this section and the number of warrants and extensions granted or denied
83.16 under this section during the preceding calendar year. The report must include a summary
83.17 and analysis of the data required to be filed with the state court administrator by paragraph
83.18 (c).

83.19 Sec. 6. Minnesota Statutes 2018, section 626.841, is amended to read:

83.20 **626.841 BOARD; MEMBERS.**

83.21 The Board of Peace Officer Standards and Training shall be composed of the following
83.22 ~~15~~ 17 members:

- 83.23 (1) two members to be appointed by the governor from among the county sheriffs in
83.24 Minnesota;
- 83.25 (2) four members to be appointed by the governor from among peace officers in
83.26 Minnesota municipalities, at least two of whom shall be chiefs of police;
- 83.27 (3) two members to be appointed by the governor from among peace officers, at least
83.28 one of whom shall be a member of the Minnesota State Patrol Association;
- 83.29 (4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;

84.1 (5) two members appointed by the governor from among peace officers, or former peace
84.2 officers, who are currently employed on a full-time basis in a professional peace officer
84.3 education program;

84.4 (6) two members to be appointed by the governor, one member to be appointed from
84.5 among administrators of Minnesota colleges or universities that offer professional peace
84.6 officer education, and one member to be appointed from among the elected city officials in
84.7 statutory or home rule charter cities of under 5,000 population outside the metropolitan
84.8 area, as defined in section 473.121, subdivision 2; and

84.9 (7) ~~two~~ four members appointed by the governor from among the general public, of
84.10 which at least one member must be a representative of a statewide crime victim coalition
84.11 and at least two members must be residents of a county other than a metropolitan county
84.12 as defined in section 473.121, subdivision 4.

84.13 A chair shall be appointed by the governor from among the members. In making
84.14 appointments the governor shall strive to achieve representation from among the geographic
84.15 areas of the state.

84.16 Sec. 7. **[626.8433] EYEWITNESS IDENTIFICATION POLICIES REQUIRED.**

84.17 Subdivision 1. Statewide model policy required. By November 1, 2019, the board, in
84.18 consultation with stakeholders, shall develop a model policy that articulates best practices
84.19 for eyewitness identification and promotes uniform practices statewide. The board shall
84.20 distribute this model policy to all chief law enforcement officers. At a minimum, the policy
84.21 must require that:

84.22 (1) a person administering a lineup be unaware of the suspect's identity, or, if that is not
84.23 practical, the person be shielded so as to prevent the person from seeing which lineup
84.24 member is being viewed by the eyewitness;

84.25 (2) before the procedure, the eyewitness be instructed that the perpetrator may or may
84.26 not be in the lineup;

84.27 (3) nonsuspect "fillers" used in the lineup match the eyewitness's description of the
84.28 perpetrator; and

84.29 (4) immediately after an identification is made, the eyewitness provide a statement in
84.30 the eyewitness's own words that articulates the level of the eyewitness's confidence in the
84.31 identification.

85.1 Subd. 2. **Agency policies required.** By February 1, 2020, the chief law enforcement
85.2 officers of every state and local law enforcement agency shall adopt and implement a written
85.3 policy on eyewitness identification practices that is identical or substantially similar to the
85.4 model policy developed under subdivision 1.

85.5 Sec. 8. **[626.8435] PEACE OFFICER COMMUNITY POLICING EXCELLENCE**
85.6 **DATA.**

85.7 Subdivision 1. **Purpose.** The purpose of this section is:

85.8 (1) to create data profiles for stakeholders to conduct needs assessments and make
85.9 appropriate recommendations to drive improvements in police effectiveness, efficiency,
85.10 training, supervision, procedural justice, accountability, and community relations;

85.11 (2) for police departments to more effectively manage their risks and improve
85.12 transparency; and

85.13 (3) for community members and advocates, as well as policy-makers, decision-makers,
85.14 and funders to have access to accurate relevant information to help improve policing practices
85.15 in Minnesota.

85.16 Subd. 2. **Annual data; submission.** (a) Beginning January 15, 2020, and annually
85.17 thereafter, the chief law enforcement officer of a law enforcement agency that receives
85.18 grants from the Peace Officers Standards and Training Board for peace officer training
85.19 assistance under article 1, section 4, subdivision 4, shall submit the following data regarding
85.20 peace officers employed by the law enforcement agency in the previous calendar year to
85.21 the Bureau of Criminal Apprehension:

85.22 (1) the unique identifier of an employed peace officer;

85.23 (2) the existence and status of a complaint made against an employed peace officer
85.24 including:

85.25 (i) the peace officer's unique identifier;

85.26 (ii) the nature of the complaint;

85.27 (iii) whether the complaint was filed by a member of the public, a law enforcement
85.28 agency, or another source;

85.29 (iv) whether the complaint resulted in disciplinary action;

85.30 (v) the final disposition of a complaint when disciplinary action was taken including:

85.31 (A) the specific reason for the action taken; and

86.1 (B) data documenting the basis of the action taken, except that data that would identify
86.2 confidential sources who are employees of the public body shall not be disclosed; and

86.3 (vi) the final disposition of any complaint:

86.4 (A) determined to be unfounded or otherwise not sustained;

86.5 (B) for which a peace officer was later exonerated; or

86.6 (C) which resulted in a nondisciplinary resolution including, but not limited to, employee
86.7 counseling;

86.8 (3) the unique identifier of any peace officer pending criminal prosecution, excluding
86.9 traffic violations;

86.10 (4) the unique identifier of any peace officer who was terminated due to substantiated
86.11 findings of officer misconduct and a summary of the basis for that termination; and

86.12 (5) the unique identifier of any peace officer, other than one terminated for performance
86.13 issues during a probationary period, whose employment was terminated by resignation in
86.14 lieu of termination as a result of officer misconduct, and a summary of the basis for the
86.15 action.

86.16 (b) For purposes of this section "complaint" means all allegations involving:

86.17 (1) public-reported misconduct;

86.18 (2) excessive force;

86.19 (3) the integrity or truthfulness of an officer;

86.20 (4) violations of the law; and

86.21 (5) sexual misconduct or harassment.

86.22 (c) The reporting requirements in paragraph (a) are in addition to any other officer
86.23 discipline reporting requirements established in law.

86.24 Subd. 3. **Data storage and access.** (a) The Bureau of Criminal Apprehension may store
86.25 the data collected under this section on the agency's servers.

86.26 (b) The Peace Officers Standards and Training Board must have direct access to the data
86.27 collected under this section.

86.28 Subd. 4. **Updated data.** Within 30 days of final disposition of a complaint, as defined
86.29 in section 13.43, subdivision 2, paragraph (b), the chief law enforcement officer of the law

87.1 enforcement agency that employs the officer shall submit a supplemental report containing
87.2 the information identified in subdivision 2, paragraph (a), clauses (2) to (5).

87.3 Subd. 5. **Confidentiality agreement prohibited.** Law enforcement agencies and political
87.4 subdivisions are prohibited from entering into a confidentiality agreement that would prevent
87.5 disclosure of the data identified in subdivision 2 to the board. Any such confidentiality
87.6 agreement is void as to the requirements of this section.

87.7 Subd. 6. **Data classification.** Data received by the board pursuant to subdivisions 2 and
87.8 3 is private data on individuals as defined in section 13.02, subdivision 12. This classification
87.9 does not restrict the board's authority to publish summary data as defined in section 13.02,
87.10 subdivision 19.

87.11 Subd. 7. **Penalty for noncompliance.** For agencies that receive peace officer training
87.12 reimbursements from the Police Officer Standards and Training Board under article 1,
87.13 section 4, subdivision 4, substantial noncompliance with the reporting requirements of
87.14 subdivisions 2 and 3 shall serve as a bar to further reimbursements under article 1, section
87.15 4, subdivision 4, , and the board may require the agency to refund the state for grants received
87.16 during the period of noncompliance. For purposes of this section, "substantial
87.17 noncompliance" means a failure to (1) meet the deadlines established in subdivisions 2 and
87.18 3, and (2) respond to two subsequent requests from the board.

87.19 Subd. 8. **Board report.** At least annually, the board shall publish a summary of data
87.20 submitted pursuant to subdivisions 1 and 2. The summary shall be available on the board's
87.21 website and shall be included in any written publication reporting board activities. The
87.22 summary shall exclude peace officers' names and license numbers and any other not public
87.23 data as defined by section 13.02, subdivision 8a.

87.24 Sec. 9. **[626.8474] INVESTIGATING SEXUAL ASSAULT CASES; POLICIES**
87.25 **REQUIRED.**

87.26 (a) By January 1, 2020, the chief law enforcement officer of every state and local law
87.27 enforcement agency must develop, adopt, and implement a written policy governing the
87.28 investigation of sexual assault cases within the agency. In the development of a policy, each
87.29 law enforcement agency shall consult with local sexual assault counselors, domestic abuse
87.30 advocates, community organizations, and other law enforcement agencies with expertise
87.31 in the recognition and handling of sexual assault cases. A law enforcement agency may
87.32 adopt the model policy created by the board in lieu of developing its own policy under this
87.33 provision. At a minimum, a law enforcement policy must address each of the procedures

88.1 covered in the board's model policy. The chief law enforcement officer must ensure that
88.2 each peace officer investigating a sexual assault case follows the agency's policy.

88.3 (b) Every state and local law enforcement agency must certify to the board by January
88.4 1, 2020, that it has adopted a written policy in compliance with this subdivision.

88.5 (c) The board must assist the chief law enforcement officer of each state and local law
88.6 enforcement agency in developing and implementing policies under this subdivision.

88.7 (d) The board may impose licensing sanctions and seek injunctive relief under section
88.8 214.11 for failure to adopt a policy in compliance with the requirements of this section.

88.9 Sec. 10. Minnesota Statutes 2018, section 626.93, subdivision 3, is amended to read:

88.10 Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the~~
88.11 ~~tribe enters into a cooperative agreement pursuant to subdivision 4,~~ the tribe ~~shall have~~ has
88.12 concurrent jurisdictional authority under this section with the local county sheriff within
88.13 the geographical boundaries of the tribe's reservation to enforce state criminal law.

88.14 Sec. 11. Minnesota Statutes 2018, section 626.93, subdivision 4, is amended to read:

88.15 Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the
88.16 provision of law enforcement services and to provide for mutual aid and cooperation,
88.17 governmental units and the tribe ~~shall~~ may enter into agreements under section 471.59. For
88.18 the purposes of entering into these agreements, the tribe ~~shall be~~ is considered a
88.19 "governmental unit" as that term is defined in section 471.59, subdivision 1.

88.20 Sec. 12. **PEACE OFFICER EXCELLENCE TASK FORCE.**

88.21 Subdivision 1. **Establishment; purpose.** There is established a Peace Officer Excellence
88.22 Task Force. The purpose of the task force is to study the laws, rules, contracts, and policies
88.23 that govern the employer-employee relationship between political subdivisions and peace
88.24 officers.

88.25 Subd. 2. **Members.** (a) The task force must consist of:

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

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

88.30 (3) the attorney general, or a designee;

89.1 (4) the executive director of the Minnesota Peace Officer Standards and Training Board,
89.2 or a designee;

89.3 (5) the commissioner of public safety, or a designee;

89.4 (6) the commissioner of the Minnesota Bureau of Mediation Services;

89.5 (7) one representative from the Minnesota Chiefs of Police Association;

89.6 (8) one representative from the Minnesota Sheriffs Association;

89.7 (9) two representatives from the Minnesota Peace and Police Officers Association, one
89.8 of whom must be employed by a law enforcement agency located outside of the seven-county
89.9 metropolitan area;

89.10 (10) one representative from the League of Minnesota Cities;

89.11 (11) one representative from the Association of Minnesota Counties;

89.12 (12) two representatives from organized labor, including at least one representative of
89.13 an organization comprised of peace officers; and

89.14 (13) two members of the public appointed by the governor.

89.15 (b) Unless otherwise specified, members will be appointed by the commissioner of
89.16 public safety. Appointments must be made no later than July 1, 2019. Members of the task
89.17 force shall not be compensated or receive reimbursement for expenses, except for
89.18 compensation or expense reimbursements received in the member's ordinary scope of
89.19 employment.

89.20 (c) Vacancies shall be filled by the appointing authority consistent with the requirements
89.21 of the position that becomes open.

89.22 Subd. 3. **Organization.** (a) The executive director of the Peace Officer Standards and
89.23 Training Board shall convene the first meeting of the task force no later than August 1,
89.24 2019.

89.25 (b) The members of the task force may elect a chair and other officers as the members
89.26 deem necessary.

89.27 (c) The task force shall meet at least monthly, with one meeting devoted to collecting
89.28 input from the public and local units of government that employ peace officers.

89.29 Subd. 4. **Staff.** The executive director of the Peace Officer Standards and Training Board
89.30 shall provide support staff, office space, and administrative services for the task force.

90.1 Subd. 5. **Open meetings.** Except as otherwise provided in this section, the task force is
90.2 subject to Minnesota Statutes, chapter 13D. A meeting of the task force occurs when a
90.3 quorum is present and the members receive information, discuss, or take action on any
90.4 matter relating to the duties of the task force. The task force may conduct meetings as
90.5 provided in Minnesota Statutes, section 13D.015 or 13D.02. The task force may conduct
90.6 meetings at any location in the state that is appropriate for the purposes of the task force as
90.7 long as the location is open and accessible to the public. For legislative members of the task
90.8 force, enforcement of this subdivision is governed by Minnesota Statutes, section 3.055,
90.9 subdivision 2. For nonlegislative members of the task force, enforcement of this subdivision
90.10 is governed by Minnesota Statutes, section 13D.06, subdivisions 1 and 2.

90.11 Subd. 6. **Duties of task force.** The task force must review, assess, and make
90.12 recommendations for reforms to the laws, rules, contracts, and policies that govern the
90.13 employer-employee relationship between political subdivisions and peace officers. In
90.14 formulating recommendations, the task force must seek to balance the employment rights
90.15 of peace officers and the need for chief law enforcement officers and political subdivisions
90.16 to maintain the integrity and excellence of peace officers they employ.

90.17 Subd. 7. **Report and recommendations.** By January 15, 2020, the task force shall
90.18 prepare and submit to the chairs and ranking minority members of the committees and
90.19 divisions of the house of representatives and senate with jurisdiction over public safety and
90.20 labor and employment a report that summarizes the activities of the task force, issues
90.21 identified by the task force, reform recommendations to address the issues, and
90.22 recommendations for legislative action, if needed.

90.23 Subd. 8. **Expiration.** The task force expires upon submission of the report required by
90.24 subdivision 6.

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

90.26 **ARTICLE 5**

90.27 **SEXUAL OFFENDERS**

90.28 Section 1. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:

90.29 Subd. 10. **Current or recent position of authority.** "Current or recent position of
90.30 authority" includes but is not limited to any person who is a parent or acting in the place of
90.31 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
90.32 a child, or a person who is charged with or assumes any duty or responsibility for the health,
90.33 welfare, or supervision of a child, either independently or through another, no matter how

91.1 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
91.2 subdivision 11, "position of authority" includes a psychotherapist. For the purposes of
91.3 sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1,
91.4 paragraph (e), clause (2), the term extends to a person having the described authority over
91.5 a student in a secondary school who is at least 16 but less than 21 years of age under the
91.6 circumstances described in those two clauses.

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

91.9 Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 11, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

92.11 Sec. 3. Minnesota Statutes 2018, section 609.341, subdivision 12, is amended to read:

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

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

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

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

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

92.24 (iii) of the body of the actor or another person by any part of the body of the complainant
92.25 or by any object used by the complainant for this purpose, when effected by a person in a
92.26 current or recent position of authority, or by coercion, or by inducement if the child is under
92.27 13 years of age or mentally impaired.

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

93.1 Sec. 4. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to
93.2 read:

93.3 Subd. 24. **Secondary school.** For the purposes of sections 609.344 and 609.345,
93.4 "secondary school" means a public or nonpublic school, church or religious organization,
93.5 or home school where a student may legally fulfill the compulsory instruction requirements
93.6 of section 120A.22.

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

93.9 Sec. 5. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to
93.10 read:

93.11 Subd. 25. **Independent contractor.** For the purposes of sections 609.344 and 609.345,
93.12 "independent contractor" means any person who contracts with or is a volunteer for a
93.13 secondary school or any person employed by a business which contracts with a secondary
93.14 school.

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

93.17 Sec. 6. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

94.9 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
94.10 609.05, and either of the following circumstances exists:

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

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

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

94.18 (h) the actor has a significant relationship to the complainant, the complainant was under
94.19 16 years of age at the time of the ~~sexual penetration~~ act, and:

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

94.21 (ii) the complainant suffered personal injury; or

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

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

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

94.27 Sec. 7. Minnesota Statutes 2018, section 609.343, subdivision 1, is amended to read:

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

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

95.5 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
95.6 48 months older than the complainant and in a current or recent position of authority over
95.7 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
95.8 complainant is a defense;

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

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

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

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

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

95.19 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
95.20 609.05, and either of the following circumstances exists:

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

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

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

95.28 (h) the actor has a significant relationship to the complainant, the complainant was under
95.29 16 years of age at the time of the sexual contact, and:

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

95.31 (ii) the complainant suffered personal injury; or

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

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

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

96.6 Sec. 8. Minnesota Statutes 2018, section 609.344, subdivision 1, is amended to read:

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

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

96.13 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
96.14 24 months older than the complainant. In any such case if the actor is no more than ~~120~~ 36
96.15 months older than the complainant, it shall be an affirmative defense, which must be proved
96.16 by a preponderance of the evidence, that the actor reasonably believes the complainant to
96.17 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
96.18 be a defense. consent by the complainant is not a defense;

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

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

96.22 (e)(1) the complainant is at least 16 but less than 18 years of age and the actor is more
96.23 than 48 months older than the complainant and in a current or recent position of authority
96.24 over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years
96.25 of age and a student in a secondary school who has not graduated and received a diploma
96.26 and the actor is an employee or independent contractor of the secondary school and in a
96.27 current or recent position of authority over the complainant. Neither mistake as to the
96.28 complainant's age nor consent to the act by the complainant is a defense;

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

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

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

97.4 (ii) the complainant suffered personal injury; or

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

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

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

97.10 (i) during the psychotherapy session; or

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

97.13 Consent by the complainant is not a defense;

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

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

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

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

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

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

97.30 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
97.31 city, or privately operated adult or juvenile correctional system, or secure treatment facility,

98.1 or treatment facility providing services to clients civilly committed as mentally ill and
98.2 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
98.3 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
98.4 is a resident of a facility or under supervision of the correctional system. Consent by the
98.5 complainant is not a defense;

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

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

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

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

98.21 Sec. 9. Minnesota Statutes 2018, section 609.345, subdivision 1, is amended to read:

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

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

98.29 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
98.30 48 months older than the complainant or in a current or recent position of authority over
98.31 the complainant. Consent by the complainant to the act is not a defense. ~~In any such case,~~
98.32 ~~if the actor is no more than 120 months older than the complainant, it shall be an affirmative~~
98.33 ~~defense which must be proved by a preponderance of the evidence that the actor reasonably~~

99.1 ~~believes the complainant to be 16 years of age or older. In all other cases,~~ Neither mistake
99.2 as to the complainant's age ~~shall not be~~ nor consent to the act by the complainant shall be
99.3 a defense;

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

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

99.7 (e)(1) the complainant is at least 16 but less than 18 years of age and the actor is more
99.8 than 48 months older than the complainant and in a current or recent position of authority
99.9 over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years
99.10 of age and a student in a secondary school who has not graduated and received a diploma
99.11 and the actor is an employee or independent contractor of the secondary school and in a
99.12 current or recent position of authority over the complainant. Neither mistake as to the
99.13 complainant's age nor consent to the act by the complainant is a defense;

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

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

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

99.20 (ii) the complainant suffered personal injury; or

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

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

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

99.26 (i) during the psychotherapy session; or

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

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

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

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

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

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

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

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

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

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

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

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

101.1 Sec. 10. Minnesota Statutes 2018, section 609.3451, subdivision 1, is amended to read:

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

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

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

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

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

101.16 Sec. 11. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:

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

101.21 Any person who violates this subdivision is guilty of a felony and may be sentenced to
101.22 imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than \$20,000
101.23 for the first offense and \$40,000 for a second or subsequent offense, or both.

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

101.26 Sec. 12. Minnesota Statutes 2018, section 617.246, subdivision 3, is amended to read:

101.27 Subd. 3. **Operation or ownership of business.** A person who owns or operates a business
101.28 in which a pornographic work, as defined in this section, is disseminated to an adult or a
101.29 minor or is reproduced, and who knows the content and character of the pornographic work
101.30 disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment

102.1 for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first
102.2 offense and \$40,000 for a second or subsequent offense, or both.

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

102.5 Sec. 13. Minnesota Statutes 2018, section 617.246, subdivision 4, is amended to read:

102.6 Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and
102.7 character, disseminates for profit to an adult or a minor a pornographic work, as defined in
102.8 this section, is guilty of a felony and may be sentenced to imprisonment for not more than
102.9 ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and
102.10 \$40,000 for a second or subsequent offense, or both.

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

102.13 Sec. 14. Minnesota Statutes 2018, section 617.246, subdivision 7, is amended to read:

102.14 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
102.15 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
102.16 court commits a person to the custody of the commissioner of corrections for violating this
102.17 section, the court shall provide that after the person has been released from prison, the
102.18 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
102.19 has previously been convicted of a violation of this section, section 609.342, 609.343,
102.20 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
102.21 States, this state, or any state, the commissioner shall place the person on conditional release
102.22 for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455,
102.23 subdivision 8.

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

102.26 Sec. 15. Minnesota Statutes 2018, section 617.246, is amended by adding a subdivision
102.27 to read:

102.28 **Subd. 8. Mandatory minimum sentence.** A person convicted under this section must
102.29 serve a minimum of six months of incarceration. If the person has a prior conviction under
102.30 this section or section 617.247, or is required to register as a predatory offender, the person
102.31 must serve a minimum of 12 months of incarceration.

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

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

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

103.9 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
103.10 imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a
103.11 registered predatory offender under section 243.166.

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

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

103.15 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
103.16 computer disk or computer or other electronic, magnetic, or optical storage system or a
103.17 storage system of any other type, containing a pornographic work, knowing or with reason
103.18 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
103.19 for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first
103.20 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for
103.21 a second or subsequent offense.

103.22 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
103.23 imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a
103.24 registered predatory offender under section 243.166.

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

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

103.28 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
103.29 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
103.30 court commits a person to the custody of the commissioner of corrections for violating this
103.31 section, the court shall provide that after the person has been released from prison, the

104.1 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
104.2 has previously been convicted of a violation of this section, section 609.342, 609.343,
104.3 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United
104.4 States, this state, or any state, the commissioner shall place the person on conditional release
104.5 for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455,
104.6 subdivision 8.

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

104.9 Sec. 19. Minnesota Statutes 2018, section 617.247, is amended by adding a subdivision
104.10 to read:

104.11 Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must
104.12 serve a minimum of six months of incarceration. If the person has a prior conviction under
104.13 this section or section 617.246, or is required to register as a predatory offender, the person
104.14 must serve a minimum of 12 months of incarceration.

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

104.17 Sec. 20. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

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

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

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

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

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

104.27 (c) "Facility" means:

104.28 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
104.29 residential facility, agency, hospital, sanitarium, or other facility or institution required to
104.30 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
104.31 144H, 245D, or 245H;

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

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

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

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

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

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

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

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

105.32 (3) failure to provide for necessary supervision or child care arrangements appropriate
105.33 for a child after considering factors as the child's age, mental ability, physical condition,

106.1 length of absence, or environment, when the child is unable to care for the child's own basic
106.2 needs or safety, or the basic needs or safety of another child in their care;

106.3 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
106.4 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
106.5 child with sympathomimetic medications, consistent with section 125A.091, subdivision
106.6 5;

106.7 (5) nothing in this section shall be construed to mean that a child is neglected solely
106.8 because the child's parent, guardian, or other person responsible for the child's care in good
106.9 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
106.10 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
106.11 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
106.12 medical care may cause serious danger to the child's health. This section does not impose
106.13 upon persons, not otherwise legally responsible for providing a child with necessary food,
106.14 clothing, shelter, education, or medical care, a duty to provide that care;

106.15 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
106.16 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
106.17 the child at birth, results of a toxicology test performed on the mother at delivery or the
106.18 child at birth, medical effects or developmental delays during the child's first year of life
106.19 that medically indicate prenatal exposure to a controlled substance, or the presence of a
106.20 fetal alcohol spectrum disorder;

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

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

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

106.29 (h) "Nonmaltreatment mistake" means:

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

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

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

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

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

107.9 This definition only applies to child care centers licensed under Minnesota Rules, chapter
107.10 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
107.11 maltreatment by the individual, the commissioner of human services shall determine that a
107.12 nonmaltreatment mistake was made by the individual.

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

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

107.21 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
107.22 inflicted by a person responsible for the child's care on a child other than by accidental
107.23 means, or any physical or mental injury that cannot reasonably be explained by the child's
107.24 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
107.25 that have not been authorized under section 125A.0942 or 245.825.

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

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

107.32 (2) striking a child with a closed fist;

107.33 (3) shaking a child under age three;

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

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

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

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

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

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

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

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

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

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

108.26 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
108.27 care, by a person who has a significant relationship to the child, as defined in section 609.341,
108.28 or by a person in a current or recent position of authority, as defined in section 609.341,
108.29 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
108.30 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344
108.31 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth
108.32 degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes
108.33 any act which involves a minor which constitutes a violation of prostitution offenses under

109.1 sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all
109.2 reports of known or suspected child sex trafficking involving a child who is identified as a
109.3 victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section
109.4 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which
109.5 includes the status of a parent or household member who has committed a violation which
109.6 requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or
109.7 (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

110.15 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
110.16 record or recognition of parentage identifying a child who is subject to threatened injury
110.17 under paragraph (p), the Department of Human Services shall send the data to the responsible
110.18 social services agency. The data is known as "birth match" data. Unless the responsible
110.19 social services agency has already begun an investigation or assessment of the report due
110.20 to the birth of the child or execution of the recognition of parentage and the parent's previous
110.21 history with child protection, the agency shall accept the birth match data as a report under
110.22 this section. The agency may use either a family assessment or investigation to determine
110.23 whether the child is safe. All of the provisions of this section apply. If the child is determined
110.24 to be safe, the agency shall consult with the county attorney to determine the appropriateness
110.25 of filing a petition alleging the child is in need of protection or services under section
110.26 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
110.27 determined not to be safe, the agency and the county attorney shall take appropriate action
110.28 as required under section 260C.503, subdivision 2.

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

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

111.1 Sec. 21. Minnesota Statutes 2018, section 628.26, is amended to read:

111.2 **628.26 LIMITATIONS.**

111.3 (a) Indictments or complaints for any crime resulting in the death of the victim may be
111.4 found or made at any time after the death of the person killed.

111.5 (b) Indictments or complaints for a violation of section 609.25 may be found or made
111.6 at any time after the commission of the offense.

111.7 (c) Indictments or complaints for violation of section 609.282 may be found or made at
111.8 any time after the commission of the offense if the victim was under the age of 18 at the
111.9 time of the offense.

111.10 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
111.11 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
111.12 shall be found or made and filed in the proper court within six years after the commission
111.13 of the offense.

111.14 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
111.15 ~~if the victim was under the age of 18 years at the time the offense was committed, shall~~ may
111.16 be found or made and filed in the proper court within the later of nine years after the
111.17 ~~commission of the offense or three years after the offense was reported to law enforcement~~
111.18 ~~authorities~~ at any time after the commission of the offense.

111.19 ~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for~~
111.20 ~~violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in~~
111.21 ~~the proper court at any time after commission of the offense, if physical evidence is collected~~
111.22 ~~and preserved that is capable of being tested for its DNA characteristics. If this evidence is~~
111.23 ~~not collected and preserved and the victim was 18 years old or older at the time of the~~
111.24 ~~offense, the prosecution must be commenced within nine years after the commission of the~~
111.25 ~~offense.~~

111.26 ~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
111.27 2, clause (3), item (iii), shall be found or made and filed in the proper court within six years
111.28 after the commission of the offense.

111.29 ~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
111.30 2, clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of
111.31 the property or services stolen is more than \$35,000, or for violation of section 609.527
111.32 where the offense involves eight or more direct victims or the total combined loss to the

112.1 direct and indirect victims is more than \$35,000, shall be found or made and filed in the
112.2 proper court within five years after the commission of the offense.

112.3 ~~(h)~~ (h) Except for violations relating to false material statements, representations or
112.4 omissions, indictments or complaints for violations of section 609.671 shall be found or
112.5 made and filed in the proper court within five years after the commission of the offense.

112.6 ~~(i)~~ (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be
112.7 found or made and filed in the proper court within five years after the commission of the
112.8 offense.

112.9 ~~(j)~~ (j) In all other cases, indictments or complaints shall be found or made and filed in
112.10 the proper court within three years after the commission of the offense.

112.11 ~~(k)~~ (k) The limitations periods contained in this section shall exclude any period of time
112.12 during which the defendant was not an inhabitant of or usually resident within this state.

112.13 ~~(l)~~ (l) The limitations periods contained in this section for an offense shall not include
112.14 any period during which the alleged offender participated under a written agreement in a
112.15 pretrial diversion program relating to that offense.

112.16 ~~(m)~~ (m) The limitations periods contained in this section shall not include any period of
112.17 time during which physical evidence relating to the offense was undergoing DNA analysis,
112.18 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
112.19 law enforcement agency purposefully delayed the DNA analysis process in order to gain
112.20 an unfair advantage.

112.21 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
112.22 committed on or after that date and to crimes committed before that date if the limitations
112.23 period for the crime did not expire before August 1, 2019.

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

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

113.1 Sec. 23. **CRIMINAL SEXUAL CONDUCT STATUTORY REFORM WORKING**
113.2 **GROUP; REPORT.**

113.3 Subdivision 1. **Direction.** By September 1, 2019, the commissioner of public safety
113.4 shall convene a working group on criminal sexual conduct statutory reform. The
113.5 commissioner shall invite representatives from city and county prosecuting agencies,
113.6 statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of
113.7 Public Defense, the Department of Public Safety, the Department of Human Services, the
113.8 Sentencing Guidelines Commission, state and local law enforcement agencies, and other
113.9 interested parties to participate in the working group. The commissioner shall ensure that
113.10 the working group is inclusive of marginalized communities as well as victim and survivor
113.11 voices.

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

113.16 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
113.17 group's findings and recommendations with the chairs and ranking minority members of
113.18 the house of representatives and senate committees and divisions having jurisdiction over
113.19 public safety and judiciary policy and finance by October 15, 2020.

113.20 Sec. 24. **REPEALER.**

113.21 Minnesota Statutes 2018, section 609.349, is repealed.

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

113.23 **ARTICLE 6**
113.24 **CONTROLLED SUBSTANCES**

113.25 Section 1. Minnesota Statutes 2018, section 152.021, subdivision 2a, is amended to read:

113.26 Subd. 2a. **Methamphetamine; dimethyltryptamine; manufacture**
113.27 **crime.** Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision
113.28 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first
113.29 degree if the person manufactures any amount of methamphetamine or dimethyltryptamine.

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

114.1 Sec. 2. Minnesota Statutes 2018, section 152.025, subdivision 1, is amended to read:

114.2 Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the
114.3 fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

114.4 (1) the person unlawfully sells one or more mixtures containing marijuana or
114.5 tetrahydrocannabinols, except a small amount of marijuana ~~for no remuneration~~; or

114.6 (2) the person unlawfully sells one or more mixtures containing a controlled substance
114.7 classified in Schedule IV.

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

114.10 Sec. 3. Minnesota Statutes 2018, section 152.025, subdivision 2, is amended to read:

114.11 Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime
114.12 in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

114.13 (1) the person unlawfully possesses one or more mixtures containing a controlled
114.14 substance classified in Schedule I, II, III, or IV, except the nonresinous form ~~a small amount~~
114.15 of marijuana; ~~or~~

114.16 (2) the person procures, attempts to procure, possesses, or has control over a controlled
114.17 substance by any of the following means:

114.18 (i) fraud, deceit, misrepresentation, or subterfuge;

114.19 (ii) using a false name or giving false credit; or

114.20 (iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer,
114.21 wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice
114.22 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
114.23 obtaining a controlled substance; or

114.24 (3) the person unlawfully possesses a total weight of more than 250 grams of the
114.25 nonresinous form of marijuana.

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

114.28 Sec. 4. Minnesota Statutes 2018, section 152.025, subdivision 4, is amended to read:

114.29 Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause
114.30 (1), who has not been previously convicted of a violation of this chapter or a similar offense

115.1 in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled
115.2 substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if
115.3 the controlled substance was possessed in dosage units; or (2) the controlled substance
115.4 possessed is heroin and the amount possessed is less than 0.05 grams.

115.5 (b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1),
115.6 unless the conduct is described in paragraph (a); or subdivision 2, clause (2) or (3), may be
115.7 sentenced to imprisonment for not more than five years or to payment of a fine of not more
115.8 than \$10,000, or both.

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

115.11 Sec. 5. **[152.0251] NONFELONY CONTROLLED SUBSTANCE OFFENSES;**
115.12 **MARIJUANA.**

115.13 **Subdivision 1. Sale crimes.** Except as provided in subdivision 5, a person is guilty of a
115.14 crime if on one or more occasions within a 90-day period the person unlawfully sells:

115.15 (1) a total weight of more than ten grams but not more than 42.5 grams of the nonresinous
115.16 form of marijuana; or

115.17 (2) a total weight of ten grams or less of the nonresinous form of marijuana, except a
115.18 small amount of marijuana for no remuneration.

115.19 **Subd. 2. Possession crimes.** A person is guilty of a crime if the person unlawfully
115.20 possesses:

115.21 (1) a total weight of more than 100 grams but not more than 250 grams of the nonresinous
115.22 form of marijuana; or

115.23 (2) a total weight of more than 42.5 grams but not more than 100 grams of the nonresinous
115.24 form of marijuana.

115.25 **Subd. 3. Penalty.** (a) A person is guilty of a gross misdemeanor if convicted under
115.26 subdivision 1, clause (1), or subdivision 2, clause (1).

115.27 (b) A person is guilty of a misdemeanor if convicted under subdivision 1, clause (2), or
115.28 subdivision 2, clause (2).

115.29 **Subd. 4. Possession of marijuana in a motor vehicle.** A person is guilty of a
115.30 misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the
115.31 motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps
115.32 or allows to be kept within the area of the vehicle normally occupied by the driver or

116.1 passengers, more than five grams of marijuana. This area of the vehicle does not include
116.2 the trunk of the motor vehicle if the vehicle is equipped with a trunk or another area of the
116.3 vehicle not normally occupied by the driver or passengers if the vehicle is not equipped
116.4 with a trunk. A utility or glove compartment is deemed to be within the area occupied by
116.5 the driver and passengers.

116.6 Subd. 5. **Petty misdemeanors.** A person who does any of the following is guilty of a
116.7 petty misdemeanor:

116.8 (1) unlawfully sells a small amount of marijuana for no remuneration; or

116.9 (2) unlawfully possesses a small amount of marijuana.

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

116.12 Sec. 6. Minnesota Statutes 2018, section 152.0275, is amended to read:

116.13 **152.0275 CERTAIN CONTROLLED SUBSTANCE OFFENSES; RESTITUTION;**
116.14 **PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.**

116.15 Subdivision 1. **Restitution.** (a) As used in this subdivision:

116.16 (1) "clandestine lab site" means any structure or conveyance or outdoor location occupied
116.17 or affected by conditions or chemicals typically associated with the manufacturing of
116.18 methamphetamine or dimethyltryptamine;

116.19 (2) "emergency response" includes, but is not limited to, removing and collecting
116.20 evidence, securing the site, removal, remediation, and hazardous chemical assessment or
116.21 inspection of the site where the relevant offense or offenses took place, regardless of whether
116.22 these actions are performed by the public entities themselves or by private contractors paid
116.23 by the public entities, or the property owner;

116.24 (3) "remediation" means proper cleanup, treatment, or containment of hazardous
116.25 substances or, methamphetamine, or dimethyltryptamine at or in a clandestine lab site, and
116.26 may include demolition or disposal of structures or other property when an assessment so
116.27 indicates; and

116.28 (4) "removal" means the removal from the clandestine lab site of precursor or waste
116.29 chemicals, chemical containers, or equipment associated with the manufacture, packaging,
116.30 or storage of illegal drugs.

116.31 (b) A court may require a person convicted of manufacturing or attempting to manufacture
116.32 a controlled substance or of an illegal activity involving a precursor substance, where the

117.1 response to the crime involved an emergency response, to pay restitution to all public entities
117.2 that participated in the response. The restitution ordered may cover the reasonable costs of
117.3 their participation in the response.

117.4 (c) In addition to the restitution authorized in paragraph (b), a court may require a person
117.5 convicted of manufacturing or attempting to manufacture a controlled substance or of illegal
117.6 activity involving a precursor substance to pay restitution to a property owner who incurred
117.7 removal or remediation costs because of the crime.

117.8 Subd. 2. **Property-related prohibitions; notice; website.** (a) As used in this subdivision:

117.9 (1) "clandestine lab site" has the meaning given in subdivision 1, paragraph (a);

117.10 (2) "property" means publicly or privately owned real property including buildings and
117.11 other structures, motor vehicles as defined in section 609.487, subdivision 2a, public waters,
117.12 and public rights-of-way;

117.13 (3) "remediation" has the meaning given in subdivision 1, paragraph (a); and

117.14 (4) "removal" has the meaning given in subdivision 1, paragraph (a).

117.15 (b) A peace officer who arrests a person at a clandestine lab site shall notify the
117.16 appropriate county or local health department, state duty officer, and child protection services
117.17 of the arrest and the location of the site.

