

150.15

ARTICLE 9

150.16

PRETRIAL RELEASE, SENTENCING, PROBATION, AND DIVERSION

150.17 Section 1. Minnesota Statutes 2018, section 244.05, subdivision 4, is amended to read:

150.18 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
150.19 life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph
150.20 (a), must not be given supervised release under this section.

150.21 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
150.22 under section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004,
150.23 section 609.109, subdivision 3, must not be given supervised release under this section
150.24 without having served a minimum term of 30 years.

150.25 (c) An inmate serving a mandatory life sentence under section 609.385 must not be given
150.26 supervised release under this section without having served a minimum term of imprisonment
150.27 of 17 years.

150.28 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
150.29 or 4, must not be given supervised release under this section without having served the
150.30 minimum term of imprisonment specified by the court in its sentence.

151.1 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
151.2 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
151.3 section without having served a minimum term of imprisonment of 25 years.

151.4 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
151.5 who was under 18 years of age at the time of the commission of the offense must not be
151.6 given supervised release under this section without having served a minimum term of
151.7 imprisonment of 25 years.

151.8 Sec. 2. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

151.9 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may,
151.10 under rules promulgated by the commissioner, give supervised release to an inmate serving
151.11 a mandatory life sentence under section 609.106, subdivision 3; 609.185, paragraph (a),
151.12 clause (3), (5), or (6); 609.3455, subdivision 2, paragraph (c), 3, or 4; 609.385; or Minnesota
151.13 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
151.14 term of imprisonment specified in subdivision 4.

151.15 (b) The commissioner shall require the preparation of a community investigation report
151.16 and shall consider the findings of the report when making a supervised release decision
151.17 under this subdivision. The report shall reflect the sentiment of the various elements of the
151.18 community toward the inmate, both at the time of the offense and at the present time. The
151.19 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
151.20 personnel who may have been involved in the case, and any successors to these individuals
151.21 who may have information relevant to the supervised release decision. The report shall also

151.22 include the views of the victim and the victim's family unless the victim or the victim's
151.23 family chooses not to participate.

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

151.30 (d) When considering whether to give supervised release to an inmate serving a life
151.31 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a
151.32 minimum, the following: the risk the inmate poses to the community if released, the inmate's
151.33 progress in treatment, the inmate's behavior while incarcerated, psychological or other
151.34 diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant
152.1 conduct of the inmate while incarcerated or before incarceration. The commissioner may
152.2 not give supervised release to the inmate unless:

152.3 (1) while in prison:

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

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

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

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

152.13 (e) As used in this subdivision, "victim" means the individual who suffered harm as a
152.14 result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse
152.15 or next of kin.

152.16 Sec. 3. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

152.17 Subd. 6. **Clearinghouse and information center.** The commission, in addition to
152.18 establishing Sentencing Guidelines, shall serve as a clearinghouse and information center
152.19 for the collection, preparation, analysis and dissemination of information on state and local
152.20 sentencing and probation practices, and shall conduct ongoing research regarding Sentencing
152.21 Guidelines, use of imprisonment and alternatives to imprisonment, probation terms,
152.22 conditions of probation, probation revocations, plea bargaining, recidivism, and other matters
152.23 relating to the improvement of the criminal justice system. The commission shall from time
152.24 to time make recommendations to the legislature regarding changes in the Criminal Code,
152.25 criminal procedures, and other aspects of sentencing and probation.

152.26 This information shall include information regarding the impact of statutory changes to
152.27 the state's criminal laws related to controlled substances, including those changes enacted
152.28 by the legislature in Laws 2016, chapter 160.

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

153.1 Sec. 4. Minnesota Statutes 2018, section 244.09, subdivision 8, is amended to read:

153.2 Subd. 8. **Administrative services.** The commissioner of corrections shall provide
153.3 adequate office space and administrative services for the commission, and the commission
153.4 shall reimburse the commissioner for the space and services provided. The commission
153.5 may also utilize, with their consent, the services, equipment, personnel, information and
153.6 resources of other state agencies; and may accept voluntary and uncompensated services,
153.7 contract with individuals, public and private agencies, and request information, reports and
153.8 data from, and establish data integrations with, any agency of the state, or any of its political
153.9 subdivisions, to the extent authorized by law.

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

153.11 Sec. 5. **[260B.008] USE OF RESTRAINTS.**

153.12 (a) As used in this section, "restraints" means a mechanical or other device that constrains
153.13 the movement of a person's body or limbs.

153.14 (b) Restraints may not be used on a child appearing in court in a proceeding under this
153.15 chapter unless the court finds that:

153.16 (1) the use of restraints is necessary:

153.17 (i) to prevent physical harm to the child or another; or

153.18 (ii) to prevent the child from fleeing in situations in which the child presents a substantial
153.19 risk of flight from the courtroom; and

153.20 (2) there are no less restrictive alternatives to restraints that will prevent flight or physical
153.21 harm to the child or another, including but not limited to the presence of court personnel,
153.22 law enforcement officers, or bailiffs.

153.23 The finding in clause (1), item (i), may be based, among other things, on the child having
153.24 a history of disruptive courtroom behavior or behavior while in custody for any current or
153.25 prior offense that has placed others in potentially harmful situations, or presenting a
153.26 substantial risk of inflicting physical harm on the child or others as evidenced by past
153.27 behavior. The court may take into account the physical structure of the courthouse in
153.28 assessing the applicability of the above factors to the individual child.

153.29 (c) The court shall be provided the child's behavior history and shall provide the child
153.30 an opportunity to be heard in person or through counsel before ordering the use of restraints.
153.31 If restraints are ordered, the court shall make findings of fact in support of the order.

154.1 Sec. 6. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE
154.2 OFFENDERS AUTHORIZED.

154.3 (a) A peace officer may refer a child that the officer has the lawful authority to arrest or
154.4 has arrested to a program that the law enforcement agency with jurisdiction over the child
154.5 deems appropriate.

154.6 (b) This section does not apply to violent felony offenses or to peace officers acting
154.7 pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph
154.8 (a), or other court order to take a child into custody.

154.9 (c) A program authorized by this section may defer prosecution of juvenile offenders
154.10 who agree to complete appropriate conditions. Upon completion of the conditions, the
154.11 charge shall be dismissed. Both petty offenders and delinquents are eligible for referrals
154.12 under this section.

