

228.21                                   **ARTICLE 14**  
  
228.22                                   **CRIMINAL AND SENTENCING PROVISIONS**

228.23       Section 1. Minnesota Statutes 2020, section 244.05, subdivision 1b, is amended to read:

228.24               Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**  
228.25 **1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison  
228.26 for a felony offense committed on or after August 1, 1993, shall serve a supervised release  
228.27 term upon completion of the inmate's term of imprisonment and any disciplinary confinement  
228.28 period imposed by the commissioner due to the inmate's violation of any disciplinary rule  
228.29 adopted by the commissioner or refusal to participate in a rehabilitative program required  
228.30 under section 244.03. The amount of time the inmate serves on supervised release shall be  
228.31 equal in length to the amount of time remaining in the inmate's executed sentence after the  
229.1 inmate has served the term of imprisonment and any disciplinary confinement period imposed  
229.2 by the commissioner.

229.3               (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative  
229.4 program as required under section 244.03 shall be placed on supervised release until the  
229.5 inmate has served the disciplinary confinement period for that disciplinary sanction or until  
229.6 the inmate is discharged or released from punitive segregation confinement, whichever is  
229.7 later. The imposition of a disciplinary confinement period shall be considered to be a  
229.8 disciplinary sanction imposed upon an inmate, and the procedure for imposing the  
229.9 disciplinary confinement period and the rights of the inmate in the procedure shall be those  
229.10 in effect for the imposition of other disciplinary sanctions at each state correctional institution.

229.11       Sec. 2. Minnesota Statutes 2020, section 244.05, subdivision 4, is amended to read:

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

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

229.19               (c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence  
229.20 under section 609.385 must not be given supervised release under this section without having  
229.21 served a minimum term of imprisonment of 17 years.

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

28.1                                   **ARTICLE 3**  
  
28.2                                   **CRIMINAL AND PUBLIC SAFETY POLICY CHANGES RELATING TO THE**  
28.3                                   **BUDGET**

229.25 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,  
229.26 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this  
229.27 section without having served a minimum term of imprisonment of 15 years.

229.28 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)  
229.29 or (c) who was under 18 years of age at the time of the commission of the offense must not  
229.30 be given supervised release under this section without having served a minimum term of  
229.31 imprisonment of 15 years.

230.1 Sec. 3. Minnesota Statutes 2020, section 244.05, is amended by adding a subdivision to  
230.2 read:

230.3 Subd. 4a. **Eligibility for early supervised release; offenders who were under 18 at**  
230.4 **the time of offense.** (a) Notwithstanding any other provision of law, any person who was  
230.5 under the age of 18 at the time of the commission of an offense is eligible for early supervised  
230.6 release if the person is serving an executed sentence that includes a term of imprisonment  
230.7 of more than 15 years or separate, consecutive executed sentences for two or more crimes  
230.8 that include combined terms of imprisonment that total more than 15 years.

230.9 (b) A person eligible for early supervised release under paragraph (a) must be considered  
230.10 for early supervised release pursuant to section 244.0515 after serving 15 years of  
230.11 imprisonment.

230.12 (c) Where the person is serving separate, consecutive executed sentences for two or  
230.13 more crimes, the person may be granted early supervised release on all sentences.

230.14 Sec. 4. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

230.15 Subd. 5. **Supervised release, life sentence.** (a) Except as provided in section 244.0515,  
230.16 the commissioner of corrections may, under rules promulgated by the commissioner, give  
230.17 supervised release to an inmate serving a mandatory life sentence under section 609.185,  
230.18 paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota  
230.19 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum  
230.20 term of imprisonment specified in subdivision 4.

230.21 (b) The commissioner shall require the preparation of a community investigation report  
230.22 and shall consider the findings of the report when making a supervised release decision  
230.23 under this subdivision. The report shall reflect the sentiment of the various elements of the  
230.24 community toward the inmate, both at the time of the offense and at the present time. The  
230.25 report shall include the views of the sentencing judge, the prosecutor, any law enforcement  
230.26 personnel who may have been involved in the case, and any successors to these individuals  
230.27 who may have information relevant to the supervised release decision. The report shall also  
230.28 include the views of the victim and the victim's family unless the victim or the victim's  
230.29 family chooses not to participate.

230.30 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of  
230.31 the time and place of the inmate's supervised release review hearing. The victim has a right

230.32 to submit an oral or written statement at the review hearing. The statement may summarize  
230.33 the harm suffered by the victim as a result of the crime and give the victim's recommendation  
231.1 on whether the inmate should be given supervised release at this time. The commissioner  
231.2 must consider the victim's statement when making the supervised release decision.

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

231.10 (1) while in prison:

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

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

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

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

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

231.23 **EFFECTIVE DATE.** This section is effective July 1, 2021.

231.24 Sec. 5. **[244.0515] JUVENILE REVIEW BOARD.**

231.25 Subdivision 1. **Board.** The Juvenile Review Board is created with the power and duties  
231.26 established by subdivision 4.

231.27 Subd. 2. **Members.** (a) The board consists of seven members as follows:

231.28 (1) the commissioner of corrections or the commissioner's designee;

231.29 (2) the commissioner of human services or the commissioner's designee;

231.30 (3) the commissioner of public safety or the commissioner's designee;

231.31 (4) the attorney general or the attorney general's designee; and

232.1 (5) three at-large members with expertise in the neurodevelopment of youth, appointed  
232.2 by the governor.

232.3 (b) The board shall select one of its members to serve as chair.

232.4 Subd. 3. **Terms, compensation, and removal.** The membership terms, compensation,  
232.5 and removal of members and the filling of membership vacancies is as provided in section  
232.6 15.0575.

232.7 Subd. 4. **Powers and duties.** (a) Consistent with the requirements of this section, the  
232.8 board has authority to grant supervised release to an inmate who was under 18 years of age  
232.9 at the time of the commission of the offense and is serving a mandatory life sentence; an  
232.10 executed sentence that includes a term of imprisonment of more than 15 years; or separate,  
232.11 consecutive executed sentences for two or more crimes that include combined terms of  
232.12 imprisonment that total more than 15 years.

232.13 (b) The board may give supervised release to an inmate described in paragraph (a) after  
232.14 the inmate has served the minimum term of imprisonment specified by the court or 15 years,  
232.15 whichever is earlier.