117.18 (c) A county or local health department or sheriff shall order that any property or portion
117.19 of a property that has been found to be a clandestine lab site and contaminated by substances,
117.20 chemicals, or items of any kind used in the manufacture of methamphetamine or
117.21 dimethyltryptamine or any part of the manufacturing process, or the by-products or degradates
117.22 of manufacturing methamphetamine or dimethyltryptamine be prohibited from being
117.23 occupied or used until it has been assessed and remediated as provided in the Department
117.24 of Health's clandestine drug labs general cleanup guidelines. The remediation shall be
117.25 accomplished by a contractor who will make the verification required under paragraph (e).

117.26 (d) Unless clearly inapplicable, the procedures specified in chapter 145A and any related
117.27 rules adopted under that chapter addressing the enforcement of public health laws, the
117.28 removal and abatement of public health nuisances, and the remedies available to property
117.29 owners or occupants apply to this subdivision.

117.30 (e) Upon the proper removal and remediation of any property used as a clandestine lab
117.31 site, the contractor shall verify to the property owner and the applicable authority that issued
117.32 the order under paragraph (c) that the work was completed according to the Department of
117.33 Health's clandestine drug labs general cleanup guidelines and best practices. The contractor

118.1 shall provide the verification to the property owner and the applicable authority within five
118.2 days from the completion of the remediation. Following this, the applicable authority shall
118.3 vacate its order.

118.4 (f) If a contractor issues a verification and the property was not remediated according
118.5 to the Department of Health's clandestine drug labs general cleanup guidelines, the contractor
118.6 is liable to the property owner for the additional costs relating to the proper remediation of
118.7 the property according to the guidelines and for reasonable attorney fees for collection of
118.8 costs by the property owner. An action under this paragraph must be commenced within
118.9 six years from the date on which the verification was issued by the contractor.

118.10 (g) If the applicable authority determines under paragraph (c) that a motor vehicle has
118.11 been contaminated by substances, chemicals, or items of any kind used in the manufacture
118.12 of methamphetamine or dimethyltryptamine or any part of the manufacturing process, or
118.13 the by-products or degradates of manufacturing methamphetamine or dimethyltryptamine
118.14 and if the authority is able to obtain the certificate of title for the motor vehicle, the authority
118.15 shall notify the registrar of motor vehicles of this fact and in addition, forward the certificate
118.16 of title to the registrar. The authority shall also notify the registrar when it vacates its order
118.17 under paragraph (e).

118.18 (h) The applicable authority issuing an order under paragraph (c) shall record with the
118.19 county recorder or registrar of titles of the county where the clandestine lab is located an
118.20 affidavit containing the name of the owner, a legal description of the property where the
118.21 clandestine lab was located, and a map drawn from available information showing the
118.22 boundary of the property and the location of the contaminated area on the property that is
118.23 prohibited from being occupied or used that discloses to any potential transferee:

118.24 (1) that the property, or portion of the property, was the site of a clandestine lab;

118.25 (2) the location, condition, and circumstances of the clandestine lab, to the full extent
118.26 known or reasonably ascertainable; and

118.27 (3) that the use of the property or some portion of it may be restricted as provided by
118.28 paragraph (c).

118.29 If an inaccurate drawing or description is filed, the authority, on request of the owner
118.30 or another interested person, shall file a supplemental affidavit with a corrected drawing or
118.31 description.

118.32 If the authority vacates its order under paragraph (e), the authority shall record an affidavit
118.33 that contains the recording information of the above affidavit and states that the order is

119.1 vacated. Upon filing the affidavit vacating the order, the affidavit and the affidavit filed
119.2 under this paragraph, together with the information set forth in the affidavits, cease to
119.3 constitute either actual or constructive notice.

119.4 (i) If proper removal and remediation has occurred on the property, an interested party
119.5 may record an affidavit indicating that this has occurred. Upon filing the affidavit described
119.6 in this paragraph, the affidavit and the affidavit filed under paragraph (h), together with the
119.7 information set forth in the affidavits, cease to constitute either actual or constructive notice.
119.8 Failure to record an affidavit under this section does not affect or prevent any transfer of
119.9 ownership of the property.

119.10 (j) The county recorder or registrar of titles must record all affidavits presented under
119.11 paragraph (h) or (i) in a manner that ensures their disclosure in the ordinary course of a title
119.12 search of the subject property.

119.13 (k) The commissioner of health shall post on the Internet contact information for each
119.14 local community health services administrator.

119.15 (l) Each local community health services administrator shall maintain information related
119.16 to property within the administrator's jurisdiction that is currently or was previously subject
119.17 to an order issued under paragraph (c). The information maintained must include the name
119.18 of the owner, the location of the property, the extent of the contamination, the status of the
119.19 removal and remediation work on the property, and whether the order has been vacated.
119.20 The administrator shall make this information available to the public either upon request
119.21 or by other means.

119.22 (m) Before signing an agreement to sell or transfer real property, the seller or transferor
119.23 must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge,
119.24 methamphetamine production has occurred on the property. If methamphetamine or
119.25 dimethyltryptamine production has occurred on the property, the disclosure shall include a
119.26 statement to the buyer or transferee informing the buyer or transferee:

119.27 (1) whether an order has been issued on the property as described in paragraph (c);

119.28 (2) whether any orders issued against the property under paragraph (c) have been vacated
119.29 under paragraph (j); or

119.30 (3) if there was no order issued against the property and the seller or transferor is aware
119.31 that methamphetamine or dimethyltryptamine production has occurred on the property, the
119.32 status of removal and remediation on the property.

120.1 (n) Unless the buyer or transferee and seller or transferor agree to the contrary in writing
120.2 before the closing of the sale, a seller or transferor who fails to disclose, to the best of their
120.3 knowledge, at the time of sale any of the facts required, and who knew or had reason to
120.4 know of methamphetamine or dimethyltryptamine production on the property, is liable to
120.5 the buyer or transferee for:

120.6 (1) costs relating to remediation of the property according to the Department of Health's
120.7 clandestine drug labs general cleanup guidelines and best practices; and

120.8 (2) reasonable attorney fees for collection of costs from the seller or transferor.

120.9 An action under this paragraph must be commenced within six years after the date on which
120.10 the buyer or transferee closed the purchase or transfer of the real property where the
120.11 methamphetamine or dimethyltryptamine production occurred.

120.12 (o) This section preempts all local ordinances relating to the sale or transfer of real
120.13 property designated as a clandestine lab site.

120.14 Sec. 7. Minnesota Statutes 2018, section 152.18, subdivision 1, is amended to read:

120.15 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
120.16 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
120.17 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
120.18 subdivision 2, 152.025, subdivision 2, 152.0251, subdivision 2, 4, or 5, or 152.027,
120.19 subdivision ~~2, 3, 4,~~ or 6, paragraph (d), for possession of a controlled substance, who:

120.20 (1) has not previously participated in or completed a diversion program authorized under
120.21 section 401.065;

120.22 (2) has not previously been placed on probation without a judgment of guilty and
120.23 thereafter been discharged from probation under this section; and

120.24 (3) has not been convicted of a felony violation of this chapter, including a felony-level
120.25 attempt or conspiracy, or been convicted by the United States or another state of a similar
120.26 offense that would have been a felony under this chapter if committed in Minnesota, unless
120.27 ten years have elapsed since discharge from sentence.

120.28 (b) The court must defer prosecution as provided in paragraph (c) for any person found
120.29 guilty of a violation of section 152.025, subdivision 2, who:

120.30 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

120.31 (2) has not previously been convicted of a felony offense under any state or federal law
120.32 or of a gross misdemeanor under section 152.025 or 152.0251.

121.1 (c) In granting relief under this section, the court shall, without entering a judgment of
121.2 guilty and with the consent of the person, defer further proceedings and place the person
121.3 on probation upon such reasonable conditions as it may require and for a period, not to
121.4 exceed the maximum sentence provided for the violation. The court may give the person
121.5 the opportunity to attend and participate in an appropriate program of education regarding
121.6 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
121.7 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
121.8 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
121.9 person and discharge the person from probation before the expiration of the maximum
121.10 period prescribed for the person's probation. If during the period of probation the person
121.11 does not violate any of the conditions of the probation, then upon expiration of the period
121.12 the court shall discharge the person and dismiss the proceedings against that person.
121.13 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
121.14 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
121.15 the purpose of use by the courts in determining the merits of subsequent proceedings against
121.16 the person. The not public record may also be opened only upon court order for purposes
121.17 of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement,
121.18 prosecution, or corrections authorities, the bureau shall notify the requesting party of the
121.19 existence of the not public record and the right to seek a court order to open it pursuant to
121.20 this section. The court shall forward a record of any discharge and dismissal under this
121.21 subdivision to the bureau which shall make and maintain the not public record of it as
121.22 provided under this subdivision. The discharge or dismissal shall not be deemed a conviction
121.23 for purposes of disqualifications or disabilities imposed by law upon conviction of a crime
121.24 or for any other purpose.

121.25 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
121.26 subdivision 8a.

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

121.29 **Sec. 8. [152.185] POSSESSION OR SALE OF CANNABIDIOL.**

121.30 (a) Cannabidiol (CBD) that is derived from industrial hemp as defined in section 18K.02,
121.31 subdivision 3, is not a controlled substance.

121.32 (b) A person does not violate this chapter simply by possessing or selling CBD as
121.33 described in paragraph (a).

122.1 (c) Paragraph (b) does not prevent a person from being charged with or convicted of a
122.2 violation of this chapter or any other crime if the person's conduct is criminalized elsewhere.

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

122.5 Sec. 9. Minnesota Statutes 2018, section 446A.083, subdivision 2, is amended to read:

122.6 Subd. 2. **Account established.** The authority shall establish a methamphetamine and
122.7 dimethyltryptamine laboratory cleanup revolving account in the public facility authority
122.8 fund to provide loans to counties and cities to remediate clandestine lab sites. The account
122.9 must be credited with repayments.

122.10 Sec. 10. **CANNABIS TASK FORCE.**

122.11 Subdivision 1. **Establishment; purpose.** (a) The Cannabis Task Force is established to
122.12 advise the legislature on the legal and policy issues associated with the legalization, taxation,
122.13 and regulation of cannabis production, sale, and use by those 21 years of age or older in the
122.14 state.

122.15 (b) It is not the purpose of this task force to provide a recommendation on whether or
122.16 not to legalize cannabis. The purpose of this task force is to gather facts and report them to
122.17 the legislature.

122.18 Subd. 2. **Membership.** (a) The Cannabis Task Force consists of:

122.19 (1) two senators appointed by the president of the senate;

122.20 (2) two senators appointed by the minority leader of the senate;

122.21 (3) two members of the house of representatives appointed by the speaker of the house;

122.22 (4) two members of the house of representatives appointed by the minority leader of the
122.23 house of representatives;

122.24 (5) the commissioner of agriculture or a designee;

122.25 (6) the commissioner of health or a designee;

122.26 (7) the commissioner of public safety or a designee;

122.27 (8) the attorney general or a designee;

122.28 (9) the state public defender or a designee;

122.29 (10) the commissioner of revenue or a designee;

- 123.1 (11) the commissioner of human services or a designee;
- 123.2 (12) the commissioner of commerce or a designee;
- 123.3 (13) eight members appointed by the governor who have relevant knowledge and
123.4 experience, including:
- 123.5 (i) one person with experience working in the medical cannabis industry;
- 123.6 (ii) one person with expertise in the treatment of substance abuse disorder;
- 123.7 (iii) one medical cannabis patient;
- 123.8 (iv) one person directly involved in the cultivation and distribution of medical cannabis
123.9 in Minnesota;
- 123.10 (v) one person with experience working in public health policy;
- 123.11 (vi) two persons from separate noncannabis industry organizations who advocate for
123.12 cannabis legalization;
- 123.13 (vii) one person convicted of a nonfelony drug-related offense; and
- 123.14 (viii) one person with expertise on business liability, such as work hazards, insurance,
123.15 human resources, and employee rights, arising from employees working after the use of
123.16 legal recreational marijuana;
- 123.17 (14) one person who is an elected official in a statutory or home rule charter city appointed
123.18 by the League of Minnesota Cities;
- 123.19 (15) one medical doctor appointed by the Board of Medical Practice;
- 123.20 (16) one person who is an elected county official or administrator appointed by the
123.21 Association of Minnesota Counties;
- 123.22 (17) one person who is a defense attorney appointed by the Minnesota Association of
123.23 Criminal Defense Lawyers;
- 123.24 (18) one person who is a county attorney appointed by the Minnesota County Attorneys
123.25 Association;
- 123.26 (19) one person who is a sheriff appointed by the Minnesota Sheriff's Association;
- 123.27 (20) one person who is a chief of police appointed by the Minnesota Chiefs of Police
123.28 Association; and
- 123.29 (21) one rank and file peace officer appointed by the Minnesota Police and Peace Officers
123.30 Association.

124.1 (b) Members shall serve without compensation.

124.2 Subd. 3. **Organization.** (a) The commissioner of public safety or the commissioner's
124.3 designee shall convene the first meeting of the task force. Meetings of the task force are
124.4 subject to Minnesota Statutes, chapter 13D.

124.5 (b) The task force shall meet monthly or as determined by the chair.

124.6 (c) The members of the task force shall elect a chair and other officers as the members
124.7 deem necessary.

124.8 (d) A majority of members constitutes a quorum.

124.9 Subd. 4. **Staff.** The commissioner of public safety shall provide support staff, office
124.10 space, and administrative services for the task force.

124.11 Subd. 5. **Duties.** (a) The task force shall:

124.12 (1) identify and study the potential effects of cannabis legalization including but not
124.13 limited to impacts on public safety, public health, tax policy, and regulatory oversight; and

124.14 (2) consult with experts and government officials involved with the legalization of
124.15 cannabis in other states.

124.16 (b) The task force shall develop a comprehensive plan that covers:

124.17 (1) statutory changes necessary for the legalization of cannabis;

124.18 (2) taxation of cannabis sales and appropriate dedicated uses for the tax revenue raised;

124.19 (3) state and local regulation of cannabis growth, processing, transport, packaging,
124.20 labeling, sale, possession, and use, and the governing body that would enforce the regulation;

124.21 (4) federal law, policy, and regulation of cannabis;

124.22 (5) education of the public on scientific knowledge of the effects of cannabis, especially
124.23 with regards to use by minors;

124.24 (6) funding for, and provision of, treatment to persons with substance abuse disorder as
124.25 it relates to cannabis;

124.26 (7) expungement and pardon of nonviolent marijuana convictions;

124.27 (8) security of cannabis retail and manufacturing locations and the safe handling of
124.28 proceeds from cannabis sales, including banking options;

125.1 (9) policies that promote access to the legal cannabis market to persons from communities
125.2 that are disproportionately impacted by the ban on cannabis including incentives for
125.3 minority-owned businesses to participate in the cannabis industry;

125.4 (10) statutory and policy changes designed to discourage operating motor vehicles while
125.5 under the influence of cannabis; and

125.6 (11) recommendations to the legislature and others about necessary and appropriate
125.7 actions related to legalization of cannabis in the state.

125.8 Subd. 6. **Report.** By February 1, 2020, the task force shall submit a report to the chairs
125.9 and ranking minority members of the senate and house of representatives committees and
125.10 divisions having jurisdiction over public safety, health, human services, revenue, labor and
125.11 industry, and agriculture policy and finance that details the task force's findings regarding
125.12 the legalization of cannabis including the comprehensive plan developed pursuant to
125.13 subdivision 5.

125.14 Subd. 7. **Expiration.** This section expires the earlier of February 1, 2020, or the date
125.15 the report is submitted under subdivision 6.

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

125.17 Sec. 11. **REPEALER.**

125.18 Minnesota Statutes 2018, section 152.027, subdivisions 3 and 4, are repealed.

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

125.20 **ARTICLE 7**

125.21 **DWI**

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

125.23 Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control
125.24 of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person
125.25 knows or has reason to believe is under the influence of alcohol or a controlled substance
125.26 or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state
125.27 or on the ice of any boundary water of this state.

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

126.1 (c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle
126.2 anywhere in this state or on the ice of any boundary water of this state is subject to chapter
126.3 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted
126.4 of violating section 169A.20 or an ordinance in conformity with it, or who refuses to comply
126.5 with a lawful request to submit to testing or fails a test lawfully administered under sections
126.6 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections,
126.7 ~~shall be~~ is prohibited from operating a snowmobile or all-terrain vehicle for a ~~period of~~ one
126.8 year. The commissioner shall notify the person of the ~~time~~ period during which the person
126.9 is prohibited from operating a snowmobile or all-terrain vehicle.

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

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

126.14 (1) this section;

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

126.16 (3) chapter 169A; and

126.17 (4) section 171.177.

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

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

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

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

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

127.1 (c) A person who operates or is in physical control of a motorboat on the waters of this
127.2 state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A,
127.3 a person who is convicted of violating section 169A.20 or an ordinance in conformity with
127.4 it, or who fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177,
127.5 or an ordinance in conformity with ~~it~~ any of these sections, ~~shall be~~ is prohibited from
127.6 operating a motorboat on the waters of this state for ~~a period of~~ 90 days between May 1 and
127.7 October 31, extending over two consecutive years if necessary. If the person refuses to
127.8 comply with a lawful demand to submit to testing under sections 169A.50 to 169A.53 or
127.9 171.177, or an ordinance in conformity with ~~it~~ any of these sections, the person ~~shall be~~ is
127.10 prohibited from operating a motorboat for ~~a period of~~ one year. The commissioner shall
127.11 notify the person of the period during which the person is prohibited from operating a
127.12 motorboat.

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

127.15 (e) The court shall promptly forward to the commissioner and the Department of Public
127.16 Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this
127.17 section; (2) chapter 169 relating to motorboats; (3) chapter 169A; and (4) section 171.177.

127.18 (f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either
127.19 of them, is guilty of a misdemeanor.

127.20 (g) For purposes of this subdivision, a motorboat "in operation" does not include a
127.21 motorboat that is anchored, beached, or securely fastened to a dock or other permanent
127.22 mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

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

127.25 Sec. 3. Minnesota Statutes 2018, section 169A.03, subdivision 18, is amended to read:

127.26 Subd. 18. **Peace officer.** "Peace officer" means:

127.27 (1) a State Patrol officer;

127.28 (2) a University of Minnesota peace officer;

127.29 (3) a police officer of any municipality, including towns having powers under section
127.30 368.01, or county; and

127.31 (4) ~~for purposes of violations of this chapter in or on an off-road recreational vehicle or~~
127.32 ~~motorboat, or for violations of section 97B.065 or 97B.066,~~ a state conservation officer.

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

128.3 Sec. 4. Minnesota Statutes 2018, section 169A.24, subdivision 1, is amended to read:

128.4 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while
128.5 impaired) is guilty of first-degree driving while impaired if the person:

128.6 (1) commits the violation within ten years of the first of three or more qualified prior
128.7 impaired driving incidents;

128.8 (2) has previously been convicted of a felony under this section; or

128.9 (3) has previously been convicted of a felony under:

128.10 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,
128.11 substance-related offenses), subdivision 1, clauses (2) to (6);

128.12 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
128.13 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
128.14 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,
128.15 clauses (2) to (6); ~~or~~

128.16 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses
128.17 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,
128.18 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

128.19 (iv) a statute from this state or another state in conformity with any provision listed in
128.20 item (i), (ii), or (iii).

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

128.23 Sec. 5. Minnesota Statutes 2018, section 169A.37, subdivision 1, is amended to read:

128.24 Subdivision 1. **Crime described.** It is a crime for a person:

128.25 (1) to fail to comply with an impoundment order under section 169A.60 (administrative
128.26 plate impoundment);

128.27 (2) to file a false statement under section 169A.60, subdivision 7, 8, or 14;

128.28 (3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is
128.29 subject to an impoundment order issued under section 169A.60, unless specially coded
128.30 plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13;

129.1 (4) to fail to notify the commissioner of the impoundment order when requesting new
129.2 plates;

129.3 (5) who is subject to a plate impoundment order under section 169A.60, to drive, operate,
129.4 or be in control of any motor vehicle during the impoundment period, unless the vehicle is
129.5 employer-owned and is not required to be equipped with an ignition interlock device pursuant
129.6 to section 171.306, subdivision 4, paragraph (b), or Laws 2013, chapter 127, section 70, or
129.7 has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person
129.8 is validly licensed to drive; ~~or~~

129.9 (6) who is the transferee of a motor vehicle and who has signed a sworn statement under
129.10 section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate,
129.11 or be in control of the vehicle during the impoundment period; or

129.12 (7) to intentionally remove all or a portion of or to otherwise obliterate or damage a
129.13 permanent sticker affixed on and invalidating a registration plate under section 169A.60,
129.14 subdivision 4.

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

129.17 Sec. 6. Minnesota Statutes 2018, section 169A.55, subdivision 2, is amended to read:

129.18 Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of
129.19 revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54
129.20 (impaired driving convictions and adjudications; administrative penalties), or 171.177
129.21 (revocation; search warrant), the commissioner shall notify the person of the terms upon
129.22 which driving privileges can be reinstated, and new registration plates issued, which terms
129.23 are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms
129.24 of alcohol treatment or counseling previously prescribed, if any; and (2) any other
129.25 requirements imposed by the commissioner and applicable to that particular case. The
129.26 commissioner shall notify the owner of a motor vehicle subject to an impoundment order
129.27 under section 169A.60 (administrative impoundment of plates) as a result of the violation
129.28 of the procedures for obtaining new registration plates, if the owner is not the violator. The
129.29 commissioner shall also notify the person that if driving is resumed without reinstatement
129.30 of driving privileges or without valid registration plates and registration certificate, the
129.31 person will be subject to criminal penalties.

130.1 Sec. 7. Minnesota Statutes 2018, section 169A.55, subdivision 4, is amended to read:

130.2 Subd. 4. **Reinstatement of driving privileges; multiple incidents.** (a) A person whose
130.3 driver's license has been revoked as a result of an offense listed under clause (1) or (2) shall
130.4 not be eligible for reinstatement of driving privileges without an ignition interlock restriction
130.5 until the commissioner certifies that the person has used the ignition interlock device and
130.6 complied with section 171.306 for a period of not less than:

130.7 (1) one year, for a person whose driver's license was revoked for:

130.8 (i) an offense occurring within ten years of a qualified prior impaired driving incident;

130.9 or

130.10 (ii) an offense occurring after two qualified prior impaired driving incidents; or

130.11 (2) two years, for a person whose driver's license was revoked for:

130.12 (i) an offense occurring under clause (1), and where the test results indicated an alcohol
130.13 concentration of twice the legal limit or more; or

130.14 (ii) an offense occurring under clause (1), and where the current offense is for a violation
130.15 of section 169A.20, subdivision 2 (test refusal).

130.16 As used in this paragraph, "family or household member" has the meaning given in section
130.17 169A.63, subdivision 1, paragraph (f).

130.18 (b) A person whose driver's license has been canceled or denied as a result of three or
130.19 more qualified impaired driving incidents shall not be eligible for reinstatement of driving
130.20 privileges without an ignition interlock restriction until the person:

130.21 (1) has completed rehabilitation according to rules adopted by the commissioner or been
130.22 granted a variance from the rules by the commissioner; and

130.23 (2) has submitted verification of abstinence from alcohol and controlled substances
130.24 under paragraph (c), as evidenced by the person's use of an ignition interlock device or other
130.25 chemical monitoring device approved by the commissioner.

130.26 ~~(b)~~ (c) The verification of abstinence must show that the person has abstained from the
130.27 use of alcohol and controlled substances for a period of not less than:

130.28 (1) three years, for a person whose driver's license was canceled or denied for an offense
130.29 occurring within ten years of the first of two qualified prior impaired driving incidents, or
130.30 occurring after three qualified prior impaired driving incidents;

131.1 (2) four years, for a person whose driver's license was canceled or denied for an offense
131.2 occurring within ten years of the first of three qualified prior impaired driving incidents; or

131.3 (3) six years, for a person whose driver's license was canceled or denied for an offense
131.4 occurring after four or more qualified prior impaired driving incidents.

131.5 ~~(e) The commissioner shall establish performance standards and a process for certifying~~
131.6 ~~chemical monitoring devices. The standards and procedures are not rules and are exempt~~
131.7 ~~from chapter 14, including section 14.386.~~

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

131.10 Sec. 8. Minnesota Statutes 2018, section 169A.60, subdivision 4, is amended to read:

131.11 Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the
131.12 commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a
131.13 plate impoundment violation shall also serve a notice of intent to impound and an order of
131.14 impoundment. On behalf of the commissioner, a peace officer who is arresting a person for
131.15 or charging a person with a plate impoundment violation described in subdivision 1,
131.16 paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of
131.17 impoundment. If the vehicle involved in the plate impoundment violation is accessible to
131.18 the officer at the time the impoundment order is issued, the officer shall seize the registration
131.19 plates subject to the impoundment order. The officer shall destroy all plates seized or
131.20 impounded under this section. Alternatively, the officer may invalidate the plates by affixing
131.21 a permanent sticker on them. The officer shall send to the commissioner copies of the notice
131.22 of intent to impound and the order of impoundment and a notice that registration plates
131.23 impounded and seized under this section have been destroyed or have been affixed with the
131.24 permanent sticker.

131.25 Sec. 9. Minnesota Statutes 2018, section 169A.60, subdivision 5, is amended to read:

131.26 Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator and the
131.27 plate impoundment violation is predicated on the results of a chemical test of the violator's
131.28 breath or on a refusal to submit to a chemical test, the officer shall issue a temporary vehicle
131.29 permit that is valid for ~~seven~~ 14 days when the officer issues the notices under subdivision
131.30 4. The temporary permit is valid for 45 days if the violator submits to a chemical test of
131.31 the violator's blood or urine. If the motor vehicle is registered in the name of another, the
131.32 officer shall issue a temporary vehicle permit that is valid for 45 days when the notices are
131.33 issued under subdivision 3. The permit must be in a form determined by the registrar and

132.1 whenever practicable must be posted on the left side of the inside rear window of the vehicle.

132.2 A permit is valid only for the vehicle for which it is issued.

132.3 Sec. 10. Minnesota Statutes 2018, section 169A.60, subdivision 8, is amended to read:

132.4 Subd. 8. **Reissuance of registration plates.** (a) The commissioner shall rescind the
132.5 impoundment order of a person subject to an order under this section, other than the violator,
132.6 if:

132.7 (1) the violator had a valid driver's license on the date of the plate impoundment violation
132.8 and the person files with the commissioner an acceptable sworn statement containing the
132.9 following information:

132.10 (i) that the person is the registered owner of the vehicle from which the plates have been
132.11 impounded under this section;

132.12 (ii) that the person is the current owner and possessor of the vehicle used in the violation;

132.13 (iii) the date on which the violator obtained the vehicle from the registered owner;

132.14 (iv) the residence addresses of the registered owner and the violator on the date the
132.15 violator obtained the vehicle from the registered owner;

132.16 (v) that the person was not a passenger in the vehicle at the time of the plate impoundment
132.17 violation; and

132.18 (vi) that the person knows that the violator may not drive, operate, or be in physical
132.19 control of a vehicle without a valid driver's license; or

132.20 (2) the violator did not have a valid driver's license on the date of the plate impoundment
132.21 violation and the person made a report to law enforcement before the violation stating that
132.22 the vehicle had been taken from the person's possession or was being used without
132.23 permission.

132.24 (b) A person who has failed to make a report as provided in paragraph (a), clause (2),
132.25 may be issued special registration plates under subdivision 13 for a period of one year from
132.26 the effective date of the impoundment order. Following this period, the person may apply
132.27 for regular registration plates.

132.28 (c) If the order is rescinded, the owner shall receive new registration plates at no cost,
132.29 if the plates were seized and destroyed or have been affixed with a permanent sticker.

133.1 Sec. 11. Minnesota Statutes 2018, section 169A.63, is amended by adding a subdivision
133.2 to read:

133.3 Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the
133.4 designated offense or whose conduct resulted in the designated license revocation becomes
133.5 a program participant in the ignition interlock program under section 171.306 within 60
133.6 days following service of the Notice of Seizure and Intent to Forfeit under this section.

133.7 (b) Notwithstanding paragraph (a), if the program participant described in paragraph (a)
133.8 subsequently operates the motor vehicle to commit a designated offense or in a manner that
133.9 results in a designated license revocation, the vehicle must be seized and summarily forfeited.

133.10 (c) Notwithstanding paragraph (a), if the program participant described in paragraph (a)
133.11 either voluntarily or involuntarily ceases to participate in the program, or fails to successfully
133.12 complete it, the vehicle used in the underlying designated offense must be seized and
133.13 summarily forfeited.

133.14 (d) Paragraph (b) applies only if the described subsequent vehicle operation occurs
133.15 before the participant has been restored to full driving privileges or within three years of
133.16 the original designated offense or designated license revocation, whichever occurs latest.

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

133.18 Sec. 12. Minnesota Statutes 2018, section 171.29, subdivision 1, is amended to read:

133.19 Subdivision 1. **Examination required.** (a) No person whose driver's license has been
133.20 revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under
133.21 section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52,~~
133.22 ~~or 171.177~~ shall be issued another license unless and until that person shall have successfully
133.23 passed an examination as required by the commissioner of public safety. This subdivision
133.24 does not apply to an applicant for early reinstatement under section 169.792, subdivision
133.25 7a.

133.26 (b) The requirement to successfully pass the examination described in paragraph (a)
133.27 does not apply to a person whose driver's license has been revoked because of an impaired
133.28 driving offense.

133.29 Sec. 13. Minnesota Statutes 2018, section 171.306, subdivision 2, is amended to read:

133.30 Subd. 2. **Performance standards; certification; manufacturer and provider**
133.31 **requirements.** (a) The commissioner shall establish performance standards and a process
133.32 for certifying devices used in the ignition interlock program, except that the commissioner

134.1 may not establish standards that, directly or indirectly, require devices to use or enable
134.2 location tracking capabilities without a court order.

134.3 (b) The manufacturer of a device must apply annually for certification of the device by
134.4 submitting the form prescribed by the commissioner. The commissioner shall require
134.5 manufacturers of certified devices to:

134.6 (1) provide device installation, servicing, and monitoring to indigent program participants
134.7 at a discounted rate, according to the standards established by the commissioner; ~~and~~

134.8 (2) include in an ignition interlock device contract a provision that a program participant
134.9 who voluntarily terminates participation in the program is only liable for servicing and
134.10 monitoring costs incurred during the time the device is installed on the motor vehicle,
134.11 regardless of whether the term of the contract has expired; and

134.12 (3) include in an ignition interlock device contract a provision that requires manufacturers
134.13 of certified devices to pay any towing or repair costs caused by device failure or malfunction,
134.14 or by damage caused during device installation, servicing, or monitoring.

134.15 (c) The manufacturer of a certified device must include with an ignition interlock device
134.16 contract a separate notice to the program participant regarding any location tracking
134.17 capabilities of the device.

134.18 Sec. 14. **DWI STUDY; MEASUREMENT OF CONTROLLED SUBSTANCES.**

134.19 (a) The commissioner of public safety, in consultation with stakeholders and experts,
134.20 shall study and report on the use of screening tests that measure the marijuana or
134.21 tetrahydrocannabinols level of a person stopped or arrested for driving while impaired. The
134.22 commissioner shall also study the threshold measurement level for the legal impairment of
134.23 persons who are driving under the influence of marijuana or tetrahydrocannabinols. The
134.24 study must include the identification, review, and evaluation of:

134.25 (1) marijuana or tetrahydrocannabinols screening tests, including at a minimum oral
134.26 fluid roadside tests;

134.27 (2) the measured amount of marijuana or tetrahydrocannabinols in a driver's blood or
134.28 urine that is the legal threshold for impairment of the driver;

134.29 (3) the practices and laws in other states for drug screening tests and measurement of
134.30 marijuana or tetrahydrocannabinols in persons suspected of driving while impaired by
134.31 controlled substances; and

135.1 (4) any other necessary information relating to the measurement of marijuana or
135.2 tetrahydrocannabinols in persons who are suspected of driving under the influence of a
135.3 controlled substance.

135.4 (b) The commissioner shall submit a report of its study by March 15, 2020, to the chairs
135.5 and ranking minority members of the legislative committees and divisions with jurisdiction
135.6 over public safety.

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

135.8 **ARTICLE 8**
135.9 **VEHICLE OPERATIONS**

135.10 Section 1. Minnesota Statutes 2018, section 169.13, subdivision 1, is amended to read:

135.11 Subdivision 1. **Reckless driving.** (a) A person who drives a motor vehicle or light rail
135.12 transit vehicle while aware of and consciously disregarding a substantial and unjustifiable
135.13 risk that the driving may result in harm to another or another's property is guilty of reckless
135.14 driving. The risk must be of such a nature and degree that disregard of it constitutes a
135.15 significant deviation from the standard of conduct that a reasonable person would observe
135.16 in the situation.

135.17 (b) A person shall not race any vehicle upon any street or highway of this state. Any
135.18 person who willfully compares or contests relative speeds by operating one or more vehicles
135.19 is guilty of racing, which constitutes reckless driving, whether or not the speed contested
135.20 or compared is in excess of the maximum speed prescribed by law.

135.21 (c) A person who violates paragraph (a) or (b) is guilty of a misdemeanor. A person who
135.22 violates paragraph (a) or (b) and causes great bodily harm or death to another is guilty of a
135.23 gross misdemeanor.

135.24 (d) For purposes of this section, "great bodily harm" has the meaning given in section
135.25 609.02, subdivision 8.

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

135.28 Sec. 2. Minnesota Statutes 2018, section 169.13, subdivision 2, is amended to read:

135.29 Subd. 2. **Careless driving.** (a) Any person who operates or halts any vehicle upon any
135.30 street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner

136.1 that endangers or is likely to endanger any property or any person, including the driver or
136.2 passengers of the vehicle, is guilty of a misdemeanor.

136.3 (b) Any person who operates or halts a light rail transit vehicle carelessly or heedlessly
136.4 in disregard of the rights of others, or in a manner that endangers or is likely to endanger
136.5 any property or any person, including the operator or passengers on the light rail transit
136.6 vehicle, is guilty of a misdemeanor.

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

136.9 Sec. 3. Minnesota Statutes 2018, section 169.92, subdivision 4, is amended to read:

136.10 Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or
136.11 from the driver licensing authority of a state, district, territory, or possession of the United
136.12 States or a province of a foreign country which has an agreement in effect with this state
136.13 pursuant to section 169.91, that a resident of this state or a person licensed as a driver in
136.14 this state did not appear in court in compliance with the terms of a citation, the commissioner
136.15 of public safety shall notify the driver that the driver's license will be suspended unless the
136.16 commissioner receives notice within 30 days that the driver has appeared in the appropriate
136.17 court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under~~
136.18 ~~section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner
136.19 does not receive notice of the appearance in the appropriate court or payment of the fine
136.20 within 30 days of the date of the commissioner's notice to the driver, the commissioner may
136.21 suspend the driver's license, subject to the notice requirements of section 171.18, subdivision
136.22 2. Notwithstanding the requirements in this section, the commissioner is prohibited from
136.23 suspending the driver's license of a person based solely on the fact that the person did not
136.24 appear in court (1) in compliance with the terms of a citation for a petty misdemeanor, or
136.25 (2) for a violation of section 171.24, subdivision 1.

136.26 (b) The order of suspension shall indicate the reason for the order and shall notify the
136.27 driver that the driver's license ~~shall remain~~ remains suspended until the driver has furnished
136.28 evidence, satisfactory to the commissioner, of compliance with any order entered by the
136.29 court.

136.30 (c) Suspension shall be ordered under this subdivision only when the report clearly
136.31 identifies the person arrested; describes the violation, specifying the section of the traffic
136.32 law, ordinance or rule violated; indicates the location and date of the offense; and describes
136.33 the vehicle involved and its registration number.

137.1 Sec. 4. Minnesota Statutes 2018, section 171.16, subdivision 2, is amended to read:

137.2 Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension
137.3 of the driver's license of the person so convicted, and the commissioner shall suspend such
137.4 license as recommended by the court, without a hearing ~~as provided herein~~.

137.5 (b) The commissioner is prohibited from suspending a person's driver's license if the
137.6 person was convicted only under section 171.24, subdivision 1 or 2.

137.7 Sec. 5. Minnesota Statutes 2018, section 171.16, subdivision 3, is amended to read:

137.8 Subd. 3. ~~Suspension for Failure to pay fine. When any court reports to~~ The
137.9 commissioner must not suspend a person's driver's license based solely on the fact that a
137.10 person: (1) has been convicted of violating a law of this state or an ordinance of a political
137.11 subdivision which regulates the operation or parking of motor vehicles, (2) has been
137.12 sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced
137.13 to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with
137.14 that sentence or to pay the surcharge, ~~notwithstanding the fact that the court has determined~~
137.15 ~~that the person has the ability to pay the fine or surcharge, the commissioner shall suspend~~
137.16 ~~the driver's license of such person for 30 days for a refusal or failure to pay or until notified~~
137.17 ~~by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has~~
137.18 ~~been paid.~~

137.19 Sec. 6. Minnesota Statutes 2018, section 171.18, subdivision 1, is amended to read:

137.20 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver
137.21 without preliminary hearing upon a showing by department records or other sufficient
137.22 evidence that the licensee:

137.23 (1) has committed an offense for which mandatory revocation of license is required upon
137.24 conviction;

137.25 (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance
137.26 regulating traffic, other than a conviction for a petty misdemeanor, and department records
137.27 show that the violation contributed in causing an accident resulting in the death or personal
137.28 injury of another, or serious property damage;

137.29 (3) is an habitually reckless or negligent driver of a motor vehicle;

137.30 (4) is an habitual violator of the traffic laws;

137.31 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

- 138.1 (6) has permitted an unlawful or fraudulent use of the license;
- 138.2 (7) has committed an offense in another state that, if committed in this state, would be
138.3 grounds for suspension;
- 138.4 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within
138.5 five years of a prior conviction under that section;
- 138.6 (9) has committed a violation of section 171.22, except that the commissioner may not
138.7 suspend a person's driver's license based solely on the fact that the person possessed a
138.8 fictitious or fraudulently altered Minnesota identification card;
- 138.9 (10) has failed to appear in court as provided in section 169.92, subdivision 4;
- 138.10 (11) has failed to report a medical condition that, if reported, would have resulted in
138.11 cancellation of driving privileges;
- 138.12 (12) has been found to have committed an offense under section 169A.33; or
- 138.13 (13) has paid or attempted to pay a fee required under this chapter for a license or permit
138.14 by means of a dishonored check issued to the state or a driver's license agent, which must
138.15 be continued until the registrar determines or is informed by the agent that the dishonored
138.16 check has been paid in full.