154.13 Sec. 7. Minnesota Statutes 2018, section 260B.176, is amended by adding a subdivision
154.14 to read:

154.15 Subd. 1a. **Risk assessment instrument.** A person making a release decision under
154.16 subdivision 1 shall use an objective and racially, ethnically, and gender-responsive juvenile
154.17 detention risk assessment instrument developed by the commissioner, county, group of
154.18 counties, or judicial district, in consultation with the state coordinator or coordinators of
154.19 the Minnesota Juvenile Detention Alternative Initiative. The risk assessment instrument
154.20 must assess the likelihood that a child released from preadjudication detention under this
154.21 section or section 260B.178 would endanger others or not return for a court hearing. The
154.22 instrument must identify the appropriate setting for a child who might endanger others or
154.23 not return for a court hearing pending adjudication, with either continued detention or
154.24 placement in a noncustodial community-based supervision setting. The instrument must
154.25 also identify the type of noncustodial community-based supervision setting necessary to
154.26 minimize the risk that a child who is released from custody will endanger others or not
154.27 return for a court hearing.

154.28 **EFFECTIVE DATE.** This section is effective January 1, 2020.

154.29 Sec. 8. Minnesota Statutes 2018, section 590.01, subdivision 4, is amended to read:

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

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

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

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

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

155.6 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
155.7 evidence, that could not have been ascertained by the exercise of due diligence by the
155.8 petitioner or petitioner's attorney within the two-year time period for filing a postconviction
155.9 petition, and the evidence is not cumulative to evidence presented at trial, is not for
155.10 impeachment purposes, and establishes by a clear and convincing standard that the petitioner
155.11 is innocent of the offense or offenses for which the petitioner was convicted;

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

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

155.17 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
155.18 and is in the interests of justice; or

155.19 (6) the petitioner: (i) is placed into immigration removal proceedings; (ii) is detained
155.20 for the purpose of removal from the United States; (iii) can provide evidence showing that
155.21 removal from the United States has become more likely than not; or (iv) is unable to apply
155.22 for an immigration benefit, such as naturalization or travel, due to the criminal conviction.

155.23 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
155.24 two years of the date the claim arises. A claim arises when the petitioner has actual
155.25 knowledge of the legal or factual basis for that claim.

155.26 Sec. 9. Minnesota Statutes 2018, section 590.11, subdivision 1, is amended to read:

155.27 Subdivision 1. ~~Definition~~ **Definitions.** (a) For purposes of this section, the following
155.28 terms have the meanings given them.

155.29 (b) "Exonerated" means that:

155.30 (1) a court ~~of this state:~~

156.1 (i) ~~vacated or reversed, or set aside~~ a judgment of conviction on grounds consistent with
156.2 innocence and there are no remaining felony charges in effect against the petitioner from
156.3 the same behavioral incident, or if there are remaining felony charges against the petitioner
156.4 from the same behavioral incident, the prosecutor dismissed the dismisses those remaining
156.5 felony charges; or

156.6 (ii) ~~ordered a new trial on grounds consistent with innocence and the prosecutor dismissed~~
156.7 the charges or the petitioner was found not guilty at the new trial all felony charges against

156.8 the petitioner arising from the same behavioral incident or the petitioner was found not
156.9 guilty of all felony charges arising from the same behavioral incident at the new trial; and

156.10 (2) the time for appeal of the order resulting in exoneration has expired or the order has
156.11 been affirmed and is final; and

156.12 (3) 60 days have passed since the judgment of conviction was reversed or vacated, and
156.13 the prosecutor has not filed any felony charges against the petitioner from the same behavioral
156.14 incident, or if the prosecutor did file felony charges against the petitioner from the same
156.15 behavioral incident, those felony charges were dismissed or the defendant was found not
156.16 guilty of those charges at the new trial.

156.17 (c) "On grounds consistent with innocence" means either:

156.18 (1) exonerated, through a pardon or sentence commutation, based on factual innocence;
156.19 or

156.20 (2) exonerated because the judgment of conviction was vacated or reversed, or a new
156.21 trial was ordered, and there is any evidence of factual innocence whether it was available
156.22 at the time of investigation or trial or is newly discovered evidence.

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

156.24 Sec. 10. Minnesota Statutes 2018, section 590.11, subdivision 2, is amended to read:

156.25 Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based
156.26 on exoneration under sections 611.362 to 611.368 must be brought before the district court
156.27 where the original conviction was obtained. The state must be represented by the office of
156.28 the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days
156.29 after the filing of the petition, the prosecutor must respond to the petition. A petition must
156.30 be brought within two years, but no less than 60 days after the petitioner is exonerated.
156.31 ~~Persons released from custody after being exonerated before July 1, 2014, must commence~~
156.32 ~~an action under this section within two years of July 1, 2014. If before July 1, 2019, a person~~
156.33 ~~did not meet both requirements of Minnesota Statutes 2018, section 590.11, subdivision 1,~~
157.1 clause (1), item (i), and did not file a petition or the petition was denied, that person may
157.2 commence an action meeting the requirements under subdivision 1, paragraph (b), clause
157.3 (1), item (i), on or after July 1, 2019, and before July 1, 2021.

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

157.5 Sec. 11. Minnesota Statutes 2018, section 590.11, subdivision 5, is amended to read:

157.6 Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for
157.7 compensation under subdivision 3 and:

157.8 (1) the person was convicted of a felony and served any part of the imposed sentence
157.9 ~~in prison;~~

157.10 (2) in cases where the person was convicted of multiple charges arising out of the same
157.11 behavioral incident, the person was exonerated for all of those charges;

157.12 (3) the person did not commit or induce another person to commit perjury or fabricate
157.13 evidence to cause or bring about the conviction; and

157.14 (4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime
157.15 at the same time, ~~provided that~~ except:

157.16 (i) if the person served additional time in prison or jail due to the conviction that is the
157.17 basis of the claim, the person may make a claim for that portion of time served in prison or
157.18 jail during which the person was serving no other sentence; or

157.19 (ii) if the person served additional executed sentences that had been previously stayed,
157.20 and the reason the additional stayed sentences were executed was due to the conviction that
157.21 is the basis for the claim.