232.16 (c) Where an inmate is serving multiple sentences that are concurrent to one another,  
232.17 the board must grant or deny supervised release on all sentences. Notwithstanding any law  
232.18 to the contrary, where an inmate is serving multiple sentences that are consecutive to one  
232.19 another, the court may grant or deny supervised release on one or more sentences.

232.20 (d) The board shall conduct an initial supervised release review hearing as soon as  
232.21 practicable after the inmate has served the applicable minimum term of imprisonment.  
232.22 Hearings for inmates eligible for a review hearing on or before July 1, 2021, shall take place  
232.23 before July 1, 2022.

232.24 (e) If the inmate is not released at the initial supervised release review hearing, the board  
232.25 shall conduct subsequent review hearings until the inmate's release. Review hearings shall  
232.26 not be scheduled to take place within six months of a previous hearing or more than three  
232.27 years after a previous hearing.

232.28 (f) The board may order that an inmate be placed on intensive supervised release for all  
232.29 or part of the inmate's supervised release pursuant to section 244.05, subdivision 6.

232.30 Subd. 5. **Administrative services.** The commissioner of corrections shall provide  
232.31 adequate office space and administrative services for the board and the board shall reimburse  
232.32 the commissioner for the space and services provided. The board may also utilize, with their  
232.33 consent, the services, equipment, personnel, information, and resources of other state  
233.1 agencies; and may accept voluntary and uncompensated services, contract with individuals  
233.2 and public and private agencies, and request information, reports, and data from any agency  
233.3 of the state or any of the state's political subdivisions to the extent authorized by law.

233.4 Subd. 6. **Development report.** (a) Except as provided in paragraph (b), the board shall  
233.5 require the preparation of a development report and shall consider the findings of the report

233.6 when making a supervised release decision under this section. The report shall be prepared  
233.7 by a mental health professional as defined in section 245.462, subdivision 18, clauses (1)  
233.8 to (4) or (6), and shall address the cognitive, emotional, and social maturity of the inmate.

233.9 (b) If a development report was prepared within the 12 months immediately proceeding  
233.10 the hearing, the board may rely on that report.

233.11 Subd. 7. **Victim statement.** The board shall make reasonable efforts to notify the victim,  
233.12 in advance, of the time and place of the inmate's supervised release review hearing. The  
233.13 victim has a right to submit an oral or written statement at the review hearing. The statement  
233.14 may summarize the harm suffered by the victim as a result of the crime and give the victim's  
233.15 recommendation on whether the inmate should be given supervised release at this time. The  
233.16 board must consider the victim's statement when making the supervised release decision.  
233.17 As used in this subdivision, "victim" means the individual who suffered harm as a result of  
233.18 the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next  
233.19 of kin.

233.20 Subd. 8. **Review hearing; notice.** (a) At least 90 days before a supervised release review  
233.21 hearing, the commissioner of corrections shall notify the inmate of the time and place of  
233.22 the hearing and that the inmate has the right to be present at the hearing, request appointment  
233.23 of counsel, access the inmate's prison file prior to the hearing, and submit written arguments  
233.24 to the board prior to the hearing.

233.25 (b) The inmate may make oral arguments to the board at the hearing.

233.26 Subd. 9. **Considerations.** (a) When considering whether to give supervised release to  
233.27 an inmate serving a mandatory life sentence the board shall consider, at a minimum, the  
233.28 following:

233.29 (1) the development report;  
233.30 (2) the victim statement, if any;  
233.31 (3) the risk the inmate poses to the community if released;  
233.32 (4) the inmate's progress in treatment;  
234.1 (5) the inmate's behavior while incarcerated;  
234.2 (6) any additional psychological or other diagnostic evaluations of the inmate;  
234.3 (7) the inmate's criminal history;  
234.4 (8) whether the inmate is serving consecutive sentences; and  
234.5 (9) any other relevant conduct of the inmate while incarcerated or before incarceration.

234.6 (b) In making its decision, the board must consider relevant science regarding the  
234.7 neurological development of juveniles and shall prioritize information regarding the inmate's  
234.8 maturity and rehabilitation while incarcerated.

234.9 (c) Except as provided in paragraph (d), the board may not give supervised release to  
234.10 the inmate unless:

234.11 (1) while in prison;

234.12 (i) if applicable, the inmate has successfully completed appropriate sex offender treatment;

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

234.15 (iii) the inmate has been assessed for mental health needs and, if appropriate, has been  
234.16 provided mental health treatment; and

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

234.21 (d) The board shall not deny supervised release to an inmate pursuant to paragraph (c)  
234.22 if the appropriate assessments, treatment, or planning were not made available to the inmate.

234.23 Subd. 10. Findings of the board. Within 30 days after a supervised release hearing, the  
234.24 board shall issue its decision on granting release, including a statement of reasons for that  
234.25 decision. If the board does not grant supervised release, the statement of the reasons for that  
234.26 denial must identify specific steps the inmate can take to increase the likelihood that release  
234.27 will be granted at a future hearing.

234.28 Subd. 11. Review by court of appeals. When the board has issued its findings, an inmate  
234.29 who acts within 30 days from the date the inmate received the findings may have the order  
234.30 reviewed by the court of appeals upon either of the following grounds:

234.31 (1) the order does not conform with this section; or

235.1 (2) the findings of fact and order were unsupported by substantial evidence in view of  
235.2 the entire record as submitted.

235.3 EFFECTIVE DATE. This section is effective July 1, 2021.

235.4 Sec. 6. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to  
235.5 read:

235.6 Subd. 15. Report on sentencing adjustments. The Sentencing Guidelines Commission  
235.7 shall include in its annual report to the legislature a summary and analysis of sentence  
235.8 adjustments issued under section 609.133. At a minimum, the summary and analysis must

235.9 include information on the counties where a sentencing adjustment was granted and on the  
235.10 race, sex, and age of individuals who received a sentence adjustment.

235.11 Sec. 7. Minnesota Statutes 2020, section 244.101, subdivision 1, is amended to read:

235.12 Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision  
235.13 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed  
235.14 on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified  
235.15 minimum term of imprisonment that is equal to two-thirds of the executed sentence; and  
235.16 (2) a specified maximum supervised release term that is equal to one-third of the executed  
235.17 sentence. The amount of time the inmate actually serves in prison and on supervised release  
235.18 is subject to the provisions of section 244.05, subdivision 1b.

