

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 415

(SENATE AUTHORS: KORAN, Limmer, Draheim and Chamberlain)		
DATE	D-PG	OFFICIAL STATUS
01/28/2021	187	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/01/2021	222	Authors added Limmer; Draheim
02/04/2021	258	Author added Chamberlain
02/22/2021	497	Author added Port
03/04/2021	644a	Comm report: To pass as amended
	674	Second reading
	700	Author stricken Port
05/14/2021	4221a	Special Order: Amended
	4222	Third reading Passed

1.1

A bill for an act

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relating to public safety; regulating charitable bail organizations; requiring reports;

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proposing coding for new law in Minnesota Statutes, chapter 629.

1.4

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

1.5

Section 1. **[629.705] CHARITABLE BAIL ORGANIZATIONS; REQUIREMENTS;**

1.6

LIMITATIONS.

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(a) As used in this section:

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(1) "charitable bail organization" means an organization that:

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(i) solicits or accepts donations from the public; and

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(ii) agrees to deposit money bail for another person;

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(2) "previous conviction" does not include a conviction if more than ten years have

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elapsed since the date of the conviction and the person's sentence has been discharged; and

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(3) "violent offense" means:

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(i) a crime of violence as defined in section 624.712, subdivision 5;

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(ii) a crime described in section 243.166, subdivision 1b;

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(iii) a violation of section 518B.01;

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(iv) a violation of section 609.2242;

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(v) a violation of section 609.749; and

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(vi) a violation of section 629.75.

- 2.1 (b) To legally operate as a charitable bail organization, the organization must:
- 2.2 (1) except as provided in paragraph (e), comply fully with rule 702 of the Minnesota
- 2.3 General Rules of Practice for the district courts and all related court policies and procedures;
- 2.4 (2) be a nonprofit charitable organization under section 501(c)(3) of the Internal Revenue
- 2.5 Code;
- 2.6 (3) be currently registered to do business in Minnesota;
- 2.7 (4) comply fully with paragraphs (f) and (g); and
- 2.8 (5) be located in Minnesota.
- 2.9 (c) A charitable bail organization may not:
- 2.10 (1) deposit money bail for:
- 2.11 (i) a violent offense; or
- 2.12 (ii) a person who has a previous conviction for a violent offense or who is currently
- 2.13 required to register as a predatory offender under section 243.166; or
- 2.14 (2) solicit or accept donations from the public before registering with the state court
- 2.15 administrator as required in paragraph (g) and complying with paragraph (b), clauses (1),
- 2.16 (2), (3), and (5).
- 2.17 (d) Paragraph (b), clause (1), applies only to charitable bail organizations that post money
- 2.18 bail for more than two individuals within a 180-day period.
- 2.19 (e) A charitable bail organization does not have to be licensed by the Department of
- 2.20 Commerce unless it executes surety bonds for defendants.
- 2.21 (f) A sheriff or district court administrator must collect the following information from
- 2.22 a charitable bail organization before accepting money bail:
- 2.23 (1) the name, address, taxpayer identification number, and legal structure of the charitable
- 2.24 bail organization;
- 2.25 (2) the name and title of the person posting money bail on behalf of the charitable bail
- 2.26 organization; and
- 2.27 (3) the amount posted.
- 2.28 Data collected under this paragraph is public data, as defined under section 13.02,
- 2.29 subdivisions 14 and 15. A sheriff or district court administrator must report information
- 2.30 collected under this section to the state court administrator.

(g) A charitable bail organization must register with the state court administrator before posting money bail on behalf of a defendant by submitting an application form and an Internal Revenue Service Form 990, Return of Organization Exempt from Income Tax. The charitable bail organization must annually report by January 30 to the state court administrator the following:

(1) the number of defendants that received money bail from the charitable bail organization;

(2) the total amount of money bail posted; and

(3) the total amount of money bail returned to the charitable bail organization.

(h) The state court administrator shall aggregate information collected under paragraphs (f) and (g) and provide an annual report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety by March 1.

(i) The state court administrator may impose administrative sanctions and costs on a charitable bail organization for a violation of this section or court rule or policy applicable to the organization. The administrator shall develop a process for making complaints against charitable bail organizations, investigating those complaints, imposing disciplinary sanctions and costs, and appealing the administrator's actions.

(j) A sheriff or district court administrator may not accept money bail from a charitable bail organization that is not fully compliant with this section.

Sec. 2. **APPLICATION; REPORTS.**

(a) The state court administrator must create an application for charitable bail organizations to submit for registration under Minnesota Statutes, section 629.705, paragraph (g).

(b) The first reports under Minnesota Statutes, section 629.705, paragraph (g), are due by January 30, 2022. The first report under Minnesota Statutes, section 629.705, paragraph (h), is due March 1, 2022.