157.22 (b) A claimant may make a claim only for that portion of time served in prison or jail
157.23 during which the claimant was serving no other sentence, unless the other sentence arose
157.24 from the circumstances described in paragraph (a), clause (4), item (ii).

157.25 (c) A confession or admission later found to be false or a guilty plea to a crime the
157.26 claimant did not commit does not constitute bringing about the claimant's conviction for
157.27 purposes of paragraph (a), clause (3).

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

158.1 Sec. 12. Minnesota Statutes 2018, section 590.11, subdivision 7, is amended to read:

158.2 Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence
158.3 admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner
158.4 is eligible for compensation, the court shall issue an order containing its findings and, if
158.5 applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the
158.6 petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file
158.7 a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with
158.8 a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy
158.9 of those sections in writing or on the record before the court.

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

158.11 Sec. 13. Minnesota Statutes 2018, section 609.106, subdivision 2, is amended to read:

158.12 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall
158.13 sentence a person to life imprisonment without possibility of release under the following
158.14 circumstances:

158.15 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
158.16 clause (1), (2), (4), or (7);

158.17 (2) the person is convicted of committing first-degree murder in the course of a
158.18 kidnapping under section 609.185, paragraph (a), clause (3); or

158.19 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
158.20 clause (3), (5), or (6), and the court determines on the record at the time of sentencing that
158.21 the person has one or more previous convictions for a heinous crime.

158.22 Sec. 14. Minnesota Statutes 2018, section 609.106, is amended by adding a subdivision
158.23 to read:

158.24 Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person
158.25 who was under 18 years of age at the time of the commission of an offense under the
158.26 circumstances described in subdivision 2 to imprisonment for life.

158.27 Sec. 15. Minnesota Statutes 2018, section 609.115, is amended by adding a subdivision
158.28 to read:

158.29 Subd. 11. **Family impact statement.** (a) If the defendant is a parent, guardian, or
158.30 caregiver of a minor child, and if the defendant may be sentenced to a term of imprisonment,
158.31 the court may order that the officer preparing the report under subdivision 1 prepare a family
159.1 impact statement for the purpose of providing the court with information regarding sentencing
159.2 options other than a term of imprisonment. The family impact statement must address the
159.3 impact on any minor child and other family members that would result if the defendant is
159.4 sentenced to a term of imprisonment including, but not limited to, the impact on the financial
159.5 needs of the child and other family members; the relationship between the defendant and
159.6 the child; the defendant's duties and responsibilities as a parent, guardian, or caregiver of
159.7 the child; the availability of community and family support for the child; and the likely
159.8 impact on the child's health, safety, and education.

159.9 (b) At sentencing, the court may consider whether, based on the information in the family
159.10 impact statement, the defendant is particularly amenable to probation.

159.11 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to presentence
159.12 investigation reports caused to be made on or after that date.

159.13 Sec. 16. Minnesota Statutes 2018, section 609.135, subdivision 1a, is amended to read:

159.14 Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a
159.15 condition of probation and if the defendant fails to pay the restitution in accordance with
159.16 the payment schedule or structure established by the court or the probation officer, the
159.17 prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own
159.18 motion or at the request of the victim, ask the court to hold a hearing to determine whether
159.19 or not the conditions of probation should be changed or probation should be revoked. The
159.20 defendant's probation officer shall ask for the hearing if the restitution ordered has not been
159.21 paid prior to 60 days before the term of probation expires. The court shall schedule and hold
159.22 this hearing and take appropriate action, including action under subdivision 2, paragraph
159.23 ~~(g)~~ (i), before the defendant's term of probation expires.

159.24 Nothing in this subdivision limits the court's ability to refer the case to collections under
159.25 section 609.104 when a defendant fails to pay court-ordered restitution.

159.26 Sec. 17. Minnesota Statutes 2018, section 609.135, subdivision 1c, is amended to read:

159.27 Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant
159.28 to undergo treatment as a condition of probation and if the defendant fails to successfully
159.29 complete treatment at least 60 days before the term of probation expires, the prosecutor or
159.30 the defendant's probation officer may ask the court to hold a hearing to determine whether
159.31 the conditions of probation should be changed or probation should be revoked. The court
159.32 shall schedule and hold this hearing and take appropriate action, including action under
159.33 subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

160.1 Sec. 18. Minnesota Statutes 2018, section 609.135, subdivision 2, is amended to read:

160.2 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other
160.3 than ~~section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, or Minnesota Statutes~~
160.4 ~~2012, section 609.21, subdivision 1a, paragraph (b) or (c) an offense listed in paragraph~~
160.5 ~~(b), the stay shall be for not more than four five years or the maximum period for which the~~
160.6 ~~sentence of imprisonment might have been imposed, whichever is longer.~~

160.7 (b) If the conviction is for a felony violation of section 609.19, 609.195, 609.20, 609.2662,
160.8 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345, or 609.3451, the stay
160.9 shall be for the maximum time period for which the sentence of imprisonment might have
160.10 been imposed by the court.

160.11 ~~(b) (c)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20;
160.12 ~~609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113,~~
160.13 ~~subdivision 1 or 2, or 609.2114, subdivision 2;~~ the stay shall be for not more than six five
160.14 years. The court shall provide for unsupervised probation for the last year of the stay unless
160.15 the court finds that the defendant needs supervised probation for all or part of the last year.

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

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

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

160.26 ~~(f) (g)~~ (g) The defendant shall be discharged six months after the term of the stay expires,
160.27 unless the stay has been revoked or extended under ~~paragraph (e) paragraphs (h) through~~
160.28 (l), or the defendant has already been discharged.

160.29 (h) If the defendant has received a stayed sentence for a conviction of a felony offense
160.30 and as a condition of probation was ordered by the court to pay restitution, the probation
160.31 officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting
160.32 authority six months prior to the expiration or early discharge of a stayed sentence, the
160.33 amount of any unpaid court-ordered restitution. Notwithstanding the maximum periods
161.1 specified for stays of sentences under paragraph (a) or (b), a court may extend a defendant's
161.2 term of probation for up to three years if it finds, at a hearing conducted under subdivision
161.3 1a, that:

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

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

161.8 The extension of probation for failure to pay restitution may be extended by the court for
161.9 up to two additional years if the court finds, at another hearing conducted under subdivision
161.10 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.
161.11 Nothing in this subdivision limits the court's ability to refer the case to collections under
161.12 section 609.104.