138.17 However, an action taken by the commissioner under clause (2) or (5) must conform to the
138.18 recommendation of the court when made in connection with the prosecution of the licensee.

138.19 (b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license
138.20 of an individual under paragraph (a) who was convicted of a violation of section 171.24,
138.21 subdivision 1, ~~whose license was under suspension at the time solely because of the~~
138.22 ~~individual's failure to appear in court or failure to pay a fine or 2.~~

138.23 **Sec. 7. [171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.**

138.24 Subdivision 1. **Establishment.** (a) A city or county may establish a license reinstatement
138.25 diversion program for holders of class D drivers' licenses who have been charged with
138.26 violating section 171.24, subdivision 1 or 2. An individual charged with driving after
138.27 revocation under section 171.24, subdivision 2, is eligible for diversion only if the revocation
138.28 was due to a violation of section 169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision
138.29 1, paragraph (a), clause (6); or 171.177. An individual who is a holder of a commercial
138.30 driver's license or who has committed an offense in a commercial motor vehicle is not
138.31 eligible to participate in the diversion program. Nothing in this section authorizes the issuance

139.1 of a driver's license to a diversion program participant during the underlying suspension or
139.2 revocation period at issue in the violation of section 171.24, subdivision 1 or 2.

139.3 (b) Notwithstanding any law or ordinance to the contrary, a city or county may contract
139.4 with a third party to create and administer the diversion program under this section. Any
139.5 participating city or county, at its own expense, may request an audit of the administrator.

139.6 (c) For purposes of this section, "administrator" means the city, county, or administrator
139.7 of the program.

139.8 Subd. 2. **Diversion of an individual.** (a) A prosecutor for a participating city or county
139.9 may determine whether to accept an individual for diversion. When making the determination,
139.10 the prosecutor must consider:

139.11 (1) whether the individual has a record of driving without a valid license or other criminal
139.12 record, or has previously participated in a diversion program;

139.13 (2) the strength of the evidence against the individual, along with any mitigating factors;
139.14 and

139.15 (3) the apparent ability and willingness of the individual to participate in the diversion
139.16 program and comply with program requirements.

139.17 (b) A city or county attorney may request that an individual be reviewed for a diversion
139.18 program without a formal city or county diversion program being established. The city or
139.19 county attorney must follow the requirements of subdivisions 1 and 2 and may submit the
139.20 individual's application to an administrator for processing in collaboration with DVS to
139.21 determine if an individual is eligible for approval into the diversion program. The participant
139.22 must meet the requirements in subdivision 4.

139.23 (c) A judge may submit a request for an individual to apply for entry into a diversion
139.24 program under subdivisions 1 and 2. The participant must meet the requirements in
139.25 subdivision 4.

139.26 Subd. 3. **Diversion driver's license.** (a) Notwithstanding any law to the contrary, the
139.27 commissioner may issue a diversion driver's license to a person who is a participant in a
139.28 diversion program, after receiving an application and payment of:

139.29 (1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose
139.30 driver's license has been suspended;

140.1 (2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a
140.2 participant whose driver's license has been revoked under section 169.791; 169.797; or
140.3 171.17, subdivision 1, paragraph (a), clause (6); or

140.4 (3) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a
140.5 participant whose driver's license has been revoked under section 169A.52, 169A.54, or
140.6 171.177. The reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph
140.7 (b), must also be paid during the course of and as a condition of the diversion program.

140.8 (b) The commissioner may impose restrictions on a diversion driver's license that are
140.9 suitable to the licensee's driving ability or applicable to the licensee as the commissioner
140.10 deems appropriate to ensure the safe operation of a motor vehicle by the licensee. The
140.11 participant must follow all requirements of this section, the requirements set out by DVS
140.12 and court restrictions.

140.13 (c) Payments made by participants in the diversion program of the reinstatement fee and
140.14 surcharge under section 171.29, subdivision 2, paragraph (b), must be applied first toward
140.15 payment of the reinstatement fee and, after the reinstatement fee has been fully paid, toward
140.16 payment of the surcharge. Each payment that is applied toward the reinstatement fee must
140.17 be credited as provided in section 171.29, subdivision 2, paragraph (b), and each payment
140.18 that is applied toward the surcharge must be credited as provided in section 171.29,
140.19 subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied,
140.20 the participant must pay the program participation fee.

140.21 (d) Notwithstanding any law to the contrary, a diversion driver's license issued to a
140.22 participant in the program must not be revoked or suspended for convictions entered due
140.23 to payments made under subdivision 4.

140.24 Subd. 4. **Program components.** (a) At a minimum, the diversion program must require
140.25 individuals to:

140.26 (1) successfully attend and complete, at the individual's expense, educational classes
140.27 that provide, among other things, information on driver's licensure;

140.28 (2) pay to the administrator, under a schedule approved by the prosecutor, all required
140.29 related fees, fines, and charges, including applicable statutory license reinstatement fees
140.30 and costs of participation in the program;

140.31 (3) comply with all traffic laws; and

140.32 (4) demonstrate compliance with motor vehicle insurance requirements.

141.1 (b) Individuals whose underlying citations cost less than \$250 shall receive a 60 percent
141.2 discount on the diversion program fee. Individuals whose underlying citations cost \$250 to
141.3 \$500 shall receive a 40 percent discount on the diversion program fee.

141.4 Subd. 5. **Termination of participation; reinstatement of driver's license.** (a) An
141.5 individual's participation in the diversion program must be terminated if:

141.6 (1) the individual is found guilty of a moving traffic violation;

141.7 (2) the individual fails to provide proof of vehicle insurance; or

141.8 (3) the administrator of the diversion program informs the commissioner that the
141.9 individual is no longer satisfying the conditions of the diversion program.

141.10 (b) The commissioner must cancel an individual's diversion driver's license upon receiving
141.11 notice from the administrator that the individual is not complying with the requirements of
141.12 the program.

141.13 (c) The original charge against the individual of a violation of section 171.24 may be
141.14 reinstated against an individual whose participation in the diversion program terminates
141.15 under paragraph (a), clause (1) or (2).

141.16 (d) If an individual satisfies all requirements of the diversion program, including, at a
141.17 minimum, satisfactory fulfillment of the components under subdivision 4, the administrator
141.18 must inform the court, the prosecutor, and the commissioner of the individual's satisfactory
141.19 completion of the diversion program.

141.20 (e) Upon receiving notice under paragraph (d), the commissioner must reinstate the
141.21 individual's driver's license.

141.22 (f) Upon receiving notice under paragraph (d), the court must dismiss the charge or the
141.23 prosecutor must decline to prosecute the individual.

141.24 Subd. 6. **Fees held on termination of participant.** (a) Upon termination of the participant
141.25 in the program under subdivision 5, where there are any held funds and only after the
141.26 administrator has made payouts on citations and fees, the third-party administrator shall
141.27 hold remaining participant fees for 12 months from the date of termination under subdivision
141.28 5, paragraph (a), clause (1) or (2).

141.29 (b) A participant who meets DVS requirements to re-enter the diversion program may
141.30 use held funds to pay fees to be reinstated into the program.

142.1 (c) After 12 months, the administrator shall retain the funds for the work performed
142.2 during the participant's enrollment period, prior to the participant's termination date in the
142.3 diversion program.

142.4 Subd. 7. **Biennial report.** (a) By February 1 of each even-numbered year, the
142.5 administrator must report on each city and county that participated in the diversion program
142.6 and provide a report to each participating city and county, the commissioner, and the
142.7 legislative committees with jurisdiction over transportation and the judiciary concerning
142.8 the results of the program. The report must be made available electronically and, upon
142.9 request, in print. The report must include, without limitation, the effect of the program on:

142.10 (1) recidivism rates for participants in the diversion program;

142.11 (2) the number of participants who successfully completed the program;

142.12 (3) the amount charged to individuals for program fees;

142.13 (4) payment of the fees and fines collected in the diversion program to cities, counties,
142.14 and the state;

142.15 (5) the total amount of money collected from participants in the program;

142.16 (6) the total amount of money, by category, paid or applied to reinstatement;

142.17 (7) educational support provided to participants in the diversion program;

142.18 (8) the total number of participants in the diversion program;

142.19 (9) the total number of participants terminated from the program under subdivision 5,
142.20 paragraph (a), clauses (1) to (3);

142.21 (10) the reimbursement policy for all payments listed under clause (4); and

142.22 (11) the amount of all payments listed under clause (4) retained from participants who
142.23 were terminated from the program.

142.24 (b) The report must include all recommendations made by cities or counties regarding
142.25 the future of the program and any necessary or suggested legislative changes.

142.26 **EFFECTIVE DATE.** This section is effective July 1, 2019. A city or county participating
142.27 in the diversion program may accept an individual into the program until June 30, 2019.
142.28 The third party administering the diversion program may collect and disperse fees collected
142.29 pursuant to Minnesota Statutes, section 171.2405, subdivision 6, paragraph (a), clause (2),
142.30 through June 30, 2019.

143.1 Sec. 8. [171.325] DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS;
143.2 REPORTS.

143.3 Subdivision 1. Issuance, suspensions, and revocations. (a) Annually by February 15,
143.4 the commissioner of public safety must report to the chairs and ranking minority members
143.5 of the house of representatives and senate committees and divisions with jurisdiction over
143.6 public safety and transportation on the status of driver's licenses issued, suspended, and
143.7 revoked. The commissioner must make the report available on the department's website.

143.8 (b) At a minimum, the report must include:

143.9 (1) the total number of driver's licenses issued, suspended, and revoked as of January 1
143.10 the year the report is submitted, broken down by county;

143.11 (2) for each of the previous eight calendar years, the total number of driver's licenses
143.12 suspended and the number of suspended licenses reinstated; and

143.13 (3) for each of the previous eight calendar years, the total number of driver's licenses
143.14 revoked and the number of revoked licenses reinstated.

143.15 (c) For purposes of paragraph (b), clauses (1), (2), and (3), the report must identify each
143.16 type of suspension or revocation authorized by statute or rule and include the number of
143.17 licenses suspended or revoked for each type.

143.18 Subd. 2. Charges, convictions, and fines. (a) Annually by February 15, the state court
143.19 administrator must report to the chairs and ranking minority members of the house of
143.20 representatives and senate committees and divisions with jurisdiction over public safety
143.21 and transportation on (1) charges and convictions for driving after suspension or revocation,
143.22 and (2) payment of fines for violations related to operation of a motor vehicle. The
143.23 administrator must make the report available on the state court's website.

143.24 (b) At a minimum, the report must include:

143.25 (1) for each of the previous eight calendar years, the number of charges under section
143.26 171.24, subdivisions 1 and 2, broken down by the charges for each subdivision and indicating
143.27 whether the court appointed the public defender to represent the defendant;

143.28 (2) for each of the previous eight calendar years, the number of convictions under section
143.29 171.24, subdivisions 1 and 2, broken down by the convictions for each subdivision and
143.30 indicating whether the court appointed the public defender to represent the defendant; and

143.31 (3) for the past calendar year, for all charges on violations related to the operation of a
143.32 motor vehicle and included on the uniform fine schedule authorized under section 609.101,

- 144.1 subdivision 4, the percentage of fines, broken down by whether the court appointed the
144.2 public defender to represent the defendant, which:
- 144.3 (i) were paid in full by the due date on the citation;
 - 144.4 (ii) were paid in full through a payment plan;
 - 144.5 (iii) accrued late charges;
 - 144.6 (iv) were sent to court collections; and
 - 144.7 (v) were sent to the Department of Revenue for collection.

144.8 Sec. 9. Minnesota Statutes 2018, section 299A.12, subdivision 1, is amended to read:

144.9 Subdivision 1. **General requirements.** ~~Except as provided in subdivision 4,~~ Any vehicle
144.10 used by an operator to provide transportation service ~~shall~~ must be equipped with wheelchair
144.11 securement devices ~~which are approved by the commissioner of public safety as meeting~~
144.12 that meet the specifications of subdivisions 1 and 2. Only securement devices that meet the
144.13 requirements of the Americans with Disabilities Act may be used. A wheelchair securement
144.14 device ~~shall prevent any forward, backward, or lateral movement of an occupied wheelchair~~
144.15 ~~when the device is engaged and the vehicle is in motion, accelerating or braking, and shall~~
144.16 ~~attach to the frame of the wheelchair without damaging it~~ must be installed and used
144.17 according to the manufacturer's instructions and Code of Federal Regulations, title 49,
144.18 section 38.23. Wheelchair securement devices installed in any vehicle ~~shall~~ must be
144.19 maintained in working order and according to the manufacturer's recommendations.

144.20 Sec. 10. Minnesota Statutes 2018, section 299A.12, subdivision 2, is amended to read:

144.21 Subd. 2. **Strength Design requirements.** The strength design requirements for ~~securing~~
144.22 ~~the part of a wheelchair that is forward in the vehicle shall be one-half of those required for~~
144.23 ~~the rear. Where the wheelchair securement device and the seat belt are combined in a~~
144.24 ~~common system, those parts which provide the combined restraining force shall have a~~
144.25 ~~combined strength of both according to the strength requirements of each as adopted by the~~
144.26 ~~commissioner of public safety~~ securement devices must meet the specifications in Code of
144.27 Federal Regulations, title 49, section 38.23.

144.28 Sec. 11. Minnesota Statutes 2018, section 299A.12, subdivision 3, is amended to read:

144.29 Subd. 3. **Maximum number of persons transported.** A vehicle used to provide
144.30 transportation service ~~shall~~ must carry only as many persons seated in wheelchairs as the
144.31 number of securement devices approved by the commissioner of public safety as meeting

145.1 the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each
145.2 occupied wheelchair ~~shall~~ must be secured by such a securement device before the vehicle
145.3 is set in motion.

145.4 Sec. 12. Minnesota Statutes 2018, section 299A.13, is amended to read:

145.5 **299A.13 ADDITIONAL SAFETY REQUIREMENTS.**

145.6 Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service ~~shall~~ must
145.7 be equipped with seat belts ~~which~~ that are approved by the commissioner of public safety.
145.8 The seat belts required by this subdivision ~~shall~~ must be adequate to secure the occupant
145.9 of a wheelchair who is being transported by the vehicle. ~~These~~ The seat belts ~~shall~~ must be
145.10 used only to secure the person and ~~shall~~ must not be used to secure the wheelchair unless
145.11 the wheelchair securement force is not cumulative to the seat belt. The seat belts ~~shall~~ must
145.12 meet all other applicable state and federal requirements for safety.

145.13 Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual
145.14 in an electrically powered wheelchair, the main power switch of the wheelchair ~~shall~~ must
145.15 be placed in the "off" position at all times while the vehicle is in motion.

145.16 Subd. 3. **Mobility aid accessibility.** (a) Vehicles equipped with wheelchair securement
145.17 devices must provide a level-change mechanism or boarding device such as a lift or ramp
145.18 that complies with Code of Federal Regulations, title 49, section 38.23.

145.19 (b) Wheelchair lifts must comply with the National Highway Traffic Safety
145.20 Administration's Federal Motor Vehicle Safety Standards for public use lifts as outlined in
145.21 Code of Federal Regulations, title 49, sections 571.403 and 571.404.

145.22 Subd. 4. **Driver's responsibility.** (a) The driver of a vehicle equipped with a wheelchair
145.23 securement device has the duties outlined in this subdivision.

145.24 (b) The driver or a person designated by the driver shall ensure that an occupied
145.25 wheelchair is properly secured before the driver sets the vehicle in motion.

145.26 (c) The driver or a person designated by the driver shall ensure that the seat belt assembly
145.27 is properly adjusted and fastened around the wheelchair user in a manner consistent with
145.28 the manufacturer's recommendations before the driver sets the vehicle in motion when:

145.29 (1) requested by the wheelchair user;

145.30 (2) the wheelchair user is unable to communicate;

145.31 (3) seat belt usage is required of all passengers in the vehicle; or

146.1 (4) the vehicle is a school bus.

146.2 The seat belt assembly must not be fastened if the wheelchair user or other responsible
146.3 person advises the driver that to do so would aggravate a physical condition of the wheelchair
146.4 user. If a restraint device is available that would not aggravate the physical condition of the
146.5 user, it must be fastened in the required manner.

146.6 (d) The driver or a person designated by the driver shall ensure that securement devices
146.7 and seat belt assemblies are retracted, removed, or otherwise stored when not in use to
146.8 prevent tripping of persons and damage to devices.

146.9 Sec. 13. Minnesota Statutes 2018, section 299A.14, subdivision 3, is amended to read:

146.10 Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies
146.11 with the provisions of sections 299A.12, ~~subdivisions 1 and 4,~~ and 299A.13, ~~subdivision~~
146.12 ~~1;~~ and that the securement device is and level-change mechanism or boarding device such
146.13 as a lift or ramp are in working order; and ~~that the securement device is not in need of~~
146.14 obvious repair. The inspection may include testing the use of a securement device while
146.15 the vehicle is in motion.

146.16 Sec. 14. Minnesota Statutes 2018, section 480.15, is amended by adding a subdivision to
146.17 read:

146.18 Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator
146.19 shall collect, compile, and report the data on (1) charges and convictions for driving after
146.20 suspension or revocation, and (2) payment of fines for violations related to operation of a
146.21 motor vehicle, as required under section 171.325.

146.22 Sec. 15. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

146.23 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),
146.24 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment
146.25 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
146.26 person causes the death of a human being not constituting murder or manslaughter as a
146.27 result of operating a motor vehicle:

146.28 (1) in a grossly negligent manner;

146.29 (2) in a negligent manner while under the influence of:

146.30 (i) alcohol;

146.31 (ii) a controlled substance; or

147.1 (iii) any combination of those elements;

147.2 (3) while having an alcohol concentration of 0.08 or more;

147.3 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
147.4 of the time of driving;

147.5 (5) in a negligent manner while under the influence of an intoxicating substance and the
147.6 person knows or has reason to know that the substance has the capacity to cause impairment;

147.7 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
147.8 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
147.9 person's body;

147.10 (7) where the driver who causes the collision leaves the scene of the collision in violation
147.11 of section 169.09, subdivision 1 or 6; ~~or~~

147.12 (8) where the driver had actual knowledge that a peace officer had previously issued a
147.13 citation or warning that the motor vehicle was defectively maintained, the driver had actual
147.14 knowledge that remedial action was not taken, the driver had reason to know that the defect
147.15 created a present danger to others, and the death was caused by the defective maintenance;

147.16 (9) in a negligent manner while the driver is in violation of section 169.475; or

147.17 (10) in a negligent manner while the person's driver's license or driving privilege has
147.18 been suspended, revoked, or canceled or the person has been disqualified from holding a
147.19 commercial driver's license or been denied the privilege to operate a commercial motor
147.20 vehicle pursuant to:

147.21 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
147.22 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
147.23 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
147.24 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
147.25 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
147.26 or

147.27 (ii) a law from another state similar to those described in item (i).

147.28 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),
147.29 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory
147.30 maximum sentence of imprisonment is 15 years.

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

148.1 Sec. 16. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

148.2 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation
148.3 resulting in great bodily harm and may be sentenced to imprisonment for not more than five
148.4 years or to payment of a fine of not more than \$10,000, or both, if the person causes great
148.5 bodily harm to another not constituting attempted murder or assault as a result of operating
148.6 a motor vehicle:

148.7 (1) in a grossly negligent manner;

148.8 (2) in a negligent manner while under the influence of:

148.9 (i) alcohol;

148.10 (ii) a controlled substance; or

148.11 (iii) any combination of those elements;

148.12 (3) while having an alcohol concentration of 0.08 or more;

148.13 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
148.14 of the time of driving;

148.15 (5) in a negligent manner while under the influence of an intoxicating substance and the
148.16 person knows or has reason to know that the substance has the capacity to cause impairment;

148.17 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
148.18 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
148.19 person's body;

148.20 (7) where the driver who causes the accident leaves the scene of the accident in violation
148.21 of section 169.09, subdivision 1 or 6; ~~or~~

148.22 (8) where the driver had actual knowledge that a peace officer had previously issued a
148.23 citation or warning that the motor vehicle was defectively maintained, the driver had actual
148.24 knowledge that remedial action was not taken, the driver had reason to know that the defect
148.25 created a present danger to others, and the injury was caused by the defective maintenance;

148.26 (9) in a negligent manner while the driver is in violation of section 169.475; or

148.27 (10) in a negligent manner while the person's driver's license or driving privilege has
148.28 been suspended, revoked, or canceled or the person has been disqualified from holding a
148.29 commercial driver's license or been denied the privilege to operate a commercial motor
148.30 vehicle pursuant to:

149.1 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
149.2 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
149.3 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
149.4 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
149.5 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
149.6 or

149.7 (ii) a law from another state similar to those described in item (i).

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

149.10 Sec. 17. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

149.11 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
149.12 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
149.13 than three years or to payment of a fine of not more than \$10,000, or both, if the person
149.14 causes substantial bodily harm to another as a result of operating a motor vehicle:

149.15 (1) in a grossly negligent manner;

149.16 (2) in a negligent manner while under the influence of:

149.17 (i) alcohol;

149.18 (ii) a controlled substance; or

149.19 (iii) any combination of those elements;

149.20 (3) while having an alcohol concentration of 0.08 or more;

149.21 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
149.22 of the time of driving;

149.23 (5) in a negligent manner while under the influence of an intoxicating substance and the
149.24 person knows or has reason to know that the substance has the capacity to cause impairment;

149.25 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
149.26 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
149.27 person's body;

149.28 (7) where the driver who causes the accident leaves the scene of the accident in violation
149.29 of section 169.09, subdivision 1 or 6; ~~or~~

149.30 (8) where the driver had actual knowledge that a peace officer had previously issued a
149.31 citation or warning that the motor vehicle was defectively maintained, the driver had actual

150.1 knowledge that remedial action was not taken, the driver had reason to know that the defect
150.2 created a present danger to others, and the injury was caused by the defective maintenance;

150.3 (9) in a negligent manner while the driver is in violation of section 169.475; or

150.4 (10) in a negligent manner while the person's driver's license or driving privilege has
150.5 been suspended, revoked, or canceled or the person has been disqualified from holding a
150.6 commercial driver's license or been denied the privilege to operate a commercial motor
150.7 vehicle pursuant to:

150.8 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
150.9 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
150.10 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
150.11 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
150.12 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
150.13 or

150.14 (ii) a law from another state similar to those described in item (i).

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

150.17 Sec. 18. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

150.18 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
150.19 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
150.20 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
150.21 result of operating a motor vehicle:

150.22 (1) in a grossly negligent manner;

150.23 (2) in a negligent manner while under the influence of:

150.24 (i) alcohol;

150.25 (ii) a controlled substance; or

150.26 (iii) any combination of those elements;

150.27 (3) while having an alcohol concentration of 0.08 or more;

150.28 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
150.29 of the time of driving;

150.30 (5) in a negligent manner while under the influence of an intoxicating substance and the
150.31 person knows or has reason to know that the substance has the capacity to cause impairment;

151.1 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
151.2 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
151.3 person's body;

151.4 (7) where the driver who causes the accident leaves the scene of the accident in violation
151.5 of section 169.09, subdivision 1 or 6; ~~or~~

151.6 (8) where the driver had actual knowledge that a peace officer had previously issued a
151.7 citation or warning that the motor vehicle was defectively maintained, the driver had actual
151.8 knowledge that remedial action was not taken, the driver had reason to know that the defect
151.9 created a present danger to others, and the injury was caused by the defective maintenance;

151.10 (9) in a negligent manner while the driver is in violation of section 169.475; or

151.11 (10) in a negligent manner while the person's driver's license or driving privilege has
151.12 been suspended, revoked, or canceled or the person has been disqualified from holding a
151.13 commercial driver's license or been denied the privilege to operate a commercial motor
151.14 vehicle pursuant to:

151.15 (i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph
151.16 (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10);
151.17 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or
151.18 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19,
151.19 subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A;
151.20 or

151.21 (ii) a law from another state similar to those described in item (i).

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

151.24 Sec. 19. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws
151.25 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, Laws 2013,
151.26 chapter 127, section 60, and Laws 2017, chapter 95, article 3, section 29, is amended to
151.27 read:

151.28 Subd. 9. **Sunset; transition.** A city or county participating in this pilot program may
151.29 accept an individual for diversion into the pilot program ~~until June 30, 2019.~~ and the third
151.30 party administering the diversion program may collect and disburse fees collected pursuant
151.31 to subdivision 6, paragraph (a), clause (2), through December 31, 2020 until the day following
151.32 the date the permanent diversion program established under Minnesota Statutes, section
151.33 171.2405, is effective, at which time the pilot program under this section expires. An

152.1 individual participating in but who has not completed the pilot program on the date the pilot
152.2 program expires is automatically transferred and enrolled in the permanent diversion program
152.3 under Minnesota Statutes, section 171.2405, and credited for any fees paid or activities
152.4 completed under the pilot program.

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

152.6 Sec. 20. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

152.7 (a) The commissioner of public safety must make an individual's driver's license eligible
152.8 for reinstatement if the license is solely suspended pursuant to:

152.9 (1) Minnesota Statutes 2018, section 169.92, subdivision 4;

152.10 (2) Minnesota Statutes 2018, section 171.16, subdivision 2, if the person was convicted
152.11 only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

152.12 (3) Minnesota Statutes 2018, section 171.16, subdivision 3; or

152.13 (4) any combination of clauses (1), (2), and (3).

152.14 (b) By December 1, 2019, the commissioner must provide written notice to an individual
152.15 whose license has been made eligible for reinstatement under paragraph (a), addressed to
152.16 the licensee at the licensee's last known address.

152.17 (c) Notwithstanding any law to the contrary, before the license is reinstated, an individual
152.18 whose driver's license is eligible for reinstatement under paragraph (a) must pay a
152.19 reinstatement fee of \$20.

152.20 (d) The following applies for an individual who is eligible for reinstatement under
152.21 paragraph (a), and whose license was suspended, revoked, or canceled under any other
152.22 provision in Minnesota Statutes:

152.23 (1) the suspension, revocation, or cancellation under any other provision in Minnesota
152.24 Statutes remains in effect;

152.25 (2) subject to clause (1), the individual may become eligible for reinstatement under
152.26 paragraph (a); and

152.27 (3) the commissioner is not required to send the notice described in paragraph (b).

152.28 (e) Paragraph (a) applies notwithstanding Minnesota Statutes 2018, sections 169.92,
152.29 subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

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

153.1 Sec. 21. **TRAFFIC STOP STUDY.**

153.2 Subdivision 1. Study requirements. (a) The commissioner of public safety must identify
153.3 a qualified research organization which shall conduct a study to determine what impact, if
153.4 any, changes in traffic laws since 2003 have had on traffic stops in Minnesota including
153.5 whether changes resulted in a disproportionate impact in any geographic area or on any
153.6 demographic group.

153.7 (b) The study shall identify significant changes in traffic law enacted since 2003 including,
153.8 but not limited to:

153.9 (1) the adoption of Minnesota Statutes, section 169.475;

153.10 (2) amendments to Minnesota Statutes, section 169.475, effective August 1, 2019;

153.11 (3) changes to Minnesota Statutes, section 169.686, enacted pursuant to Laws 2009,
153.12 chapter 165, section 2; and

153.13 (4) changes to Minnesota Statutes, section 169A.20, enacted pursuant to Laws 2004,
153.14 chapter 283, section 3.

153.15 (c) The grant recipient shall coordinate with local law enforcement agencies and the
153.16 Minnesota State Patrol to obtain and collect relevant data on traffic stops. Data shall be
153.17 collected as provided by law, rule, or policy of the law enforcement agency. Nothing in this
153.18 section requires any law enforcement agency to collect additional data.

153.19 (d) The grant recipient shall analyze the data obtained or collected based on factors
153.20 including, but not limited to, the geographic area in which the stop took place and
153.21 demographic information of the driver.

153.22 (e) To the extent possible, the study shall compare data obtained and collected under
153.23 paragraph (c) with data collected pursuant to Laws 2001, First Special Session chapter 8,
153.24 article 7, section 6.

153.25 (f) The grant recipient shall coordinate with the commissioner of public safety and law
153.26 enforcement agencies to ensure the confidentiality of data obtained or collected.

153.27 Subd. 2. Report. By February 15, 2021, the grant recipient must provide a report to the
153.28 commissioner of public safety and the chairs and ranking minority members of the legislative
153.29 committees and divisions with jurisdiction over transportation and criminal justice policy
153.30 on the results of the study.

154.1 Sec. 22. **REPEALER.**

154.2 Minnesota Statutes 2018, sections 299A.12, subdivision 4; and 299A.18, are repealed.

154.3 **ARTICLE 9**

154.4 **PRETRIAL RELEASE, SENTENCING, PROBATION, AND DIVERSION**

154.5 Section 1. Minnesota Statutes 2018, section 244.05, subdivision 4, is amended to read:

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

154.9 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
154.10 under section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004,
154.11 section 609.109, subdivision 3, must not be given supervised release under this section
154.12 without having served a minimum term of 30 years.

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

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

154.19 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
154.20 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
154.21 section without having served a minimum term of imprisonment of 25 years.

154.22 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
154.23 who was under 18 years of age at the time of the commission of the offense must not be
154.24 given supervised release under this section without having served a minimum term of
154.25 imprisonment of 25 years.

154.26 Sec. 2. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

154.27 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may,
154.28 under rules promulgated by the commissioner, give supervised release to an inmate serving
154.29 a mandatory life sentence under section 609.106, subdivision 3; 609.185, paragraph (a),
154.30 clause (3), (5), or (6); 609.3455, subdivision 2, paragraph (c), 3₂ or 4; 609.385; or Minnesota

155.1 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
155.2 term of imprisonment specified in subdivision 4.

155.3 (b) The commissioner shall require the preparation of a community investigation report
155.4 and shall consider the findings of the report when making a supervised release decision
155.5 under this subdivision. The report shall reflect the sentiment of the various elements of the
155.6 community toward the inmate, both at the time of the offense and at the present time. The
155.7 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
155.8 personnel who may have been involved in the case, and any successors to these individuals
155.9 who may have information relevant to the supervised release decision. The report shall also
155.10 include the views of the victim and the victim's family unless the victim or the victim's
155.11 family chooses not to participate.

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

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

155.25 (1) while in prison:

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

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

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

155.31 (2) a comprehensive individual release plan is in place for the inmate that ensures that,
155.32 after release, the inmate will have suitable housing and receive appropriate aftercare and

156.1 community-based treatment. The comprehensive plan also must include a postprison
156.2 employment or education plan for the inmate.

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

156.6 Sec. 3. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

156.7 Subd. 6. **Clearinghouse and information center.** The commission, in addition to
156.8 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
156.9 for the collection, preparation, analysis and dissemination of information on state and local
156.10 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
156.11 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
156.12 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
156.13 relating to the improvement of the criminal justice system. The commission shall from time
156.14 to time make recommendations to the legislature regarding changes in the Criminal Code,
156.15 criminal procedures, and other aspects of sentencing and probation.

156.16 This information shall include information regarding the impact of statutory changes to
156.17 the state's criminal laws related to controlled substances, including those changes enacted
156.18 by the legislature in Laws 2016, chapter 160.

156.19 **EFFECTIVE DATE.** This section is effective July 1, 2019.

156.20 Sec. 4. Minnesota Statutes 2018, section 244.09, subdivision 8, is amended to read:

156.21 Subd. 8. **Administrative services.** The commissioner of corrections shall provide
156.22 adequate office space and administrative services for the commission, and the commission
156.23 shall reimburse the commissioner for the space and services provided. The commission
156.24 may also utilize, with their consent, the services, equipment, personnel, information and
156.25 resources of other state agencies; and may accept voluntary and uncompensated services,
156.26 contract with individuals, public and private agencies, and request information, reports and
156.27 data from, and establish data integrations with, any agency of the state, or any of its political
156.28 subdivisions, to the extent authorized by law.

156.29 **EFFECTIVE DATE.** This section is effective July 1, 2019.

157.1 **Sec. 5. [260B.008] USE OF RESTRAINTS.**

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

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

157.6 (1) the use of restraints is necessary:

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

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

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

157.13 The finding in clause (1), item (i), may be based, among other things, on the child having
157.14 a history of disruptive courtroom behavior or behavior while in custody for any current or
157.15 prior offense that has placed others in potentially harmful situations, or presenting a
157.16 substantial risk of inflicting physical harm on the child or others as evidenced by past
157.17 behavior. The court may take into account the physical structure of the courthouse in
157.18 assessing the applicability of the above factors to the individual child.

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

157.22 **Sec. 6. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE**
157.23 **OFFENDERS AUTHORIZED.**

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

157.27 (b) This section does not apply to violent felony offenses or to peace officers acting
157.28 pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph
157.29 (a), or other court order to take a child into custody.

157.30 (c) A program authorized by this section may defer prosecution of juvenile offenders
157.31 who agree to complete appropriate conditions. Upon completion of the conditions, the

158.1 charge shall be dismissed. Both petty offenders and delinquents are eligible for referrals
158.2 under this section.

158.3 Sec. 7. Minnesota Statutes 2018, section 260B.176, is amended by adding a subdivision
158.4 to read:

158.5 Subd. 1a. **Risk assessment instrument.** A person making a release decision under
158.6 subdivision 1 shall use an objective and racially, ethnically, and gender-responsive juvenile
158.7 detention risk assessment instrument developed by the commissioner, county, group of
158.8 counties, or judicial district, in consultation with the state coordinator or coordinators of
158.9 the Minnesota Juvenile Detention Alternative Initiative. The risk assessment instrument
158.10 must assess the likelihood that a child released from preadjudication detention under this
158.11 section or section 260B.178 would endanger others or not return for a court hearing. The
158.12 instrument must identify the appropriate setting for a child who might endanger others or
158.13 not return for a court hearing pending adjudication, with either continued detention or
158.14 placement in a noncustodial community-based supervision setting. The instrument must
158.15 also identify the type of noncustodial community-based supervision setting necessary to
158.16 minimize the risk that a child who is released from custody will endanger others or not
158.17 return for a court hearing.

158.18 **EFFECTIVE DATE.** This section is effective January 1, 2020.

158.19 Sec. 8. Minnesota Statutes 2018, section 590.01, subdivision 4, is amended to read:

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

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

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

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

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

158.28 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
158.29 evidence, that could not have been ascertained by the exercise of due diligence by the
158.30 petitioner or petitioner's attorney within the two-year time period for filing a postconviction
158.31 petition, and the evidence is not cumulative to evidence presented at trial, is not for

159.1 impeachment purposes, and establishes by a clear and convincing standard that the petitioner
159.2 is innocent of the offense or offenses for which the petitioner was convicted;

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

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

159.8 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
159.9 and is in the interests of justice; or

159.10 (6) the petitioner: (i) is placed into immigration removal proceedings; (ii) is detained
159.11 for the purpose of removal from the United States; (iii) can provide evidence showing that
159.12 removal from the United States has become more likely than not; or (iv) is unable to apply
159.13 for an immigration benefit, such as naturalization or travel, due to the criminal conviction.

159.14 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
159.15 two years of the date the claim arises. A claim arises when the petitioner has actual
159.16 knowledge of the legal or factual basis for that claim.

159.17 Sec. 9. Minnesota Statutes 2018, section 590.11, subdivision 1, is amended to read:

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

159.20 (b) "Exonerated" means that:

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

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

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

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

160.1 (3) 60 days have passed since the judgment of conviction was reversed or vacated, and
160.2 the prosecutor has not filed any felony charges against the petitioner from the same behavioral
160.3 incident, or if the prosecutor did file felony charges against the petitioner from the same
160.4 behavioral incident, those felony charges were dismissed or the defendant was found not
160.5 guilty of those charges at the new trial.

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

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

160.8 or

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

160.12 **EFFECTIVE DATE.** This section is effective July 1, 2019.

160.13 Sec. 10. Minnesota Statutes 2018, section 590.11, subdivision 2, is amended to read:

160.14 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based
160.15 on exoneration under sections 611.362 to 611.368 must be brought before the district court
160.16 where the original conviction was obtained. The state must be represented by the office of
160.17 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days
160.18 after the filing of the petition, the prosecutor must respond to the petition. A petition must
160.19 be brought within two years, but no less than 60 days after the petitioner is exonerated.

160.20 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~
160.21 ~~an action under this section within two years of July 1, 2014.~~ If before July 1, 2019, a person
160.22 did not meet both requirements of Minnesota Statutes 2018, section 590.11, subdivision 1,
160.23 clause (1), item (i), and did not file a petition or the petition was denied, that person may
160.24 commence an action meeting the requirements under subdivision 1, paragraph (b), clause
160.25 (1), item (i), on or after July 1, 2019, and before July 1, 2021.

160.26 **EFFECTIVE DATE.** This section is effective July 1, 2019.

160.27 Sec. 11. Minnesota Statutes 2018, section 590.11, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

161.19 **EFFECTIVE DATE.** This section is effective July 1, 2019.