235.19 Sec. 8. Minnesota Statutes 2020, section 480A.06, subdivision 4, is amended to read:

235.20 Subd. 4. **Administrative review.** The court of appeals shall have jurisdiction to review  
235.21 on the record the validity of administrative rules, as provided in sections 14.44 and 14.45,  
235.22 ~~and~~ the decisions of administrative agencies in contested cases, as provided in sections  
235.23 14.63 to 14.69, and the decisions of the Juvenile Review Board as provided in section  
235.24 244.0515.

235.25 **EFFECTIVE DATE.** This section is effective July 1, 2021.

235.26 Sec. 9. Minnesota Statutes 2020, section 609.03, is amended to read:

235.27 **609.03 PUNISHMENT WHEN NOT OTHERWISE FIXED.**

235.28 If a person is convicted of a crime for which no punishment is otherwise provided the  
235.29 person may be sentenced as follows:

236.1 (1) If the crime is a felony, to imprisonment for not more than five years or to payment  
236.2 of a fine of not more than \$10,000, or both; or

236.3 (2) If the crime is a gross misdemeanor, to imprisonment for not more than ~~one year~~,  
236.4 364 days or to payment of a fine of not more than \$3,000, or both; or

236.5 (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to  
236.6 payment of a fine of not more than \$1,000, or both; or

236.7 (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not  
236.8 specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified  
236.9 term of not more than six months if the fine is not paid.

236.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
236.11 applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

236.12     Sec. 10. [609.0342] MAXIMUM PUNISHMENT FOR GROSS MISDEMEANORS.

236.13     Any law of this state that provides for a maximum sentence of imprisonment of one year  
236.14     or is defined as a gross misdemeanor shall be deemed to provide for a maximum fine of  
236.15     \$3,000 and a maximum sentence of imprisonment of 364 days.

236.16     EFFECTIVE DATE. This section is effective the day following final enactment and  
236.17     applies to offenders receiving a gross misdemeanor sentence before, on, or after that date.

236.18     Sec. 11. [609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE  
236.19     OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.

236.20     Subdivision 1. Definitions. As used in this section, the following terms have the meanings  
236.21     given:

236.22     (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic  
236.23     stress disorder, substance abuse, or a mental health condition;

236.24     (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony  
236.25     that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;

236.26     (3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a  
236.27     diversion program on condition that the criminal charges against the defendant shall be  
236.28     dismissed after a specified period of time, or the case shall not be charged, if the defendant  
236.29     successfully completes the program of treatment recommended by the United States  
236.30     Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment  
236.31     program; and

237.1     (4) "veterans treatment court program" means a program that has the following essential  
237.2     characteristics:

237.3     (i) the integration of services in the processing of cases in the judicial system;

237.4     (ii) the use of a nonadversarial approach involving prosecutors and defense attorneys to  
237.5     promote public safety and to protect the due process rights of program participants;

237.6     (iii) early identification and prompt placement of eligible participants in the program;

237.7     (iv) access to a continuum of alcohol, controlled substance, mental health, and other  
237.8     related treatment and rehabilitative services;

237.9     (v) careful monitoring of treatment and services provided to program participants;

237.10    (vi) a coordinated strategy to govern program responses to participants' compliance;

237.11    (vii) ongoing judicial interaction with program participants;

237.12    (viii) monitoring and evaluation of program goals and effectiveness;

32.10     Sec. 6. [609.1056] MILITARY VETERAN OFFENDERS RESTORATIVE JUSTICE  
32.11     SENTENCE.

36.21     (b) "Veterans treatment court program" means a program that has the following essential  
36.22     characteristics:

36.23     (1) the integration of services in the processing of cases in the judicial system;

36.24     (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to  
36.25     promote public safety and to protect the due process rights of program participants;

36.26     (3) early identification and prompt placement of eligible participants in the program;

36.27     (4) access to a continuum of alcohol, controlled substance, mental health, and other  
36.28     related treatment and rehabilitative services;

36.29     (5) careful monitoring of treatment and services provided to program participants;

36.30     (6) a coordinated strategy to govern program responses to participants' compliance;

36.31     (7) ongoing judicial interaction with program participants;

36.32     (8) monitoring and evaluation of program goals and effectiveness;



237.13 (ix) continuing interdisciplinary education to promote effective program planning,  
237.14 implementation, and operations;

237.15 (x) development of partnerships with public agencies and community organizations,  
237.16 including the United States Department of Veterans Affairs; and

237.17 (xi) inclusion of a participant's family members who agree to be involved in the treatment  
237.18 and services provided to the participant under the program.

237.19 Subd. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible  
237.20 offense committed by a defendant who was, or currently is, a member of the United States  
237.21 military as provided in this subdivision. The court shall do this at the request of the defendant  
237.22 upon a finding of guilty after trial or upon a guilty plea.

237.23 (b) A defendant who requests to be sentenced under this subdivision shall release or  
237.24 authorize access to military service reports and records relating to the alleged applicable  
237.25 condition. The court must file the records as confidential and designate that they remain  
237.26 sealed, except as provided in this paragraph. In addition, the court may request, through  
237.27 existing resources, an assessment of the defendant. The defendant, through existing records  
237.28 or licensed professional evaluation, shall establish the diagnosis of the condition, that it was  
237.29 caused by military service, and that the offense was committed as a result of the condition.  
237.30 The court, on its own motion or the prosecutor's, with notice to defense counsel, may order  
237.31 the defendant to furnish to the court for in-camera review or to the prosecutor copies of all  
238.1 medical and military service reports and records previously or subsequently made concerning  
238.2 the defendant's condition and the condition's connection to service.

238.3 (c) Based on the record, the court shall determine whether, by clear and convincing  
238.4 evidence: (1) the defendant suffered from an applicable condition at the time of the offense;  
238.5 (2) the applicable condition was caused by service in the United States military; and (3) the  
238.6 offense was committed as a result of the applicable condition. Within 15 days of the court's  
238.7 determination, either party may file a challenge to the determination and demand a hearing  
238.8 on the defendant's eligibility under this subdivision.

