

41.12

**ARTICLE 5**

41.13

**VICTIMS; CRIMINAL DEFENDANTS**

41.14 Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

41.15 **5B.02 DEFINITIONS.**

41.16 (a) For purposes of this chapter and unless the context clearly requires otherwise, the  
41.17 definitions in this section have the meanings given them.

41.18 (b) "Address" means an individual's work address, school address, or residential street  
41.19 address, as specified on the individual's application to be a program participant under this  
41.20 chapter.

41.21 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible  
41.22 minor, or a guardian acting on behalf of an incapacitated person, as defined in section  
41.23 524.5-102.

41.24 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,  
41.25 paragraph (a), and includes a threat of such acts committed against an individual in a domestic  
41.26 situation, regardless of whether these acts or threats have been reported to law enforcement  
41.27 officers.

41.28 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in  
41.29 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a  
41.30 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible  
41.31 person fears for the person's safety, the safety of another person who resides in the same  
41.32 household, or the safety of persons on whose behalf the application is made. An individual  
42.1 must reside in Minnesota in order to be an eligible person. A person registered or required  
42.2 to register as a predatory offender under section 243.166 or 243.167, or the law of another  
42.3 jurisdiction, is not an eligible person.

42.4 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,  
42.5 including priority, express, and certified mail, and excluding ~~packages, parcels, (1)~~  
42.6 periodicals, and catalogues, and (2) packages and parcels unless they are clearly identifiable  
42.7 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal  
42.8 government or a state or county government agency of the continental United States, Hawaii,  
42.9 District of Columbia, or United States territories.

42.10 (g) "Program participant" means an individual certified as a program participant under  
42.11 section 5B.03.

42.12 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and  
42.13 includes a threat of such acts committed against an individual, regardless of whether these  
42.14 acts or threats have been reported to law enforcement officers.

42.15 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

42.16 **5B.05 USE OF DESIGNATED ADDRESS.**

42.17 (a) When a program participant presents the address designated by the secretary of state  
42.18 to any person or entity, that address must be accepted as the address of the program  
42.19 participant. The person may not require the program participant to submit any address that  
42.20 could be used to physically locate the participant either as a substitute or in addition to the  
42.21 designated address, or as a condition of receiving a service or benefit, unless the service or  
42.22 benefit would be impossible to provide without knowledge of the program participant's  
42.23 physical location. Notwithstanding a person's or entity's knowledge of a program participant's  
42.24 physical location, the person or entity must use the program participant's designated address  
42.25 for all mail correspondence with the program participant.

42.26 (b) A program participant may use the address designated by the secretary of state as  
42.27 the program participant's work address.

42.28 (c) The Office of the Secretary of State shall forward all mail sent to the designated  
42.29 address to the proper program participants.

42.30 (d) If a program participant has notified a person in writing, on a form prescribed by the  
42.31 program, that the individual is a program participant and of the requirements of this section,  
42.32 the person must not knowingly disclose the program participant's name, home address, work  
42.33 address, or school address, unless the person to whom the address is disclosed also lives,  
43.1 works, or goes to school at the address disclosed, or the participant has provided written  
43.2 consent to disclosure of the participant's name, home address, work address, or school  
43.3 address for the purpose for which the disclosure will be made. This paragraph applies to  
43.4 the actions and reports of guardians ad litem, except that guardians ad litem may disclose  
43.5 the program participant's name. This paragraph does not apply to records of the judicial  
43.6 branch governed by rules adopted by the supreme court or government entities governed  
43.7 by section 13.045.

43.8 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

43.9 Subdivision 1. **Display by landlord.** If a program participant has notified the program  
43.10 participant's landlord in writing that the individual is a program participant and of the  
43.11 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display  
43.12 of, and the landlord shall not display, the program participant's name at an address otherwise  
43.13 protected under this chapter.

43.14 Sec. 4. Minnesota Statutes 2020, section 169.99, subdivision 1c, is amended to read:

43.15 Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide  
43.16 conspicuous notice ~~of the fact~~ that, if convicted, the person to whom it was issued ~~must~~ may  
43.17 be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the  
43.18 current amount of the required surcharge.

43.19 EFFECTIVE DATE. This section is effective August 1, 2022. The changes to the  
43.20 uniform traffic ticket described in this section must be reflected on the ticket the next time  
43.21 it is revised.