161.13 (i) If the defendant has received a stayed sentence for a conviction of a felony offense
161.14 and as a condition of probation was ordered to successfully complete treatment, the probation
161.15 officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting
161.16 authority six months prior to the expiration or early discharge of a stayed sentence as to
161.17 whether the defendant has successfully completed court-ordered treatment. Notwithstanding
161.18 the maximum periods specified for stays of sentences under paragraph (a) or (b), a court
161.19 may extend a defendant's term of probation for up to three years if it finds, at a hearing
161.20 conducted under subdivision 1c, that:

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

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

161.24 The extension of probation for failure to successfully complete court-ordered treatment may
161.25 be extended by the court for up to an additional two years if the court finds, at another
161.26 hearing conducted under subdivision 1c, that the defendant still has not successfully
161.27 completed the court-ordered treatment.

161.28 ~~(g)~~ (j) Notwithstanding the maximum periods specified for stays of sentences under
161.29 paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to one
161.30 year if it finds, at a hearing conducted under subdivision 1a, that:

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

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

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

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

162.9 ~~(h)~~ (k) Notwithstanding the maximum periods specified for stays of sentences under
162.10 paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to three
162.11 years if it finds, at a hearing conducted under subdivision 1c, that:

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

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

162.15 (1) If the defendant has received a stayed sentence for a conviction of a violent crime as
162.16 defined under section 609.1095, subdivision 1, paragraph (d), except violations of any
162.17 provisions of chapter 152, the probation officer, or the court if the defendant is on
162.18 unsupervised probation, shall notify the prosecuting authority six months prior to the
162.19 expiration or early discharge of a stayed sentence that the stayed sentence will expire or
162.20 that the defendant will be discharged early from a stayed sentence. Notwithstanding the
162.21 maximum periods specified for stays of sentences under paragraph (a) or (b), upon motion
162.22 by the prosecuting authority and hearing, a court may extend a defendant's term of probation
162.23 up to three years if it finds by a preponderance of the evidence that the defendant remains
162.24 a threat to public safety. In making this determination, the court shall consider the following:

162.25 (1) the seriousness and frequency of any previous violations of the conditions of
162.26 probation;

162.27 (2) any pending probation violations or criminal offenses for which a violation report
162.28 or criminal charge has been filed with a court;

162.29 (3) whether the defendant has been convicted of additional criminal offenses while on
162.30 probation; and

162.31 (4) whether the court issued a domestic abuse no contact order pursuant to section 629.75,
162.32 subdivision 1, and whether such an order remains in effect.

163.1 Upon motion of the prosecuting authority and hearing, the extension of probation on the
163.2 basis that the defendant remains a threat to public safety may be extended by the court for
163.3 up to two additional years if the court, using the same factors as above, finds by a
163.4 preponderance of the evidence that the defendant remains a threat to public safety. Any

163.5 extensions of probation ordered by the court under this subdivision may not exceed the
163.6 maximum period for which the sentence of imprisonment might have been imposed.

163.7 (m) Notwithstanding the time periods for stays of sentences under paragraphs (a) to (f),
163.8 a court may discharge a defendant from probation before the expiration of the maximum
163.9 period prescribed for the probation. If the defendant is discharged from probation before
163.10 the expiration of the maximum period prescribed for probation, the defendant shall not be
163.11 subject to a custody status point if charged and convicted of a subsequent crime during the
163.12 original pronounced probationary sentence.

163.13 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to stays of
163.14 sentence granted on or after that date.

163.15 Sec. 19. Minnesota Statutes 2018, section 609.135, is amended by adding a subdivision
163.16 to read:

163.17 Subd. 2a. **Stay of sentence maximum periods; sentence stayed before August 1,**
163.18 **2019.** (a) Notwithstanding the sentence announced by the court, an eligible offender shall
163.19 be discharged from probation on August 1, 2024, unless the court extends the defendant's
163.20 term of probation consistent with subdivision 2, paragraph (h), (i), or (l).

163.21 (b) As used in this section, "eligible offender" means a person who:

163.22 (1) was sentenced prior to August 1, 2019, for a felony offense other than an offense
163.23 listed in subdivision 2, paragraph (b);

163.24 (2) received a stay of imposition or execution of sentence pursuant to subdivision 1;

163.25 (3) has not been discharged from probation; and

163.26 (4) is serving a sentence that has not otherwise expired or been executed.

163.27 **EFFECTIVE DATE.** This section is effective August 1, 2019.

163.28 Sec. 20. Minnesota Statutes 2018, section 609.3455, subdivision 2, is amended to read:

163.29 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
163.30 **offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum
163.31 penalty otherwise applicable to the offense, the court shall sentence a person convicted
164.1 under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343,
164.2 subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

164.3 (1) the fact finder determines that two or more heinous elements exist; or

164.4 (2) the person has a previous sex offense conviction for a violation of section 609.342,
164.5 609.343, or 609.344, and the fact finder determines that a heinous element exists for the
164.6 present offense.

164.7 (b) A fact finder may not consider a heinous element if it is an element of the underlying
164.8 specified violation of section 609.342 or 609.343. In addition, when determining whether

164.9 two or more heinous elements exist, the fact finder may not use the same underlying facts
164.10 to support a determination that more than one element exists.

164.11 (c) The court shall sentence a person who was under 18 years of age at the time of the
164.12 commission of an offense described in paragraph (a) to imprisonment for life.

164.13 Sec. 21. Minnesota Statutes 2018, section 609A.02, is amended by adding a subdivision
164.14 to read:

164.15 Subd. 1a. **Identity theft or mistaken identity.** (a) Upon the dismissal and discharge of
164.16 criminal proceedings brought against a person as a result of mistaken identity or another
164.17 person using the identifying information of the named person by identity theft under section
164.18 609.527, the prosecutor shall notify the court of the dismissal and discharge under section
164.19 609A.025. The court administrator under section 609A.03, subdivision 8, shall send a copy
164.20 of the expungement order to each state and federal agency and jurisdiction, including but
164.21 not limited to the Departments of Corrections and Public Safety and law enforcement
164.22 agencies, whose records are affected by the order.