238.9 (d) If the court makes the determination described in paragraph (c), the court shall,  
238.10 without entering a judgment of guilty, defer further proceedings and place the defendant  
238.11 on probation upon such reasonable conditions as it may require and for a period not to  
238.12 exceed the maximum period provided by law. A court may extend a defendant's term of  
238.13 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions  
238.14 ordered by the court must include treatment, services, rehabilitation, and education sufficient  
238.15 so that if completed, the defendant would be eligible for discharge and dismissal under  
238.16 subdivision 3. In addition, the court shall order that the defendant undergo a chemical use  
238.17 assessment that includes a recommended level of care for the defendant in accordance with  
238.18 the criteria contained in rules adopted by the commissioner of human services under section  
238.19 254A.03, subdivision 3.

37.1 (9) continuing interdisciplinary education to promote effective program planning,  
37.2 implementation, and operations;

37.3 (10) development of partnerships with public agencies and community organizations,  
37.4 including the United States Department of Veterans Affairs; and

37.5 (11) inclusion of a participant's family members who agree to be involved in the treatment  
37.6 and services provided to the participant under the program.

32.25 (b) A defendant who requests to be sentenced under this section shall release or authorize  
32.26 access to military service reports and records relating to the alleged conditions stemming  
32.27 from service in the United States military. The records shall be filed as confidential and  
32.28 remain sealed, except as provided for in this paragraph. The defendant, through existing  
32.29 records or licensed professional evaluation, shall establish the diagnosis of the condition  
32.30 and its connection to military service. The court, on the prosecutor's motion with notice to  
32.31 defense counsel, may order the defendant to furnish to the court for in camera review or to  
32.32 the prosecutor copies of all medical and military service reports and records previously or  
32.33 subsequently made concerning the defendant's condition and its connection to service. Based  
32.34 on the record, the court shall make findings on whether, by clear and convincing evidence,  
33.1 the defendant suffers from a diagnosable condition and whether that condition stems from  
33.2 service in the United States military. Within 15 days of the court's findings, either party  
33.3 may file a challenge to the findings and demand a hearing on the defendant's eligibility  
33.4 under this section.

33.11 (c) If the court concludes that a defendant who entered a plea of guilty to a criminal  
33.12 offense is a person described in this subdivision or the parties stipulate to eligibility, and if  
33.13 the defendant is otherwise eligible for probation, the court shall, upon the defendant entering  
33.14 a plea of guilty, without entering a judgment of guilty and with the consent of the defendant,  
33.15 prosecutor, and victim, defer further proceedings and place the defendant on probation upon  
33.16 such reasonable conditions as it may require and for a period not to exceed the maximum  
33.17 sentence provided for the violation unless extended by the court to complete treatment as  
33.18 per section 609.135, subdivision 2, paragraph (h). If the veteran has previously received a  
33.19 stay of adjudication for a felony offense under this section, the court may in its discretion  
33.20 sentence consistent with this section or deny the use of this section on subsequent felony  
33.21 offenses. If the court denies a stay of adjudication on this basis, the court may sentence

238.20 (e) If the court determines that the defendant is eligible for a deferred sentence but the  
238.21 defendant has previously received one for a felony offense under this subdivision, the court  
238.22 may, but is not required to, impose a deferred sentence. If the court does not impose a  
238.23 deferred sentence, the court may sentence the defendant as otherwise provided in law,  
238.24 including as provided in subdivision 4.

238.25 (f) Upon violation of a condition of probation, the court may enter an adjudication of  
238.26 guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

238.27 (g) As a condition of probation, the court may order the defendant to attend a local, state,  
238.28 federal, or private nonprofit treatment program for a period not to exceed the maximum  
238.29 period for which the defendant could have been incarcerated.

238.30 (h) The court, when issuing an order under this subdivision that a defendant attend an  
238.31 established treatment program, shall give preference to a treatment program that has a history  
238.32 of successfully treating veterans who suffer from applicable conditions caused by military  
238.33 service, including but not limited to programs operated by the United States Department of  
238.34 Defense or Veterans Affairs.

239.1 (i) The court and any assigned treatment program shall collaborate with, when available,  
239.2 the county veterans service officer and the United States Department of Veterans Affairs  
239.3 to maximize benefits and services provided to the defendant.

239.4 (j) If available in the county or judicial district having jurisdiction over the case, the  
239.5 defendant may be supervised by a veterans treatment court program under subdivision 5.  
239.6 If there is a veterans treatment court that meets the requirements of subdivision 5 in the  
239.7 county in which the defendant resides or works, supervision of the defendant may be  
239.8 transferred to that county or judicial district veterans treatment court program. Upon the  
239.9 defendant's successful or unsuccessful completion of the program, the veterans treatment  
239.10 court program shall communicate this information to the court of original jurisdiction for  
239.11 further action.

239.12 (k) Sentencing pursuant to this subdivision waives any right to administrative review  
239.13 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,  
239.14 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,

33.22 pursuant to the guidelines, application or waiver of statutory mandatory minimums, or a  
33.23 departure pursuant to subdivision 2, paragraph (d).

33.24 (d) Upon violation of a condition of the probation, the court may enter an adjudication  
33.25 of guilt and proceed as otherwise provided by law, including sentencing pursuant to the  
33.26 guidelines, application or waiver of statutory mandatory minimums, or a departure pursuant  
33.27 to subdivision 2, paragraph (d).

33.28 (e) As a condition of probation, the court may order the defendant to attend a local, state,  
33.29 federal, or private nonprofit treatment program for a period not to exceed that period which  
33.30 the defendant would have served in state prison or county jail, provided the court determines  
33.31 that an appropriate treatment program exists. Pursuant to section 609.135, subdivision 2,  
33.32 paragraph (h), the court may extend an offender's probation if the offender has not completed  
33.33 court-ordered treatment.

34.1 (f) The court, in making an order under this section to order a defendant to attend an  
34.2 established treatment program, shall give preference to a treatment program that has a history  
34.3 of successfully treating veterans who suffer from sexual trauma, traumatic brain injury,  
34.4 post-traumatic stress disorder, substance abuse, or mental health conditions as a result of  
34.5 that service, including but not limited to programs operated by the United States Department  
34.6 of Defense or Veterans Affairs. If an appropriate treatment provider is not available in the  
34.7 offender's county of residence or public funding is not available, the Minnesota Department  
34.8 of Veterans Affairs shall coordinate with the United States Department of Veterans Affairs  
34.9 to locate an appropriate treatment program and sources to fund the cost of the offender's  
34.10 participation in the program.

34.11 (g) The court and the assigned treatment program shall, when available, collaborate with  
34.12 the county veterans service officer and the United States Department of Veterans Affairs  
34.13 to maximize benefits and services provided to the veteran.

