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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	<u>(5) security screening system</u>	<u>\$ 100</u>

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), 3<sub>2</sub> 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 ~~(e)~~ (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;~~<sub>2</sub>

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 offense<sub>2</sub> 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~~<sub>2</sub> 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~~<sub>2</sub> 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~~<sub>2</sub> 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:

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#### **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:

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(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.