164.23 (b) The condition under section 299C.11, subdivision 1, that an arrested person's criminal
164.24 records may only be destroyed or sealed if the arrested person has not been convicted of
164.25 any felony or gross misdemeanor within ten years immediately preceding the determination
164.26 of all criminal actions or proceedings in favor of the arrested person, does not apply to a
164.27 person who, as a result of mistaken identity or identity theft, is charged and:

164.28 (1) the charges are dismissed prior to a determination of probable cause or the prosecutor
164.29 declined to file charges and a grand jury did not return an indictment; or

164.30 (2) all criminal actions or proceedings are determined in favor of the arrested person.

164.31 (c) The effect of the court order to seal the record of the proceedings under paragraph
164.32 (a) shall be to restore the person, under the law, to the status the person occupied before the
165.1 arrest, indictment or information, trial, and dismissal and discharge. The person shall not
165.2 be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge
165.3 the arrest, indictment, information, or trial in response to any inquiry made for any purpose.
165.4 The person shall not be responsible for any fees or costs resulting from the court order
165.5 including but not limited to reinstatement fees of any licenses or the costs of sealing records.

165.6 (d) For the purposes of this section, the following terms have the meanings given them:

165.7 (1) "law enforcement agency" means a Minnesota municipal police department, the
165.8 Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota
165.9 Police Department, the Department of Corrections Fugitive Apprehension Unit, a Minnesota
165.10 county sheriff's department, the Enforcement Division of the Department of Natural
165.11 Resources, the Commerce Fraud Bureau, the Bureau of Criminal Apprehension, or the
165.12 Minnesota State Patrol; and

165.13 (2) "mistaken identity" means the erroneous arrest of a person for a crime as a result of
165.14 misidentification by a witness or law enforcement, confusion on the part of a witness or

165.15 law enforcement as to the identity of the person who committed the crime, misinformation
165.16 provided to law enforcement as to the identity of the person who committed the crime, or
165.17 some other mistake on the part of a witness or law enforcement as to the identity of the
165.18 person who committed the crime.

165.19 Sec. 22. Minnesota Statutes 2018, section 609A.025, is amended to read:

165.20 **609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH**
165.21 **PROSECUTOR AGREEMENT AND NOTIFICATION.**

165.22 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the
165.23 criminal record for a person described in section 609A.02, subdivision 1a or 3, without the
165.24 filing of a petition unless it determines that the interests of the public and public safety in
165.25 keeping the record public outweigh the disadvantages to the subject of the record in not
165.26 sealing it.

165.27 (b) Before agreeing to the sealing of a record under this section, the prosecutor shall
165.28 make a good faith effort to notify any identifiable victims of the offense of the intended
165.29 agreement and the opportunity to object to the agreement.

165.30 (c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records
165.31 for a person described in section 609A.02, subdivision 1a or 3, paragraph (a), clause (2),
165.32 may occur before or after the criminal charges are dismissed.

166.1 Sec. 23. Minnesota Statutes 2018, section 611.365, subdivision 2, is amended to read:

166.2 Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is
166.3 entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums
166.4 paid by the claimant as required by the judgment and sentence. In addition, the claimant is
166.5 entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~
166.6 incarceration, and not less than \$25,000 for each year served on supervised release or
166.7 probation or as a registered predatory offender, to be prorated for partial years served. In
166.8 calculating additional monetary damages, the panel shall consider:

166.9 (1) economic damages, including reasonable attorney fees, lost wages, reimbursement
166.10 for costs associated with the claimant's criminal defense;

166.11 (2) reimbursement for medical and dental expenses that the claimant already incurred
166.12 and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~
166.13 incarceration;

166.14 (3) noneconomic damages for personal physical injuries or sickness and any nonphysical
166.15 injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

166.16 (4) reimbursement for any tuition and fees paid for each semester successfully completed
166.17 by the claimant in an educational program or for employment skills and development training,
166.18 up to the equivalent value of a four-year degree at a public university, and reasonable

166.19 payment for future unpaid costs for education and training, not to exceed the anticipated
166.20 cost of a four-year degree at a public university;

166.21 (5) reimbursement for paid or unpaid child support payments owed by the claimant that
166.22 became due, and interest on child support arrearages that accrued, during the time served
166.23 in prison provided that there shall be no reimbursement for any child support payments
166.24 already owed before the claimant's incarceration; and

166.25 (6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for
166.26 immediate services secured by the claimant upon exoneration and release, including housing,
166.27 transportation and subsistence, reintegrative services, and medical and dental health care
166.28 costs.

166.29 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing a
166.30 claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for
166.31 compensation based on exoneration under chapter 590.

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

167.1 Sec. 24. Minnesota Statutes 2018, section 611.365, subdivision 3, is amended to read:

167.2 Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages
167.3 that may be awarded under this section. Damages that may be awarded under subdivision
167.4 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~
167.5 incarceration and \$50,000 per year served on supervised release or probation or as a registered
167.6 predatory offender.

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

167.8 Sec. 25. Minnesota Statutes 2018, section 611.367, is amended to read:

167.9 **611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS**
167.10 **PROCESS.**

167.11 The compensation panel established in section 611.363 shall forward an award of damages
167.12 under section 611.365 to the commissioner of management and budget. The commissioner
167.13 shall submit the amount of the award to the legislature for consideration as an appropriation
167.14 ~~during the next session of the legislature.~~

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

167.16 Sec. 26. Minnesota Statutes 2018, section 611.368, is amended to read:

167.17 **611.368 SHORT TITLE.**

167.18 Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and
167.19 Exoneration Remedies Act."

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

167.21 Sec. 27. Minnesota Statutes 2018, section 611A.039, subdivision 1, is amended to read:

167.22 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,
167.23 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which
167.24 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts
167.25 to provide to each affected crime victim oral or written notice of the final disposition of the
167.26 case.

167.27 (b) The probation agent or office responsible for supervising an offender, or the agent's
167.28 or office's designee, shall make a reasonable and good faith effort to notify each affected
167.29 crime victim within a reasonable time after the court orders an offender discharged early
167.30 from probation.