43.22 Sec. 5. Minnesota Statutes 2020, section 169.99, is amended by adding a subdivision to  
43.23 read:

43.24 Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons  
43.25 on the uniform traffic ticket must include the following, or substantially similar, language:  
43.26 "All or part of the cost of this summons may be waived on a showing of indigency or undue  
43.27 hardship on you or your family. You may schedule a court appearance to request a waiver  
43.28 based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed  
43.29 by the Court Payment Center telephone number]. For more information, call the CPC or  
43.30 visit [www.mncourts.gov/fines](http://www.mncourts.gov/fines)."

44.1 EFFECTIVE DATE. This section is effective August 1, 2022. The changes to the  
44.2 uniform traffic ticket described in this section must be reflected on the ticket the next time  
44.3 it is revised.

44.4 Sec. 6. Minnesota Statutes 2020, section 357.021, subdivision 6, is amended to read:

44.5 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this  
44.6 paragraph subdivision, the court shall impose and the court administrator shall collect a \$75  
44.7 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or  
44.8 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle  
44.9 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more  
44.10 than one offense in a case, the surcharge shall be imposed only once in that case. In the  
44.11 Second Judicial District, the court shall impose, and the court administrator shall collect,  
44.12 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,  
44.13 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance  
44.14 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the  
44.15 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to  
44.16 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person  
44.17 is convicted of a petty misdemeanor for which no fine is imposed.

44.18 ~~(b) If the court fails to impose a surcharge as required by this subdivision, the court~~  
44.19 ~~administrator shall show the imposition of the surcharge, collect the surcharge, and correct~~  
44.20 ~~the record.~~

44.21 ~~(b)~~ (b) The court may ~~not~~ reduce the amount or waive payment of the surcharge required  
44.22 under this subdivision. ~~Upon~~ on a showing of indigency or undue hardship upon the convicted  
44.23 person or the convicted person's immediate family, ~~the sentencing court may authorize~~  
44.24 ~~payment of the surcharge in installments.~~ Additionally, the court may permit the defendant  
44.25 to perform community work service in lieu of a surcharge.

44.26 ~~(c)~~ (c) The court administrator or other entity collecting a surcharge shall forward it to  
44.27 the commissioner of management and budget.

44.28 ~~(d)~~ (d) If the convicted person is sentenced to imprisonment and has not paid the surcharge  
44.29 before the term of imprisonment begins, the chief executive officer of the correctional  
44.30 facility in which the convicted person is incarcerated shall collect the surcharge from any  
44.31 earnings the inmate accrues from work performed in the facility or while on conditional  
44.32 release. The chief executive officer shall forward the amount collected to the court  
44.33 administrator or other entity collecting the surcharge imposed by the court.

45.1 ~~(e)~~ (e) A person who enters a diversion program, continuance without prosecution,  
45.2 continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay  
45.3 the surcharge described in this subdivision. A surcharge imposed under this paragraph shall  
45.4 be imposed only once per case.

45.5 ~~(f)~~ (f) The surcharge does not apply to administrative citations issued pursuant to section  
45.6 169.999.

45.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

45.8 Sec. 7. Minnesota Statutes 2020, section 609.101, subdivision 5, is amended to read:

45.9 Subd. 5. **Waiver prohibited; reduction and installment payments.** (a) The court may  
45.10 not waive payment of the minimum fine required by this section.

45.11 (b) If the defendant qualifies for the services of a public defender or the court finds on  
45.12 the record that the convicted person is indigent or that immediate payment of the fine would  
45.13 create undue hardship for the convicted person or that person's immediate family, the court  
45.14 may reduce the amount of the minimum fine to not less than \$50. Additionally, the court  
45.15 may permit the defendant to perform community work service in lieu of a fine.

45.16 (c) The court also may authorize payment of the fine in installments.

45.17 (d) Before sentencing a person convicted of a felony, ~~gross misdemeanor, misdemeanor,~~  
45.18 ~~or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a~~  
45.19 ~~finding on the record as to indigency or the convicted person's ability to comply with an~~  
45.20 ~~order to pay without undue hardship for the convicted person or that person's immediate~~  
45.21 ~~family. In determining indigency or whether the defendant is able to comply with an order~~  
45.22 ~~to pay a fine, fee, or surcharge without undue hardship to the convicted person or that~~  
45.23 ~~person's immediate family, the court shall consider:~~

45.24 (1) income;

45.25 (2) dependents;

45.26 (3) financial resources, including assets and liabilities;

45.27 (4) basic living expenses;