161.20 Sec. 12. Minnesota Statutes 2018, section 590.11, subdivision 7, is amended to read:

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

161.29 **EFFECTIVE DATE.** This section is effective July 1, 2019.

162.1 Sec. 13. Minnesota Statutes 2018, section 609.106, subdivision 2, is amended to read:

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

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

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

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

162.12 Sec. 14. Minnesota Statutes 2018, section 609.106, is amended by adding a subdivision
162.13 to read:

162.14 Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person
162.15 who was under 18 years of age at the time of the commission of an offense under the
162.16 circumstances described in subdivision 2 to imprisonment for life.

162.17 Sec. 15. Minnesota Statutes 2018, section 609.115, is amended by adding a subdivision
162.18 to read:

162.19 Subd. 11. **Family impact statement.** (a) If the defendant is a parent, guardian, or
162.20 caregiver of a minor child, and if the defendant may be sentenced to a term of imprisonment,
162.21 the court may order that the officer preparing the report under subdivision 1 prepare a family
162.22 impact statement for the purpose of providing the court with information regarding sentencing
162.23 options other than a term of imprisonment. The family impact statement must address the
162.24 impact on any minor child and other family members that would result if the defendant is
162.25 sentenced to a term of imprisonment including, but not limited to, the impact on the financial
162.26 needs of the child and other family members; the relationship between the defendant and
162.27 the child; the defendant's duties and responsibilities as a parent, guardian, or caregiver of
162.28 the child; the availability of community and family support for the child; and the likely
162.29 impact on the child's health, safety, and education.

162.30 (b) At sentencing, the court may consider whether, based on the information in the family
162.31 impact statement, the defendant is particularly amenable to probation.

163.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to presentence
163.2 investigation reports caused to be made on or after that date.

163.3 Sec. 16. Minnesota Statutes 2018, section 609.135, subdivision 1a, is amended to read:

163.4 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
163.5 condition of probation and if the defendant fails to pay the restitution in accordance with
163.6 the payment schedule or structure established by the court or the probation officer, the
163.7 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
163.8 motion or at the request of the victim, ask the court to hold a hearing to determine whether
163.9 or not the conditions of probation should be changed or probation should be revoked. The
163.10 defendant's probation officer shall ask for the hearing if the restitution ordered has not been
163.11 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
163.12 this hearing and take appropriate action, including action under subdivision 2, paragraph
163.13 ~~(g)~~ (i), before the defendant's term of probation expires.

163.14 Nothing in this subdivision limits the court's ability to refer the case to collections under
163.15 section 609.104 when a defendant fails to pay court-ordered restitution.

163.16 Sec. 17. Minnesota Statutes 2018, section 609.135, subdivision 1c, is amended to read:

163.17 Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant
163.18 to undergo treatment as a condition of probation and if the defendant fails to successfully
163.19 complete treatment at least 60 days before the term of probation expires, the prosecutor or
163.20 the defendant's probation officer may ask the court to hold a hearing to determine whether
163.21 the conditions of probation should be changed or probation should be revoked. The court
163.22 shall schedule and hold this hearing and take appropriate action, including action under
163.23 subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

163.24 Sec. 18. Minnesota Statutes 2018, section 609.135, subdivision 2, is amended to read:

163.25 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other
163.26 than ~~section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, or Minnesota Statutes~~
163.27 ~~2012, section 609.21, subdivision 1a, paragraph (b) or (c)~~ an offense listed in paragraph
163.28 (b), the stay shall be for not more than ~~four~~ five years ~~or the maximum period for which the~~
163.29 ~~sentence of imprisonment might have been imposed, whichever is longer.~~

163.30 (b) If the conviction is for a felony violation of section 609.19, 609.195, 609.20, 609.2662,
163.31 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345, or 609.3451, the stay

164.1 shall be for the maximum time period for which the sentence of imprisonment might have
164.2 been imposed by the court.

164.3 ~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20;
164.4 ~~609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113,~~
164.5 ~~subdivision 1 or 2, or 609.2114, subdivision 2,~~ the stay shall be for not more than ~~six~~ five
164.6 years. The court shall provide for unsupervised probation for the last year of the stay unless
164.7 the court finds that the defendant needs supervised probation for all or part of the last year.

164.8 ~~(e)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph ~~(b)~~ (c),
164.9 the stay shall be for not more than two years.

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

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

164.18 ~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires,
164.19 unless the stay has been revoked or extended under ~~paragraph (g)~~ paragraphs (h) through
164.20 (l), or the defendant has already been discharged.

164.21 (h) If the defendant has received a stayed sentence for a conviction of a felony offense
164.22 and as a condition of probation was ordered by the court to pay restitution, the probation
164.23 officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting
164.24 authority six months prior to the expiration or early discharge of a stayed sentence, the
164.25 amount of any unpaid court-ordered restitution. Notwithstanding the maximum periods
164.26 specified for stays of sentences under paragraph (a) or (b), a court may extend a defendant's
164.27 term of probation for up to three years if it finds, at a hearing conducted under subdivision
164.28 1a, that:

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

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

165.1 The extension of probation for failure to pay restitution may be extended by the court for
165.2 up to two additional years if the court finds, at another hearing conducted under subdivision
165.3 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.
165.4 Nothing in this subdivision limits the court's ability to refer the case to collections under
165.5 section 609.104.

165.6 (i) If the defendant has received a stayed sentence for a conviction of a felony offense
165.7 and as a condition of probation was ordered to successfully complete treatment, the probation
165.8 officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting
165.9 authority six months prior to the expiration or early discharge of a stayed sentence as to
165.10 whether the defendant has successfully completed court-ordered treatment. Notwithstanding
165.11 the maximum periods specified for stays of sentences under paragraph (a) or (b), a court
165.12 may extend a defendant's term of probation for up to three years if it finds, at a hearing
165.13 conducted under subdivision 1c, that:

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

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

165.17 The extension of probation for failure to successfully complete court-ordered treatment may
165.18 be extended by the court for up to an additional two years if the court finds, at another
165.19 hearing conducted under subdivision 1c, that the defendant still has not successfully
165.20 completed the court-ordered treatment.

165.21 ~~(g)~~ (j) Notwithstanding the maximum periods specified for stays of sentences under
165.22 paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to one
165.23 year if it finds, at a hearing conducted under subdivision 1a, that:

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

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

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

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

166.1 ~~(h)~~ (k) Notwithstanding the maximum periods specified for stays of sentences under
166.2 paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to three
166.3 years if it finds, at a hearing conducted under subdivision 1c, that:

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

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

166.7 (l) If the defendant has received a stayed sentence for a conviction of a violent crime as
166.8 defined under section 609.1095, subdivision 1, paragraph (d), except violations of any
166.9 provisions of chapter 152, the probation officer, or the court if the defendant is on
166.10 unsupervised probation, shall notify the prosecuting authority six months prior to the
166.11 expiration or early discharge of a stayed sentence that the stayed sentence will expire or
166.12 that the defendant will be discharged early from a stayed sentence. Notwithstanding the
166.13 maximum periods specified for stays of sentences under paragraph (a) or (b), upon motion
166.14 by the prosecuting authority and hearing, a court may extend a defendant's term of probation
166.15 up to three years if it finds by a preponderance of the evidence that the defendant remains
166.16 a threat to public safety. In making this determination, the court shall consider the following:

166.17 (1) the seriousness and frequency of any previous violations of the conditions of
166.18 probation;

166.19 (2) any pending probation violations or criminal offenses for which a violation report
166.20 or criminal charge has been filed with a court;

166.21 (3) whether the defendant has been convicted of additional criminal offenses while on
166.22 probation; and

166.23 (4) whether the court issued a domestic abuse no contact order pursuant to section 629.75,
166.24 subdivision 1, and whether such an order remains in effect.

166.25 Upon motion of the prosecuting authority and hearing, the extension of probation on the
166.26 basis that the defendant remains a threat to public safety may be extended by the court for
166.27 up to two additional years if the court, using the same factors as above, finds by a
166.28 preponderance of the evidence that the defendant remains a threat to public safety. Any
166.29 extensions of probation ordered by the court under this subdivision may not exceed the
166.30 maximum period for which the sentence of imprisonment might have been imposed.

166.31 (m) Notwithstanding the time periods for stays of sentences under paragraphs (a) to (f),
166.32 a court may discharge a defendant from probation before the expiration of the maximum
166.33 period prescribed for the probation. If the defendant is discharged from probation before

167.1 the expiration of the maximum period prescribed for probation, the defendant shall not be
167.2 subject to a custody status point if charged and convicted of a subsequent crime during the
167.3 original pronounced probationary sentence.

167.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to stays of
167.5 sentence granted on or after that date.

167.6 Sec. 19. Minnesota Statutes 2018, section 609.135, is amended by adding a subdivision
167.7 to read:

167.8 Subd. 2a. **Stay of sentence maximum periods; sentence stayed before August 1,**
167.9 **2019.** (a) Notwithstanding the sentence announced by the court, an eligible offender shall
167.10 be discharged from probation on August 1, 2024, unless the court extends the defendant's
167.11 term of probation consistent with subdivision 2, paragraph (h), (i), or (l).

167.12 (b) As used in this section, "eligible offender" means a person who:

167.13 (1) was sentenced prior to August 1, 2019, for a felony offense other than an offense
167.14 listed in subdivision 2, paragraph (b);

167.15 (2) received a stay of imposition or execution of sentence pursuant to subdivision 1;

167.16 (3) has not been discharged from probation; and

167.17 (4) is serving a sentence that has not otherwise expired or been executed.

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

167.19 Sec. 20. Minnesota Statutes 2018, section 609.3455, subdivision 2, is amended to read:

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

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

167.26 (2) the person has a previous sex offense conviction for a violation of section 609.342,
167.27 609.343, or 609.344, and the fact finder determines that a heinous element exists for the
167.28 present offense.

167.29 (b) A fact finder may not consider a heinous element if it is an element of the underlying
167.30 specified violation of section 609.342 or 609.343. In addition, when determining whether

168.1 two or more heinous elements exist, the fact finder may not use the same underlying facts
168.2 to support a determination that more than one element exists.

168.3 (c) The court shall sentence a person who was under 18 years of age at the time of the
168.4 commission of an offense described in paragraph (a) to imprisonment for life.

168.5 Sec. 21. Minnesota Statutes 2018, section 609A.02, is amended by adding a subdivision
168.6 to read:

168.7 Subd. 1a. **Identity theft or mistaken identity.** (a) Upon the dismissal and discharge of
168.8 criminal proceedings brought against a person as a result of mistaken identity or another
168.9 person using the identifying information of the named person by identity theft under section
168.10 609.527, the prosecutor shall notify the court of the dismissal and discharge under section
168.11 609A.025. The court administrator under section 609A.03, subdivision 8, shall send a copy
168.12 of the expungement order to each state and federal agency and jurisdiction, including but
168.13 not limited to the Departments of Corrections and Public Safety and law enforcement
168.14 agencies, whose records are affected by the order.

168.15 (b) The condition under section 299C.11, subdivision 1, that an arrested person's criminal
168.16 records may only be destroyed or sealed if the arrested person has not been convicted of
168.17 any felony or gross misdemeanor within ten years immediately preceding the determination
168.18 of all criminal actions or proceedings in favor of the arrested person, does not apply to a
168.19 person who, as a result of mistaken identity or identity theft, is charged and:

168.20 (1) the charges are dismissed prior to a determination of probable cause or the prosecutor
168.21 declined to file charges and a grand jury did not return an indictment; or

168.22 (2) all criminal actions or proceedings are determined in favor of the arrested person.

168.23 (c) The effect of the court order to seal the record of the proceedings under paragraph
168.24 (a) shall be to restore the person, under the law, to the status the person occupied before the
168.25 arrest, indictment or information, trial, and dismissal and discharge. The person shall not
168.26 be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge
168.27 the arrest, indictment, information, or trial in response to any inquiry made for any purpose.
168.28 The person shall not be responsible for any fees or costs resulting from the court order
168.29 including but not limited to reinstatement fees of any licenses or the costs of sealing records.

168.30 (d) For the purposes of this section, the following terms have the meanings given them:

168.31 (1) "law enforcement agency" means a Minnesota municipal police department, the
168.32 Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota
168.33 Police Department, the Department of Corrections Fugitive Apprehension Unit, a Minnesota

169.1 county sheriff's department, the Enforcement Division of the Department of Natural
169.2 Resources, the Commerce Fraud Bureau, the Bureau of Criminal Apprehension, or the
169.3 Minnesota State Patrol; and

169.4 (2) "mistaken identity" means the erroneous arrest of a person for a crime as a result of
169.5 misidentification by a witness or law enforcement, confusion on the part of a witness or
169.6 law enforcement as to the identity of the person who committed the crime, misinformation
169.7 provided to law enforcement as to the identity of the person who committed the crime, or
169.8 some other mistake on the part of a witness or law enforcement as to the identity of the
169.9 person who committed the crime.

169.10 Sec. 22. Minnesota Statutes 2018, section 609A.025, is amended to read:

169.11 **609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH**
169.12 **PROSECUTOR AGREEMENT AND NOTIFICATION.**

169.13 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the
169.14 criminal record for a person described in section 609A.02, subdivision 1a or 3, without the
169.15 filing of a petition unless it determines that the interests of the public and public safety in
169.16 keeping the record public outweigh the disadvantages to the subject of the record in not
169.17 sealing it.

169.18 (b) Before agreeing to the sealing of a record under this section, the prosecutor shall
169.19 make a good faith effort to notify any identifiable victims of the offense of the intended
169.20 agreement and the opportunity to object to the agreement.

169.21 (c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records
169.22 for a person described in section 609A.02, subdivision 1a or 3, paragraph (a), clause (2),
169.23 may occur before or after the criminal charges are dismissed.

169.24 Sec. 23. Minnesota Statutes 2018, section 611.365, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

170.24 **EFFECTIVE DATE.** This section is effective July 1, 2019.

170.25 Sec. 24. Minnesota Statutes 2018, section 611.365, subdivision 3, is amended to read:

170.26 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages
170.27 that may be awarded under this section. Damages that may be awarded under subdivision
170.28 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~
170.29 incarceration and \$50,000 per year served on supervised release or probation or as a registered
170.30 predatory offender.

170.31 **EFFECTIVE DATE.** This section is effective July 1, 2019.

171.1 Sec. 25. Minnesota Statutes 2018, section 611.367, is amended to read:

171.2 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**
171.3 **PROCESS.**

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

171.8 **EFFECTIVE DATE.** This section is effective July 1, 2019.

171.9 Sec. 26. Minnesota Statutes 2018, section 611.368, is amended to read:

171.10 **611.368 SHORT TITLE.**

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

171.13 **EFFECTIVE DATE.** This section is effective July 1, 2019.

171.14 Sec. 27. Minnesota Statutes 2018, section 611A.039, subdivision 1, is amended to read:

171.15 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
171.16 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
171.17 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
171.18 to provide to each affected crime victim oral or written notice of the final disposition of the
171.19 case.

171.20 (b) The probation agent or office responsible for supervising an offender, or the agent's
171.21 or office's designee, shall make a reasonable and good faith effort to notify each affected
171.22 crime victim within a reasonable time after the court orders an offender discharged early
171.23 from probation.

171.24 (c) When the court is considering modifying the sentence for a felony or a crime of
171.25 violence or an attempted crime of violence, the court or its designee shall make a reasonable
171.26 and good faith effort to notify the victim of the crime. If the victim is incapacitated or
171.27 deceased, notice must be given to the victim's family. If the victim is a minor, notice must
171.28 be given to the victim's parent or guardian. The notice must include:

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

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

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

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

172.5 (d) As used in this section, "crime of violence" has the meaning given in section 624.712,
172.6 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and
172.7 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

172.8 Sec. 28. Minnesota Statutes 2018, section 629.53, is amended to read:

172.9 **629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.**

172.10 Subdivision 1. **Pretrial release.** A person charged with a criminal offense may be
172.11 released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure
172.12 and this section. To the extent a court determines there is a conflict between rule 6.02 of
172.13 the Rules of Criminal Procedure and this section, this section shall control.

172.14 Subd. 2. **Release of a person charged with a misdemeanor offense.** (a) A defendant
172.15 charged with a misdemeanor offense, other than a violation identified in paragraph (e), must
172.16 be released on personal recognizance unless the court determines that there is a substantial
172.17 likelihood that the defendant will not appear at future court proceedings or poses a threat
172.18 to a victim's safety.

172.19 (b) If the court determines that there is a substantial likelihood that a defendant will not
172.20 appear at future court appearances, the court must impose the least restrictive conditions of
172.21 release that will reasonably assure the person's appearance as ordered. These conditions of
172.22 release include but are not limited to an unsecured appearance bond or money bail on which
172.23 the defendant may be released by posting cash or sureties. If the court sets conditions of
172.24 release other than an unsecured appearance bond or money bail, it must also set money bail
172.25 without other conditions on which the defendant may be released.

172.26 (c) The court must not impose a financial condition of release on a defendant subject to
172.27 this subdivision that results in the pretrial detention of the defendant. Financial conditions
172.28 of release include but are not limited to money bail.

172.29 (d) If a defendant subject to this subdivision remains in custody for more than 48 hours
172.30 after the court imposes a financial condition of release, the court must review the conditions
172.31 of release and there exists a rebuttable presumption that the financial condition resulted in
172.32 the pretrial detention of the defendant.

173.1 (e) This subdivision does not apply to violations of:

173.2 (1) section 169A.20;

173.3 (2) section 518B.01;

173.4 (3) section 609.224;

173.5 (4) section 609.2242;

173.6 (5) section 609.748;

173.7 (6) section 609.749; and

173.8 (7) section 629.75.

173.9 (f) If a defendant released pursuant to paragraph (a) or (b) fails to appear at a required
173.10 court hearing, the court shall issue a summons or warrant directing that the defendant appear
173.11 in court pursuant to rule 6.03 of the Rules of Criminal Procedure.

173.12 Subd. 3. **Presumption of release on personal recognizance.** Except as described in
173.13 subdivision 2, on appearance before the court, a defendant charged with a misdemeanor
173.14 must be released on personal recognizance or an unsecured appearance bond unless otherwise
173.15 provided by law, or a court determines that release will endanger the public safety, a victim's
173.16 safety, or will not reasonably assure the defendant's appearance.

173.17 Subd. 4. **Money bail; disposition.** Money bail is the property of the accused, whether
173.18 deposited by that person or by a third person on the accused's behalf. When money bail is
173.19 accepted by a judge, that judge shall order it to be deposited with the court administrator.
173.20 The court administrator shall retain it until the final disposition of the case and the final
173.21 order of the court disposing of the case. Upon release, the amount released must be paid to
173.22 the accused personally or upon that person's written order. In case of conviction, the judge
173.23 may order the money bail deposit to be applied to any fine or restitution imposed on the
173.24 defendant by the court and, if the fine or restitution is less than the deposit, order the balance
173.25 to be paid to the defendant. Money bail deposited with the court or any officer of it is exempt
173.26 from garnishment or levy under attachment or execution.

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

173.28 Sec. 29. Minnesota Statutes 2018, section 638.02, subdivision 3, is amended to read:

173.29 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
173.30 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
173.31 in which the conviction occurred, ~~and the court shall order the conviction set aside and~~

174.1 ~~include a copy of the pardon in the court file.~~ The court shall order all records wherever
174.2 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
174.3 prohibit the disclosure of the existence of the records or the opening of the records except
174.4 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).
174.5 The court shall send a copy of its order and the pardon to the Bureau of Criminal
174.6 Apprehension and all other government entities that hold affected records.

174.7 Sec. 30. Laws 2017, chapter 95, article 3, section 30, is amended to read:

174.8 Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

174.9 (a) Agencies providing supervision to offenders on probation, parole, or supervised
174.10 release are eligible for grants to facilitate access to community options including, but not
174.11 limited to, inpatient chemical dependency treatment for nonviolent controlled substance
174.12 offenders to address and correct behavior that is, or is likely to result in, a technical violation
174.13 of the conditions of release. For purposes of this section, "nonviolent controlled substance
174.14 offender" is a person who meets the criteria described under Minnesota Statutes, section
174.15 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation
174.16 of a court order of probation, condition of parole, or condition of supervised release, except
174.17 an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or
174.18 petition.

174.19 (b) The Department of Corrections shall establish criteria for selecting grant recipients
174.20 and the amount awarded to each grant recipient.

174.21 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit a an annual
174.22 report to the chairs of the house of representatives and senate committees with jurisdiction
174.23 over public safety policy and finance by January 15 of each year. At a minimum, the report
174.24 must include:

174.25 (1) the total number of grants issued under this program;

174.26 (2) the average amount of each grant;

174.27 (3) the community services accessed as a result of the grants;

174.28 (4) a summary of the type of supervision offenders were under when a grant was used
174.29 to help access a community option;

174.30 (5) the number of individuals who completed, and the number who failed to complete,
174.31 programs accessed as a result of this grant; ~~and~~

175.1 (6) the number of individuals who violated the terms of release following participation
175.2 in a program accessed as a result of this grant, separating technical violations and new
175.3 criminal offenses;

175.4 (7) the number of individuals who completed or were discharged from probation after
175.5 participating in the program;

175.6 (8) the number of individuals identified in clause (7) who committed a new offense
175.7 within four years after discharge from the program;

175.8 (9) identification of barriers nonviolent controlled substance offenders face in accessing
175.9 community services and a description of how the program navigates those barriers; and

175.10 (10) identification of gaps in existing community services for nonviolent controlled
175.11 substance offenders.

175.12 **EFFECTIVE DATE.** This section is effective July 1, 2019.

175.13 Sec. 31. **GRANTS TO FACILITATE EXIT FROM SUPERVISED RELEASE.**

175.14 (a) The commissioner of corrections shall provide grants to facilitate access to community
175.15 options for supervised offenders. The commissioner shall establish criteria for selecting
175.16 grant recipients and the amount awarded to each grant recipient, with a preference for how
175.17 recipients will enhance existing supervision and services.

175.18 (b) By January 15, 2021, the commissioner of corrections shall submit a report to the
175.19 chairs and ranking minority members of the senate and house of representatives committees
175.20 and divisions having jurisdiction over public safety policy and finance. At a minimum, the
175.21 report must include:

175.22 (1) the total number of grants issued under this program;

175.23 (2) the average amount of each grant;

175.24 (3) the community services accessed as a result of the grants;

175.25 (4) a summary of the type of supervision offenders were under when a grant was used
175.26 to help access a community option;

175.27 (5) the number of individuals who completed, and the number who failed to complete,
175.28 programs accessed as a result of this grant; and

175.29 (6) the number of individuals who violated the terms of release following participation
175.30 in a program accessed as a result of this grant, separating technical violations and new
175.31 criminal offenses.

176.1 **EFFECTIVE DATE.** This section is effective July 1, 2019.

176.2 Sec. 32. **RULE SUPERSEDED.**

176.3 Minnesota Rules of Juvenile Delinquency Procedure, rule 2.03, subdivision 1, is
176.4 superseded to the extent it conflicts with Minnesota Statutes, section 260B.008.

176.5 Sec. 33. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

176.6 By July 1, 2020, each judicial district shall develop a protocol to address how to
176.7 implement and comply with Minnesota Statutes, section 260B.008. In developing the
176.8 protocol, a district shall consult with law enforcement agencies, prosecutors, and public
176.9 defenders within the district, as well as any other entity deemed necessary by the district's
176.10 chief judge.

176.11 Sec. 34. **ADOPTION OF JUVENILE DETENTION RISK ASSESSMENT**
176.12 **INSTRUMENT.**

176.13 Subdivision 1. **Adoption required.** By September 15, 2020, the commissioner of
176.14 corrections shall adopt an objective and racially, ethnically, and gender-responsive juvenile
176.15 detention risk assessment instrument.

176.16 Subd. 2. **Consultation required.** In adopting the risk assessment instrument required
176.17 in subdivision 1, the commissioner shall consult and collaborate with the commissioners
176.18 of public safety and human services, state coordinator or coordinators of the Minnesota
176.19 Juvenile Detention Alternative Initiative, and individuals throughout the state who are
176.20 knowledgeable in matters relating to the detention and treatment of juvenile offenders and
176.21 at-risk juveniles including but not limited to individuals from the courts, probation, law
176.22 enforcement, prosecutorial offices, public defender's offices, communities of color, social
176.23 services, juvenile detention and shelter care facilities, and juvenile residential treatment and
176.24 correctional facilities. The commissioner shall also review similar risk assessment instruments
176.25 in use both inside and outside of the state.

176.26 Sec. 35. **SPECIALIZED MENTAL HEALTH COMMUNITY SUPERVISION.**

176.27 Subdivision 1. **Authorization.** The commissioner of corrections shall award grants to
176.28 up to two counties with no mental health specialty court to develop and implement a pilot
176.29 project to evaluate the impact of a coordinated, multidisciplinary service delivery approach
176.30 for offenders on probation, parole, supervised release, or pretrial status struggling with
176.31 mental illness in the community. The pilot project is from July 1, 2019, to June 30, 2021.

177.1 Subd. 2. Pilot project goals and design. (a) The pilot project must provide enhanced
177.2 assessment, case management, treatment services, and community supervision for criminal
177.3 justice clients with mental illness struggling to manage symptoms and behavior resulting
177.4 in heightened risk to harm self or others, recidivate, commit violations of supervision, or
177.5 face incarceration or reincarceration.

177.6 (b) The goals of the pilot project are to:

177.7 (1) improve mental health service delivery and supervision coordination through the
177.8 establishment of a multidisciplinary caseload management team that must include at least
177.9 one probation officer and one social services professional who share case management
177.10 responsibilities;

177.11 (2) provide expedited assessment, diagnosis, and community-based treatment and
177.12 programming for acute symptom and behavior management;

177.13 (3) enhance community supervision through a specialized caseload and team specifically
177.14 trained to work with individuals with mental illness;

177.15 (4) offer community-based mental health treatment and programming alternatives to jail
177.16 or prison incarceration if available and appropriate;

177.17 (5) reduce the number of incarceration days related to unmanaged mental illness and
177.18 technical violations;

177.19 (6) eliminate or reduce duplication of services between county social services and
177.20 corrections; and

177.21 (7) improve collaboration and reduce barriers among criminal justice system partners,
177.22 county social services, and community service providers.

177.23 Subd. 3. Target population. The target population of the pilot project is:

177.24 (1) adult offenders on probation, parole, supervised release, or pretrial status assessed
177.25 with significant or unmanaged mental illness or acute symptoms who may pose a risk to
177.26 self or others, pose an increased risk to recidivate, or commit technical violations of
177.27 supervision;

177.28 (2) adult offenders receiving county social service case management for mental illness
177.29 and under correctional supervision in a county with no mental health specialty court; and

177.30 (3) adult offenders incarcerated in jail with significant or unmanaged mental illness who
177.31 may be safely treated in a community setting under correctional supervision.

178.1 Subd. 4. **Evaluation and report.** By October 1, 2021, grant recipients must report to
178.2 the chairs and ranking members of the legislative committees and divisions with jurisdiction
178.3 over public safety and corrections, and the commissioner of corrections, on the impact and
178.4 outcomes of the project.

178.5 Sec. 36. **TASK FORCE ON THE IMPLEMENTATION OF DOSAGE PROBATION.**

178.6 Subdivision 1. **Establishment.** A task force on the implementation of dosage probation
178.7 is established to analyze dosage probation and earned time credit programs, develop a
178.8 comprehensive plan for implementation of dosage probation in Minnesota, and recommend
178.9 possible legislative action.

178.10 Subd. 2. **Membership.** (a) The task force consists of 16 members as follows:

178.11 (1) the chief justice of the supreme court or a designee;

178.12 (2) one district court judge appointed by the chief justice of the supreme court;

178.13 (3) the state public defender or a designee;

178.14 (4) one county attorney appointed by the board of directors of the Minnesota County
178.15 Attorneys Association;

178.16 (5) one city attorney;

178.17 (6) the commissioner of corrections or a designee;

178.18 (7) one probation officer from a Community Corrections Act county in the metropolitan
178.19 area;

178.20 (8) one probation officer from a Community Corrections Act county in greater Minnesota;

178.21 (9) one probation officer from the Department of Corrections;

178.22 (10) one county probation officer as described in Minnesota Statutes, section 244.19;

178.23 (11) one peace officer, as defined in Minnesota Statutes, section 626.84, from the
178.24 metropolitan area;

178.25 (12) one peace officer, as defined in Minnesota Statutes, section 626.84, from greater
178.26 Minnesota;

178.27 (13) two individuals who have been convicted of a felony offense and served a sentence
178.28 of probation;

178.29 (14) a representative from a nonprofit agency providing treatment services to individuals
178.30 on probation in the metropolitan area; and

179.1 (15) a representative from a nonprofit agency providing treatment services to individuals
179.2 on probation in greater Minnesota.

179.3 (b) For purposes of this subdivision, "metropolitan area" has the meaning given in
179.4 Minnesota Statutes, section 473.121, subdivision 2, and "greater Minnesota" has the meaning
179.5 given in Minnesota Statutes, section 116J.8738, subdivision 1, paragraph (e).

179.6 (c) Members of the task force serve without compensation.

179.7 (d) Unless otherwise specified, members shall be appointed by the commissioner of
179.8 corrections. Members of the task force serve at the pleasure of the appointing authority or
179.9 until the task force expires. Vacancies shall be filled by the appointing authority consistent
179.10 with the qualifications of the vacating member required by this subdivision.

179.11 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
179.12 may elect other officers as necessary.

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

179.16 (c) The task force shall meet at least quarterly or upon the call of its chair. The task force
179.17 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
179.18 of the task force are subject to Minnesota Statutes, chapter 13D.

179.19 (d) The task force shall request the cooperation and assistance of tribal governments,
179.20 nongovernmental organizations, community and advocacy organizations working with
179.21 adults on probation, and academic researchers and experts.

179.22 Subd. 4. **Duties.** (a) The duties of the task force shall, at a minimum, include:

179.23 (1) reviewing and examining the dosage probation model of the National Institute of
179.24 Corrections;

179.25 (2) reviewing and assessing current supervision models in use in Minnesota, including
179.26 specialty courts and any pilot projects;

179.27 (3) reviewing and assessing probation models in use in other states;

179.28 (4) recommending training for judges, county attorneys, city attorneys, public defenders,
179.29 and probation agents;

179.30 (5) identifying gaps in existing services, supports, and housing for individuals on
179.31 probation;

180.1 (6) developing a comprehensive plan to implement a dosage probation model in
180.2 Minnesota; and

180.3 (7) reviewing existing Minnesota law and proposing amendments or new statutory
180.4 provisions.

180.5 (b) At its discretion, the task force may examine other related issues consistent with this
180.6 section.

180.7 Subd. 5. Report. On or before January 15, 2020, the task force shall report to the chairs
180.8 and ranking members of the legislative committees and divisions with jurisdiction over
180.9 public safety on the work of the task force including but not limited to the issues to be
180.10 examined in subdivision 1. The report shall include an assessment of the effect adopting
180.11 dosage probation would be expected to have on public safety, probation supervision, and
180.12 the Department of Corrections; the comprehensive plan developed under subdivision 4; and
180.13 any recommended legislative action.

180.14 **EFFECTIVE DATE.** This section is effective July 1, 2019.

180.15 Sec. 37. **SENTENCING GUIDELINES; MODIFICATIONS.**

180.16 (a) By January 15, 2020, the Sentencing Guidelines Commission shall propose to the
180.17 legislature modifications to the sentencing guidelines, including the guidelines grid,
180.18 establishing probation guidelines or early discharge targets. When proposing the
180.19 modifications, the commission must advise the legislature how the probation guidelines or
180.20 early discharge targets will work in conjunction with the procedural requirements imposed
180.21 by the U.S. Supreme Court decision in Blakely v. Washington, 542 U.S. 296 (2004), and
180.22 make recommendations regarding statutory changes that may be needed to facilitate their
180.23 operation.

180.24 (b) Modifications proposed by the commission under this section are effective August
180.25 1, 2020, unless the legislature by law provides otherwise.

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

180.27 Sec. 38. **EFFECTIVE DATE.**

180.28 Sections 1, 2, 13, 14, and 20 are effective the day following final enactment and apply
180.29 to offenders sentenced on or after that date, and retroactively to offenders sentenced to life
180.30 imprisonment without possibility of release following a conviction under Minnesota Statutes,
180.31 section 609.185, paragraph (a), clause (1), (2), (4), or (7), for an offense committed when

181.1 the offender was under 18 years of age and when a sentence was imposed pursuant to
181.2 Minnesota Statutes, section 609.106, subdivision 2, clause (1).

181.3 **ARTICLE 10**
181.4 **FIREFIGHTERS**

181.5 Section 1. Minnesota Statutes 2018, section 299N.01, subdivision 2, is amended to read:

181.6 Subd. 2. **Fire department.** "Fire department" means a regularly organized fire
181.7 department, fire protection district, or fire company, ~~as defined in the State Fire Code adopted~~
181.8 ~~under section 326B.02, subdivision 6,~~ regularly charged with the responsibility of providing
181.9 fire protection to the state or a local government and includes a private nonprofit fire
181.10 department directly serving a local government. It does not include industrial fire brigades
181.11 that do not have a fire department identification number issued by the state fire marshal.

181.12 Sec. 2. Minnesota Statutes 2018, section 299N.01, subdivision 3, is amended to read:

181.13 Subd. 3. **Firefighter.** "Firefighter" means a volunteer, paid on-call, part-time, or ~~career~~
181.14 full-time firefighter serving a general population within the boundaries of the state.

181.15 Sec. 3. Minnesota Statutes 2018, section 299N.02, subdivision 1, is amended to read:

181.16 Subdivision 1. **Membership.** Notwithstanding any provision of chapter 15 to the contrary,
181.17 the Board of Firefighter Training and Education consists of the following members:

181.18 (1) five members representing the Minnesota State Fire Department Association, four
181.19 of whom must be volunteer firefighters and one of whom may be a ~~career~~ full-time firefighter,
181.20 appointed by the governor;

181.21 (2) two members representing the Minnesota State Fire Chiefs Association, one of whom
181.22 must be a volunteer fire chief, appointed by the governor;

181.23 (3) two members representing the Minnesota Professional Firefighters Association,
181.24 appointed by the governor;

181.25 (4) two members representing Minnesota home rule charter and statutory cities, appointed
181.26 by the governor;

181.27 (5) two members representing Minnesota towns, appointed by the governor;

181.28 (6) the commissioner of public safety or the commissioner's designee; and

181.29 (7) one public member not affiliated or associated with any member or interest represented
181.30 in clauses (1) to (6), appointed by the governor.

182.1 The Minnesota State Fire Department Association shall recommend five persons to be the
182.2 members described in clause (1), the Minnesota State Fire Chiefs Association shall
182.3 recommend two persons to be the members described in clause (2), the Minnesota
182.4 Professional Firefighters Association shall recommend two persons to be the members
182.5 described in clause (3), the League of Minnesota Cities shall recommend two persons to be
182.6 the members described in clause (4), and the Minnesota Association of Townships shall
182.7 recommend two persons to be the members described in clause (5). In making the
182.8 appointments the governor shall try to achieve representation from all geographic areas of
182.9 the state.

182.10 Sec. 4. Minnesota Statutes 2018, section 299N.02, subdivision 2, is amended to read:

182.11 Subd. 2. **Terms; chair; compensation.** Members of the board shall serve for terms of
182.12 four years and ~~annually~~ biennially elect a chair from among the members. Terms and filling
182.13 of vacancies are subject to section 15.0575, subdivisions 2, 4, and 5. Members serve without
182.14 compensation.

182.15 Sec. 5. Minnesota Statutes 2018, section 299N.02, subdivision 3, is amended to read:

182.16 Subd. 3. **Powers and duties.** (a) The board shall:

182.17 (1) review fire service training needs and make recommendations on training to Minnesota
182.18 fire service organizations;

182.19 (2) establish standards for educational programs for the fire service and develop
182.20 procedures for continuing oversight of the programs;

182.21 (3) establish qualifications for fire service training instructors in programs established
182.22 under clause (2); ~~and~~

182.23 (4) maintain a list of instructors that have met the qualifications established under clause
182.24 (3), subject to application procedures and requirements established by the board; and

182.25 ~~(4)~~ (5) license full-time firefighters and volunteer firefighters under this chapter.

182.26 (b) The board may:

182.27 (1) hire or contract for technical or professional services according to section 15.061;

182.28 (2) pay expenses necessary to carry out its duties;

182.29 (3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity
182.30 may make to the board for the purposes of this chapter and may use any money given to it

183.1 consistent with the terms and conditions under which the money was received and for the
183.2 purposes stated;

183.3 (4) accept funding from the fire safety account and allocate funding to Minnesota fire
183.4 departments in the form of reimbursements that are consistent with the board's
183.5 recommendations and the Department of Public Safety firefighter training;

183.6 (5) set guidelines regarding how the allocated reimbursement funds must be disbursed;

183.7 (6) set and make available to the fire service standards governing the use of funds
183.8 reimbursed under this section;

183.9 ~~(4)~~ (7) make recommendations to the legislature to improve the quality of firefighter
183.10 training;

183.11 ~~(5)~~ (8) collect and provide data, subject to section 13.03;

183.12 ~~(6)~~ (9) conduct studies and surveys and make reports; and

183.13 ~~(7)~~ (10) conduct other activities necessary to carry out its duties.

183.14 Sec. 6. Minnesota Statutes 2018, section 299N.03, subdivision 4, is amended to read:

183.15 Subd. 4. **Fire department.** "Fire department" has the meaning given it in section
183.16 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department
183.17 also includes a division of a state agency, regularly charged with the responsibility of
183.18 providing fire protection to the state or a local government, to include a private, nonprofit
183.19 fire department directly serving a local government, but does not include an industrial fire
183.20 ~~brigade~~ brigades that do not have a fire department identification number issued by the state
183.21 fire marshal.