34.14 (h) If available in the county or judicial district having jurisdiction over the case, the  
34.15 defendant may be supervised by the veterans treatment court program under subdivision 3.  
34.16 If there is a veterans treatment court that meets the requirements of subdivision 3 in the  
34.17 county in which the defendant resides or works, supervision of the defendant may be  
34.18 transferred to that county or judicial district veterans treatment court program. If the defendant  
34.19 successfully completes the veterans treatment court program in the supervising jurisdiction,  
34.20 that jurisdiction shall sentence the defendant under this section. If the defendant is  
34.21 unsuccessful in the veterans treatment court program, the defendant's supervision shall be  
34.22 returned to the jurisdiction that initiated the transfer for standard sentencing.

34.23 (i) Sentencing pursuant to this section waives any right to administrative review pursuant  
34.24 to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53, subdivision  
34.25 2, for a license revocation or cancellation imposed pursuant to section 169A.52, and also

239.15 and also waives any right to administrative review pursuant to section 171.177, subdivision  
239.16 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation  
239.17 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation  
239.18 is the result of the same incident that is being sentenced.

239.19 Subd. 3. **Discharge and dismissal.** (a) Upon the expiration of the period of the defendant's  
239.20 probation the court shall hold a hearing to discharge the defendant from probation and  
239.21 determine whether to dismiss the proceedings against a defendant who received a deferred  
239.22 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate  
239.23 time to prepare and present arguments regarding the issue of dismissal. The parties may  
239.24 submit written arguments to the court prior to the date of the hearing and may make oral  
239.25 arguments before the court at the hearing. The defendant must be present at the hearing  
239.26 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,  
239.27 clause (3).

239.28 (b) The court shall provide notice to any identifiable victim of the offense at least 15  
239.29 days before the hearing is held. Notice to victims of the offense under this subdivision must  
239.30 specifically inform the victim of the right to submit an oral or written statement to the court  
239.31 at the time of the hearing describing the harm suffered by the victim as a result of the crime  
239.32 and the victim's recommendation on whether dismissal should be granted or denied. The  
239.33 judge shall consider the victim's statement when making a decision. If a victim notifies the  
239.34 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall  
239.35 make the objections known to the court.

240.1 (c) The court shall dismiss proceedings against a defendant if the court finds by clear  
240.2 and convincing evidence that the defendant:

240.3 (1) is in substantial compliance with the conditions of probation;

240.4 (2) has successfully participated in court-ordered treatment and services to address the  
240.5 applicable condition caused by military service;

240.6 (3) does not represent a danger to the health or safety of victims or others; and

240.7 (4) has demonstrated significant benefit from court-ordered education, treatment, or  
240.8 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the  
240.9 interests of justice.

240.10 (d) In determining the interests of justice, the court shall consider, among other factors,  
240.11 all of the following:

34.26 waives any right to administrative review pursuant to section 171.177, subdivision 10, or  
34.27 judicial review pursuant to section 171.177, subdivision 11, for a license revocation or  
34.28 cancellation imposed pursuant to section 171.177, if that license revocation or cancellation  
34.29 is the result of the same incident that is being sentenced.

34.30 Subd. 2. **Restorative justice for military veterans; dismissal of charges.** (a) It is in  
34.31 the interest of justice to restore a defendant who acquired a criminal record due to a mental  
34.32 health condition stemming from service in the United States military to the community of  
34.33 law-abiding citizens. The restorative provisions of this subdivision apply to cases in which  
34.34 a court monitoring the defendant's performance of probation under this section finds by  
34.35 clear and convincing evidence at a public hearing, held after not less than 15 days' notice  
35.1 to the prosecution, the defense, and any victim of the offense, that all of the following  
35.2 describe the defendant:

35.3 (1) the defendant was granted probation and was a person eligible under subdivision 1  
35.4 at the time that probation was granted;

35.5 (2) the defendant is in compliance with the conditions of that probation;

35.6 (3) the defendant has successfully completed court-ordered treatment and services to  
35.7 address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance  
35.8 abuse, or mental health conditions stemming from military service;

35.9 (4) the defendant does not represent a danger to the health and safety of others including  
35.10 any victims; and

35.11 (5) the defendant has demonstrated significant benefit from court-ordered education,  
35.12 treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this  
35.13 subdivision would be in the interest of justice.

35.14 (b) When determining whether granting restorative relief under this subdivision is in  
35.15 the interest of justice, the court may consider, among other factors, all of the following:

240.12        (1) the defendant's completion and degree of participation in education, treatment, and  
240.13 rehabilitation as ordered by the court;

240.14        (2) the defendant's progress in formal education;

240.15        (3) the defendant's development of career potential;

240.16        (4) the defendant's leadership and personal responsibility efforts;

240.17        (5) the defendant's contribution of service in support of the community;

240.18        (6) the level of harm to the community from the offense; and

240.19        (7) the statement of the victim, if any.

240.20        (e) If the court finds that the defendant does not qualify for discharge and dismissal  
240.21 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise  
240.22 provided in law, including as provided in subdivision 4.

240.23        (f) Discharge and dismissal under this subdivision shall be without court adjudication  
240.24 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau  
240.25 of Criminal Apprehension for the purpose of use by the courts in determining the merits of  
240.26 subsequent proceedings against the defendant. The not public record may also be opened  
240.27 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.  
240.28 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall  
240.29 notify the requesting party of the existence of the not public record and the right to seek a  
240.30 court order to open the not public record under this paragraph. The court shall forward a  
240.31 record of any discharge and dismissal under this subdivision to the bureau, which shall  
241.1 make and maintain the not public record of the discharge and dismissal. The discharge and  
241.2 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
241.3 imposed by law upon conviction of a crime or for any other purpose. For purposes of this  
241.4 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

241.5        **Subd. 4. Sentencing departure; waiver of mandatory sentence.** (a) This subdivision  
241.6 applies to defendants who plead or are found guilty of any criminal offense except one for  
241.7 which registration is required under section 243.166, subdivision 1b.