45.28 (5) receipt of means-tested public assistance program; and

- 45.29 (6) any special circumstances that may bear on the person's ability to pay.
- 46.1 (e) Paragraph (d) shall not apply when a conviction for a violation that is included on  
46.2 the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without  
46.3 a hearing before the court.
- 46.4 **EFFECTIVE DATE.** This section is effective July 1, 2022.
- 46.5 Sec. 8. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**
- 46.6 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the  
46.7 meanings given:
- 46.8 (1) "certifying entity" means a state or local law enforcement agency;
- 46.9 (2) "criminal activity" means qualifying criminal activity pursuant to section  
46.10 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt,  
46.11 conspiracy, or solicitation to commit such crimes; and
- 46.12 (3) "certification" means any certification or statement required by federal immigration  
46.13 law including, but not limited to, the information required by United States Code, title 8,  
46.14 section 1184(p), and United States Code, title 8, section 1184(o), including current United  
46.15 States Citizenship and Immigration Services Form I-918, Supplement B, and United States  
46.16 Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.
- 46.17 Subd. 2. **Certification process.** (a) A certifying entity shall process a certification  
46.18 requested by a victim of criminal activity or a representative of the victim, including but  
46.19 not limited to the victim's attorney, family member, or domestic violence or sexual assault  
46.20 violence advocate, within the time period prescribed in paragraph (b).
- 46.21 (b) A certifying entity shall process the certification within 90 days of request, unless  
46.22 the victim is in removal proceedings, in which case the certification shall be processed  
46.23 within 14 days of request. Requests for expedited certification must be affirmatively raised  
46.24 at the time of the request.
- 46.25 (c) An active investigation, the filing of charges, or a prosecution or conviction are not  
46.26 required for the victim of criminal activity to request and obtain the certification.
- 46.27 Subd. 3. **Certifying entity; designate agent.** (a) The head of a certifying entity shall  
46.28 designate an agent to perform the following responsibilities:
- 46.29 (1) timely process requests for certification;
- 46.30 (2) provide outreach to victims of criminal activity to inform them of the entity's  
46.31 certification process; and
- 47.1 (3) keep a written or electronic record of all certification requests and responses.

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

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

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

47.10 **EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final  
47.11 enactment. Subdivision 3 is effective July 1, 2021.

47.12 Sec. 9. **[634.045] JAILHOUSE WITNESSES.**

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

47.15 (b) "Benefit" means any plea bargain, bail consideration, reduction or modification of  
47.16 sentence, or any other leniency, immunity, financial payment, reward, or amelioration of  
47.17 current or future conditions of incarceration offered or provided in connection with, or in  
47.18 exchange for, testimony that is offered or provided by a jailhouse witness.

47.19 (c) "Jailhouse witness" means a person who (1) while incarcerated, claims to have  
47.20 obtained information from a defendant in a criminal case or a person suspected to be the  
47.21 perpetrator of an offense, and (2) offers or provides testimony concerning statements made  
47.22 by that defendant or person suspected to be the perpetrator of an offense. It does not mean  
47.23 a codefendant or confidential informant who does not provide testimony against a suspect  
47.24 or defendant.

47.25 Subd. 2. **Use of and benefits provided to jailhouse witnesses; data collection.** (a)  
47.26 Each county attorney shall report to the attorney general, in a form determined by the attorney  
47.27 general:

47.28 (1) the name of the jailhouse witness and the district court file number of the case in  
47.29 which that witness testified or planned to testify;

47.30 (2) the substance and use of any testimony of a jailhouse witness against the interest of  
47.31 a suspect or defendant, regardless of whether such testimony is presented at trial; and

48.1 (3) the jailhouse witness's agreement to cooperate with the prosecution and any benefit  
48.2 that the prosecutor has offered or may offer in the future to the jailhouse witness in connection  
48.3 with the testimony.

48.4 (b) The attorney general shall maintain a statewide database containing the information  
48.5 received pursuant to paragraph (a) for 20 years from the date that the jailhouse witness  
48.6 information was entered into that statewide record.

48.7 (c) Data collected and maintained pursuant to this subdivision are classified as confidential  
48.8 data on individuals, as defined in section 13.02, subdivision 3. Only the attorney general  
48.9 may access the statewide record but shall provide all information held on specific jailhouse  
48.10 witnesses to a county attorney upon request.