183.22 Sec. 7. Minnesota Statutes 2018, section 299N.03, subdivision 5, is amended to read:

183.23 Subd. 5. **Full-time firefighter.** A "full-time firefighter" means a person who is employed
183.24 and charged with the prevention ~~and~~ or suppression of fires within the boundaries of the
183.25 state on a full-time, ~~salaried~~ basis and who is directly engaged in the hazards of firefighting
183.26 or is in charge of a designated fire ~~company~~ or companies, as defined in section 299N.01,
183.27 subdivision 2, that are directly engaged in the hazards of firefighting. Full-time firefighter
183.28 does not include a volunteer, part-time, or paid-on-call firefighter.

184.1 Sec. 8. Minnesota Statutes 2018, section 299N.03, subdivision 6, is amended to read:

184.2 Subd. 6. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to
184.3 include a fire department employee, member, supervisor, state employee, or appointed
184.4 official, who is licensed by the board and charged with the prevention or suppression of
184.5 fires within the boundaries of the state. Licensed firefighter may also include a volunteer
184.6 firefighter.

184.7 Sec. 9. Minnesota Statutes 2018, section 299N.03, is amended by adding a subdivision to
184.8 read:

184.9 Subd. 8. **NFPA 1001 standard.** "NFPA 1001 standard" means the standard for firefighter
184.10 professional qualifications established by the National Fire Protection Association.

184.11 Sec. 10. Minnesota Statutes 2018, section 299N.04, is amended to read:

184.12 **299N.04 FIREFIGHTER CERTIFICATION EXAMINATION.**

184.13 Subdivision 1. ~~Certification Examination; requirements.~~ (a) The board must appoint
184.14 an organization that is accredited by the International Fire Service Accreditation Congress
184.15 to prepare and administer firefighter certification examinations. Firefighter certification
184.16 examinations ~~shall~~ must be designed to ensure and demonstrate competency ~~in at least the~~
184.17 ~~following areas:~~ that meets the NFPA 1001 standard or a national standard in areas including
184.18 but not limited to:

184.19 (1) fire prevention;

184.20 (2) fire suppression; and

184.21 (3) hazardous materials operations.

184.22 ~~(b) To receive a certificate, an individual must demonstrate competency in fire prevention~~
184.23 ~~and fire suppression.~~

184.24 (b) Certification must be obtained by the individual demonstrating competency in fire
184.25 prevention and protection under the NFPA 1001 standard.

184.26 (c) Nothing in this section shall be construed to prohibit any requirement imposed by a
184.27 local fire department for more comprehensive training.

184.28 Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision
184.29 3, any person may take the firefighter certification examination who has successfully
184.30 completed the following:

185.1 (1)(i) a firefighter course from a postsecondary educational institution, an accredited
185.2 institution of higher learning, or another entity that teaches a course that has been approved
185.3 by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire
185.4 department ~~employing the person~~ that has been approved by the board; and

185.5 (2) a skills-oriented basic training course.

185.6 Subd. 3. **Certain baccalaureate or associate degree holders eligible to take**
185.7 **certification examination.** A person with a baccalaureate degree or an associate degree in
185.8 applied fire science technology from an accredited college or university, who has successfully
185.9 completed the skills-oriented basic training course under subdivision 2, clause (2), is eligible
185.10 to take the firefighter certification examination notwithstanding the requirements of
185.11 subdivision 2, clause (1).

185.12 Sec. 11. Minnesota Statutes 2018, section 299N.05, subdivision 1, is amended to read:

185.13 Subdivision 1. **Licensure requirement.** A firefighter employed full time by a fire
185.14 department is not eligible for permanent employment without being licensed by the board
185.15 and meeting the following requirements:

185.16 (1) the firefighter successfully completes a firefighter examination under section 299N.04
185.17 or completes the examination while serving a probationary period, if any, as determined by
185.18 the hiring authority; and

185.19 (2) the chief firefighting officer or the chief designee completes the employment
185.20 verification portion of the licensing process.

185.21 Sec. 12. Minnesota Statutes 2018, section 299N.05, subdivision 2, is amended to read:

185.22 Subd. 2. **Optional licensing.** A volunteer firefighter affiliated with a department may
185.23 receive or apply for licensure under ~~this section~~ subdivision 1 and section 299N.04 under
185.24 the same terms as full-time firefighters.

185.25 Sec. 13. Minnesota Statutes 2018, section 299N.05, subdivision 5, is amended to read:

185.26 Subd. 5. **Obtaining a firefighter license.** To obtain a license, a firefighter must be
185.27 affiliated with a fire department, complete the board application process, and meet the
185.28 requirements of this section or section 299N.04 or 299N.06. A license is valid for a three-year
185.29 period determined by the board, and the fee for the license is \$75. Fees under this subdivision
185.30 may be prorated by the board for licenses issued with a three-year licensure period.

186.1 Sec. 14. Minnesota Statutes 2018, section 299N.05, subdivision 6, is amended to read:

186.2 Subd. 6. **License renewal; expiration and reinstatement.** (a) A license ~~shall~~ must be
186.3 renewed ~~so long as~~ if the firefighter and the chief firefighting officer ~~provide evidence to~~
186.4 ~~the board that the licensed firefighter has had 72 hours of approved firefighting training in~~
186.5 ~~the preceding three years and the firefighter completes the renewal application. The fee for~~
186.6 ~~renewing a firefighter license is \$75, and the license is valid for an additional three years.~~
186.7 or chief designee completes the renewal application and:

186.8 (1) attests to the board that the licensed firefighter has met the required 72 hours of
186.9 approved firefighter training in the preceding three years;

186.10 (2) upon request, provides evidence the licensed firefighter completed the required 72
186.11 hours of approved firefighter training in the preceding three years;

186.12 (3) verifies that the licensed firefighter is actively serving on a department; and

186.13 (4) attests that the licensed firefighter has not been convicted of or pled guilty or nolo
186.14 contendere to a felony, any arson-related charge, or another offense arising from the same
186.15 set of circumstances.

186.16 (b) The fee to renew a firefighter license is \$75. The license is valid for an additional
186.17 three-year period, unless submitted within the triennial period. Fees under this subdivision
186.18 may be prorated by the board for licenses reinstated or renewed within the three-year
186.19 licensure period.

186.20 ~~(b)~~ (c) If a license expires, a firefighter may apply to have it reinstated. In order to receive
186.21 reinstatement, the firefighter must:

186.22 (1) complete a reinstatement application;

186.23 (2) satisfy all ~~prior firefighter training~~ requirements listed in paragraph (a);

186.24 (3) pay any outstanding renewal fees; and

186.25 (4) pay the delayed renewal fee set by the board.

186.26 ~~(c)~~ (d) In lieu of a reinstatement application under paragraph ~~(b)~~ (c), a firefighter may
186.27 complete a new application for licensure under section 299N.04.

186.28 Sec. 15. Minnesota Statutes 2018, section 299N.05, subdivision 7, is amended to read:

186.29 Subd. 7. **Duties of chief firefighting officer.** (a) Every chief firefighting officer has a
186.30 duty to ensure that every full-time firefighter has a license issued by the board.

187.1 (b) Every chief firefighting officer or designee has the duty to verify that every full-time
187.2 and volunteer individual applying, reinstating, or renewing a license is affiliated with a
187.3 Minnesota fire department.

187.4 ~~(b)~~ (c) Every chief firefighting officer, provider, and individual licensee has a duty to
187.5 ensure proper training records and reports are retained. Records must include, for the
187.6 three-year period subsequent to the license renewal date:

187.7 (1) the dates, subjects, and duration of programs;

187.8 (2) sponsoring organizations;

187.9 (3) fire training hours earned;

187.10 (4) registration receipts to prove attendance at training sessions; and

187.11 (5) other pertinent information.

187.12 ~~(e)~~ (d) The board may require a licensee, provider, or fire department to provide the
187.13 information under paragraph ~~(b)~~ (c) to demonstrate compliance with the 72-hour firefighting
187.14 training requirement under subdivision 6, paragraph (a).

187.15 Sec. 16. Minnesota Statutes 2018, section 299N.05, subdivision 9, is amended to read:

187.16 Subd. 9. **Fees; appropriation.** Fees collected under this section must be deposited in
187.17 the state treasury and credited to a special account and are appropriated to the board to pay
187.18 costs incurred under this section and sections 299N.04 and 299N.05 and 299N.06.

187.19 Sec. 17. Minnesota Statutes 2018, section 299N.06, is amended to read:

187.20 **299N.06 ELIGIBILITY FOR RECIPROCITY AND EXAMINATION BASED ON**
187.21 **RELEVANT MILITARY EXPERIENCE.**

187.22 Subdivision 1. **Reciprocity license requirements for out-of-state certified applicants.** A
187.23 person may apply for licensure if the person (1) becomes employed by or becomes an active
187.24 member of a fire department, (2) has the appropriately certified accreditation by the
187.25 International Fire Service Accreditation Congress or Pro Board, and (3) has met the
187.26 requirements of section 299N.04.

187.27 Subd. 2. **Examination based on relevant military experience.** (a) For purposes of this
187.28 section:

187.29 (1) "active service" has the meaning given in section 190.05, subdivision 5; and

187.30 (2) "relevant military experience" means:

188.1 (i) four years' cumulative service experience in a military firefighting occupational
188.2 specialty;

188.3 (ii) two years' cumulative service experience in a military firefighting occupational
188.4 specialty, and completion of at least a two-year degree from a regionally accredited
188.5 postsecondary education institution; or

188.6 (iii) four years' cumulative experience as a full-time firefighter in another state combined
188.7 with cumulative service experience in a military firefighting occupational specialty.

188.8 (b) A person is eligible to take ~~the reciprocity~~ a firefighter examination and does not
188.9 have to otherwise meet the requirements of section 299N.04, subdivisions 2 and 3, if the
188.10 person has:

188.11 (1) relevant military experience; and

188.12 (2) been honorably discharged from military active service as evidenced by the most
188.13 recent form DD-214 or is currently in active service, as evidenced by:

188.14 (i) active duty orders providing service time in a military firefighting specialty;

188.15 (ii) a United States Department of Defense Manpower Data Center status report pursuant
188.16 to the Service Members Civil Relief Act, active duty status report; or

188.17 (iii) Military Personnel Center assignment information.

188.18 (c) A person who passed the examination under paragraph (b), clause (2), shall not be
188.19 eligible to be licensed as a firefighter until honorably discharged as evidenced by the most
188.20 recent form DD-214.

188.21 (d) To receive a firefighter license, a person who passed ~~the reciprocity certification~~ a
188.22 firefighter examination must meet the requirements of section 299N.05, ~~subdivision 4~~.

188.23 ARTICLE 11

188.24 STATEWIDE EMERGENCY COMMUNICATION

188.25 Section 1. Minnesota Statutes 2018, section 403.21, subdivision 7a, is amended to read:

188.26 Subd. 7a. **Statewide ~~Radio~~ Emergency Communication Board.** "Statewide ~~Radio~~
188.27 Emergency Communication Board," "~~radio~~ emergency communication board," or "board"
188.28 means the ~~Statewide Radio Board established under section 403.36 and where the Statewide~~
188.29 ~~Radio Board has affirmatively elected to become a~~ Statewide Emergency Communication
188.30 Board as provided in section 403.382 ~~it shall mean the Statewide Emergency Communication~~
188.31 ~~Board as~~ and is the successor to the Statewide Radio Board.

189.1 Sec. 2. Minnesota Statutes 2018, section 403.36, subdivision 1, is amended to read:

189.2 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and
189.3 chair the Statewide ~~Radio~~ Emergency Communication Board to develop a project plan for
189.4 a statewide, shared, trunked public safety radio communication system. The system may
189.5 be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

189.6 (b) The board consists of the following members or their designees:

189.7 (1) the commissioner of public safety;

189.8 (2) the commissioner of transportation;

189.9 (3) the state chief information officer;

189.10 (4) the commissioner of natural resources;

189.11 (5) the chief of the Minnesota State Patrol;

189.12 (6) the chair of the Metropolitan Council;

189.13 (7) the commissioner of corrections;

189.14 (8) a representative from the Minnesota Indian Affairs Council;

189.15 ~~(7)~~ (9) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area
189.16 and one from Greater Minnesota, appointed by the governing body of the League of
189.17 Minnesota Cities;

189.18 ~~(8)~~ (10) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan
189.19 area and one from Greater Minnesota, appointed by the governing body of the Association
189.20 of Minnesota Counties;

189.21 ~~(9)~~ (11) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one
189.22 from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs'
189.23 Association;

189.24 ~~(10)~~ (12) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area
189.25 and one from Greater Minnesota, appointed by the ~~governor after considering~~
189.26 ~~recommendations made by the~~ Minnesota Chiefs' of Police Association;

189.27 ~~(11)~~ (13) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and
189.28 one from Greater Minnesota, appointed by the ~~governor after considering recommendations~~
189.29 ~~made by the~~ Minnesota Fire Chiefs' Association;

189.30 ~~(12)~~ (14) two representatives of emergency medical service providers, one from the
189.31 ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by

190.1 the ~~governor after considering recommendations made by the~~ Minnesota Ambulance
190.2 Association;

190.3 ~~(13)~~ (15) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan
190.4 Emergency Services Board; and

190.5 ~~(14)~~ (16) a representative of Greater Minnesota elected by those units of government in
190.6 phase three and any subsequent phase of development as defined in the statewide, shared
190.7 radio and communication plan, who have submitted a plan to the Statewide ~~Radio~~ Emergency
190.8 Communication Board and where development has been initiated.

190.9 (c) The Statewide ~~Radio~~ Emergency Communication Board shall coordinate the
190.10 appointment of board members representing Greater Minnesota with the appointing
190.11 authorities and may designate the geographic region or regions from which an appointed
190.12 board member is selected where necessary to provide representation from throughout the
190.13 state.

190.14 Sec. 3. Minnesota Statutes 2018, section 403.36, subdivision 1b, is amended to read:

190.15 Subd. 1b. **Compensation; removal; vacancies.** Compensation, removal, and filling of
190.16 vacancies of board members are governed by section 15.0575, except that appointments to
190.17 the board are not subject to the open appointments process of sections 15.0597 to 15.0599.
190.18 Pursuant to subdivision 1a, members appointed to fill vacancies under this subdivision shall
190.19 have no set term.

190.20 Sec. 4. Minnesota Statutes 2018, section 403.36, subdivision 1c, is amended to read:

190.21 Subd. 1c. **Voting.** Each member has one vote. The majority of the voting power of the
190.22 board constitutes a quorum, although a smaller number may adjourn from time to time. Any
190.23 motion, other than adjournment, must be favored by a majority of the voting power of the
190.24 board in order to carry. In the event of a conflict between the board's bylaws and state law,
190.25 state law shall prevail.

190.26 Sec. 5. Minnesota Statutes 2018, section 403.36, subdivision 1d, is amended to read:

190.27 Subd. 1d. **Calling meeting.** The board shall convene upon the call of the chair, vice-chair,
190.28 other officer, or any six members of the board.

191.1 Sec. 6. Minnesota Statutes 2018, section 403.37, subdivision 12, is amended to read:

191.2 Subd. 12. **Allocation of money.** (a) The board shall allocate money available to the
191.3 Statewide ~~Radio~~ Emergency Communication Board among regional radio boards or to local
191.4 entities within a region to encourage local and regional participation in the system. This
191.5 does not limit the authority of regional radio boards and local entities to individually or
191.6 collectively seek funding of local and regional enhancements and subsystems to the system
191.7 backbone.

191.8 (b) The Statewide Emergency Communication Board, which encompasses other
191.9 emergency communication networks, including but not limited to wireless broadband, the
191.10 Integrated Public Alert and Warning System, 911 service, and the ARMER system, may
191.11 grant money as available to support the goals set forth in the board's strategic plan.

191.12 Sec. 7. Minnesota Statutes 2018, section 403.382, subdivision 1, is amended to read:

191.13 Subdivision 1. **Statewide Emergency Communication Board.** ~~(a) By an affirmative~~
191.14 ~~vote of a majority of the members of the Statewide Radio Board, the board may elect to~~
191.15 ~~become a Statewide Emergency Communication Board.~~

191.16 ~~(b) As a~~ The Statewide Emergency Communication Board, the board shall be is
191.17 responsible for the statewide coordination of 911 service ~~in addition to,~~ existing
191.18 responsibilities for the ARMER system provided for in sections 403.21 to 403.37, wireless
191.19 broadband, and the Integrated Public Alert and Warning System.

191.20 Sec. 8. Minnesota Statutes 2018, section 403.382, subdivision 8, is amended to read:

191.21 Subd. 8. **Other emergency communication system planning and coordination.** In
191.22 addition to powers provided for in this section for the coordination of 911 service, the board
191.23 shall be responsible for planning and coordination of the following public safety emergency
191.24 communication networks:

191.25 (1) developing and maintaining a plan for the implementation of ~~a statewide public~~
191.26 ~~safety broadband network~~ the National Public Safety Broadband Network, as approved by
191.27 the board, including the definition of technical and operational standards for that network;
191.28 and

191.29 (2) other wireless communication technologies or wireless communication networks for
191.30 public safety communications, such as the Integrated Public Alert and Warning System,
191.31 where the board finds that coordination and planning on a regional or statewide basis is
191.32 appropriate or where regional or statewide coordination has been requested by the Federal

192.1 Communications Commission or the Department of Homeland Security which is coordinating
192.2 the technology or network on a national level.

192.3 Sec. 9. **REVISOR INSTRUCTION.**

192.4 In Minnesota Statutes, the revisor of statutes shall substitute the term "Statewide
192.5 Emergency Communication Board" for "Statewide Radio Board" or "radio board" wherever
192.6 the term refers to the powers, duties, and responsibilities of the Statewide Radio Board,
192.7 consistent with the changes in this article. The revisor shall also make grammatical changes
192.8 related to the change in terms.

192.9

ARTICLE 12

192.10

UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT

192.11 Section 1. Minnesota Statutes 2018, section 245C.22, is amended by adding a subdivision
192.12 to read:

192.13 Subd. 4a. **Disqualification decisions related to chapter 638.** The requirements regarding
192.14 a decision to disqualify an individual under section 638.17 are met by the commissioner
192.15 when implementing the requirements of this section and the exclusion under section 245C.24,
192.16 subdivision 4a.

192.17 Sec. 2. Minnesota Statutes 2018, section 245C.24, is amended by adding a subdivision to
192.18 read:

192.19 Subd. 4a. **Disqualification decisions related to chapter 638.** (a) Notwithstanding
192.20 statutory limits on the commissioner's authority to set aside an individual's disqualification
192.21 under this section, the commissioner may consider issuing a set-aside according to section
192.22 245C.22 if the disqualified individual has been issued an order of limited relief under section
192.23 638.19 that provides this specific relief.

192.24 (b) An individual who received a set-aside of a disqualification as a result of paragraph
192.25 (a) must immediately inform the commissioner upon restriction or revocation of an order
192.26 of limited relief under section 638.22.

192.27 (c) Upon receipt of information regarding a restriction or revocation of an order of limited
192.28 relief according to section 638.22, the commissioner shall rescind a set-aside of a
192.29 disqualification and the individual shall have the appeal rights stated in section 245C.22,
192.30 subdivision 6.

193.1 Sec. 3. Minnesota Statutes 2018, section 364.07, is amended to read:

193.2 **364.07 APPLICATION.**

193.3 The provisions of sections 364.01 to 364.10 shall prevail over any other laws and rules,
193.4 except for sections 638.10 to 638.25, which purport to govern the granting, denial, renewal,
193.5 suspension, or revocation of a license or the initiation, suspension, or termination of public
193.6 employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny,
193.7 revoke, suspend, or renew a license, or to deny, suspend, or terminate public employment
193.8 for a lack of good moral character or the like, the hiring or licensing authority may consider
193.9 evidence of conviction of a crime or crimes but only in the same manner and to the same
193.10 effect as provided for in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10
193.11 shall be construed to otherwise affect relevant proceedings involving the granting, denial,
193.12 renewal, suspension, or revocation of a license or the initiation, suspension, or termination
193.13 of public employment.

193.14 Sec. 4. **638.10 SHORT TITLE.**

193.15 Sections 638.10 to 638.25 may be cited as the "Uniform Collateral Consequences of
193.16 Conviction Act."

193.17 Sec. 5. **638.11 DEFINITIONS.**

193.18 (a) For the purposes of sections 638.10 to 638.25, the terms defined in this section have
193.19 the meanings given them.

193.20 (b) "Collateral consequence" means a collateral sanction or a disqualification.

193.21 (c) "Collateral sanction" means a penalty, disability, or disadvantage, however
193.22 denominated, imposed on an individual as a result of the individual's conviction of an offense
193.23 which applies by operation of law whether or not the penalty, disability, or disadvantage is
193.24 included in the judgment or sentence. The term does not include imprisonment, probation,
193.25 parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

193.26 (d) "Conviction" or "convicted" includes a child adjudicated delinquent.

193.27 (e) "Decision maker" means the state acting through a department, agency, officer, or
193.28 instrumentality, including a political subdivision, educational institution, board, or
193.29 commission, or its employees, or a government contractor, including a subcontractor, made
193.30 subject to sections 638.10 to 638.25 by contract, other law, or ordinance.

194.1 (f) "Disqualification" means a penalty, disability, or disadvantage, however denominated,
194.2 that an administrative agency, governmental official, or court in a civil proceeding is
194.3 authorized, but not required, to impose on an individual on grounds relating to the individual's
194.4 conviction of an offense.

194.5 (g) "Offense" means a felony, gross misdemeanor, misdemeanor, or adjudication as a
194.6 delinquent under the laws of this state, another state, or the United States.

194.7 (h) "Person" means an individual, corporation, business trust, estate, trust, partnership,
194.8 limited liability company, association, joint venture, public corporation, government or
194.9 governmental subdivision, agency, or instrumentality, or any other legal or commercial
194.10 entity.

194.11 (i) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
194.12 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
194.13 of the United States.

194.14 **Sec. 6. [638.12] LIMITATION ON SCOPE.**

194.15 (a) Sections 638.10 to 638.25 do not provide a basis for:

194.16 (1) invalidating a plea, conviction, or sentence;

194.17 (2) a cause of action for money damages; or

194.18 (3) a claim for relief from or defense to the application of a collateral consequence based
194.19 on a failure to comply with section 638.13, 638.14, or 638.15.

194.20 (b) Sections 638.10 to 638.25 do not affect:

194.21 (1) the duty an individual's attorney owes to the individual; or

194.22 (2) a right or remedy under law other than sections 638.10 to 638.25 available to an
194.23 individual convicted of an offense.

194.24 **Sec. 7. [638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF**
194.25 **LAWS REGARDING COLLATERAL CONSEQUENCES.**

194.26 (a) The revisor of statutes shall:

194.27 (1) identify or cause to be identified any provision in this state's constitution, statutes,
194.28 and administrative rules which imposes a collateral sanction or authorizes the imposition
194.29 of a disqualification, and any provision of law that may afford relief from a collateral
194.30 consequence;

195.1 (2) in a timely manner after the effective date of sections 638.10 to 638.25, prepare a
195.2 collection of citations to, and the text or short descriptions of, the provisions identified under
195.3 clause (1); and

195.4 (3) annually update the collection in a timely manner after the regular or last special
195.5 session of the legislature in a calendar year.

195.6 In complying with clauses (1) and (2), the revisor may rely on the study of this state's
195.7 collateral sanctions, disqualifications, and relief provisions prepared by the National Institute
195.8 of Justice described in section 510 of the Court Security Improvement Act of 2007, Public
195.9 Law 110-177.

195.10 (b) The revisor of statutes shall include the following statements or substantially similar
195.11 language in a prominent manner at the beginning of the collection required under paragraph
195.12 (a):

195.13 (1) This collection has not been enacted into law and does not have the force of law.

195.14 (2) An error or omission in this collection or in any reference work cited in this collection
195.15 is not a reason for invalidating a plea, conviction, or sentence or for not imposing a collateral
195.16 sanction or authorizing a disqualification.

195.17 (3) The laws of other jurisdictions and local governments which impose additional
195.18 collateral sanctions and authorize additional disqualifications are not included in this
195.19 collection.

195.20 (4) This collection does not include any law or other provision regarding the imposition
195.21 of or relief from a collateral sanction or a disqualification enacted or adopted after (date the
195.22 collection was prepared or last updated.)

195.23 (c) The Office of the Revisor of Statutes shall publish the collection prepared and updated
195.24 as required under paragraph (a). If available, it shall publish as part of the collection the
195.25 title and website address of the most recent collection of:

195.26 (1) the collateral consequences imposed by federal law; and

195.27 (2) any provision of federal law that may afford relief from a collateral consequence.

195.28 (d) The collection described under paragraph (c) must be available to the public on the
195.29 Internet without charge in a reasonable time after it is created or updated.

196.1 Sec. 8. **[638.14] NOTICE OF COLLATERAL CONSEQUENCES IN CITATION,**
196.2 **PRETRIAL PROCEEDING, AND AT GUILTY PLEA.**

196.3 (a) When a peace officer issues a citation to a person for an offense, the officer shall
196.4 ensure that the person receives a notice of additional legal consequences substantially similar
196.5 to that described in paragraph (b). This requirement may be satisfied by using the uniform
196.6 traffic ticket described in section 169.99 or the statewide standard citation if that document
196.7 addresses collateral consequences of a criminal conviction.

196.8 (b) When an individual receives formal notice that the individual is charged with an
196.9 offense, the prosecuting attorney of the county or city in which the individual is charged
196.10 shall provide information substantially similar to the following to the individual:

196.11 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

196.12 If you pled guilty or are convicted of an offense you may suffer additional legal
196.13 consequences beyond the sentence imposed by the court. These consequences may include,
196.14 among many others, ineligibility to keep or obtain some licenses, permits or jobs, public
196.15 housing or education benefits, and to vote or possess a firearm. You may be denied
196.16 citizenship and be deported. It is your responsibility to learn what consequences may
196.17 apply to you. Ask your attorney. Most consequences can be found at
196.18 <https://niccc.csgjusticecenter.org/about/>.

196.19 (c) Before the court accepts a plea of guilty from an individual, the court shall confirm
196.20 that the individual received and understands the notice required by paragraphs (a) and (b),
196.21 and had an opportunity to discuss the notice with counsel.

196.22 Sec. 9. **[638.15] NOTICE OF COLLATERAL CONSEQUENCES AT SENTENCING**
196.23 **AND UPON RELEASE.**

196.24 (a) As provided in paragraphs (b) and (c), an individual convicted of an offense shall be
196.25 given the following notice:

196.26 (1) that collateral consequences may apply because of this conviction;

196.27 (2) the website address of the collection of laws published under section 638.13, paragraph
196.28 (c);

196.29 (3) that there may be ways to obtain relief from collateral consequences;

196.30 (4) contact information for government or nonprofit agencies, groups, or organizations,
196.31 if any, offering assistance to individuals seeking relief from collateral consequences; and

196.32 (5) when an individual convicted of an offense may vote under state law.

197.1 (b) The court shall provide the notice in paragraph (a) as a part of sentencing.

197.2 (c) If an individual is sentenced to imprisonment or other incarceration, the officer or
197.3 agency releasing the individual shall provide the notice in paragraph (a) not more than 30
197.4 days and, if practicable, at least ten days before release.

197.5 **Sec. 10. [638.16] AUTHORIZATION REQUIRED FOR COLLATERAL SANCTION;**
197.6 **AMBIGUITY.**

197.7 (a) A collateral sanction may be imposed only by statute or ordinance, or by rule
197.8 authorized by law and adopted under chapter 14.

197.9 (b) A law creating a collateral consequence that is ambiguous as to whether it imposes
197.10 a collateral sanction or authorizes a disqualification must be construed as authorizing a
197.11 disqualification.

197.12 **Sec. 11. [638.17] DECISION TO DISQUALIFY.**

197.13 In deciding whether to impose a disqualification, a decision maker shall undertake an
197.14 individualized assessment to determine whether the benefit or opportunity at issue shall be
197.15 denied the individual. In making that decision, the decision maker may consider, if
197.16 substantially related to the benefit or opportunity at issue, the particular facts and
197.17 circumstances involved in the offense and the essential elements of the offense. A conviction
197.18 itself may not be considered except as having established the elements of the offense. The
197.19 decision maker shall also consider other relevant information including, at a minimum, the
197.20 effect on third parties of granting the benefit or opportunity and whether the individual has
197.21 been granted relief such as an order of limited relief.

197.22 **Sec. 12. [638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE**
197.23 **UNITED STATES; RELIEVED OR PARDONED CONVICTION.**

197.24 (a) For purposes of authorizing or imposing a collateral consequence in this state, a
197.25 conviction of an offense in a court of another state or the United States is deemed a conviction
197.26 of the offense in this state with the same elements. If there is no offense in this state with
197.27 the same elements, the conviction is deemed a conviction of the most serious offense in this
197.28 state which is established by the elements of the offense. A misdemeanor in the jurisdiction
197.29 of conviction may not be deemed a felony in this state, and an offense lesser than a
197.30 misdemeanor in the jurisdiction of conviction may not be deemed a conviction of a felony,
197.31 gross misdemeanor, or misdemeanor in this state.

198.1 (b) For purposes of authorizing or imposing a collateral consequence in this state, a
198.2 juvenile adjudication in another state or the United States may not be deemed a conviction
198.3 of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in this
198.4 state, but may be deemed a juvenile adjudication for the delinquent act in this state with the
198.5 same elements. If there is no delinquent act in this state with the same elements, the juvenile
198.6 adjudication is deemed an adjudication of the most serious delinquent act in this state which
198.7 is established by the elements of the offense.

198.8 (c) A conviction that is reversed, overturned, or otherwise vacated by a court of competent
198.9 jurisdiction of this state, another state, or the United States on grounds other than
198.10 rehabilitation or good behavior may not serve as the basis for authorizing or imposing a
198.11 collateral consequence in this state.

198.12 (d) A pardon issued by another state or the United States has the same effect for purposes
198.13 of authorizing, imposing, and relieving a collateral consequence in this state as it has in the
198.14 issuing jurisdiction.

198.15 (e) A conviction that has been relieved by expungement, sealing, annulment, set-aside,
198.16 or vacation by a court of competent jurisdiction of another state or the United States on
198.17 grounds of rehabilitation or good behavior, or for which civil rights are restored pursuant
198.18 to statute, has the same effect for purposes of authorizing or imposing collateral consequences
198.19 in this state as it has in the jurisdiction of conviction. However, this relief or restoration of
198.20 civil rights does not relieve collateral consequences applicable under the law of this state
198.21 for which relief could not be granted under section 638.21 or for which relief was expressly
198.22 withheld by the court order or by the law of the jurisdiction that relieved the conviction. An
198.23 individual convicted in another jurisdiction may seek relief under section 638.19 from any
198.24 collateral consequence for which relief was not granted in the issuing jurisdiction, other
198.25 than those listed in section 638.21, and the judge shall consider that the conviction was
198.26 relieved or civil rights restored in deciding whether to issue an order of limited relief.

198.27 (f) A charge or prosecution in any jurisdiction which has been finally terminated without
198.28 a conviction and imposition of sentence based on participation in a deferred adjudication
198.29 or diversion program may not serve as the basis for authorizing or imposing a collateral
198.30 consequence in this state. This paragraph does not affect the validity of any restriction or
198.31 condition imposed by law as part of participation in the deferred adjudication or diversion
198.32 program, before or after the termination of the charge or prosecution.

199.1 Sec. 13. **[638.19] ORDER OF LIMITED RELIEF.**

199.2 (a) The court shall conduct proceedings, make determinations, and issue orders on
199.3 petitions for orders of limited relief filed under this section.

199.4 (b) An individual convicted of an offense may petition for an order of limited relief from
199.5 one or more collateral sanctions related to employment, education, housing, public benefits,
199.6 or occupational licensing. The petition may be brought before the court at any time after
199.7 sentencing.

199.8 (c) Except as otherwise provided in section 638.21, the judge may issue an order of
199.9 limited relief relieving one or more of the collateral sanctions described in paragraph (b) if,
199.10 after reviewing the petition, the individual's criminal history, and any other relevant evidence,
199.11 the judge finds the individual has established by a preponderance of the evidence that:

199.12 (1) granting the petition will materially assist the individual in obtaining or maintaining
199.13 employment, education, housing, public benefits, or occupational licensing;

199.14 (2) the individual has substantial need for the relief requested in order to live a
199.15 law-abiding life; and

199.16 (3) granting the petition would not pose an unreasonable risk to the safety or welfare of
199.17 the public.

199.18 (d) The order of limited relief must specify:

199.19 (1) the collateral sanction from which relief is granted; and

199.20 (2) any restriction imposed pursuant to section 638.22, paragraph (a).

199.21 (e) An order of limited relief relieves a collateral sanction to the extent provided in the
199.22 order.

199.23 (f) If a collateral sanction has been relieved pursuant to this section, a decision maker
199.24 may consider the conduct underlying a conviction as provided in section 638.17.

199.25 Sec. 14. **[638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF**
199.26 **LIMITED RELIEF.**

199.27 An order of limited relief may not be issued to relieve the following collateral sanctions:

199.28 (1) requirements imposed by sections 243.166 and 243.167;

199.29 (2) a motor vehicle license suspension, revocation, limitation, or ineligibility for driving
199.30 while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797, 169A.52,

200.1 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration or relief is
200.2 available pursuant to sections 171.30 and 171.306;

200.3 (3) ineligibility for employment pursuant to sections 387.36 and 419.06 or other law
200.4 restricting employment of convicted individuals by law enforcement agencies, such as the
200.5 Department of Corrections, Department of Public Safety, Office of the Attorney General,
200.6 sheriff's offices, police departments, and judicial offices; or

200.7 (4) eligibility to purchase, possess, use, transfer, or own a firearm.

200.8 **Sec. 15. [638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF ORDER**
200.9 **OF LIMITED RELIEF.**

200.10 (a) When a petition is filed under section 638.19, including a petition for enlargement
200.11 of an existing order of limited relief, the judge may issue an order subject to restriction,
200.12 condition, or additional requirement. When issuing, denying, modifying, or revoking an
200.13 order, the judge may impose conditions for reapplication.

200.14 (b) The judge may restrict or revoke an order of limited relief issued by a court in this
200.15 state if it finds just cause by a preponderance of the evidence. An order of restriction or
200.16 revocation may be issued:

200.17 (1) on motion of the judge;

200.18 (2) after notice to the individual; and

200.19 (3) after a hearing if requested by the individual.

200.20 (c) The judge shall order any test, report, investigation, or disclosure by the individual
200.21 it reasonably believes necessary to its decision to issue, modify, or revoke an order of limited
200.22 relief.

200.23 (d) The court shall maintain a public record of the issuance, modification, and revocation
200.24 of orders of limited relief and certificates of restoration of rights. The criminal history record
200.25 system of the Bureau of Criminal Apprehension must include issuance, modification, and
200.26 revocation of orders and certificates.

200.27 **Sec. 16. [638.23] RELIANCE ON ORDER AS EVIDENCE OF DUE CARE.**

200.28 In a judicial or administrative proceeding alleging negligence or other fault, an order of
200.29 limited relief may be introduced as evidence of a person's due care in hiring, retaining,
200.30 licensing, leasing to, admitting to a school or program, or otherwise transacting business or

201.1 engaging in activity with the individual to whom the order was issued, if the person knew
201.2 of the order at the time of the alleged negligence or other fault.

201.3 Sec. 17. **[638.24] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

201.4 In applying and construing this uniform act, consideration must be given to the need to
201.5 promote uniformity of the law with respect to its subject matter among states that enact it.

201.6 Sec. 18. **[638.25] SAVINGS AND TRANSITIONAL PROVISIONS.**

201.7 (a) Sections 638.10 to 638.25 apply to collateral consequences whenever enacted or
201.8 imposed, unless the law creating the collateral consequence expressly states that sections
201.9 638.10 to 638.25 do not apply.

201.10 (b) Sections 638.10 to 638.25 do not invalidate the imposition of a collateral sanction
201.11 on an individual before the effective date of sections 638.10 to 638.25, but a collateral
201.12 sanction validly imposed before the effective date of sections 638.10 to 638.25 may be the
201.13 subject of relief under these sections.

201.14 Sec. 19. **CHANGE TO UNIFORM TRAFFIC TICKET AND STATEWIDE**
201.15 **STANDARD CITATION.**

201.16 By January 1, 2021, the uniform traffic ticket described in Minnesota Statutes, section
201.17 169.99, and the statewide standard citation must include a notice of additional legal
201.18 consequences substantially similar to that described in Minnesota Statutes, section 638.14,
201.19 paragraph (b). If this is determined not to be feasible, the ticket and citation must, at a
201.20 minimum, inform the offender generally of the issue of potential collateral consequences
201.21 and provide the following website address: <https://niccc.csgjusticecenter.org/about/>.

201.22 Sec. 20. **REPEALER.**

201.23 Minnesota Statutes 2018, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103;
201.24 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111;
201.25 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125;
201.26 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134;
201.27 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144;
201.28 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152;
201.29 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162;
201.30 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172;
201.31 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181;

202.1 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192;
202.2 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206;
202.3 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262;
202.4 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310;
202.5 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333;
202.6 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405;
202.7 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455;
202.8 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520;
202.9 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611;
202.10 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721;
202.11 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

202.12 Sec. 21. **EFFECTIVE DATE.**

202.13 (a) Except as provided in paragraph (b), sections 1 to 20 are effective January 1, 2020.

202.14 (b) Section 8, paragraph (a), is effective July 1, 2024.

202.15 **ARTICLE 13**

202.16 **PREDATORY OFFENDERS**

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

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

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

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

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

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

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

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

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

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

203.8 (c) "Corrections agent" means a county or state probation agent or other corrections
203.9 employee. Corrections agent also includes employees of the federal government who work
203.10 with a person subject to this section.