168.1 (c) When the court is considering modifying the sentence for a felony or a crime of
168.2 violence or an attempted crime of violence, the court or its designee shall make a reasonable
168.3 and good faith effort to notify the victim of the crime. If the victim is incapacitated or
168.4 deceased, notice must be given to the victim's family. If the victim is a minor, notice must
168.5 be given to the victim's parent or guardian. The notice must include:

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

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

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

168.9 and

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

168.12 (d) As used in this section, "crime of violence" has the meaning given in section 624.712,
168.13 subdivision 5, and also includes gross misdemeanor violations of section 609.224, and
168.14 nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

168.15 Sec. 28. Minnesota Statutes 2018, section 629.53, is amended to read:

168.16 **629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.**

168.17 Subdivision 1. **Pretrial release.** A person charged with a criminal offense may be
168.18 released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure
168.19 and this section. To the extent a court determines there is a conflict between rule 6.02 of
168.20 the Rules of Criminal Procedure and this section, this section shall control.

168.21 Subd. 2. **Release of a person charged with a misdemeanor offense.** (a) A defendant
168.22 charged with a misdemeanor offense, other than a violation identified in paragraph (e), must
168.23 be released on personal recognizance unless the court determines that there is a substantial
168.24 likelihood that the defendant will not appear at future court proceedings or poses a threat
168.25 to a victim's safety.

168.26 (b) If the court determines that there is a substantial likelihood that a defendant will not
168.27 appear at future court appearances, the court must impose the least restrictive conditions of
168.28 release that will reasonably assure the person's appearance as ordered. These conditions of
168.29 release include but are not limited to an unsecured appearance bond or money bail on which
168.30 the defendant may be released by posting cash or sureties. If the court sets conditions of
168.31 release other than an unsecured appearance bond or money bail, it must also set money bail
168.32 without other conditions on which the defendant may be released.

169.1 (c) The court must not impose a financial condition of release on a defendant subject to
169.2 this subdivision that results in the pretrial detention of the defendant. Financial conditions
169.3 of release include but are not limited to money bail.

169.4 (d) If a defendant subject to this subdivision remains in custody for more than 48 hours
169.5 after the court imposes a financial condition of release, the court must review the conditions
169.6 of release and there exists a rebuttable presumption that the financial condition resulted in
169.7 the pretrial detention of the defendant.

169.8 (e) This subdivision does not apply to violations of:

169.9 (1) section 169A.20;

169.10 (2) section 518B.01;

169.11 (3) section 609.224;

169.12 (4) section 609.2242;

169.13 (5) section 609.748;

169.14 (6) section 609.749; and

169.15 (7) section 629.75.

169.16 (f) If a defendant released pursuant to paragraph (a) or (b) fails to appear at a required
169.17 court hearing, the court shall issue a summons or warrant directing that the defendant appear
169.18 in court pursuant to rule 6.03 of the Rules of Criminal Procedure.

169.19 Subd. 3. **Presumption of release on personal recognizance.** Except as described in
169.20 subdivision 2, on appearance before the court, a defendant charged with a misdemeanor
169.21 must be released on personal recognizance or an unsecured appearance bond unless otherwise
169.22 provided by law, or a court determines that release will endanger the public safety, a victim's
169.23 safety, or will not reasonably assure the defendant's appearance.

169.24 Subd. 4. **Money bail; disposition.** Money bail is the property of the accused, whether
169.25 deposited by that person or by a third person on the accused's behalf. When money bail is
169.26 accepted by a judge, that judge shall order it to be deposited with the court administrator.
169.27 The court administrator shall retain it until the final disposition of the case and the final
169.28 order of the court disposing of the case. Upon release, the amount released must be paid to
169.29 the accused personally or upon that person's written order. In case of conviction, the judge

169.30 may order the money bail deposit to be applied to any fine or restitution imposed on the
169.31 defendant by the court and, if the fine or restitution is less than the deposit, order the balance
170.1 to be paid to the defendant. Money bail deposited with the court or any officer of it is exempt
170.2 from garnishment or levy under attachment or execution.

170.3 **EFFECTIVE DATE.** This section is effective August 1, 2019.

170.4 Sec. 29. Minnesota Statutes 2018, section 638.02, subdivision 3, is amended to read:

170.5 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
170.6 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
170.7 in which the conviction occurred, ~~and the court shall order the conviction set aside and~~
170.8 ~~include a copy of the pardon in the court file.~~ The court shall order all records wherever
170.9 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
170.10 prohibit the disclosure of the existence of the records or the opening of the records except
170.11 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).
170.12 The court shall send a copy of its order and the pardon to the Bureau of Criminal
170.13 Apprehension and all other government entities that hold affected records.

170.14 Sec. 30. Laws 2017, chapter 95, article 3, section 30, is amended to read:

170.15 Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

170.16 (a) Agencies providing supervision to offenders on probation, parole, or supervised
170.17 release are eligible for grants to facilitate access to community options including, but not
170.18 limited to, inpatient chemical dependency treatment for nonviolent controlled substance
170.19 offenders to address and correct behavior that is, or is likely to result in, a technical violation
170.20 of the conditions of release. For purposes of this section, "nonviolent controlled substance
170.21 offender" is a person who meets the criteria described under Minnesota Statutes, section
170.22 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation
170.23 of a court order of probation, condition of parole, or condition of supervised release, except
170.24 an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or
170.25 petition.

170.26 (b) The Department of Corrections shall establish criteria for selecting grant recipients
170.27 and the amount awarded to each grant recipient.