241.8        (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the  
241.9 court that the defendant has, since the commission of the offense, engaged in rehabilitative  
241.10 efforts consistent with those described in this section. If the court determines that the

35.16        (1) the defendant's completion and degree of participation in education, treatment, and  
35.17 rehabilitation as ordered by the court;

35.18        (2) the defendant's progress in formal education;

35.19        (3) the defendant's development of career potential;

35.20        (4) the defendant's leadership and personal responsibility efforts;

35.21        (5) the defendant's contribution of service in support of the community;

35.22        (6) the level of harm to the community from the offense; and

35.23        (7) the level of harm to the victim from the offense with the court's determination of  
35.24 harm guided by the factors for evaluating injury and loss contained in the applicable victim's  
35.25 rights provisions of chapter 611A.

36.1        (d) If the court finds that a defendant placed on probation under subdivision 1 does not  
36.2 satisfy each of the requirements described in paragraph (a), the court shall enter an  
36.3 adjudication of guilt and proceed as otherwise provided by law, including sentencing pursuant  
36.4 to the guidelines, application or waiver of statutory mandatory minimums, or a departure  
36.5 pursuant to paragraph (e).

241.11 defendant has engaged in substantial rehabilitative efforts and the defendant establishes by  
241.12 clear and convincing evidence that:

241.13 (1) the defendant suffered from an applicable condition at the time of the offense;

241.14 (2) the applicable condition was caused by service in the United States military; and

241.15 (3) the offense was committed as a result of the applicable condition;

241.16 the court may determine that the defendant is particularly amenable to probation and order

241.17 a mitigated durational or dispositional sentencing departure or a waiver of any statutory

241.18 mandatory minimum sentence applicable to the defendant.

241.27 Subd. 7. **Exception.** This section does not apply to a person charged with an offense for  
241.28 which registration is required under section 243.166, subdivision 1b.

241.19 Subd. 5. **Optional veterans treatment court program; procedures for eligible**  
241.20 **defendants.** A county or judicial district may supervise probation under this section through  
241.21 a veterans treatment court, using county veterans service officers appointed under sections  
241.22 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach  
241.23 specialists, probation agents, and any other rehabilitative resources available to the court.

241.24 Subd. 6. **Creation of county and city diversion programs; authorization.** Any county  
241.25 or city may establish and operate a veterans pretrial diversion program for offenders eligible  
241.26 under subdivision 2 without penalty under section 477A.0175.

35.26 (c) If the court finds that a case satisfies each of the requirements described in paragraph  
35.27 (a), then upon expiration of the period of probation the court shall discharge the defendant  
35.28 and dismiss the proceedings against that defendant. Discharge and dismissal under this  
35.29 subdivision shall be without court adjudication of guilt. The court shall maintain a public  
35.30 record of the discharge and dismissal.

36.6 (e) If the charge to which the defendant entered a plea of guilty is listed under subdivision  
36.7 1, paragraph (a), and is for an offense that is a presumptive commitment to state  
36.8 imprisonment, the court may use the factors of paragraph (a) to justify a dispositional  
36.9 departure or any appropriate sentence, including the application or waiver of statutory  
36.10 mandatory minimums. If the court finds that paragraph (a), clauses (1) to (5), factors, the  
36.11 defendant is presumed amenable to probation.

36.12 (f) This subdivision does not apply to an offense for which registration is required under  
36.13 section 243.166, subdivision 1b, a crime of violence as defined in section 624.712,  
36.14 subdivision 5, or a gross misdemeanor or felony-level domestic violence offense.

36.15 Subd. 3. **Optional veterans treatment court program; procedures for eligible**  
36.16 **defendants.** (a) A county or judicial district may supervise probation under this section  
36.17 through a veterans treatment court using county veterans service officers appointed under  
36.18 sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice  
36.19 outreach specialists, probation agents, and any other rehabilitative resources available to  
36.20 the court.

37.7 Subd. 4. **Creation of county and city diversion programs; authorization.** Any county  
37.8 or city may establish and operate a veterans pretrial diversion program for offenders eligible  
37.9 under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means  
37.10 the decision of a prosecutor to refer an offender to a diversion program on condition that  
37.11 the criminal charges against the offender shall be dismissed after a specified period of time,  
37.12 or the case shall not be charged, if the offender successfully completes the program of  
37.13 treatment recommended by the United States Department of Veterans Affairs or a local,  
37.14 state, federal, or private nonprofit treatment program.

241.29 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
241.30 committed on or after that date.

242.1 Sec. 12. Minnesota Statutes 2020, section 609.106, subdivision 2, is amended to read:

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

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

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

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

242.12 Sec. 13. Minnesota Statutes 2020, section 609.106, is amended by adding a subdivision  
242.13 to read:

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

32.12 Subdivision 1. **Offenses as a result of military service; presentence supervision**  
32.13 **procedures.** (a) Except as provided for in subdivision 2, paragraph (f), in the case of a  
32.14 person charged with a criminal offense that is either Severity Level 7, D7, or lower in the  
32.15 Minnesota Sentencing Guidelines, including misdemeanor or gross misdemeanor offenses,  
32.16 who could otherwise be sentenced to county jail or state prison and who alleges that the  
32.17 offense was committed as a result of sexual trauma, traumatic brain injury, post-traumatic  
32.18 stress disorder, substance abuse, or mental health conditions stemming from service in the  
32.19 United States military, the court shall, prior to entering a plea of guilty, make a determination  
32.20 as to whether the defendant was, or currently is, a member of the United States military and  
32.21 whether the defendant may be suffering from sexual trauma, traumatic brain injury,  
32.22 post-traumatic stress disorder, substance abuse, or mental health conditions as a result of  
32.23 that person's service. The court may request, through existing resources, an assessment to  
32.24 aid in that determination.

33.5 If the court determines that a defendant suffers from a substance abuse disorder, the court  
33.6 shall order a Rule 25 assessment under Minnesota Rules, part 9530.6615, and follow the  
33.7 recommendations contained in the assessment. If the court determines that a defendant  
33.8 suffers from post-traumatic stress disorder, traumatic brain injury, or other mental health  
33.9 conditions, the court shall order a mental health assessment conducted by a licensed mental  
33.10 health professional and follow the recommendations contained in the examiner's report.

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

242.17 Sec. 14. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

242.20 (b) "Conviction" means any of the following accepted and recorded by the court: a plea  
242.21 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes  
242.22 a conviction by any court in Minnesota or another jurisdiction.

242.23 (c) "Prior conviction" means a conviction that occurred before the offender committed  
242.24 the next felony resulting in a conviction and before the offense for which the offender is  
242.25 being sentenced under this section.