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

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

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

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

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

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

203.27 ~~(i)~~ (j) "Secondary address" means the mailing address of any place where the person
203.28 regularly or occasionally stays overnight when not staying at the person's primary address.
203.29 If the mailing address is different from the actual location of the place, secondary address
203.30 also includes the physical location of the place described with as much specificity as possible.
203.31 However, the location of a supervised publicly or privately operated shelter or facility

204.1 designated to provide temporary living accommodations for homeless individuals as defined
204.2 in section 116L.361, subdivision 5, does not constitute a secondary address.

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

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

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

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

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

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

204.18 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

205.2 (vii) possessing pornographic work involving a minor in violation of section 617.247;

205.3 ~~and convicted of or adjudicated delinquent for that offense or another offense arising out~~
205.4 ~~of the same set of circumstances;~~

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

205.6 subdivision 3a; ~~or~~

205.7 (4) the person was charged with or petitioned for, including pursuant to a court martial,

205.8 violating a law of the United States, including the Uniform Code of Military Justice, similar

205.9 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent

205.10 for that offense or another offense arising out of the same set of circumstances; or

205.11 (5) the person was charged with or petitioned for a violation of a law similar to an offense

205.12 described in clause (1), (2), (3), or (4) in another country where there are sufficient safeguards

205.13 for fundamental fairness and due process for the accused and the person was convicted of

205.14 or adjudicated delinquent for that offense or another offense arising out of the same set of

205.15 circumstances.

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

205.17 (1) the person was charged with or petitioned for an offense in another state that would

205.18 be a violation of a law described in paragraph (a) if committed in this state and convicted

205.19 of or adjudicated delinquent for that offense or another offense arising out of the same set

205.20 of circumstances;

205.21 (2) the person enters this state to reside, work, or attend school, or enters this state and

205.22 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during

205.23 any calendar year; and

205.24 (3) ten years have not elapsed since the person was released from confinement or, if the

205.25 person was not confined, since the person was convicted of or adjudicated delinquent for

205.26 the offense that triggers registration, unless the person is subject to a longer registration

205.27 period under the laws of another state or country in which the person has been convicted

205.28 or adjudicated, or is subject to lifetime registration.

205.29 If a person described in this paragraph is subject to a longer registration period in another

205.30 state or country or is subject to lifetime registration, the person shall register for that time

205.31 period regardless of when the person was released from confinement, convicted, or

205.32 adjudicated delinquent.

206.1 (c) A person also shall register under this section if the person was committed pursuant
206.2 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
206.3 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the
206.4 United States, or another country, regardless of whether the person was convicted of any
206.5 offense.

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

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

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

206.15 (3) the person was committed pursuant to a court commitment order under section
206.16 253B.18 or a similar law of another state ~~or~~ the United States, or another country.

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

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

206.20 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,
206.21 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the
206.22 court shall tell the person of the duty to register under this section and that, if the person
206.23 fails to comply with the registration requirements, information about the offender may be
206.24 made available to the public through electronic, computerized, or other accessible means.
206.25 The court may not modify the person's duty to register in the pronounced sentence or
206.26 disposition order. The court shall require the person to read and sign a form stating that the
206.27 duty of the person to register under this section has been explained. The court shall ~~forward~~
206.28 make available the signed ~~sex-offender-registration~~ court notification form, the complaint,
206.29 and sentencing documents to the bureau. If a person required to register under subdivision
206.30 1b, paragraph (a), was not notified by the court of the registration requirement at the time
206.31 of sentencing or disposition, the assigned corrections agent shall notify the person of the
206.32 requirements of this section. If a person required to register under subdivision 1b, paragraph
206.33 (a), was not notified by the court of the registration requirement at the time of sentencing

207.1 or disposition and does not have a corrections agent, the law enforcement authority with
207.2 jurisdiction over the person's primary address shall notify the person of the requirements.
207.3 When a person who is required to register under subdivision 1b, paragraph (c) or (d), is
207.4 released from commitment, the treatment facility shall notify the person of the requirements
207.5 of this section. The treatment facility shall also obtain the registration information required
207.6 under this section and forward it to the bureau.

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

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

207.19 (b) For persons required to register under subdivision 1b, paragraph (c), following
207.20 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
207.21 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
207.22 another state ~~or~~ the United States, or another country, in addition to other information
207.23 required by this section, the registration provided to the corrections agent or law enforcement
207.24 authority must include the person's offense history and documentation of treatment received
207.25 during the person's commitment. This documentation is limited to a statement of how far
207.26 the person progressed in treatment during commitment.

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

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

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

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

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

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

208.24 (2) The person shall mail the signed verification form back to the bureau within ten days
208.25 after receipt of the form, ~~stating on the form the current and last address of the person's~~
208.26 ~~residence and the other information required under subdivision 4a.~~ The person cannot change
208.27 any registration information as part of the verification process.

208.28 (3) In addition to the requirements listed in this section, an offender who is no longer
208.29 under correctional supervision for a registration offense, or a failure to register offense, but
208.30 who resides, works, or attends school in Minnesota, shall have an in-person contact with a
208.31 law enforcement authority as provided in this section. If the person resides in Minnesota,
208.32 the in-person contact shall be with the law enforcement authority that has jurisdiction over
208.33 the person's primary address or, if the person has no address, the location where the person
208.34 is staying. If the person does not reside in Minnesota but works or attends school in this

209.1 state, the person shall have an in-person contact with the law enforcement authority or
 209.2 authorities with jurisdiction over the person's school or workplace. During the month of the
 209.3 person's birth date, the person shall report to the authority to verify the accuracy of the
 209.4 registration information and to be photographed. Within three days of this contact, the
 209.5 authority shall enter information as required by the bureau into the predatory offender
 209.6 registration database and submit an updated photograph of the person to the bureau's
 209.7 predatory offender registration unit.

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

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

209.19 (6) A law enforcement authority may determine whether the person is at that person's
 209.20 primary address, secondary address, or school or work location, if any, or the accuracy of
 209.21 any other information required under subdivision 4a if the person whose primary address,
 209.22 secondary address, or school or work location, if any, is within the authority's jurisdiction,
 209.23 regardless of the assignment of a corrections agent.

209.24 For persons required to register under subdivision 1b, paragraph (c), following
 209.25 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
 209.26 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
 209.27 another state ~~or~~ the United States, or another country, the bureau shall comply with clause
 209.28 (1) at least ~~four~~ two times each year. For persons who, under section 244.052, are assigned
 209.29 to risk level III and who are no longer under correctional supervision for a registration
 209.30 offense or a failure to register offense, the bureau shall comply with clause (1) at least two
 209.31 times each year. For all other persons required to register under this section, the bureau shall
 209.32 comply with clause (1) each year within 30 days of the anniversary date of the person's
 209.33 initial registration.

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

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

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

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

210.19 (1) the person's primary address;

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

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

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

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

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

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

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

210.31 (b) The person shall report to the agent or authority the information required to be
210.32 provided under paragraph (a), clauses (2) to ~~(6)~~ (8), within five days of the date the clause

211.1 becomes applicable. If because of a change in circumstances any information reported under
211.2 paragraph (a), clauses (1) to ~~(6)~~ (8), no longer applies, the person shall immediately inform
211.3 the agent or authority that the information is no longer valid. If the person leaves a primary
211.4 address and does not have a new primary address, the person shall register as provided in
211.5 subdivision 3a.

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

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

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

211.9 ~~(1)~~ (i) licensed by the commissioner of health as a hospital, boarding care home or
211.10 supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter
211.11 144A;

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

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

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

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

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

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

211.25 (c) A law enforcement authority or corrections agent who receives notice under paragraph
211.26 (b) or who knows that a person required to register under this section is planning to be
211.27 admitted and receive, or has been admitted and is receiving health care at a health care
211.28 facility or home care services from a home care provider, shall notify the administrator of
211.29 the facility or the home care provider and deliver a fact sheet to the administrator or provider
211.30 containing the following information: (1) name and physical description of the offender;
211.31 (2) the offender's conviction history, including the dates of conviction; (3) the risk level

212.1 classification assigned to the offender under section 244.052, if any; and (4) the profile of
212.2 likely victims.

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

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

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

212.14 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in
212.15 writing and signed by the person required to register. For purposes of this section, a signature
212.16 is as defined in section 645.44, subdivision 14, by an electronic method established by the
212.17 bureau, or by use of a biometric for the person. If a biometric is used, the person must
212.18 provide a sample that is forwarded to the bureau so that it can be maintained for comparison
212.19 purposes to verify the person's identity.

212.20 Sec. 9. Minnesota Statutes 2018, section 243.166, is amended by adding a subdivision to
212.21 read:

212.22 Subd. 4d. **Travel.** (a) A person required to register under this section who intends to
212.23 travel outside the boundaries of the United States must appear in person to notify the person's
212.24 corrections agent or the law enforcement authority with jurisdiction over the person's primary
212.25 address of the travel plans. The person must provide:

212.26 (1) anticipated departure date;

212.27 (2) place of departure;

212.28 (3) place of arrival or return;

212.29 (4) carrier and flight numbers for air travel;

212.30 (5) destination country and address or other contact information;

212.31 (6) means and purpose of travel;

213.1 (7) visa information, if any; and

213.2 (8) any other itinerary information requested by the corrections agent or law enforcement
213.3 authority.

213.4 (b) The notice must be provided at least 21 calendar days before the departure date and
213.5 forwarded to the bureau within one business day of receipt. If it is not possible to give 21
213.6 calendar days' notice due to an emergency or a work assignment, the person is required to
213.7 notify the corrections agent or the law enforcement authority with jurisdiction over the
213.8 person's primary address as soon as possible prior to departure. If the travel is due to an
213.9 emergency, the person must provide a copy of the message conveying the emergency that
213.10 includes the date and time sent and the source of the information. If the travel is the result
213.11 of a work assignment, the employer must provide the date the employee was informed of
213.12 the need to travel and the nature of the work to be performed.

213.13 (c) The corrections agent or law enforcement authority must forward the notification to
213.14 the bureau as soon as possible after receipt. The bureau must forward the international travel
213.15 information to the United States Marshals Service pursuant to International Megan's Law,
213.16 Public Law 114-119.

213.17 (d) A person required to register under this section who is assigned a corrections agent
213.18 must receive the corrections agent's approval for all international travel. Nothing in this
213.19 subdivision requires a corrections agent to approve of travel that is inconsistent with the
213.20 terms of the offender's supervision.

213.21 Sec. 10. Minnesota Statutes 2018, section 243.166, subdivision 5, is amended to read:

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

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

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

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

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

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

214.12 (e) A person convicted and sentenced as required by this subdivision is not eligible for
214.13 probation, parole, discharge, work release, conditional release, or supervised release, until
214.14 that person has served the full term of imprisonment as provided by law, notwithstanding
214.15 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

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

214.18 Sec. 11. Minnesota Statutes 2018, section 243.166, subdivision 6, is amended to read:

214.19 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
214.20 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to
214.21 register under this section shall continue to comply with this section until ten years have
214.22 elapsed since the person initially registered in connection with the offense, or until the
214.23 probation, supervised release, or conditional release period expires, whichever occurs later.
214.24 For a person required to register under this section who is committed under section 253B.18,
214.25 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
214.26 does not include the period of commitment.

214.27 (b) The commissioner of public safety shall require a person to continue to register for
214.28 an additional period of five years if a the person required to register under this section fails
214.29 to:

214.30 (1) provide the person's primary address as required by subdivision 3, paragraph (b);
214.31 ~~fails to;~~

214.32 (2) comply with the requirements of subdivision 3a, ~~fails to;~~

214.33 (3) provide information as required by ~~subdivision~~ subdivisions 4a, or fails to and 4d;

215.1 (4) return the verification form referenced in subdivision 4 within ten days;~~the~~
215.2 ~~commissioner of public safety shall require the person to continue to register for an additional~~
215.3 ~~period of five years;~~₂

215.4 (5) remain at the primary address of record; or

215.5 (6) sign a registration form, verification form, or change of information form.

215.6 This five-year period is added to the end of the offender's registration period. In addition,
215.7 if the person is not in compliance at the end of the registration period, the commissioner
215.8 shall require the person to continue to register for an additional period of two years.

215.9 (c) If a person required to register under this section is incarcerated due to a conviction
215.10 for a new offense₂ or following a revocation of probation, supervised release, or conditional
215.11 release for any offense, the person shall continue to register until ten years have elapsed
215.12 since the person was last released from incarceration or until the person's probation,
215.13 supervised release, or conditional release period expires, whichever occurs later.

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

215.15 (1) if the person is convicted of or adjudicated delinquent for any offense for which
215.16 registration is required under subdivision 1b, or any offense from another state, another
215.17 country, or any federal offense similar to the offenses described in subdivision 1b, and the
215.18 person has a prior conviction or adjudication for an offense for which registration was or
215.19 would have been required under subdivision 1b, or an offense from another state, another
215.20 country, or a federal offense similar to an offense described in subdivision 1b;

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

215.24 (3) if the person is required to register based upon a conviction for an offense under
215.25 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
215.26 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);
215.27 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state ~~or~~₂ the
215.28 United States, or another country similar to the offenses described in this clause; or

215.29 (4) if the person is required to register under subdivision 1b, paragraph (c), following
215.30 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
215.31 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
215.32 another state ~~or~~₂ the United States, or another country.

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

216.6 Sec. 12. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

216.7 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections
216.8 244.052 and 299C.093, the data provided under this section is private data on individuals
216.9 under section 13.02, subdivision 12.

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

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

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

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

216.20 Sec. 13. Minnesota Statutes 2018, section 243.166, subdivision 7a, is amended to read:

216.21 Subd. 7a. **Availability of information on offenders who are out of compliance with**
216.22 **registration law.** (a) The bureau may make information available to the public about
216.23 offenders who are 16 years of age or older and who are out of compliance with this section
216.24 for 30 days or longer for failure to:

216.25 (1) provide the offenders' primary ~~or secondary~~ addresses;

216.26 (2) comply with the requirements of subdivision 3a;

216.27 (3) provide information as required by subdivisions 4a and 4d;

216.28 (4) return the verification form referenced in subdivision 4 within 15 days;

216.29 (5) remain at the primary address of record; or

216.30 (6) sign a registration form, verification form, or change of information form.

217.1 This information may be made available to the public through electronic, computerized, or
 217.2 other accessible means. The amount and type of information made available is limited to
 217.3 the information necessary for the public to assist law enforcement in locating the offender.

217.4 (b) An offender who comes into compliance with this section after the bureau discloses
 217.5 information about the offender to the public may send a written request to the bureau
 217.6 requesting the bureau to treat information about the offender as private data, consistent with
 217.7 subdivision 7. The bureau shall review the request and promptly take reasonable action to
 217.8 treat the data as private, if the offender has complied with the requirement that the offender
 217.9 provide the offender's primary and secondary addresses, has returned the verification form
 217.10 or has returned to the primary address, or promptly notify the offender that the information
 217.11 will continue to be treated as public information and the reasons for the bureau's decision.

217.12 (c) If an offender believes the information made public about the offender is inaccurate
 217.13 or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

217.14 (d) The bureau is immune from any civil or criminal liability that might otherwise arise,
 217.15 based on the accuracy or completeness of any information made public under this subdivision,
 217.16 if the bureau acts in good faith.

217.17 Sec. 14. Minnesota Statutes 2018, section 299C.093, is amended to read:

217.18 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

217.19 The superintendent of the Bureau of Criminal Apprehension shall maintain a
 217.20 computerized data system relating to individuals required to register as predatory offenders
 217.21 under section 243.166. To the degree feasible, the system must include the data required to
 217.22 be provided under section 243.166, subdivisions 4, 4a, and ~~4a~~ 4b, and indicate the time
 217.23 period that the person is required to register. The superintendent shall maintain this data in
 217.24 a manner that ensures that it is readily available to law enforcement agencies. This data is
 217.25 private data on individuals under section 13.02, subdivision 12, but may be used for law
 217.26 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
 217.27 the status of an individual as a predatory offender to a child protection worker with a local
 217.28 welfare agency for purposes of doing a family assessment under section 626.556. A
 217.29 corrections agent may also disclose the status of an individual as a predatory offender to
 217.30 comply with section 244.057. The commissioner of human services has access to the data
 217.31 for state-operated services, as defined in section 246.014, for the purposes described in
 217.32 section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background
 217.33 studies under chapter 245C. In addition, the data may be used as provided in section 243.166,
 217.34 subdivisions 4b and 7a.

218.1

ARTICLE 14

218.2

FIREARM BACKGROUND CHECKS AND TRANSFERS

218.3

Section 1. Minnesota Statutes 2018, section 624.7131, is amended to read:

218.4

624.7131 TRANSFEREE PERMIT; PENALTY.

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Subdivision 1. **Information.** Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

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(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

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(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

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(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and

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(4) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

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The statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

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Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

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Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports,

219.1 investigations, notifications, waivers or any other act performed or materials provided by
219.2 a government employee or agency in connection with application for or issuance of a
219.3 transferee permit.

219.4 Subd. 4. **Grounds for disqualification.** ~~A determination by~~ (a) The chief of police or
219.5 sheriff ~~that shall refuse to grant a transferee permit if the applicant is prohibited by section~~
219.6 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault
219.7 weapon ~~shall be the only basis for refusal to grant a transferee permit or is determined to~~
219.8 be a danger to self or others under paragraph (b).

219.9 (b) A chief of police or sheriff shall refuse to grant a permit to a person who is a danger
219.10 to self or others. The decision of the chief of police or sheriff must be based on documented
219.11 past contact with law enforcement. A notice of disqualification issued pursuant to this
219.12 paragraph must describe and document the specific law enforcement contact or contacts
219.13 relied upon to deny the permit.

219.14 (c) A person is not eligible to submit a permit application under this section if the person
219.15 has had an application denied pursuant to paragraph (b) and less than six months have
219.16 elapsed since the denial was issued or the person's appeal under subdivision 8 was denied,
219.17 whichever is later.

219.18 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
219.19 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
219.20 joint jurisdiction over the proposed transferee's residence.

219.21 Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee
219.22 permit or deny the application within seven days of application for the permit.

219.23 (b) In the case of a denial, the chief of police or sheriff shall provide an applicant with
219.24 written notification of a denial and the specific reason for the denial.

219.25 (c) The permits and their renewal shall be granted free of charge.

219.26 Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are
219.27 valid statewide and shall expire after one year. A transferee permit may be renewed in the
219.28 same manner and subject to the same provisions by which the original permit was obtained,
219.29 except that all renewed permits must comply with the standards adopted by the commissioner
219.30 under section 624.7151.

219.31 Permits issued pursuant to this section are not transferable. A person who transfers a
219.32 permit in violation of this subdivision is guilty of a misdemeanor.

220.1 Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time
 220.2 that the holder becomes prohibited from possessing or receiving a pistol under section
 220.3 624.713, in which event the holder shall return the permit within five days to the issuing
 220.4 authority. If the chief law enforcement officer who issued the permit has knowledge that
 220.5 the permit holder is ineligible to possess firearms, the chief law enforcement officer must
 220.6 revoke the permit and give notice to the holder in writing. Failure of the holder to return
 220.7 the permit within the five days of learning that the permit is void or revoked is a gross
 220.8 misdemeanor unless the court finds that the circumstances or the physical or mental condition
 220.9 of the permit holder prevented the holder from complying with the return requirement.

220.10 (b) When a permit holder receives a court disposition that prohibits the permit holder
 220.11 from possessing a firearm, the court must take possession of the permit, if it is available,
 220.12 and send it to the issuing law enforcement agency. If the permit holder does not have the
 220.13 permit when the court imposes a firearm prohibition, the permit holder must surrender the
 220.14 permit to the assigned probation officer, if applicable. When a probation officer is assigned
 220.15 upon disposition of the case, the court shall inform the probation agent of the permit holder's
 220.16 obligation to surrender the permit. Upon surrender, the probation officer must send the
 220.17 permit to the issuing law enforcement agency. If a probation officer is not assigned to the
 220.18 permit holder, the holder shall surrender the permit as provided for in paragraph (a).

220.19 Subd. 8. **Hearing upon denial.** Any person aggrieved by denial of a transferee permit
 220.20 may appeal the denial to the district court having jurisdiction over the county or municipality
 220.21 in which the denial occurred.

220.22 ~~Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714~~
 220.23 ~~constitutes a transferee permit for the purposes of this section and section 624.7132.~~

220.24 ~~Subd. 10. **Transfer report not required.** A person who transfers a pistol or~~
 220.25 ~~semiautomatic military-style assault weapon to a person exhibiting a valid transferee permit~~
 220.26 ~~issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714~~
 220.27 ~~is not required to file a transfer report pursuant to section 624.7132, subdivision 1.~~

220.28 Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee
 220.29 permit knowing or having reason to know the statement is false is guilty of a ~~gross~~
 220.30 ~~misdemeanor~~ felony.

220.31 Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or
 220.32 county regulation of the issuance of transferee permits.

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

221.1 Sec. 2. Minnesota Statutes 2018, section 624.7132, is amended to read:

221.2 **624.7132 REPORT OF TRANSFER.**

221.3 Subdivision 1. **Required information.** Except as provided in this section and section
221.4 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style
221.5 assault weapon shall report the following information in writing to the chief of police of
221.6 the organized full-time police department of the municipality where the proposed transferee
221.7 resides or to the appropriate county sheriff if there is no such local chief of police:

221.8 (1) the name, residence, telephone number, and driver's license number or
221.9 nonqualification certificate number, if any, of the proposed transferee;

221.10 (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical
221.11 characteristics, if any, of the proposed transferee;

221.12 (3) a statement that the proposed transferee authorizes the release to the local police
221.13 authority of commitment information about the proposed transferee maintained by the
221.14 commissioner of human services, to the extent that the information relates to the proposed
221.15 transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon
221.16 under section 624.713, subdivision 1;

221.17 (4) a statement by the proposed transferee that the transferee is not prohibited by section
221.18 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

221.19 (5) the address of the place of business of the transferor.

221.20 The report shall be signed and dated by the transferor and the proposed transferee. The
221.21 report shall be delivered by the transferor to the chief of police or sheriff no later than three
221.22 days after the date of the agreement to transfer, excluding weekends and legal holidays.

221.23 The statement under clause (3) must comply with any applicable requirements of Code of
221.24 Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of
221.25 alcohol or drug abuse patient records.

221.26 Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff
221.27 shall check criminal histories, records and warrant information relating to the proposed
221.28 transferee through the Minnesota Crime Information System, the national criminal record
221.29 repository, and the National Instant Criminal Background Check System. The chief of police
221.30 or sheriff shall also make a reasonable effort to check other available state and local
221.31 record-keeping systems. The chief of police or sheriff shall obtain commitment information
221.32 from the commissioner of human services as provided in section 245.041.

222.1 Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and
222.2 proposed transferee in writing as soon as possible if the chief or sheriff determines that the
222.3 proposed transferee is prohibited by section 624.713 from possessing a pistol or
222.4 semiautomatic military-style assault weapon. The notification to the transferee shall specify
222.5 the grounds for the disqualification of the proposed transferee and shall set forth in detail
222.6 the transferee's right of appeal under subdivision 13.

222.7 Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall
222.8 deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee
222.9 until five business days after the date the agreement to transfer is delivered to a chief of
222.10 police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives
222.11 all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive
222.12 all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or
222.13 sheriff finds that the transferee requires access to a pistol or semiautomatic military-style
222.14 assault weapon because of a threat to the life of the transferee or of any member of the
222.15 household of the transferee.

222.16 No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm
222.17 to a proposed transferee after receiving a written notification that the chief of police or
222.18 sheriff has determined that the proposed transferee is prohibited by section 624.713 from
222.19 possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

222.20 If the transferor makes a report of transfer and receives no written notification of
222.21 disqualification of the proposed transferee within five business days after delivery of the
222.22 agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm
222.23 may be delivered to the transferee.

222.24 Subd. 5. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police or
222.25 sheriff ~~that shall deny an application if~~ the proposed transferee is prohibited by ~~section~~
222.26 ~~624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault
222.27 ~~weapon shall be the sole basis for a notification of disqualification under this section or is~~
222.28 determined to be a danger to self or others under paragraph (b).

222.29 (b) A chief of police or sheriff shall deny a permit to a person who is a danger to self or
222.30 others. The decision of the chief of police or sheriff must be based on documented past
222.31 contact with law enforcement. A notice of disqualification issued pursuant to this paragraph
222.32 must describe and document the specific law enforcement contact or contacts relied upon
222.33 to deny the permit.

223.1 (c) A person is not eligible to submit a permit application under this section if the person
223.2 has had an application denied pursuant to paragraph (b) and less than six months have
223.3 elapsed since the denial was issued or the person's appeal under subdivision 13 was denied,
223.4 whichever is later.

223.5 (d) A chief of police or sheriff who denies a permit application pursuant to paragraph
223.6 (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with
223.7 joint jurisdiction over the applicant's residence.

223.8 ~~Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee~~
223.9 ~~is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic~~
223.10 ~~military-style assault weapon, the transferee may, within 30 days after the determination,~~
223.11 ~~apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

223.12 Subd. 8. **Report not required.** If the proposed transferee presents a valid transferee
223.13 permit issued under section 624.7131 or a valid permit to carry issued under section 624.714,
223.14 the transferor need not file a transfer report.

223.15 Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any
223.16 number of pistols or semiautomatic military-style assault weapons may be the subject of a
223.17 single transfer agreement and report to the chief of police or sheriff. Nothing in this section
223.18 or section 624.7131 shall be construed to limit or restrict the number of pistols or
223.19 semiautomatic military-style assault weapons a person may acquire.

223.20 Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a
223.21 person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style
223.22 assault weapon, a transferee requests that no record be maintained of the fact of who is the
223.23 transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or
223.24 sheriff shall sign the transfer report and return it to the transferee as soon as possible.
223.25 Thereafter, no government employee or agency shall maintain a record of the transfer that
223.26 identifies the transferee, and the transferee shall retain the report of transfer.

223.27 Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms
223.28 available throughout the community. There shall be no charge for forms, reports,
223.29 investigations, notifications, waivers or any other act performed or materials provided by
223.30 a government employee or agency in connection with a transfer.

223.31 Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f,
223.32 this section shall not apply to transfers of antique firearms as curiosities or for their historical
223.33 significance or value, transfers to or between federally licensed firearms dealers, transfers
223.34 by order of court, involuntary transfers, transfers at death or the following transfers:

- 224.1 (1) a transfer by a person other than a federally licensed firearms dealer;
- 224.2 (2) a loan to a prospective transferee if the loan is intended for a period of no more than
224.3 one day;
- 224.4 (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person
224.5 for the purpose of repair, reconditioning or remodeling;
- 224.6 (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety
224.7 with a pistol and approved by the commissioner of natural resources;
- 224.8 (5) a loan between persons at a firearms collectors exhibition;
- 224.9 (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is
224.10 intended for a period of no more than 12 hours;
- 224.11 (7) a loan between law enforcement officers who have the power to make arrests other
224.12 than citizen arrests; and
- 224.13 (8) a loan between employees or between the employer and an employee in a business
224.14 if the employee is required to carry a pistol or semiautomatic military-style assault weapon
224.15 by reason of employment and is the holder of a valid permit to carry a pistol.

224.16 Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff
224.17 that the person is prohibited by section 624.713 from possessing a pistol or semiautomatic
224.18 military-style assault weapon may appeal the determination as provided in this subdivision.
224.19 The district court shall have jurisdiction of proceedings under this subdivision.

224.20 On review pursuant to this subdivision, the court shall be limited to a determination of
224.21 whether the proposed transferee is a person prohibited from possessing a pistol or
224.22 semiautomatic military-style assault weapon by section 624.713.

224.23 ~~Subd. 14. **Transfer to unknown party.** (a) No person shall transfer a pistol or~~
224.24 ~~semiautomatic military-style assault weapon to another who is not personally known to the~~
224.25 ~~transferor unless the proposed transferee presents evidence of identity to the transferor.~~

224.26 ~~(b) No person who is not personally known to the transferor shall become a transferee~~
224.27 ~~of a pistol or semiautomatic military-style assault weapon unless the person presents evidence~~
224.28 ~~of identity to the transferor.~~

224.29 ~~(c) The evidence of identity shall contain the name, residence address, date of birth, and~~
224.30 ~~photograph of the proposed transferee; must be made or issued by or under the authority of~~
224.31 ~~the United States government, a state, a political subdivision of a state, a foreign government,~~
224.32 ~~a political subdivision of a foreign government, an international governmental or an~~

225.1 ~~international quasi-governmental organization; and must be of a type commonly accepted~~
225.2 ~~for the purpose of identification of individuals.~~

225.3 ~~(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault~~
225.4 ~~weapon in violation of this subdivision is guilty of a misdemeanor.~~

225.5 Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who
225.6 does any of the following is guilty of a gross misdemeanor:

225.7 (1) transfers a pistol or semiautomatic military-style assault weapon in violation of
225.8 subdivisions 1 to 13;

225.9 (2) transfers a pistol or semiautomatic military-style assault weapon to a person who
225.10 has made a false statement in order to become a transferee, if the transferor knows or has
225.11 reason to know the transferee has made the false statement;

225.12 (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

225.13 (4) makes a false statement in order to become a transferee of a pistol or semiautomatic
225.14 military-style assault weapon knowing or having reason to know the statement is false.

225.15 (b) A person who does either of the following is guilty of a felony:

225.16 (1) transfers a pistol or semiautomatic military-style assault weapon to a person under
225.17 the age of 18 in violation of subdivisions 1 to 13; or

225.18 (2) transfers a pistol or semiautomatic military-style assault weapon to a person under
225.19 the age of 18 who has made a false statement in order to become a transferee, if the transferor
225.20 knows or has reason to know the transferee has made the false statement.

225.21 Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or
225.22 county regulation of the transfer of pistols.

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

225.25 Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK**
225.26 **REQUIRED.**

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

225.29 (b) "Firearms dealer" means a person who is licensed by the United States Department
225.30 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code,
225.31 title 18, section 923(a).

226.1 (c) "State or federally issued identification" means a document or card made or issued
226.2 by or under the authority of the United States government or the state that contains the
226.3 person's name, residence address, date of birth, and photograph and is of a type commonly
226.4 accepted for the purpose of identification of individuals.

226.5 Subd. 2. **Background check and evidence of identity.** A person who is not a firearms
226.6 dealer is prohibited from transferring possession or ownership of a pistol or semiautomatic
226.7 military-style assault weapon to any other person who is not a firearms dealer unless the
226.8 transferee presents a valid transferee permit issued under section 624.7131 and a current
226.9 state or federally issued identification.

226.10 Subd. 3. **Record of transfer; required information.** (a) When two parties complete
226.11 the transfer of a pistol or semiautomatic military-style assault weapon under subdivision 2,
226.12 the transferor and transferee must complete a record of transfer on a form designed and
226.13 made publicly available without fee for this purpose by the superintendent of the Bureau
226.14 of Criminal Apprehension. Each page of the record of transfer must be signed and dated by
226.15 the transferor and the transferee and contain the serial number of the pistol or semiautomatic
226.16 military-style assault weapon.

226.17 (b) The record of transfer must contain the following information:

226.18 (1) a clear photocopy of each person's current state or federally issued identification;

226.19 (2) a clear photocopy of the transferee permit presented by the transferee; and

226.20 (3) a signed statement by the transferee swearing that the transferee is not currently
226.21 prohibited by state or federal law from possessing a firearm.

226.22 (c) The record of transfer must also contain the following information regarding the
226.23 transferred pistol or semiautomatic military-style assault weapon:

226.24 (1) the type of pistol or semiautomatic military-style assault weapon;

226.25 (2) the manufacturer, make, and model of the pistol or semiautomatic military-style
226.26 assault weapon; and

226.27 (3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned
226.28 serial number.

226.29 (d) Both the transferor and the transferee must retain a copy of the record of transfer
226.30 and any attachments to the record of transfer for 20 years from the date of the transfer. A
226.31 copy in digital form shall be acceptable for the purposes of this paragraph.

227.1 Subd. 4. **Compulsory production of record of transfer; gross misdemeanor**
227.2 **penalty.** (a) The transferor and transferee of a pistol or semiautomatic military-style assault
227.3 weapon transferred under this section must produce the record of transfer when a peace
227.4 officer requests the record as part of a criminal investigation.

227.5 (b) A person who refuses or is unable to produce a record of transfer for a firearm
227.6 transferred under this section in response to a request for production made by a peace officer
227.7 pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for
227.8 violation of this subdivision is not a bar to conviction of, or punishment for, any other crime
227.9 committed involving the transferred firearm.

227.10 Subd. 5. **Immunity.** A person is immune to a charge of violating this section if the person
227.11 presents a record of transfer that satisfies the requirements of subdivision 3.

227.12 Subd. 6. **Exclusions.** (a) This section shall not apply to the following transfers:

227.13 (1) a transfer by or to a federally licensed firearms dealer;

227.14 (2) a transfer by or to any law enforcement agency;

227.15 (3) to the extent the transferee is acting within the course and scope of employment and
227.16 official duties, a transfer to:

227.17 (i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

227.18 (ii) a member of the United States armed forces, the National Guard, or the reserves of
227.19 the United States armed forces;

227.20 (iii) a federal law enforcement officer; or

227.21 (iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

227.22 (4) a transfer between immediate family members, which for the purposes of this section
227.23 means spouses, domestic partners, parents, children, siblings, grandparents, and
227.24 grandchildren;

227.25 (5) a transfer to an executor, administrator, trustee, or personal representative of an estate
227.26 or a trust that occurs by operation of law upon the death of the former owner of the firearm;

227.27 (6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

227.28 (7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27,
227.29 section 478.11, if the transfer is between collectors of firearms as curios or relics as defined
227.30 by United States Code, title 18, section 921(a)(13), who each have in their possession a

- 228.1 valid collector of curio and relics license issued by the United States Department of Justice,
228.2 Bureau of Alcohol, Tobacco, Firearms and Explosives;
- 228.3 (8) the temporary transfer of a firearm if:
- 228.4 (i) the transfer is necessary to prevent imminent death or great bodily harm; and
228.5 (ii) the person's possession lasts only as long as immediately necessary to prevent such
228.6 imminent death or great bodily harm;
- 228.7 (9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in
228.8 the person's official role as an auctioneer to facilitate or conduct an auction of the firearm;
228.9 and
- 228.10 (10) a temporary transfer if the transferee's possession of the firearm following the
228.11 transfer is only:
- 228.12 (i) at a shooting range that operates in compliance with the performance standards under
228.13 chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance
228.14 is not required by the governing body of the jurisdiction, at an established shooting range
228.15 operated consistently with local law in the jurisdiction;
- 228.16 (ii) at a lawfully organized competition involving the use of a firearm, or while
228.17 participating in or practicing for a performance by an organized group that uses firearms as
228.18 part of the performance;
- 228.19 (iii) while hunting or trapping if the hunting or trapping is legal in all places where the
228.20 transferee possesses the firearm and the transferee holds all licenses or permits required for
228.21 hunting or trapping; or
- 228.22 (iv) while in the actual presence of the transferor.
- 228.23 (b) A transfer under this subdivision is permitted only if the transferor has no reason to
228.24 believe:
- 228.25 (1) that the transferee is prohibited by federal law from buying or possessing firearms
228.26 or not entitled under state law to possess firearms;
- 228.27 (2) if the transferee is under 18 years of age and is receiving the firearm under direct
228.28 supervision and control of an adult, that the adult is prohibited by federal law from buying
228.29 or possessing firearms or not entitled under state law to possess firearms; or
- 228.30 (3) that the transferee will use or intends to use the firearm in the commission of a crime.

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

229.3 **ARTICLE 15**

229.4 **POSSESSION OF FIREARMS**

229.5 Section 1. Minnesota Statutes 2018, section 624.713, subdivision 1, is amended to read:

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

229.9 (1) a person under the age of 18 years except that a person under 18 may possess
229.10 ammunition designed for use in a firearm that the person may lawfully possess and may
229.11 carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual
229.12 presence or under the direct supervision of the person's parent or guardian, (ii) for the
229.13 purpose of military drill under the auspices of a legally recognized military organization
229.14 and under competent supervision, (iii) for the purpose of instruction, competition, or target
229.15 practice on a firing range approved by the chief of police or county sheriff in whose
229.16 jurisdiction the range is located and under direct supervision; or (iv) if the person has
229.17 successfully completed a course designed to teach marksmanship and safety with a pistol
229.18 or semiautomatic military-style assault weapon and approved by the commissioner of natural
229.19 resources;

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

229.25 (3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial
229.26 determination that the person is mentally ill, developmentally disabled, or mentally ill and
229.27 dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has
229.28 ever been found incompetent to stand trial or not guilty by reason of mental illness, unless
229.29 the person's ability to possess a firearm and ammunition has been restored under subdivision
229.30 4;

229.31 (4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or
229.32 gross misdemeanor violation of chapter 152, unless three years have elapsed since the date
229.33 of conviction and, during that time, the person has not been convicted of any other such

230.1 violation of chapter 152 or a similar law of another state; or a person who is or has ever
230.2 been committed by a judicial determination for treatment for the habitual use of a controlled
230.3 substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability
230.4 to possess a firearm and ammunition has been restored under subdivision 4;

230.5 (5) a person who has been committed to a treatment facility in Minnesota or elsewhere
230.6 by a judicial determination that the person is chemically dependent as defined in section
230.7 253B.02, unless the person has completed treatment or the person's ability to possess a
230.8 firearm and ammunition has been restored under subdivision 4. Property rights may not be
230.9 abated but access may be restricted by the courts;

230.10 (6) a peace officer who is informally admitted to a treatment facility pursuant to section
230.11 253B.04 for chemical dependency, unless the officer possesses a certificate from the head
230.12 of the treatment facility discharging or provisionally discharging the officer from the
230.13 treatment facility. Property rights may not be abated but access may be restricted by the
230.14 courts;

230.15 (7) a person, including a person under the jurisdiction of the juvenile court, who has
230.16 been charged with committing a crime of violence and has been placed in a pretrial diversion
230.17 program by the court before disposition, until the person has completed the diversion program
230.18 and the charge of committing the crime of violence has been dismissed;

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

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

230.29 (10) a person who:

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

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

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

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

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

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

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

231.9 or

231.10 (viii) is disqualified from possessing a firearm under United States Code, title 18, section
231.11 922(g)(8) or (9), as amended through March 1, 2014;

231.12 (11) a person who has been convicted of the following offenses at the gross misdemeanor
231.13 level, unless three years have elapsed since the date of conviction and, during that time, the
231.14 person has not been convicted of any other violation of these sections: section 609.229
231.15 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated
231.16 by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child);
231.17 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71
231.18 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor
231.19 convictions include crimes committed in other states or jurisdictions which would have
231.20 been gross misdemeanors if conviction occurred in this state;

231.21 (12) a person who has been convicted of a violation of section 609.224 if the court
231.22 determined that the assault was against a family or household member in accordance with
231.23 section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since
231.24 the date of conviction and, during that time, the person has not been convicted of another
231.25 violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

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

231.28 (14) a person who is subject to an extreme risk protection order as described in section
231.29 624.7162 or 624.7164.