170.28 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit ~~a~~ an annual
170.29 report to the chairs of the house of representatives and senate committees with jurisdiction
170.30 over public safety policy and finance by January 15 of each year. At a minimum, the report
170.31 must include:

170.32 (1) the total number of grants issued under this program;

171.1 (2) the average amount of each grant;

171.2 (3) the community services accessed as a result of the grants;

- 171.3 (4) a summary of the type of supervision offenders were under when a grant was used
171.4 to help access a community option;
- 171.5 (5) the number of individuals who completed, and the number who failed to complete,
171.6 programs accessed as a result of this grant; ~~and~~
- 171.7 (6) the number of individuals who violated the terms of release following participation
171.8 in a program accessed as a result of this grant, separating technical violations and new
171.9 criminal offenses-;
- 171.10 (7) the number of individuals who completed or were discharged from probation after
171.11 participating in the program;
- 171.12 (8) the number of individuals identified in clause (7) who committed a new offense
171.13 within four years after discharge from the program;
- 171.14 (9) identification of barriers nonviolent controlled substance offenders face in accessing
171.15 community services and a description of how the program navigates those barriers; and
- 171.16 (10) identification of gaps in existing community services for nonviolent controlled
171.17 substance offenders.
- 171.18 **EFFECTIVE DATE.** This section is effective July 1, 2019.
- 171.19 Sec. 31. **GRANTS TO FACILITATE EXIT FROM SUPERVISED RELEASE.**
- 171.20 (a) The commissioner of corrections shall provide grants to facilitate access to community
171.21 options for supervised offenders. The commissioner shall establish criteria for selecting
171.22 grant recipients and the amount awarded to each grant recipient, with a preference for how
171.23 recipients will enhance existing supervision and services.
- 171.24 (b) By January 15, 2021, the commissioner of corrections shall submit a report to the
171.25 chairs and ranking minority members of the senate and house of representatives committees
171.26 and divisions having jurisdiction over public safety policy and finance. At a minimum, the
171.27 report must include:
- 171.28 (1) the total number of grants issued under this program;
- 171.29 (2) the average amount of each grant;
- 171.30 (3) the community services accessed as a result of the grants;
- 172.1 (4) a summary of the type of supervision offenders were under when a grant was used
172.2 to help access a community option;
- 172.3 (5) the number of individuals who completed, and the number who failed to complete,
172.4 programs accessed as a result of this grant; and

172.5 (6) the number of individuals who violated the terms of release following participation
172.6 in a program accessed as a result of this grant, separating technical violations and new
172.7 criminal offenses.

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

172.9 Sec. 32. **RULE SUPERSEDED.**

172.10 Minnesota Rules of Juvenile Delinquency Procedure, rule 2.03, subdivision 1, is
172.11 superseded to the extent it conflicts with Minnesota Statutes, section 260B.008.

172.12 Sec. 33. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

172.13 By July 1, 2020, each judicial district shall develop a protocol to address how to
172.14 implement and comply with Minnesota Statutes, section 260B.008. In developing the
172.15 protocol, a district shall consult with law enforcement agencies, prosecutors, and public
172.16 defenders within the district, as well as any other entity deemed necessary by the district's
172.17 chief judge.

172.18 Sec. 34. **ADOPTION OF JUVENILE DETENTION RISK ASSESSMENT**
172.19 **INSTRUMENT.**

172.20 Subdivision 1. **Adoption required.** By September 15, 2020, the commissioner of
172.21 corrections shall adopt an objective and racially, ethnically, and gender-responsive juvenile
172.22 detention risk assessment instrument.

172.23 Subd. 2. **Consultation required.** In adopting the risk assessment instrument required
172.24 in subdivision 1, the commissioner shall consult and collaborate with the commissioners
172.25 of public safety and human services, state coordinator or coordinators of the Minnesota
172.26 Juvenile Detention Alternative Initiative, and individuals throughout the state who are
172.27 knowledgeable in matters relating to the detention and treatment of juvenile offenders and
172.28 at-risk juveniles including but not limited to individuals from the courts, probation, law
172.29 enforcement, prosecutorial offices, public defender's offices, communities of color, social
172.30 services, juvenile detention and shelter care facilities, and juvenile residential treatment and
173.1 correctional facilities. The commissioner shall also review similar risk assessment instruments
173.2 in use both inside and outside of the state.

173.3 Sec. 35. **SPECIALIZED MENTAL HEALTH COMMUNITY SUPERVISION.**

173.4 Subdivision 1. **Authorization.** The commissioner of corrections shall award grants to
173.5 up to two counties with no mental health specialty court to develop and implement a pilot
173.6 project to evaluate the impact of a coordinated, multidisciplinary service delivery approach
173.7 for offenders on probation, parole, supervised release, or pretrial status struggling with
173.8 mental illness in the community. The pilot project is from July 1, 2019, to June 30, 2021.

173.9 Subd. 2. **Pilot project goals and design.** (a) The pilot project must provide enhanced
173.10 assessment, case management, treatment services, and community supervision for criminal
173.11 justice clients with mental illness struggling to manage symptoms and behavior resulting

- 173.12 in heightened risk to harm self or others, recidivate, commit violations of supervision, or
173.13 face incarceration or reincarceration.
- 173.14 (b) The goals of the pilot project are to:
- 173.15 (1) improve mental health service delivery and supervision coordination through the
173.16 establishment of a multidisciplinary caseload management team that must include at least
173.17 one probation officer and one social services professional who share case management
173.18 responsibilities;
- 173.19 (2) provide expedited assessment, diagnosis, and community-based treatment and
173.20 programming for acute symptom and behavior management;
- 173.21 (3) enhance community supervision through a specialized caseload and team specifically
173.22 trained to work with individuals with mental illness;
- 173.23 (4) offer community-based mental health treatment and programming alternatives to jail
173.24 or prison incarceration if available and appropriate;
- 173.25 (5) reduce the number of incarceration days related to unmanaged mental illness and
173.26 technical violations;
- 173.27 (6) eliminate or reduce duplication of services between county social services and
173.28 corrections; and
- 173.29 (7) improve collaboration and reduce barriers among criminal justice system partners,
173.30 county social services, and community service providers.
- 173.31 **Subd. 3. Target population.** The target population of the pilot project is:
- 174.1 (1) adult offenders on probation, parole, supervised release, or pretrial status assessed
174.2 with significant or unmanaged mental illness or acute symptoms who may pose a risk to
174.3 self or others, pose an increased risk to recidivate, or commit technical violations of
174.4 supervision;
- 174.5 (2) adult offenders receiving county social service case management for mental illness
174.6 and under correctional supervision in a county with no mental health specialty court; and
- 174.7 (3) adult offenders incarcerated in jail with significant or unmanaged mental illness who
174.8 may be safely treated in a community setting under correctional supervision.
- 174.9 **Subd. 4. Evaluation and report.** By October 1, 2021, grant recipients must report to
174.10 the chairs and ranking members of the legislative committees and divisions with jurisdiction
174.11 over public safety and corrections, and the commissioner of corrections, on the impact and
174.12 outcomes of the project.
- 174.13 **Sec. 36. TASK FORCE ON THE IMPLEMENTATION OF DOSAGE PROBATION.**
- 174.14 **Subdivision 1. Establishment.** A task force on the implementation of dosage probation
174.15 is established to analyze dosage probation and earned time credit programs, develop a