48.11 Subd. 3. **Report on jailhouse witnesses.** By September 15 of each year, beginning in  
48.12 2022, the attorney general shall publish on its website an annual report of the statewide  
48.13 record of jailhouse witnesses required under subdivision 2. Information in the report must  
48.14 be limited to summary data, as defined in section 13.02, subdivision 19, and must include:

48.15 (1) the total number of jailhouse witnesses tracked in the statewide record; and

48.16 (2) for each county, the number of new reports added pursuant to subdivision 2, paragraph  
48.17 (a), over the previous fiscal year.

48.18 Subd. 4. **Disclosure of information regarding jailhouse witness.** (a) In addition to the  
48.19 requirements for disclosures under rule 9 of the Rules of Criminal Procedure, and within  
48.20 the timeframes established by that rule, a prosecutor must disclose the following information  
48.21 to the defense about any jailhouse witness:

48.22 (1) the complete criminal history of the jailhouse witness, including any charges that  
48.23 are pending or were reduced or dismissed as part of a plea bargain;

48.24 (2) any cooperation agreement with the jailhouse witness and any deal, promise,  
48.25 inducement, or benefit that the state has made or intends to make in the future to the jailhouse  
48.26 witness;

48.27 (3) whether, at any time, the jailhouse witness recanted any testimony or statement  
48.28 implicating the suspect or defendant in the charged crime and, if so, the time and place of  
48.29 the recantation, the nature of the recantation, and the names of the persons who were present  
48.30 at the recantation;

48.31 (4) whether, at any time, the jailhouse witness made a statement implicating any other  
48.32 person in the charged crime and, if so, the time and place of the statement, the nature of the  
48.33 statement, and the names of the persons who were present at the statement; and

49.1 (5) information concerning other criminal cases in which the jailhouse witness has  
49.2 testified, or offered to testify, against a suspect or defendant with whom the jailhouse witness  
49.3 was imprisoned or confined, including any cooperation agreement, deal, promise, inducement,  
49.4 or benefit that the state has made or intends to make in the future to the jailhouse witness.

49.5 (b) A prosecutor has a continuing duty of disclosure before and during trial. If, after the  
49.6 omnibus hearing held pursuant to rule 11 of the Rules of Criminal Procedure, a prosecutor  
49.7 discovers additional material, information, or witnesses subject to disclosure under this

49.8 subdivision, the prosecutor must promptly notify the court and defense counsel, or, if the  
49.9 defendant is not represented, the defendant, of what was discovered. If the court finds that  
49.10 the jailhouse witness was not known or that materials in paragraph (a) could not be discovered  
49.11 or obtained by the state within that period with the exercise of due diligence, the court may  
49.12 order that disclosure take place within a reasonable period. Upon good cause shown, the  
49.13 court may continue the proceedings.

49.14 (c) If the prosecutor files a written certificate with the trial court that disclosing the  
49.15 information described in paragraph (a) would subject the jailhouse witness or other persons  
49.16 to physical harm or coercion, the court may order that the information must be disclosed to  
49.17 the defendant's counsel but may limit disclosure to the defendant in a way that does not  
49.18 unduly interfere with the defendant's right to prepare and present a defense, including limiting  
49.19 disclosure to nonidentifying information.

49.20 Subd. 5. **Victim notification.** (a) A prosecutor shall make every reasonable effort to  
49.21 notify a victim if the prosecutor has decided to offer or provide any of the following to a  
49.22 jailhouse witness in exchange for, or as the result of, a jailhouse witness offering or providing  
49.23 testimony against a suspect or defendant:

49.24 (1) reduction or dismissal of charges;

49.25 (2) a plea bargain;

49.26 (3) support for a modification of the amount or conditions of bail; or

49.27 (4) support for a motion to reduce or modify a sentence.

49.28 (b) Efforts to notify the victim should include, in order of priority: (1) contacting the  
49.29 victim or a person designated by the victim by telephone; and (2) contacting the victim by  
49.30 mail. If a jailhouse witness is still in custody, the notification attempt shall be made before  
49.31 the jailhouse witness is released from custody.

49.32 (c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct,  
49.33 or harassment or stalking under this section, the prosecutor shall also inform the victim of  
50.1 the method and benefits of seeking an order for protection under section 518B.01 or a  
50.2 restraining order under section 609.748 and that the victim may seek an order without paying  
50.3 a fee.

50.4 (d) The notification required under this subdivision is in addition to the notification  
50.5 requirements and rights described in sections 611A.03, 611A.0315, 611A.039, and 611A.06.

50.6 **EFFECTIVE DATE.** This section is effective August 1, 2021.