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

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

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

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

232.11 **Sec. 2. [624.7161] EXTREME RISK PROTECTION ORDERS.**

232.12 **Subdivision 1. Definitions.** As used in sections 624.7161 to 624.7168, "firearm" has the
232.13 meaning given in section 609.666, subdivision 1, paragraph (a).

232.14 **Subd. 2. Court jurisdiction.** An application for relief under this section shall be filed
232.15 in the county of residence of the respondent. Actions under this section shall be given docket
232.16 priorities by the court.

232.17 **Subd. 3. Information on petitioner's location or residence.** Upon the petitioner's
232.18 request, information maintained by the court regarding the petitioner's location or residence
232.19 is not accessible to the public and may be disclosed only to court personnel or law
232.20 enforcement for purposes of service of process, conducting an investigation, or enforcing
232.21 an order.

232.22 **Subd. 4. Generally.** (a) There shall exist an action known as a petition for an extreme
232.23 risk protection order, which order shall enjoin and prohibit the respondent from possessing
232.24 firearms for a fixed period.

232.25 (b) A petition for relief under sections 624.7161 to 624.7168 may be made by the chief
232.26 law enforcement officer or a designee or a city or county attorney.

232.27 (c) A petition for relief shall allege that the respondent poses a significant danger of
232.28 bodily harm to self or to other persons by possessing a firearm. The petition shall be
232.29 accompanied by an affidavit made under oath stating specific facts and circumstances
232.30 forming a basis to allege that an extreme risk protection order should be granted. The affidavit
232.31 may include but is not limited to evidence showing any of the factors described in section
232.32 624.7162, subdivision 2.

233.1 (d) A petition for emergency relief under section 624.7164 shall additionally allege that
233.2 the respondent presents an immediate and present danger of bodily harm.

233.3 (e) A petition for relief must describe, to the best of the petitioner's knowledge, the types
233.4 and location of any firearms believed by the petitioner to be possessed by the respondent.

233.5 (f) The state court administrator shall create all forms necessary under sections 624.7161
233.6 to 624.7168.

233.7 (g) The filing fees for an extreme risk protection order under this section are waived for
233.8 the petitioner and respondent.

233.9 (h) The court shall advise the petitioner of the right to serve the respondent by alternate
233.10 notice under section 624.7162, subdivision 1, paragraph (e), if the respondent is avoiding
233.11 personal service by concealment or otherwise, and shall assist in the writing and filing of
233.12 the affidavit.

233.13 (i) The court shall advise the petitioner of the right to request a hearing under section
233.14 624.7164, paragraph (b). If the petitioner does not request a hearing, the court shall advise
233.15 the petitioner that the respondent may request a hearing and that notice of the hearing date
233.16 and time will be provided to the petitioner by mail at least five days before the hearing.

233.17 (j) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies
233.18 throughout the state.

233.19 (k) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other
233.20 civil or criminal remedies.

233.21 (l) All health records and other health information provided in a petition or considered
233.22 as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from
233.23 public disclosure but may be provided to law enforcement agencies as described in this
233.24 section.

233.25 (m) Any extreme risk protection order or subsequent extension issued under sections
233.26 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the
233.27 local law enforcement agency with jurisdiction over the residence of the respondent. Each
233.28 appropriate law enforcement agency shall make available to other law enforcement officers,
233.29 through a system for verification, information as to the existence and status of any extreme
233.30 risk protection order issued under sections 624.7161 to 624.7168.

234.1 Sec. 3. **[624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER**
234.2 **HEARING.**

234.3 Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the
234.4 court shall order a hearing which shall be held not later than 14 days from the date of the
234.5 order for hearing.

234.6 (b) The court shall advise the petitioner of the right to request an emergency extreme
234.7 risk protection order under section 624.7164 separately from or simultaneously with the
234.8 petition under this subdivision.

234.9 (c) The petitioning agency shall be responsible for service of an extreme risk protection
234.10 order issued by the court and shall further be the agency responsible for the execution of
234.11 any legal process required for the seizure and storage of firearms subject to the order. Nothing
234.12 in this provision limits the ability of the law enforcement agency of record from cooperating
234.13 with other law enforcement entities.

234.14 (d) Personal service of notice for the hearing may be made upon the respondent at any
234.15 time up to 12 hours prior to the time set for the hearing, provided that the respondent at the
234.16 hearing may request a continuance of up to five days if the respondent is served less than
234.17 five days prior to the hearing, which continuance shall be granted unless there are compelling
234.18 reasons not to do so. If the court grants the requested continuance, and an existing emergency
234.19 order under section 624.7164 will expire due to the continuance, the court shall also issue
234.20 a written order continuing the emergency order pending the new time set for the hearing.

234.21 (e) If personal service cannot be made, the court may order service of the petition and
234.22 any order issued under this section by alternate means. The application for alternate service
234.23 must include the last known location of the respondent; the petitioner's most recent contacts
234.24 with the respondent; the last known location of the respondent's employment; the names
234.25 and locations of the respondent's parents, siblings, children, and other close relatives; the
234.26 names and locations of other persons who are likely to know the respondent's whereabouts;
234.27 and a description of efforts to locate those persons. The court shall consider the length of
234.28 time the respondent's location has been unknown, the likelihood that the respondent's location
234.29 will become known, the nature of the relief sought, and the nature of efforts made to locate
234.30 the respondent. The court shall order service by first class mail, forwarding address requested,
234.31 to any addresses where there is a reasonable possibility that mail or information will be
234.32 forwarded or communicated to the respondent. The court may also order publication, within
234.33 or without the state, but only if it might reasonably succeed in notifying the respondent of

235.1 the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after
235.2 court-ordered publication.

235.3 Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance
235.4 of the evidence that the respondent poses a significant danger of bodily harm to self or other
235.5 persons by possessing a firearm.

235.6 (b) In determining whether to grant the order after a hearing, the court shall consider
235.7 evidence of the following, whether or not the petitioner has provided evidence of the same:

235.8 (1) a history of threats or acts of violence by the respondent directed toward another
235.9 person;

235.10 (2) the history of use, attempted use, or threatened use of physical force by the respondent
235.11 against another person;

235.12 (3) a violation of any court order, including but not limited to orders issued under sections
235.13 624.7161 to 624.7168 or chapter 260C or 518B;

235.14 (4) a prior arrest for a felony offense;

235.15 (5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense
235.16 under section 609.749, or for domestic assault under section 609.2242;

235.17 (6) a conviction for an offense of cruelty to animals under chapter 343;

235.18 (7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

235.19 (8) a history of self-harm by the respondent; and

235.20 (9) whether the respondent is named in an existing order in effect under sections 624.7161
235.21 to 624.7168 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or
235.22 other action under sections 624.7161 to 624.7168 or chapter 518B.

235.23 (c) In determining whether to grant the order after a hearing, the court may consider any
235.24 other evidence that bears on whether the respondent poses a danger to the respondent's self
235.25 or others.

235.26 (d) If the court finds there is a preponderance of the evidence to issue an extreme risk
235.27 protection order, the court shall issue the order prohibiting the person from possessing a
235.28 firearm for the duration of the order. The court shall inform the respondent that the respondent
235.29 is prohibited from possessing firearms and shall issue a transfer order under section 624.7165.
235.30 The court shall also give notice to the county attorney's office, which may take action as it
235.31 deems appropriate.

236.1 (e) The order shall have a fixed period, to be determined by the court, of not less than
236.2 six months and not more than two years, subject to renewal or extension under section
236.3 624.7163.

236.4 (f) If there is no existing emergency order under section 624.7164 at the time an order
236.5 is granted under this section, the court shall determine by a preponderance of the evidence
236.6 whether the respondent presents an immediate and present danger of bodily harm. If the
236.7 court so determines, the transfer order shall include the provisions described in section
236.8 624.7165, paragraph (c).

236.9 (g) If, after a hearing, the court does not issue an order of protection, the court shall
236.10 vacate any emergency extreme risk protection order currently in effect.

236.11 (h) A respondent may waive the respondent's right to contest the hearing and consent
236.12 to the court's imposition of an extreme risk protection order. The court shall seal the petition
236.13 filed under this section and section 624.7144 if a respondent who consents to imposition of
236.14 an extreme risk protection order requests that the petition be sealed, unless the court finds
236.15 that there is clear and convincing evidence that the interests of the public and public safety
236.16 outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk
236.17 protection orders shall remain public.

236.18 **Sec. 4. [624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.**

236.19 (a) Upon application by any party entitled to petition for an order under section 624.7162,
236.20 and after notice to the respondent and a hearing, the court may extend the relief granted in
236.21 an existing order granted after a hearing under section 624.7162. Application for an extension
236.22 may be made any time within the three months before the expiration of the existing order.
236.23 The order may be extended for a fixed period of at least six months and not to exceed two
236.24 years, if the court makes the same findings by a preponderance of the evidence as required
236.25 for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The
236.26 court shall consider the same types of evidence as required for the initial order under section
236.27 624.7162, subdivision 2, paragraphs (b) and (c).

236.28 (b) Upon application by the respondent to an order issued under section 624.7162, the
236.29 court may terminate an order after a hearing at which the respondent shall bear the burden
236.30 of proving by a preponderance of the evidence that the respondent does not pose a significant
236.31 danger of bodily harm to the respondent's self or to other persons by possessing a firearm.
236.32 Application for termination may be made one time for each year an order is in effect. If an
236.33 order has been issued for a period of six months, the respondent may apply for termination
236.34 one time.

237.1 Sec. 5. [624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION

237.2 ORDER.

237.3 (a) In determining whether to grant an emergency extreme risk protection order, the
237.4 court shall consider evidence of all facts identified in section 624.7162, subdivision 2,
237.5 paragraphs (b) and (c).

237.6 (b) The court shall advise the petitioner of the right to request an order after a hearing
237.7 under section 624.7162 separately from or simultaneously with the petition.

237.8 (c) If the court finds there is reasonable grounds that (1) the respondent poses a significant
237.9 danger of bodily harm to the respondent's self or to other persons by possessing a firearm,
237.10 and (2) the respondent presents an immediate and present danger of bodily harm, the court
237.11 shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm
237.12 for the duration of the order. The order shall inform the respondent that the respondent is
237.13 prohibited from possessing firearms and shall issue a transfer order under section 624.7165,
237.14 paragraph (c).

237.15 (d) A finding by the court that there is a basis for issuing an emergency extreme risk
237.16 protection order constitutes a finding that sufficient reasons exist not to require notice under
237.17 applicable court rules governing applications for ex parte relief.

237.18 (e) The emergency order shall have a fixed period of 14 days unless a hearing is set
237.19 under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's
237.20 finding that no order is issued under section 624.7162.

237.21 (f) Except as provided in paragraph (g), the respondent shall be personally served
237.22 immediately with a copy of the emergency order and a copy of the petition and, if a hearing
237.23 is requested by the petitioner under section 624.7162, notice of the date set for the hearing.
237.24 If the petitioner does not request a hearing under section 624.7162, an order served on a
237.25 respondent under this subdivision must include a notice advising the respondent of the right
237.26 to request a hearing challenging the issuance of the emergency order, and must be
237.27 accompanied by a form that can be used by the respondent to request a hearing.

237.28 (g) Service of the emergency order may be made by alternate service as provided under
237.29 section 624.7162, subdivision 1, paragraph (e), provided that the petitioner files the affidavit
237.30 required under that subdivision. If the petitioner does not request a hearing under section
237.31 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied
237.32 by the form for requesting a hearing described in paragraph (f).

238.1 Sec. 6. [624.7165] TRANSFER OF FIREARMS.

238.2 (a) Except as provided in paragraph (b), upon issuance of an extreme risk protection
238.3 order, the court shall direct the respondent to transfer any firearms the person possesses as
238.4 soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed
238.5 firearms dealer or a law enforcement agency. If the respondent elects to transfer the
238.6 respondent's firearms to a law enforcement agency, the agency must accept the transfer.
238.7 The transfer may be permanent or temporary. A temporary firearm transfer only entitles
238.8 the receiving party to possess the firearm and does not transfer ownership or title. If the
238.9 respondent makes a temporary transfer, a federally licensed firearms dealer or law
238.10 enforcement agency may charge the respondent a reasonable fee to store the firearms and
238.11 may establish policies for disposal of abandoned firearms, provided these policies require
238.12 that the respondent be notified prior to disposal of abandoned firearms. If a respondent
238.13 permanently transfers the respondent's firearms to a law enforcement agency, the agency
238.14 is not required to compensate the respondent and may charge the respondent a reasonable
238.15 processing fee.

238.16 (b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer
238.17 any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a),
238.18 clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title
238.19 27, section 478.11, as amended, to a relative who does not live with the respondent after
238.20 confirming that the relative may lawfully own or possess a firearm.

238.21 (c) The respondent must file proof of transfer as provided in this paragraph.

238.22 (1) A law enforcement agency or federally licensed firearms dealer accepting transfer
238.23 of a firearm pursuant to this section shall provide proof of transfer to the respondent. The
238.24 proof of transfer must specify whether the firearms were permanently or temporarily
238.25 transferred and must include the name of the respondent, date of transfer, and the serial
238.26 number, manufacturer, and model of all transferred firearms. If transfer is made to a federally
238.27 licensed firearms dealer, the respondent shall, within two business days after being served
238.28 with the order, file a copy of proof of transfer with the law enforcement agency and attest
238.29 that all firearms owned or possessed at the time of the order have been transferred in
238.30 accordance with this section and that the person currently does not possess any firearms. If
238.31 the respondent claims not to own or possess firearms, the respondent shall file a declaration
238.32 of nonpossession with the law enforcement agency attesting that, at the time of the order,
238.33 the respondent neither owned nor possessed any firearms, and that the respondent currently
238.34 neither owns nor possesses any firearms. If the transfer is made to a relative pursuant to
238.35 paragraph (b), the relative must sign an affidavit under oath before a notary public either

239.1 acknowledging that the respondent permanently transferred the respondent's antique firearms,
239.2 curios, or relics to the relative or agreeing to temporarily store the respondent's antique
239.3 firearms, curios, or relics until such time as the respondent is legally permitted to possess
239.4 firearms. To the extent possible, the affidavit shall indicate the serial number, make, and
239.5 model of all antique firearms, curios, or relics transferred by the respondent to the relative.

239.6 (2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession
239.7 filed pursuant to this paragraph.

239.8 (d) If a court issues an emergency order under section 624.7164, or makes a finding of
239.9 immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and
239.10 there is probable cause to believe the respondent possesses firearms, the court shall issue a
239.11 search warrant to the local law enforcement agency to take possession of all firearms in the
239.12 respondent's possession as soon as practicable. The local law enforcement agency shall,
239.13 upon written notice from the respondent, transfer the firearms to a federally licensed firearms
239.14 dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the
239.15 agency shall require the federally licensed firearms dealer receiving the firearm to submit
239.16 a proof of transfer that complies with the requirements for proofs of transfer established in
239.17 paragraph (c). The agency shall file all proofs of transfer received by the court within two
239.18 business days of the transfer. A federally licensed firearms dealer who accepts a firearm
239.19 transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting
239.20 transfer directly from the respondent. If the law enforcement agency does not receive written
239.21 notice from the respondent within three business days, the agency may charge a reasonable
239.22 fee to store the respondent's firearms. A law enforcement agency may establish policies for
239.23 disposal of abandoned firearms, provided these policies require that the respondent be
239.24 notified prior to disposal of abandoned firearms.

239.25 **Sec. 7. [624.7166] RETURN OF FIREARMS.**

239.26 Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted
239.27 temporary transfer of firearms under section 624.7165 shall return the firearms to the
239.28 respondent upon request after the expiration of the order, provided the respondent is not
239.29 otherwise prohibited from possessing firearms under state or federal law.

239.30 Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary
239.31 transfer of firearms under section 624.7165 shall return the transferring firearms to the
239.32 respondent upon request after the expiration of the order, provided the respondent is not
239.33 otherwise prohibited from possessing firearms under state or federal law. A federally licensed

240.1 firearms dealer returning firearms shall comply with state and federal law as though
240.2 transferring a firearm from the dealer's own inventory.

240.3 Sec. 8. **[624.7167] OFFENSES.**

240.4 Subdivision 1. **False information or harassment.** A person who petitions for an extreme
240.5 risk protection order under section 624.7162 or 624.7164, knowing any information in the
240.6 petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a
240.7 misdemeanor.

240.8 Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should
240.9 have known that the person is prohibited from doing so by an extreme risk protection order
240.10 under section 624.7162 or 624.7164, or by an order of protection granted by a judge or
240.11 referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor
240.12 and shall be prohibited from possessing firearms for a period of five years. Each extreme
240.13 risk protection order granted under this chapter must contain a conspicuous notice to the
240.14 respondent regarding the penalty for violation of the order.

240.15 Sec. 9. **[624.7168] LIABILITY PROTECTION.**

240.16 Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a
240.17 designee, or a city or county attorney, who, in good faith, decides not to petition for an
240.18 extreme risk protection order or emergency extreme risk protection order shall be immune
240.19 from criminal or civil liability.

240.20 Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall
240.21 be immune from civil or criminal liability for any damage or deterioration of firearms,
240.22 ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision
240.23 shall not apply if the damage or deterioration occurred as a result of recklessness, gross
240.24 negligence, or intentional misconduct by the law enforcement agency.

240.25 Subd. 3. **Liability protection for harm following service of an order or execution of**
240.26 **a search warrant.** A peace officer, law enforcement agency, and the state or a political
240.27 subdivision by which a peace officer is employed has immunity from any liability, civil or
240.28 criminal, for harm caused by a person who is the subject of an extreme risk protection order,
240.29 a search warrant issued pursuant to section 624.7165, paragraph (d), or both after service
240.30 of the order or execution of the warrant, whichever comes first, if the peace officer acts in
240.31 good faith in serving the order or executing the warrant.

241.1 Sec. 10. [626.8474] EXTREME RISK PROTECTION ORDER; DEVELOPMENT
241.2 OF MODEL PROCEDURES.

241.3 By December 1, 2020, the Peace Officer Standards and Training Board, after consulting
241.4 with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the
241.5 Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers
241.6 Association, shall develop model procedures and standards for the storage of firearms
241.7 transferred to law enforcement under section 624.7165.

241.8 Sec. 11. REVISOR INSTRUCTION.

241.9 In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota
241.10 Statutes 2018, sections 624.7161 to 624.7168, and correct cross-references to those provisions
241.11 so as not to conflict with this act.

241.12 Sec. 12. EFFECTIVE DATE.

241.13 Sections 1 to 9 and 11 are effective January 1, 2020, and apply to firearm permit
241.14 background checks made on or after that date.

152.027 OTHER CONTROLLED SUBSTANCE OFFENSES.

Subd. 3. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

299A.12 WHEELCHAIR SECUREMENT DEVICE.

Subd. 4. **Transit vehicle; rules.** A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

299A.18 RULES; APPROVAL OF WHEELCHAIR SECUREMENT DEVICE.

The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

401.13 COSTS OF CONFINEMENT; PAYMENT.

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.

609.349 VOLUNTARY RELATIONSHIPS.

A person does not commit criminal sexual conduct under sections 609.342, clauses (a) and (b), 609.343, clauses (a) and (b), 609.344, clauses (a), (b), (d), (e), and (n), and 609.345, clauses (a), (b), (d), (e), and (n), if the actor and complainant were adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by one legal spouse against the other.

609B.050 DEFINITIONS; PURPOSE; CROSS-REFERENCES.

Subdivision 1. **Definitions.** For purposes of this chapter:

(1) "automatically" means either by operation of law or by the mandated action of a designated official or agency; and

(2) "collateral sanction" means a legal penalty, disability, or disadvantage, however denominated, that is imposed on a person automatically when that person is convicted of or found to have

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committed a crime, even if the sanction is not included in the sentence. Collateral sanction does not include:

- (i) a direct consequence of the crime such as a criminal fine, restitution, or incarceration; or
- (ii) a requirement imposed by the sentencing court or other designated official or agency that the convicted person provide a biological specimen for DNA analysis, provide fingerprints, or submit to any form of assessment or testing.

Subd. 2. **Statement of purpose.** This chapter contains cross-references to Minnesota Statutes imposing collateral sanctions. This chapter provides quick access to the cross-referenced collateral sanctions by using the following categories:

- (1) collateral sanctions relating to employment and licensing;
- (2) collateral sanctions relating to teaching;
- (3) collateral sanctions relating to nursing and other health care licenses;
- (4) collateral sanctions relating to transportation;
- (5) collateral sanctions relating to elections;
- (6) collateral sanctions relating to carriers;
- (7) collateral sanctions relating to miscellaneous licensing provisions;
- (8) collateral sanctions relating to liquor;
- (9) collateral sanctions relating to gambling;
- (10) collateral sanctions relating to fiduciary service and public office vacancies;
- (11) collateral sanctions relating to local government;
- (12) collateral sanctions relating to metropolitan area officers and peace officers;
- (13) collateral sanctions relating to driving and motor vehicles;
- (14) collateral sanctions relating to prison program eligibility;
- (15) collateral sanctions relating to offender registration;
- (16) collateral sanctions relating to crimes against a person; crimes of violence;
- (17) collateral sanctions relating to possession of firearms, explosives, and similar devices;
- (18) collateral sanctions relating to services and benefits;
- (19) collateral sanctions relating to property rights;
- (20) collateral sanctions relating to civil rights and remedies;
- (21) collateral sanctions relating to recreational activities; and
- (22) collateral sanctions relating to game and fish laws.

Subd. 3. **Cautionary language.** The following cautionary language should be noted:

- (1) the list of collateral sanctions laws contained in this chapter is intended to be comprehensive but is not necessarily complete;
- (2) the inclusion or exclusion of a collateral sanction in this chapter is not intended to have any substantive legal effect;
- (3) the cross-references used in this chapter are intended solely to indicate the contents of the cross-referenced section or subdivision and are not part of the cross-referenced statute;
- (4) the cross-references are not substantive and may not be used to construe or limit the meaning of any statutory language; and
- (5) users must consult the language of each cross-referenced law to fully understand the scope and effect of the collateral sanction it imposes.

609B.100 EMPLOYMENT AND OCCUPATIONAL LICENSING; GENERALLY.

Sections 609B.101 to 609B.113 provide references to collateral sanctions related to employment and licensing.

609B.101 FALSE OR FRAUDULENT CLAIM TO LEGISLATURE; FORFEITURE OF OFFICE.

A state officer convicted of violating section 3.756 forfeits the state office.

609B.102 SUBVERSIVE ACT; EMERGENCY MANAGEMENT EMPLOYMENT PROHIBITED.

Section 12.43 prohibits a person from employment with an emergency management organization who has been convicted of a subversive act against the United States.

609B.103 VIOLATION OF AQUATIC FARMS REGULATIONS; AQUATIC FARM OCCUPATIONAL LICENSE VOID.

A conviction for a violation of an aquatic farm law or rule will result in an aquatic farm license of the violator being voided under certain circumstances provided in section 17.4998.

609B.104 VIOLATION OF CERTIFIED SEED POTATO LAW; RIGHT TO HANDLE CERTIFIED SEED POTATOES REVOKED.

Section 21.122 requires the commissioner of agriculture to refuse the privilege of handling certified seed potatoes in any way during the season in which a person is convicted for a second offense under sections 21.111 to 21.122.

609B.105 VIOLATION OF CONTAINER LABEL INFORMATION LAWS; LICENSE REVOCATION.

Section 32.645 requires the commissioner of agriculture to revoke or withhold issuing any license required under sections 28A.04, 28A.14, and 32.56 to a person convicted of a subsequent offense under section 32.645.

609B.106 UNLICENSED OR IMPROPER EXHIBIT; REMOVAL FROM STATE FAIRGROUNDS.

(a) If a person is convicted under section 37.18, the person's license shall be suspended, and all money paid in connection with a performance or exhibit shall be forfeited to the Minnesota State Agricultural Society.

(b) A person engaging in a play, game, concert, or theatrical or other performance, or exhibiting a show of any kind on the State Fairgrounds without a license from the society must be removed from the State Fairgrounds.

609B.107 NONCOMPLIANCE; STATE CIVIL SERVICE EMPLOYMENT PROHIBITED.

Under section 43A.39, a person convicted of a crime based on violations of chapter 43A shall be ineligible for appointment in the civil service for three years following conviction.

609B.108 CRIMINAL CONDUCT; MUNICIPAL SERVICE EMPLOYMENT PROHIBITED.

Section 44.11 requires the municipal personnel board to reject candidates or eligible persons who have been found guilty of criminal conduct.

609B.109 INSURANCE POLICY VIOLATIONS; INSURANCE BUSINESS DISQUALIFICATION.

Section 72A.02 disqualifies a company, which has more than one conviction for making, issuing, delivering, or tendering any policy of insurance of any kind in violation of any provision of law, from conducting any insurance business until payment of all fines and for one year thereafter.

609B.110 INSURANCE CONTRACTS; AGENT AND INSURANCE BUSINESS DISQUALIFICATION.

Upon conviction for a violation under sections 60K.30 to 60K.56, the commissioner of commerce shall suspend the authority of a convicted agent to transact any insurance business within the state for a period of not less than three months under section 72A.07.

609B.111 LIFE INSURANCE POLICY MISREPRESENTATION; LICENSE REVOCATION.

The license of any company that authorizes or permits a violation of section 72A.12, subdivision 2, shall be revoked. Upon a conviction under section 72A.12, subdivision 3, the commissioner of commerce shall revoke the license of a company and its agents, and grant no new license within one year after the conviction.

609B.112 VIOLATION OF AQUATIC VEGETATION IN PUBLIC WATERS LICENSE; LICENSE VOID.

If a person is convicted of violating section 84.42 for the second time within three years, that person's license issued under section 84.091 shall become null and void, and no license of the same kind shall be issued for one year after the date of the conviction.

609B.113 MISREPRESENTATION OF FISH SPECIES CONVICTION; FISH VENDOR LICENSE REVOCATION.

If a licensed fish vendor or an employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked and the licensee is not eligible to obtain a fish vendor's license for one year after revocation under section 97C.861.

609B.120 TEACHING; COLLATERAL SANCTIONS.

Sections 609B.121 to 609B.123 provide references to teaching related collateral sanctions.

609B.121 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; REVOCATION OR DENIAL OF TEACHER'S LICENSE.

Under section 122A.20 or any similar law of another state or the United States, a person convicted of child abuse or sexual abuse, using minors in a sexual performance, or possessing pornographic works involving a minor shall have the person's teaching license revoked.

609B.122 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; CERTAIN TEACHERS DISCHARGED.

Upon receipt of notice that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse under section 122A.20, a teacher under contract either as a probationary teacher or a continuing-contract teacher under section 122A.40 or 122A.41 must be discharged.

609B.123 SEX OFFENDER; INDEPENDENT DISTRICT SCHOOL BOARD INELIGIBILITY.

Under section 123B.09, a sex offender who has been convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member.

609B.124 NURSING AND OTHER HEALTH CARE LICENSING; COLLATERAL SANCTIONS.

Sections 609B.125 to 609B.130 provide references to nursing and other health care licensing-related collateral sanctions.

609B.125 NURSING HOME EMPLOYMENT; DISQUALIFICATION.

A person who was a controlling person of another nursing home during any period of time in the previous two-year period, as defined by law, and was convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care during that period is disqualified from becoming a controlling person of a nursing home under section 144A.04.

609B.126 NURSING HOME LICENSE; REVOCATION.

Under section 144A.11, subdivision 3a, a nursing home license shall be revoked if a controlling person is convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care.

609B.127 HOME CARE EMPLOYMENT; DISQUALIFICATION.

Under section 144A.476:

(1) no person may be involved in the management, operation, or control of a home care provider if the person has been disqualified under the provisions of chapter 245C; and

(2) employees, contractors, and volunteers of a home care provider or hospice with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

609B.128 HOSPICE CARE EMPLOYMENT; DISQUALIFICATION.

Under section 144A.754:

(1) no person may be involved in the management, operation, or control of a hospice provider if the person has been disqualified under the provisions of chapter 245C; and

(2) employees, contractors, and volunteers of a hospice provider with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

609B.129 FELONY-LEVEL CRIMINAL SEXUAL CONDUCT CONVICTION; MEDICAL LICENSE DENIAL OR REVOCATION.

Under section 147.091, subdivision 1a, the Board of Medical Practice may not grant a license to practice medicine to a person convicted of a felony-level criminal sexual conduct offense, and a license to practice medicine is automatically revoked if the licensee is convicted of a felony-level criminal sexual conduct offense.

609B.130 PHARMACY LICENSE AND REGISTRATION; ELIGIBILITY.

Under section 151.06, the Board of Pharmacy shall deny, suspend, revoke, or refuse to renew any registration or license required under chapter 151 to any applicant, registrant, or licensee upon any of the following grounds:

(1) in the case of a pharmacist, conviction in any court of a felony;

(2) in the case of a pharmacist, conviction in any court of an offense involving moral turpitude;

(3) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof; or

(4) in the case of a pharmacist, aiding suicide or aiding attempted suicide, as established by a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2.

609B.132 TRANSPORTATION; COLLATERAL SANCTIONS.

Sections 609B.133 to 609B.136 provide references to collateral sanctions related to transportation.

609B.133 PUBLIC CONTRACTS; ELIGIBILITY FOR PUBLIC TRANSPORTATION CONTRACTS.

Under section 161.315, a contractor and the contractor's affiliates convicted of a contract crime are disqualified from receiving the award of a state contract or from serving as a subcontractor or material supplier under a state contract.

609B.134 MOTOR VEHICLE DEALER VIOLATION; SUSPENSION OR REVOCATION OF DEALER LICENSE.

Under section 168.276, the registrar of motor vehicles shall suspend for a period of 30 days a person's license for the sale of new or used motor vehicles upon the receipt of a second record of conviction for a violation of section 168.27, and upon receipt of a third record of conviction, the person's license shall be permanently revoked.

609B.135 FRAUD, MISREPRESENTATION, AND DELAY; REVOCATION OF INSURER'S LICENSE.

Under section 176.195, the commissioner of commerce shall revoke the license of an insurer to write workers' compensation insurance, if the insurer, or an agent of the insurer, has been found guilty of fraud, misrepresentation, or culpable, persistent, and unreasonable delay in making payments or settlements under chapter 176.

609B.136 VIOLATIONS BY BOILER INSPECTORS; REMOVAL FROM OFFICE.

An inspector found guilty of a misdemeanor under section 326B.992 shall be removed from office.

609B.139 ELECTIONS; COLLATERAL SANCTIONS.

Sections 609B.140 to 609B.146 provide references to collateral sanctions related to elections.

609B.140 CONVICTION FOR FAILURE TO PROSECUTE; FORFEITURE OF OFFICE.

A county attorney convicted of a misdemeanor under section 201.275 shall forfeit office.

609B.141 CONVICTION FOR TREASON OR FELONY; INELIGIBILITY FOR BALLOT CERTIFICATION.

If a person is convicted of a felony or treason and has not had the person's civil rights restored, under section 204B.10 the person's name shall not be certified to be placed on a ballot.

609B.142 CONVICTED SEX OFFENDER; SCHOOL BOARD MEMBER INELIGIBILITY.

Under section 205A.06, subdivision 1b, a person convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member and may not file an affidavit of candidacy for that office. Ineligibility is determined by registration requirements in effect at the time the offender files for office.

609B.143 VIOLATION OF CAMPAIGN FINANCIAL REPORTS; FORFEITURE OF NOMINATION OR OFFICE.

If a candidate is convicted of a campaign violation under section 211A.09, the court shall declare that the candidate has forfeited nomination or office.

609B.144 CONVICTION FOR VIOLATION OF CAMPAIGN FINANCIAL REPORTS; DISQUALIFICATION.

A person convicted of violating chapter 211A or a person whose election to office has been set aside for violating chapter 211A may not be appointed to fill a vacancy in the office under section 211A.10.

609B.146 CONVICTION FOR VIOLATION OF FAIR CAMPAIGN PRACTICES; DISQUALIFICATION.

A person convicted of violating chapter 211B or a person whose election to office has been set aside for violating chapter 211B may not be appointed to fill a vacancy in the office under section 211B.18.

609B.147 CARRIERS; COLLATERAL SANCTIONS.

Sections 609B.148 and 609B.149 provide references to collateral sanctions related to carriers.

609B.148 DRIVER'S LICENSE SUSPENSION OR CANCELLATION; DENIAL OF APPLICATION; INTERSTATE MOTOR CARRIER.

Under section 221.0314, subdivision 3a, paragraph (e), the commissioner of transportation shall deny an application if, during the three years preceding the application, the applicant's driver's license has been suspended, canceled, or revoked or the applicant has been convicted of a disqualifying offense as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b)(2).

609B.149 CONVICTION OF BACKGROUND CHECK CRIME; PASSENGER CARRIER DISQUALIFICATION.

If the background check response required under section 221.178 shows that the driver has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a) or (b), the driver may not be employed by a motor carrier of passengers to operate a vehicle providing passenger transportation.

609B.1495 MISCELLANEOUS LICENSING PROVISIONS; COLLATERAL SANCTIONS.

Sections 609B.150 to 609B.164 provide references related to miscellaneous licensing provisions.

609B.150 RACETRACK OCCUPATIONAL LICENSES; INELIGIBILITY.

A person convicted of a felony; fraud or misrepresentation in connection with racing or breeding; or a violation of law or rule relating to horse racing, pari-mutuel betting, or any other form of gambling that is a serious violation as defined by the Minnesota Racing Commission's rules, is ineligible for a class C occupational license under section 240.08.

609B.151 HUMAN SERVICES LICENSE; DISQUALIFICATION FOR CONVICTION.

Under section 245A.04, the commissioner of human services shall not issue a license if the applicant, license holder, or controlling individual has been disqualified and the disqualification

was not set aside. Disqualifications under section 245A.04 are governed according to sections 245C.14 and 245C.15. Convictions resulting in human services license disqualification are enumerated under section 245C.15.

609B.152 CONVICTION FOR FAILURE TO COMPLY; TAX LEVY FOR SOCIAL SERVICES; REMOVAL FROM OFFICE.

Any county commissioner convicted under section 261.063 shall be immediately removed from office by the governor.

609B.153 CIGARETTE AND TOBACCO DISTRIBUTOR OR SUBJOBBER LICENSE; SUSPENSION OR REVOCATION.

Under section 297F.04, the commissioner of revenue must not issue or renew a license issued under chapter 297F, and may revoke a license issued under chapter 297F, if the applicant has been convicted of a crime involving cigarettes.

609B.155 RESIDENTIAL BUILDING MANAGER; BACKGROUND CHECK.

Under section 299C.69, an owner of a residential building may not hire a person as a residential building manager or, if the person was hired pending completion of the background check, shall terminate the person's employment if a residential building manager or a person applying for a position as a residential building manager is convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a). Except as provided under section 299C.69, paragraph (c), if the owner knows that a residential building manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment. For background check crimes defined in section 299C.67, subdivision 2, paragraph (a), the owner may not employ a manager unless more than ten years have elapsed since the date of discharge of the sentence, except as provided under section 299C.69, paragraph (c).

609B.157 GAMBLING DEVICES LICENSE; INELIGIBILITY.

Under section 299L.07, the commissioner of public safety may not issue or renew a license under chapter 299L, and shall revoke a license under chapter 299L, if the applicant or licensee, or a director, officer, partner, governor, person in a supervisory or management position of the applicant or licensee, an employee eligible to make sales on behalf of the applicant or licensee, or a direct or indirect holder of more than a five percent financial interest in the applicant or licensee has been convicted of:

- (1) a felony;
- (2) a crime involving gambling;
- (3) assault;
- (4) a criminal violation involving the use of a firearm; or
- (5) making terroristic threats.

609B.158 PETROLEUM DISCRIMINATION; REVOCATION OF PERMIT.

Under section 325D.67, if a person or firm is convicted of a petroleum discrimination violation, the attorney general shall see to it that the corporation's permit to do business is revoked.

609B.159 PAWNBROKER LICENSE; INELIGIBILITY.

A person convicted of a crime directly related to a pawnbroker licensed as prescribed by section 364.03, subdivision 2, is not eligible to maintain or receive a pawnbroker license under section 325J.03 unless the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under chapter 325J as prescribed by section 364.03, subdivision 3.

609B.160 PRIVATE DETECTIVE OR PROTECTIVE AGENT EMPLOYMENT; DISQUALIFICATION.