- 174.16 comprehensive plan for implementation of dosage probation in Minnesota, and recommend
174.17 possible legislative action.
- 174.18 Subd. 2. **Membership.** (a) The task force consists of 16 members as follows:
- 174.19 (1) the chief justice of the supreme court or a designee;
- 174.20 (2) one district court judge appointed by the chief justice of the supreme court;
- 174.21 (3) the state public defender or a designee;
- 174.22 (4) one county attorney appointed by the board of directors of the Minnesota County
174.23 Attorneys Association;
- 174.24 (5) one city attorney;
- 174.25 (6) the commissioner of corrections or a designee;
- 174.26 (7) one probation officer from a Community Corrections Act county in the metropolitan
174.27 area;
- 174.28 (8) one probation officer from a Community Corrections Act county in greater Minnesota;
- 174.29 (9) one probation officer from the Department of Corrections;
- 174.30 (10) one county probation officer as described in Minnesota Statutes, section 244.19;
- 175.1 (11) one peace officer, as defined in Minnesota Statutes, section 626.84, from the
175.2 metropolitan area;
- 175.3 (12) one peace officer, as defined in Minnesota Statutes, section 626.84, from greater
175.4 Minnesota;
- 175.5 (13) two individuals who have been convicted of a felony offense and served a sentence
175.6 of probation;
- 175.7 (14) a representative from a nonprofit agency providing treatment services to individuals
175.8 on probation in the metropolitan area; and
- 175.9 (15) a representative from a nonprofit agency providing treatment services to individuals
175.10 on probation in greater Minnesota.
- 175.11 (b) For purposes of this subdivision, "metropolitan area" has the meaning given in
175.12 Minnesota Statutes, section 473.121, subdivision 2, and "greater Minnesota" has the meaning
175.13 given in Minnesota Statutes, section 116J.8738, subdivision 1, paragraph (e).
- 175.14 (c) Members of the task force serve without compensation.
- 175.15 (d) Unless otherwise specified, members shall be appointed by the commissioner of
175.16 corrections. Members of the task force serve at the pleasure of the appointing authority or

175.17 until the task force expires. Vacancies shall be filled by the appointing authority consistent
175.18 with the qualifications of the vacating member required by this subdivision.

175.19 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
175.20 may elect other officers as necessary.

175.21 (b) The commissioner of corrections shall convene the first meeting of the task force no
175.22 later than August 1, 2019, and shall provide meeting space and administrative assistance
175.23 as necessary for the task force to conduct its work.

175.24 (c) The task force shall meet at least quarterly or upon the call of its chair. The task force
175.25 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
175.26 of the task force are subject to Minnesota Statutes, chapter 13D.

175.27 (d) The task force shall request the cooperation and assistance of tribal governments,
175.28 nongovernmental organizations, community and advocacy organizations working with
175.29 adults on probation, and academic researchers and experts.

175.30 Subd. 4. **Duties.** (a) The duties of the task force shall, at a minimum, include:

175.31 (1) reviewing and examining the dosage probation model of the National Institute of
175.32 Corrections;

176.1 (2) reviewing and assessing current supervision models in use in Minnesota, including
176.2 specialty courts and any pilot projects;

176.3 (3) reviewing and assessing probation models in use in other states;

176.4 (4) recommending training for judges, county attorneys, city attorneys, public defenders,
176.5 and probation agents;

176.6 (5) identifying gaps in existing services, supports, and housing for individuals on
176.7 probation;

176.8 (6) developing a comprehensive plan to implement a dosage probation model in
176.9 Minnesota; and

176.10 (7) reviewing existing Minnesota law and proposing amendments or new statutory
176.11 provisions.

176.12 (b) At its discretion, the task force may examine other related issues consistent with this
176.13 section.

176.14 Subd. 5. **Report.** On or before January 15, 2020, the task force shall report to the chairs
176.15 and ranking members of the legislative committees and divisions with jurisdiction over
176.16 public safety on the work of the task force including but not limited to the issues to be
176.17 examined in subdivision 1. The report shall include an assessment of the effect adopting
176.18 dosage probation would be expected to have on public safety, probation supervision, and

176.19 the Department of Corrections; the comprehensive plan developed under subdivision 4; and
176.20 any recommended legislative action.

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

176.22 Sec. 37. **SENTENCING GUIDELINES; MODIFICATIONS.**

176.23 (a) By January 15, 2020, the Sentencing Guidelines Commission shall propose to the
176.24 legislature modifications to the sentencing guidelines, including the guidelines grid,
176.25 establishing probation guidelines or early discharge targets. When proposing the
176.26 modifications, the commission must advise the legislature how the probation guidelines or
176.27 early discharge targets will work in conjunction with the procedural requirements imposed
176.28 by the U.S. Supreme Court decision in Blakely v. Washington, 542 U.S. 296 (2004), and
176.29 make recommendations regarding statutory changes that may be needed to facilitate their
176.30 operation.

176.31 (b) Modifications proposed by the commission under this section are effective August
176.32 1, 2020, unless the legislature by law provides otherwise.

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

177.2 Sec. 38. **EFFECTIVE DATE.**

177.3 Sections 1, 2, 13, 14, and 20 are effective the day following final enactment and apply
177.4 to offenders sentenced on or after that date, and retroactively to offenders sentenced to life
177.5 imprisonment without possibility of release following a conviction under Minnesota Statutes,
177.6 section 609.185, paragraph (a), clause (1), (2), (4), or (7), for an offense committed when
177.7 the offender was under 18 years of age and when a sentence was imposed pursuant to
177.8 Minnesota Statutes, section 609.106, subdivision 2, clause (1).