242.26 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of  
242.27 the following laws of this state or any similar laws of the United States or any other state:  
242.28 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;  
242.29 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;  
242.30 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;  
242.31 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,  
243.1 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision  
243.2 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony  
243.3 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15  
243.4 years or more; or Minnesota Statutes 2012, section 609.21.

243.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
243.6 committed on or after that date.

243.7 Sec. 15. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision  
243.8 to read:

243.9 Subd. 11. **Disability impact statement.** (a) When a defendant appears in court and is  
243.10 convicted of a crime, the court shall inquire whether the defendant is an individual with a  
243.11 disability. For the purposes of this subdivision, "disability" has the meaning given in the  
243.12 Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities  
243.13 Act Amendment Act of 2008, United States Code, Title 42, section 12102.

243.14 (b) If the defendant is an individual with a disability and may be sentenced to a term of  
243.15 imprisonment, the court:

243.16 (1) may order that the presentence investigator preparing the report under subdivision  
243.17 1 prepare an impact statement that addresses the impact on a person's disability including  
243.18 but not limited to health, housing, family, employment effect of benefits, and potential for  
243.19 abuse if the defendant is sentenced to a term of imprisonment, for the purpose of providing  
243.20 the court with information regarding sentencing options other than a term of imprisonment;

243.21 (2) must consider the impact statement in imposing a sentence; and

37.16 Sec. 7. Minnesota Statutes 2020, section 609.1095, subdivision 1, is amended to read:

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

37.19 (b) "Conviction" means any of the following accepted and recorded by the court: a plea  
37.20 of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes  
37.21 a conviction by any court in Minnesota or another jurisdiction.

37.22 (c) "Prior conviction" means a conviction that occurred before the offender committed  
37.23 the next felony resulting in a conviction and before the offense for which the offender is  
37.24 being sentenced under this section.

37.25 (d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of  
37.26 the following laws of this state or any similar laws of the United States or any other state:  
37.27 sections 152.137; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112; 609.2113;  
37.28 609.2114; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255;  
37.29 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322;  
37.30 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582,  
37.31 subdivision 1; 609.66, subdivision 1e; 609.687; and 609.855, subdivision 5; any provision  
37.32 of sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is punishable by a felony  
38.1 penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15  
38.2 years or more; or Minnesota Statutes 2012, section 609.21.

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

243.22 (3) must consider the least restrictive environment to meet the state's penal objective.

243.23 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals  
243.24 convicted of a crime on or after that date.

243.25 Sec. 16. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision  
243.26 to read:

243.27 Subd. 12. **Traumatic brain injury.** (a) When a defendant appears in court and is  
243.28 convicted of a felony, the court shall inquire whether the defendant has a history of stroke,  
243.29 traumatic brain injury, or fetal alcohol spectrum disorder.

243.30 (b) If the defendant has a history of stroke, traumatic brain injury, or fetal alcohol  
243.31 spectrum disorder and the court believes that the offender may have a mental impairment  
244.1 that caused the offender to lack substantial capacity for judgment when the offense was  
244.2 committed, the court shall order that the offender undergo a neuropsychological examination  
244.3 unless the offender has had a recent examination as described in paragraph (c). The report  
244.4 prepared under subdivision 1 shall contain the results of the examination ordered by the  
244.5 court or the recent examination and the officer preparing the report may consult with any  
244.6 medical provider, mental health professional, or other agency or person with suitable  
244.7 knowledge or experience for the purpose of providing the court with information regarding  
244.8 treatment and case management options available to the defendant.

244.9 (c) An updated neuropsychological examination is not required under this subdivision  
244.10 if:

244.11 (1) the person had a previous examination when the person was at least 25 years of age;

244.12 (2) the examination took place at least 18 months after the person's most recent stroke  
244.13 or traumatic brain injury; and

244.14 (3) the examination took place within the previous three years.

244.15 (d) At sentencing, the court may consider any relevant information including but not  
244.16 limited to the information provided pursuant to paragraph (b) and the recommendations of  
244.17 any diagnosing or treating medical providers or mental health professionals to determine  
244.18 whether the offender, because of mental impairment resulting from a stroke, traumatic brain  
244.19 injury, or fetal alcohol spectrum disorder, lacked substantial capacity for judgment when  
244.20 the offense was committed.

25.17 Sec. 14. **NEUROPSYCHOLOGICAL EXAMINATION FEASIBILITY STUDY.**

25.18 (a) The state court administrator shall conduct a feasibility study on requiring courts to  
25.19 order that individuals convicted of felony-level criminal offenses undergo a  
25.20 neuropsychological examination to determine whether, due to a stroke, traumatic brain  
25.21 injury, or fetal alcohol spectrum disorder, the individual had a mental impairment that caused  
25.22 the individual to lack substantial capacity for judgment when the offense was committed.

25.23 (b) In conducting the study, the administrator shall consult with interested parties,  
25.24 including but not limited to prosecutors, public defenders, private criminal defense attorneys,  
25.25 law enforcement officials, probation officers, judges and employees of the judiciary,  
25.26 corrections officials, mental health practitioners and treatment providers, individuals with  
25.27 experience in conducting neuropsychological examinations, and individuals who have



244.21 Sec. 17. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

244.22 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor  
244.23 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision  
244.24 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3~~; 609.52; or 617.23, or an ordinance  
244.25 that conforms in substantial part to any of those sections. A violation described in this  
244.26 subdivision must be treated as a misdemeanor unless the defendant consents to the  
244.27 certification of the violation as a petty misdemeanor.

244.28 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
244.29 committed on or after that date.

245.1 Sec. 18. **[609.133] SENTENCE ADJUSTMENT.**

245.2 Subdivision 1. **Definition.** As used in this section, "prosecutor" means the attorney  
245.3 general, county attorney, or city attorney responsible for the prosecution of individuals  
245.4 charged with a crime.

245.5 Subd. 2. **Prosecutor-initiated sentence adjustment.** The prosecutor responsible for  
245.6 the prosecution of an individual convicted of a crime may commence a proceeding to adjust  
245.7 the sentence of that individual at any time after the initial sentencing provided the prosecutor  
245.8 does not seek to increase the period of confinement or, if the individual is serving a stayed  
245.9 sentence, increase the period of supervision.

25.28 experience in the criminal justice system with people who have suffered strokes, traumatic  
25.29 brain injuries, and fetal alcohol spectrum disorder.