Under section 326.336, a private detective or protective agent license holder shall immediately dismiss an employee who has been convicted of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault.

609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS LICENSE; DISQUALIFICATION.

Under section 326.3381, a person is disqualified from holding a private detective or protective agent business license if that person has been convicted of:

(1) a felony by the courts of this or any other state or of the United States;

(2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession, production, sale, or distribution of narcotics unlawfully; or

(3) acts in any other country which, if committed in Minnesota, would be a felony or considered as any of the other offenses listed in clause (2) and for which a full pardon or similar relief has not been granted.

609B.162 ACTS PROHIBITED DURING LABOR DISPUTES, STRIKES, AND LOCKOUTS; SUSPENSION.

The license of a person convicted of violating section 326.3384 shall be suspended for the periods described under section 326.3384, subdivision 2, paragraph (c).

609B.164 INDIVIDUAL COLLECTOR REGISTRATION; PRIOR CONVICTIONS AS DISQUALIFICATION.

Under section 332.35, a license shall not be issued to, and registration shall not be accepted for, any person, firm, corporation, or association, or any officers, which, within the past five years, have been convicted in any court of fraud or any felony.

609B.1641 BULLION COIN DEALER AND REPRESENTATIVE REGISTRATION; CONVICTIONS.

Under section 80G.04, the commissioner of commerce shall deny a registration or renewal of registration or revoke a registration of a bullion coin dealer or coin dealer representative, if the bullion coin dealer or coin dealer representative has within the last ten years been convicted of a financial crime or other crime involving fraud or theft.

609B.1645 LIQUOR, GAMBLING, FIDUCIARY SERVICE AND PUBLIC OFFICE VACANCIES; COLLATERAL SANCTIONS.

Sections 609B.165 to 609B.177 provide references to liquor, gambling, and fiduciary service and public office vacancies collateral sanctions.

609B.165 CONVICTION; RETAIL LIQUOR LICENSE INELIGIBILITY.

Under section 340A.402, no new retail license may be issued to a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

609B.168 FELONY CONVICTION AND VIOLATIONS OF CHAPTER 340A; CONSUMPTION AND DISPLAY PERMIT INELIGIBILITY.

Under section 340A.414, the commissioner of public safety may not issue a permit to an applicant who has, within five years prior to the application, been convicted of a felony or of violating any provision of chapter 340A or rules adopted under chapter 340A.

609B.170 LAWFUL GAMBLING AND GAMBLING DEVICES LICENSES; DISQUALIFICATIONS.

(a) Under section 349.155, in the case of licenses for manufacturers, distributors, distributor salespersons, linked bingo game providers, and gambling managers, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349, if the applicant or licensee, or a director, officer, partner, governor, or person in a supervisory or management position of the applicant or licensee has been convicted of:

(1) a felony or a crime involving gambling;

(2) assault;

- (3) a criminal violation involving the use of a firearm; or
- (4) making terroristic threats.

(b) Under section 349.155, in the case of licenses for organizations, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349, if the organization or an officer or member of the governing body of the organization has been convicted of:

- (1) a felony or gross misdemeanor involving theft or fraud; or
- (2) a crime involving gambling.

609B.171 GAMBLING MANAGER'S LICENSE; DISQUALIFICATION.

Under section 349.167, the Gambling Control Board may not issue a gambling manager's license to a person applying for the license who has been convicted of a criminal violation involving fraud, theft, tax evasion, misrepresentation, or gambling.

609B.172 STATE LOTTERY EMPLOYMENT; INELIGIBILITY.

Under section 349A.02, no person may be employed by the State Lottery who has been convicted of a felony or a crime involving fraud or misrepresentation within five years of starting employment with the State Lottery, or has been convicted of a gambling-related offense.

609B.173 STATE LOTTERY RETAILERS; DISQUALIFICATION.

Under section 349A.06, subdivision 2, the director of the State Lottery may not contract with a retailer who has been convicted within the previous five years of a felony or gross misdemeanor, any crime involving fraud or misrepresentation, or a gambling-related offense.

609B.174 STATE LOTTERY RETAILERS; LICENSE CANCELLATION, SUSPENSION, AND REFUSAL TO RENEW CONTRACTS OR LOCATIONS.

Under section 349A.06, subdivision 11, the director of the State Lottery shall cancel the contract of any lottery retailer who has been convicted of a felony or gross misdemeanor or prohibit a lottery retailer who has been convicted of a felony or gross misdemeanor from selling lottery tickets at a business location.

609B.175 STATE LOTTERY VENDOR CONTRACTS; INELIGIBILITY.

Under section 349A.07, the director of the State Lottery may not enter into a lottery procurement contract with an applicant who has been convicted of a felony within the last ten years, has been convicted of a gross misdemeanor or gambling-related misdemeanor within the last five years, or has been found guilty of any crime involving fraud or misrepresentation within the last five years.

609B.176 INCUMBENT'S CONVICTION; VACATE OFFICE.

Under section 351.02, a public office shall become vacant following the incumbent's conviction of a crime or an offense involving a violation of the official oath.

609B.177 FELONY CONVICTION; VIOLATION OF FEDERAL LAW; PROHIBITION FROM FIDUCIARY STATUS.

Under section 356A.03, a person, other than a constitutional officer of the state, who has been convicted of a violation under section 356A.03, subdivision 3, may not serve in a fiduciary capacity identified in section 356A.02.

609B.179 LOCAL GOVERNMENT; COLLATERAL SANCTIONS.

Sections 609B.180 to 609B.189 provide references to collateral sanctions related to local government.

609B.180 REMOVAL FROM OFFICE.

A person convicted of violating section 365.37, a provision regulating bid requirements of towns, must leave office.

609B.181 TOWN TREASURER NEGLECT OF DUTY; FORFEITURE OF OFFICE.

A town treasurer convicted under section 367.17 for refusing or neglecting to comply with section 367.16 shall forfeit office as treasurer.

609B.183 CONVICTION; ST. LOUIS COUNTY CIVIL SERVICE INELIGIBILITY.

A conviction under section 383C.055 shall render the public office or position held by the convicted person vacant.

609B.184 COUNTY AUDITOR'S MALFEASANCE; VACATE OFFICE.

Under section 384.03, if the county auditor is convicted on any neglect of duty or offense charge related to office, the office shall be deemed vacant.

609B.185 SHERIFF'S DEPARTMENT EMPLOYMENT; DISQUALIFICATION.

A person who has been found guilty of criminal conduct is ineligible for employment as a sheriff under section 387.36.

609B.187 CONVICTION; POLICE DEPARTMENT SERVICE INELIGIBILITY.

Under section 419.06, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from police department employment.

609B.188 CONVICTION; FIRE DEPARTMENT SERVICE INELIGIBILITY.

Under section 420.07, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from fire department employment.

609B.189 CONVICTION FOR CONFLICT OF INTEREST; DISQUALIFICATION FROM LOCAL TRANSIT COMMISSION.

A person convicted of violating section 458A.02 shall be automatically removed from a position with the St. Cloud Metropolitan Transit Commission and shall be disqualified from holding the position.

609B.191 METROPOLITAN AREA OFFICERS AND PEACE OFFICERS.

Sections 609B.192 to 609B.195 provide references to metropolitan area officers and peace officers related to collateral sanctions.

609B.192 CONVICTION FOR ADVERSE INTEREST OF COMMISSIONER OF METROPOLITAN MOSQUITO CONTROL COMMISSION; DISQUALIFICATION FROM COMMISSION.

A commissioner of the Metropolitan Mosquito Control Commission convicted of violating section 473.706 shall be automatically disqualified from further service on the commission.

609B.193 BRIBERY CONVICTION; FORFEITURE OF OFFICE AND DISQUALIFICATION.

Under section 609.42, subdivision 2, a public officer convicted of violating or attempting to violate section 609.42, subdivision 1, shall forfeit the office and be disqualified from holding public office.

609B.194 FELONY CONVICTION; AUTOMATIC PEACE OFFICER LICENSE REVOCATION.

Under section 626.8431, the license of a peace officer convicted of a felony is automatically revoked.

609B.195 CONVICTION FOR LOCKUP VIOLATIONS; DISQUALIFICATION FROM POSITION.

A person convicted of violating section 642.13 is disqualified from holding the office of sheriff, jailer, police officer, marshal, or keeper of any jail or lockup for a period of six years.

609B.200 DRIVING AND MOTOR VEHICLES; GENERALLY.

Sections 609B.201 to 609B.277 provide references to collateral sanctions related to driving and motor vehicles.

609B.201 CONTROLLED SUBSTANCE OFFENSE; REVOCATION.

(a) If a court determines under section 152.0271 that a person convicted of a controlled substance offense under sections 152.021 to 152.027 committed the crime while driving a motor vehicle, the

court must notify the commissioner of public safety and order the commissioner to revoke the license for 30 days.

(b) A person's driver's license is revoked under section 171.172 if that person is convicted or adjudicated for a controlled substance offense under chapter 152.

609B.203 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION.

(a) A person's driver's license is revoked under section 169.792, subdivision 7, if that person, whether a driver or motor vehicle owner, fails to provide proof of insurance under the requirements of section 169.792.

(b) If a person whose driver's license has been revoked under the circumstances specified in paragraph (a) is also the owner of the motor vehicle, the motor vehicle registration is also revoked under section 169.792, subdivision 12.

(c) A person, an owner, or, in certain circumstances, a driver, who operates a motor vehicle upon a public highway, road, or street, fails to have vehicle insurance, and contributes to a vehicle accident resulting in death or substantial bodily harm, is subject to revocation under section 169.797, subdivision 4, paragraph (c), for not more than 12 months.

609B.205 FLEEING PEACE OFFICER; REVOCATION.

A person's driver's license is revoked under section 171.174 if that person is convicted of fleeing a peace officer under section 609.487, subdivision 3 or 4. The periods of revocation vary depending upon the offense of conviction and whether the offense of conviction is a second or subsequent offense.

609B.206 DWI CONVICTIONS; LICENSE REVOCATIONS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 169A.54.

Subd. 2. **Driving while impaired; revocation.** (a) A person's driver's license must be revoked for the following time periods if the person is convicted under section 169A.20:

- (1) for an offense under section 169A.20, subdivision 1: not less than 30 days;
- (2) for an offense under section 169A.20, subdivision 2: not less than 90 days;
- (3) for an offense occurring within ten years of a qualified prior impaired driving incident:

(i) if the current conviction is for a violation of section 169A.20, subdivision 1, not less than 180 days; or

(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not less than one year;

(4) for an offense occurring within ten years of two qualified prior impaired driving incidents: not less than one year, together with denial; and

(5) for an offense occurring within ten years of the first of three or more qualified prior impaired driving incidents: not less than two years, together with denial.

(b) If a person is convicted of violating section 169A.20 while under the age of 21, the commissioner of public safety shall revoke the offender's driver's license for a period of six months, or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.

609B.216 REVOCATION OF DRIVER'S LICENSES; OFFENSES.

Under section 171.17, the Department of Public Safety is required to revoke a person's driver's license upon receiving a record of the driver's conviction of any offense specified in subdivision 1, paragraph (a), clauses (1) to (10).

609B.231 COMMERCIAL VEHICLE VIOLATIONS; REVOCATION.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.013.

Subd. 2. **Revocation.** (a) In addition to criminal penalties, a person driving commercial vehicles with an excess of gross weight is subject under section 168.013, subdivision 3, paragraph (d), under

certain circumstances, to cancellation of the certificate of registration and impoundment of registration plates.

(b) A person operating a commercial motor vehicle who commits a specified first or second driving offense, a defined serious traffic violation, a violation of an out-of-service order, or a railroad grade crossing violation is disqualified under section 171.17 from operating a commercial motor vehicle for varying periods depending upon the offense committed as set forth in section 171.17, subdivision 1.

609B.235 DRIVING AND LICENSE VIOLATIONS; PLATE IMPOUNDMENT.

Subdivision 1. **Scope.** The collateral sanctions found in this section are codified in section 169A.60.

Subd. 2. **Plate impoundment.** When a person is arrested for or charged with a plate impoundment violation, the commissioner of public safety may issue an impoundment order. Under section 169A.60, subdivision 1, paragraph (d), "plate impoundment violation" includes:

(1) a violation of section 169A.20, 169A.52, or 171.177 resulting in revocation of a person's driver's license within ten years of a qualified prior impaired driving incident;

(2) a license disqualification under section 171.165 resulting from violation of section 169A.52 or 171.177 within ten years of a qualified prior impaired driving incident;

(3) a violation of section 169A.20, 169A.52, or 171.177 while having an alcohol concentration of 0.20 percent or more measured at the time or within two hours of the time of offense;

(4) a violation of section 169A.20, 169A.52, or 171.177 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; or

(5) a violation of section 171.241 by a person whose driver's license has been canceled under section 171.04, subdivision 1, clause (10), inimical to public safety.

609B.237 IMPOUNDING REGISTRATION PLATES.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.041.

Subd. 2. **Driving after suspension, revocation, or cancellation.** A person convicted of driving a self-propelled motor vehicle after suspension, revocation, or cancellation of the person's driver's license shall have the registration plates impounded under section 168.041, subdivision 1.

Subd. 3. **Moving violations; previous convictions.** If a person is convicted of a moving violation and has a previous conviction, the court may order the commissioner of public safety to suspend the person's driver's license for a period not exceeding one year under section 168.041, subdivision 2.

609B.241 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION; REINSTATEMENT.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.29.

Subd. 2. **Examination required.** A person whose license has been revoked under sections 169.791, 169.792, 169.797, 169A.52, 171.17, and 171.177 must successfully pass an examination required by the commissioner of safety to be issued another license.

Subd. 3. **Reinstatement fees.** A person whose license has been revoked under sections 169A.52, 169A.54, 171.177, and 609.2112 to 609.2114 must pay varying fees and surcharges for driver's license reinstatement.

Subd. 4. **Compliance with impoundment laws.** A person whose license was revoked under section 169A.52, 169A.54, or 171.177 may not be issued another license at the end of the revocation period unless all applicable registration plate impoundment provisions have been complied with.

609B.245 LIMITED LICENSE.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.30.

Subd. 2. **Conditions of issuance.** A person whose license has been suspended under section 171.173, 171.18, or 171.186, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17,

171.172, or 171.177, must satisfy certain conditions set forth in section 171.30, subdivision 1, to acquire a limited license.

Subd. 3. **Waiting periods.** Section 171.30, subdivisions 2, 2a, 2b, and 2c, set forth varying waiting periods for revocations under specified statutes.

609B.255 SCHOOL BUS ENDORSEMENT OR PRIVILEGE TO OPERATE; CANCELLATION.

Subdivision 1. **Disqualifying offense; permanent cancellation.** If a school bus driver is convicted of a disqualifying offense, as defined under section 171.3215, subdivision 1, the commissioner of public safety shall permanently cancel the offender's endorsement to drive a school bus.

Subd. 2. **Certain other convictions; cancellation for five years.** (a) A school bus driver's endorsement shall be canceled for five years under section 171.3215, subdivision 2, for a conviction under section 169A.20 or for a revocation of a school bus driver's license under section 169A.52 or 171.177.

(b) If a school bus driver has certain multiple convictions, under varying circumstances, that driver's endorsement shall be canceled for five years as set forth in section 171.3215, subdivision 2.

Subd. 3. **Crimes against minor; permanent cancellation.** If a Head Start bus driver is convicted of certain crimes against a minor, that driver's passenger endorsement shall be permanently canceled under section 171.3215, subdivision 3. "Crimes against a minor" is defined in section 171.3215, subdivision 3. "Head Start bus driver" is defined in section 171.3215, subdivision 1.

Subd. 4. **Conviction for certain offenses; additional conditions for endorsements.** Applicants having been convicted of certain offenses are required to satisfy additional conditions in seeking renewal or issuance of a bus driver's endorsements under section 171.3215, subdivision 3.

Subd. 5. **Waiver of permanent cancellation.** Under section 171.3215, subdivision 4, the commissioner of public safety may waive the permanent cancellation requirement for specified crimes.

609B.262 INSTRUCTIONAL PERMIT ELIGIBILITY.

Subdivision 1. **Scope.** The collateral sanctions in this section are codified in section 171.05.

Subd. 2. **No instruction permit issuance.** A person who is under 18 years of age shall not be issued a permit under section 171.05, subdivision 1a, if the person has been convicted of a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, or a crash-related moving violation.

Subd. 3. **Permit use.** A permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions of the offenses specified in section 171.05, subdivision 2b.

609B.263 PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.

A person applying for a license must, under section 171.04, subdivision 1, for 12 months consecutive preceding application, while holding a provisional license, have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, no convictions for a crash-related moving violation, or not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic violation but does not include a parking violation or warning citation.

Section 171.04, subdivision 1, clauses (2) to (14), set forth further eligibility criteria, including categories of ineligible persons.

609B.265 PROVISIONAL LICENSE ELIGIBILITY.

Subdivision 1. **Scope.** The collateral sanctions in this section are codified in section 171.055.

Subd. 2. **Eligibility.** A person applying for a provisional license must, under section 171.055, subdivision 1, paragraph (a), clause (2), for six months immediately preceding application for the provisional license, have possessed an instruction permit and have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, no convictions for a crash-related moving violation, and no convictions for a moving violation that is not crash related.

Subd. 3. **No issuance.** Under section 171.055, subdivision 2, paragraph (b), if a holder of a provisional license during the period of provisional licensing incurs a conviction of an offense specified in that paragraph, then that person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

609B.271 UNDERAGE DRINKING OFFENSE; REVOCATION.

(a) A person's driver's license is revoked for 30 days if the person is under the age of 21 and convicted of driving, operating, or controlling a motor vehicle while consuming alcoholic beverages in violation of section 169A.33.

(b) A person's driver's license is revoked for 180 days if the person has previously been convicted of driving, operating, or controlling a motor vehicle while under the age of 21 while consuming alcoholic beverages as described in paragraph (a) and is convicted again.

609B.273 UNDERAGE DRINKING OFFENSE; SUSPENSION.

Under section 171.173, a person convicted of or a juvenile adjudicated for an underage drinking offense under section 340A.503, subdivision 1, paragraph (a), shall have the person's license suspended if the commissioner of public safety has been notified by the court of a 30-day or 180-day suspension under section 169A.33, subdivision 4.

609B.275 COMMERCIAL DRIVER'S LICENSE; DISQUALIFICATION.

Subdivision 1. **Disqualification.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D, and Code of Federal Regulations, title 49, section 384.219.

Subd. 2. **Implied consent revocation.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D.

609B.277 ILLEGAL PURCHASE OF ALCOHOL OR TOBACCO; SUSPENSION.

A person's driver's license is suspended for 90 days for various selling and purchasing alcohol or tobacco offenses as set forth in section 171.171.

609B.301 DEFINITION.

For purposes of sections 609B.310 to 609B.312, with respect to persons convicted of a crime, "committed" means committed to the custody of the commissioner of corrections.

609B.310 PRISON PROGRAM ELIGIBILITY; COLLATERAL SANCTIONS.

Sections 609B.311 and 609B.312 provide references to collateral sanctions related to prison program eligibility.

609B.311 MURDER CONVICTION; HIGHER EDUCATION PAYMENTS FOR PRISON INMATES LIMITED.

Section 241.265 prohibits the commissioner of corrections from paying for certain higher education programs for an inmate convicted of first- or second-degree murder.

609B.312 CHALLENGE INCARCERATION PROGRAM; ELIGIBILITY.

Under section 244.17, offenders committed for a conviction listed in section 244.17, subdivision 3, clause (1), or persons convicted within the preceding ten years of an offense listed in that section and committed for some other offense, are not eligible to be placed in the challenge incarceration program.

609B.320 OFFENDER REGISTRATION; COLLATERAL SANCTIONS.

Section 609B.321 provides references to collateral sanctions related to offender registration.

609B.321 CRIMINAL CONVICTION; PREDATORY OFFENDERS REGISTRATION REQUIRED.

A person must register as a predatory offender under section 243.166 for convictions of crimes listed under section 243.166, subdivision 1b.

609B.330 CRIMES AGAINST A PERSON; CRIMES OF VIOLENCE; COLLATERAL SANCTIONS.

Sections 609B.331 to 609B.333 provide references to collateral sanctions related to crimes against persons and crimes of violence.

609B.331 CRIME AGAINST THE PERSON CONVICTION; PREDATORY OFFENDER REGISTRATION REQUIRED.

A person convicted of a crime against the person as defined in section 243.167, subdivision 1, and meeting the conditions listed under section 243.167, subdivision 2, is required to register as a predatory offender under section 243.166.

609B.332 CRIME OF VIOLENCE CONVICTION; USE OF POLICE COMMUNICATION EQUIPMENT PROHIBITED.

A person convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to exercise the privilege granted under section 299C.37, subdivision 1, unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence, as defined under section 299C.37, subdivision 1.

609B.333 CRIME OF VIOLENCE CONVICTION; POSSESSION OF FIREARMS PROHIBITED.

Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

609B.340 POSSESSION OF FIREARMS, EXPLOSIVES, SIMILAR DEVICES.

Sections 609B.341 to 609B.345 provide references to collateral sanctions related to possession of firearms, explosives, and similar devices.

609B.341 DOMESTIC ABUSE ACT; PISTOL POSSESSION PROHIBITION FOR REPEAT OFFENDERS.

If convicted under section 518B.01, subdivision 14, paragraph (b) or (c), a person meeting the conditions set forth in section 518B.01, subdivision 14, paragraph (l), is not entitled to possess a pistol. Property rights may not be abated but access may be restricted by the courts.

609B.342 CRIMINAL CONVICTION; POSSESSION OF FIREARMS; PROHIBITION.

Section 624.713 determines the conditions and circumstances under which a person convicted of a crime is prohibited from the possession of a pistol or semiautomatic military-style weapon.

609B.343 CRIME OF VIOLENCE OR CONTROLLED SUBSTANCE CONVICTION; EXPLOSIVES LICENSE OR PERMIT PROHIBITED.

Under section 299F.77, the following are not entitled to receive an explosives license or permit:

(1) a person convicted of a crime of violence, as defined in section 299F.72, unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence; and

(2) a person convicted of use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in sections 152.01 and 152.02.

609B.344 RESTORATION OF CIVIL RIGHTS; POSSESSION OF EXPLOSIVE OR INCENDIARY DEVICES PROHIBITED.

Section 609.668 prohibits a person from having possession of explosive or incendiary devices if the person was convicted of:

(1) a crime of violence and ten years have not elapsed since civil rights have been restored; and

(2) unlawful use, possession, or sale of a controlled substance, other than conviction for possession of a small amount of marijuana.

609B.345 POSSESSION OF TEAR GAS, TEAR GAS COMPOUNDS, ELECTRONIC INCAPACITATION DEVICES; PROHIBITION.

Section 624.731, subdivision 3, prohibits a person who is prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clauses (2) to (5), from possession of tear gas, tear gas compounds, and electronic incapacitation devices.

609B.400 SERVICES AND BENEFITS; GENERALLY.

Sections 609B.405 to 609B.465 provide references to collateral sanctions related to services and benefits.

609B.405 CONVICTED CURRENTLY SERVING SENTENCE, ON PROBATION, OR ON PAROLE; INTERSTATE COMPACT FOR MENTAL HEALTH SERVICES CONTRACTS PROHIBITED.

Under section 245.50, a county board or the commissioner of human services may not contract under the Interstate Compact for Mental Health Services with a bordering state for mental health services for persons on probation or parole, or who are serving a sentence after conviction for a criminal offense.

609B.410 WRONGFULLY OBTAINED ASSISTANCE.

The amount of assistance determined to be obtained in violation of section 256.98, paragraph (a), clauses (1) to (3), is recoverable from specified persons who wrongfully obtained assistance.

609B.415 PERSONAL CARE PROVIDER ORGANIZATIONS; BACKGROUND STUDIES; DISQUALIFICATION.

A person who is an owner or a managerial official of a personal care provider organization is subject to a human services background study under chapter 245C and may be disqualified from providing home care services if that person is found to have been convicted of felonies specified in chapter 245C.

609B.425 DRUG OFFENSE; FLEEING FELONS; GENERAL ASSISTANCE BENEFITS; ELIGIBILITY.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256D.024.

Subd. 2. **Benefit eligibility.** (a) A person convicted of a drug offense after July 1, 1997, is ineligible for general assistance benefits and Supplemental Security Income under chapter 256D until:

(1) five years after completing the terms of a court-ordered sentence; or

(2) unless the person is participating in a drug treatment program, has successfully completed a program, or has been determined not to be in need of a drug treatment program.

(b) A person who becomes eligible for assistance under chapter 256D is subject to random drug testing and shall lose eligibility for benefits for five years beginning the month following:

(1) any positive test for an illegal controlled substance; or

(2) discharge of sentence for conviction of another drug felony.

(c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently misrepresenting eligibility are also ineligible to receive benefits for ten years.

609B.430 MEDICAL ASSISTANCE; INCARCERATION; ELIGIBILITY.

A person who is enrolled in medical assistance and incarcerated for less than 12 months is suspended from the program under section 256B.055, subdivision 14, paragraph (b), from the time of incarceration until release.

609B.435 DRUG AND OTHER OFFENDERS; MINNESOTA FAMILY INVESTMENT PROGRAM; SANCTIONS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256J.26.

Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for benefits from the Minnesota family investment program or MFIP, the vehicle for temporary assistance for

needy families or TANF, and who has been convicted of a drug offense shall be subject to certain conditions, including random drug testing, in order to receive MFIP benefits. Following any positive test for a controlled substance, the convicted applicant or participant is subject to the following sanctions:

(1) a first time drug test failure results in a reduction of benefits in an amount equal to 30 percent of the MFIP standard of need; and

(2) a second time drug test failure results in permanent disqualification from receiving MFIP assistance.

A similar disqualification sequence occurs if the applicant is receiving food stamps.

Subd. 3. Parole violators; fleeing felons; sanctions. (a) An individual violating a condition of probation, parole, or supervised release is disqualified from receiving MFIP.

(b) An individual who is fleeing to avoid prosecution, custody, or confinement after conviction of a felony crime is disqualified from receiving MFIP.

(c) An individual who fraudulently misrepresents the individual's place of residence in order to receive assistance simultaneously from two or more states is disqualified from receiving MFIP for ten years.

609B.445 CERTAIN CONVICTIONS; PROSPECTIVE ADOPTIVE PARENTS; DISQUALIFICATION.

Under section 259A.10, subdivision 4, a disqualifying condition for adoption exists if a criminal background check reveals a felony conviction for child or spousal abuse; for a crime against children; for a crime involving violence, including rape, sexual assault, or homicide; or for a felony conviction within the past five years for physical assault, battery, or a drug-related offense.

609B.450 GASOLINE AND SPECIAL FUEL TAX REFUND SANCTIONS.

Under sections 296A.16 and 296A.23, a person who makes a false claim for a fuel tax refund is guilty of a felony and, if convicted, shall be prohibited from filing for a refund upon gasoline purchased within six months after the conviction.

609B.455 PUBLIC PENSION; HOMICIDE; BENEFIT LOSS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 356.406.

Subd. 2. **Homicide; loss of death benefits.** A person charged with a felony causing the death of a public pension plan member has the entitlement to the pension suspended.

Subd. 3. **Forfeiture of survivor benefits upon felony conviction.** A person who is a survivor and convicted of a felony that caused the death of a public pension member forfeits the survivor pension benefit.

Subd. 4. **Benefit recovery.** If pension benefits have already been paid, the chief administrative officer of the pension plan must attempt to recover amounts paid.

609B.460 FORMER MINNEAPOLIS POLICE RELIEF ASSOCIATION SERVICE PENSIONER; FELONS NOT ENTITLED TO PENSION DURING INCARCERATION.

A person who is a member of the public employees police and fire retirement plan, who was a member of the former Minneapolis Police Relief Association, and who was convicted of a felony, is not entitled to a pension or an annuity from the public employee police and fire retirement plan during the person's period of incarceration in a penal institution.

609B.465 EFFECT OF HOMICIDE ON INTESTATE SUCCESSION, WILLS, JOINT TENANTS, LIFE INSURANCE.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 524.2-803.

Subd. 2. **Surviving spouse, heir, or devisee.** A surviving spouse, heir, or devisee who feloniously and intentionally kills the decedent is treated as if that person predeceased the decedent.

Subd. 3. **Joint tenant.** A joint tenant who feloniously and intentionally kills another joint tenant, thereby effects a severance of the interest so the property passes as the decedent's and the killer has no rights of survivorship.

Subd. 4. **Bond.** A named beneficiary of a bond who feloniously and intentionally kills the principal obligee is not entitled to any benefit.

Subd. 5. **Life insurance.** A named beneficiary of a life insurance policy who feloniously and intentionally kills the person upon whose life the policy is issued is not entitled to any benefit under the policy.

Subd. 6. **Other interests.** Any other acquisition of property or interest by the killer shall be treated as provided in section 524.2-803.

609B.500 PROPERTY RIGHTS; GENERALLY.

Sections 609B.505 to 609B.545 provide references to collateral sanctions related to property rights.

609B.505 BURGLARY; CONFISCATION OF SNOWMOBILE.

Under section 84.89, if a person is convicted of burglary, as defined in section 609.582, and uses a snowmobile for committing the crime, the snowmobile shall be seized. The snowmobile's seizure and use of the proceeds from a sale are governed by section 97A.225.

609B.510 SEIZURE OF FIREARMS AND OTHER PROPERTY.

Under section 97A.223, a Department of Natural Resources enforcement officer must seize firearms possessed in violation of state or federal law and property described in section 97A.221, subdivision 1.

609B.515 DWI; VEHICLE FORFEITURE.

Under section 169A.63, a motor vehicle is subject to forfeiture if a driver is convicted of a "designated offense," as defined in section 169A.63, subdivision 1.

Section 169A.63, subdivision 7, specifies limitations on vehicle forfeiture. Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition of a forfeited vehicle.

609B.518 GAME AND FISH VIOLATIONS; SEIZURE OF MOTOR VEHICLES AND BOATS.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.225.

Subd. 2. **Vehicle forfeiture.** A motor vehicle is subject to forfeiture if it is used to:

- (1) shine wild animals (using artificial lights to hunt animals);
- (2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or
- (3) transport minnows in violation of law.

Subd. 3. **Boat or motor forfeiture.** Boats and motors are subject to forfeiture when they are used to:

- (1) net fish on specified lakes;
- (2) violate certain licensing or operating requirements; and
- (3) take, possess, or transport wild animals.

609B.520 GAMBLING VIOLATIONS; ACTIVITIES RESTRICTED.

Under section 299L.05, a person convicted of violating section 609.76, subdivision 1, clause (7), or 609.76, subdivision 2, is prohibited from having lawful gambling under chapter 349 conducted on the person's premises, or selling any lottery tickets under chapter 349A.

609B.525 CRUELTY TO ANIMALS; FORFEITURE OF ANIMALS.

Under section 343.21, a person convicted of overworking or mistreating an animal is required to turn over other animals in control of the person unless the court determines the person is able and fit to provide adequately for the animals.

609B.530 CRUELTY TO ANIMALS; JUDGMENT FOR EXPENSES OF INVESTIGATIONS.

Under section 343.23, if a person is found guilty of cruelty to animals under chapter 343, the costs of investigation, disposing of animals, and any other expenses shall result in a judgment against the guilty person for all expenses.

609B.535 DANGEROUS ANIMALS VIOLATION; ANIMALS SEIZED AND DESTROYED.

Under section 609.227, if a person is convicted of a dangerous animal violation under section 609.205, clause (4); or 609.226, subdivision 1, 2, or 3, the animal shall be seized and killed, and the convicted owner shall pay the cost of confining and killing the animal.

609B.540 POSSESSION OR CONTROL OF OBSCENE MATERIAL; DESTRUCTION OF PROPERTY.

A person convicted of possessing obscene books or other matter under sections 617.241 to 617.26 shall have the material seized and destroyed by court order under section 617.27.

609B.545 OWNERSHIP RESTRICTION ON ADULT BUSINESS ESTABLISHMENTS.

Under section 617.242, a person convicted of a specified sex or other related crime may not operate or manage an adult entertainment establishment for three years after discharge of the sentence for the offense.

609B.600 CIVIL RIGHTS AND REMEDIES; GENERALLY.

Sections 609B.610 to 609B.615 provide references to collateral sanctions related to civil rights and remedies.

609B.610 FELONY OR TREASON; INELIGIBLE TO VOTE.

An individual convicted of treason or any felony whose civil rights have not been restored is not eligible to vote under section 201.014.

609B.611 CRIME OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS; RESTORATION OF CIVIL RIGHTS.

(a) Under section 242.31, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored, unless the exception under United States Code, title 18, section 925, or section 609.165, subdivision 1d, applies.

(b) Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

609B.612 FELONY CONVICTION; NAME CHANGES.

Under section 259.13, a person with a felony conviction is required to serve notice of application for a name change to the prosecuting authority that obtained the conviction, or if the conviction was from another state or federal jurisdiction, notice of application must also be served on the attorney general.

609B.613 FELONY CONVICTION; APPLICATION FOR MARRIAGE LICENSE; CHANGE OF NAME UPON MARRIAGE.

Section 517.08 states that: (1) a person with a felony conviction applying for a marriage license must provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and (2) that a person with a felony conviction may not use a different surname after marriage except as authorized by section 259.13.

609B.614 CIVIL REMEDY FORFEITED; CONVICTED PROHIBITED FROM RECOVERING FOR INJURIES SUSTAINED DURING CRIMINAL ACT.

Under section 611A.08, a person convicted of a crime is barred from recovering for injuries sustained during the course of criminal conduct, as defined under section 611A.08, subdivision 1.

609B.615 COMMERCIAL PROFITING FROM CRIME PROHIBITED.

Section 611A.68 prohibits the commercial profiting from crime for ten years following conviction of a felony. If an offender is imprisoned following the conviction, the ten-year period begins on the date of the offender's release from prison.

609B.700 RECREATIONAL ACTIVITIES; GENERALLY.

Section 609B.710 provides references to collateral sanctions related to recreational activities.

609B.710 YOUTH OPERATOR VIOLATIONS; WATERCRAFT OPERATOR'S PERMIT REVOCATION.

Subdivision 1. **Operator's permit revocation.** An operator age 13 years of age or older but younger than 18 years of age adjudicated by a juvenile court as having violated section 86B.311, subdivision 1, 86B.341, or 169A.20, shall have the operator's permit revoked by the commissioner of natural resources.

Subd. 2. **Surrender of permit.** A juvenile adjudicated of the offense listed in subdivision 1 shall be required to surrender the watercraft operator's permit, which shall be forwarded by the court to the commissioner of natural resources with a record of the adjudication.

609B.720 GAME AND FISH LAW; COLLATERAL SANCTIONS.

Sections 609B.721 to 609B.725 provide references to collateral sanctions related to game and fish laws.

609B.721 CRIMINAL CONVICTIONS; VALIDITY AND ISSUANCE OF LICENSES UPON CONVICTION.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.421. That section governs the validity and issuance of game and fish licenses after a conviction.

Subd. 2. **Annual license void.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void under conditions set forth in section 97A.421, subdivision 1.

(b) Except for big game licenses and as otherwise provided for in section 97A.421, for one year after a conviction, the person may not obtain the kind of license or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Subd. 3. **Issuance of license after buying and selling wild animals.** After being convicted of buying or selling game fish, big game, or small game and the total amount of the sale is \$300 or more, a person may not obtain a license to take any wild animal or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, for a period of three years.

Subd. 4. **License revocation after conviction.** (a) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for a period of five years after the date of conviction of a violation when:

(1) the restitution value of the wild animals is \$5,000 or more; or

(2) the restitution value of the wild animals exceeds \$500 and the violation occurs within ten years of one or more previous license revocations under section 97A.421, subdivision 2a. Multiple revocations shall be consecutive and no wild animals of any kind may be taken during the entire period.

(b) A person may not obtain a license to take the type of wild animals involved in a violation where the restitution value of the wild animals exceeds \$500 and is prohibited from taking the type of wild animals involved in the violation for a period of three years after the date of conviction of a violation.

Subd. 5. **Issuance of big game license after conviction.** A person may not obtain any big game license or take big game under a lifetime license for three years after the person is convicted of:

(1) a gross misdemeanor violation under the game and fish laws relating to big game;

(2) doing an act without a required big game license; or

(3) the second violation within three years under the game and fish laws relating to big game.

Subd. 6. **Issuance after intoxication or narcotics conviction.** A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery, or hunt with a firearm or by archery under a lifetime license, for five years after a conviction.

Subd. 7. **Suspension for failure to appear in court or pay fine or surcharge.** If a person:

(1) fails to appear for court under a summons issued for a violation of the game and fish laws;
or

(2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence the person's game and fish license and permit privileges shall be suspended until the person complies.

609B.722 LICENSE AGENT VIOLATIONS; FORFEITURE OF RIGHT TO SELL AND HANDLE LICENSES.

License agents that violate Department of Natural Resources laws or rules relating to license sales, handling, or accounting forfeit the right to sell and handle licenses under section 97A.311.

609B.723 HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE; HUNTING LIMITATIONS.

Upon conviction for hunting while under the influence of alcohol or a controlled substance under section 97B.065, a person is subject to the limitations on hunting privileges provided in section 97A.421.

609B.724 TRESPASSING; LICENSE AND REGISTRATION RESTRICTIONS.

(a) Under section 97A.315, if a person is convicted of trespassing while exercising or attempting to exercise an activity licensed under game and fish laws, or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under section 97A.315 may not be issued a license to take game for two years after the conviction.

609B.725 UNLAWFULLY BUYING OR SELLING WILD ANIMALS; LICENSE VOID.

Licenses possessed by a person convicted under section 97A.325, subdivision 1, are null and void and the person may not take wild animals for three years after the conviction.