25.30 (c) The study must make recommendations on whether the law should be changed to  
25.31 require these examinations and, if so, the situations and conditions under which the  
25.32 examinations should be required, including but not limited to:

26.1 (1) the types of offenses the requirement should apply to;

26.2 (2) how best to screen individuals to determine whether an examination should be  
26.3 required;

26.4 (3) situations in which an examination would not be required, potentially including  
26.5 where a recent examination had been conducted;

26.6 (4) the costs involved with requiring examinations and how best to pay for these costs;  
26.7 and

26.8 (5) the effect examination results should have on future proceedings involving the  
26.9 individual, including sentencing and providing treatment.

26.10 (d) By February 15, 2022, the state court administrator shall report to the chairs and  
26.11 ranking minority members of the legislative committees with jurisdiction over criminal  
26.12 justice policy and funding on the results of the study.

38.4 Sec. 8. Minnesota Statutes 2020, section 609.131, subdivision 2, is amended to read:

38.5 Subd. 2. **Certain violations excepted.** Subdivision 1 does not apply to a misdemeanor  
38.6 violation of section 169A.20; 171.09, subdivision 1, paragraph (g); 171.306, subdivision  
38.7 6; 609.224; 609.2242; 609.226; ~~609.324, subdivision 3~~; 609.52; or 617.23, or an ordinance  
38.8 that conforms in substantial part to any of those sections. A violation described in this  
38.9 subdivision must be treated as a misdemeanor unless the defendant consents to the  
38.10 certification of the violation as a petty misdemeanor.

38.11 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
38.12 committed on or after that date.

245.10 Subd. 3. **Review by prosecutor.** (a) Prosecutors may review individual cases at their  
245.11 discretion.

245.12 (b) Prior to filing a petition under this section, a prosecutor shall make a reasonable and  
245.13 good faith effort to seek input from any identifiable victim and shall consider the impact  
245.14 an adjusted sentence would have on the victim.

245.15 (c) The commissioner of corrections, a supervising agent, or an offender may request  
245.16 that a prosecutor review an individual case. A prosecutor is not required to respond to a  
245.17 request.

245.18 Subd. 4. **Petition; contents; fee.** (a) A petition for sentence adjustment shall include  
245.19 the following:

245.20 (1) the full name of the individual on whose behalf the petition is being brought and, to  
245.21 the extent possible, all other legal names or aliases by which the individual has been known  
245.22 at any time;

245.23 (2) the individual's date of birth;

245.24 (3) the individual's address;

245.25 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for  
245.26 the individual;

245.27 (5) the details of the offense for which an adjustment is sought, including:

245.28 (i) the date and jurisdiction of the occurrence;

245.29 (ii) either the names of any victims or that there were no identifiable victims;

245.30 (iii) whether there is a current order for protection, restraining order, or other no contact  
245.31 order prohibiting the individual from contacting the victims or whether there has ever been  
246.1 a prior order for protection or restraining order prohibiting the individual from contacting  
246.2 the victims;

246.3 (iv) the court file number; and

246.4 (v) the date of conviction;

246.5 (6) what steps the individual has taken since the time of the offense toward personal  
246.6 rehabilitation, including treatment, work, good conduct within correctional facilities, or  
246.7 other personal history that demonstrates rehabilitation;

246.8 (7) the individual's criminal conviction record indicating all convictions for  
246.9 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable  
246.10 convictions in any other state, federal court, or foreign country, whether the convictions  
246.11 occurred before or after the conviction for which an adjustment is sought;

246.12 (8) the individual's criminal charges record indicating all prior and pending criminal  
246.13 charges against the individual in this state or another jurisdiction, including all criminal  
246.14 charges that have been continued for dismissal, stayed for adjudication, or were the subject  
246.15 of pretrial diversion; and

246.16 (9) to the extent known, all prior requests by the individual, whether for the present  
246.17 offense or for any other offenses in this state or any other state or federal court, for pardon,  
246.18 return of arrest records, or expungement or sealing of a criminal record, whether granted  
246.19 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

246.20 (b) The filing fee for a petition brought under this section shall be waived.

246.21 Subd. 5. **Service of petition.** (a) The prosecutor shall serve the petition for sentence  
246.22 adjustment on the individual on whose behalf the petition is being brought.

246.23 (b) The prosecutor shall make a good faith and reasonable effort to notify any person  
246.24 determined to be a victim of the offense for which adjustment is sought of the existence of  
246.25 a petition. Notification under this paragraph does not constitute a violation of an existing  
246.26 order for protection, restraining order, or other no contact order.

246.27 (c) Notice to victims of the offense under this subdivision must:

246.28 (1) specifically inform the victim of the right to object, orally or in writing, to the  
246.29 proposed adjustment of sentence; and

246.30 (2) inform the victims of the right to be present and to submit an oral or written statement  
246.31 at the hearing described in subdivision 6.

247.1 (d) If a victim notifies the prosecutor of an objection to the proposed adjustment of  
247.2 sentence and is not present when the court considers the sentence adjustment, the prosecutor  
247.3 shall make these objections known to the court.

247.4 Subd. 6. **Hearing.** (a) The court shall hold a hearing on the petition no sooner than 60  
247.5 days after service of the petition. The hearing shall be scheduled so that the parties have  
247.6 adequate time to prepare and present arguments regarding the issue of sentence adjustment.  
247.7 The parties may submit written arguments to the court prior to the date of the hearing and  
247.8 may make oral arguments before the court at the hearing. The individual on whose behalf  
247.9 the petition has been brought must be present at the hearing, unless excused under Minnesota  
247.10 Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

247.11 (b) A victim of the offense for which sentence adjustment is sought has a right to submit  
247.12 an oral or written statement to the court at the time of the hearing describing the harm  
247.13 suffered by the victim as a result of the crime and the victim's recommendation on whether  
247.14 adjustment should be granted or denied. The judge shall consider the victim's statement  
247.15 when making a decision.

247.16 (c) Representatives of the Department of Corrections, supervising agents, community  
247.17 treatment providers, and any other individual with relevant information may submit an oral  
247.18 or written statement to the court at the time of the hearing.

247.19 Subd. 7. **Nature of remedy; standard.** (a) The court shall determine whether there are  
247.20 substantial and compelling reasons to adjust the individual's sentence. In making this  
247.21 determination, the court shall consider what impact, if any, a sentence adjustment would  
247.22 have on public safety, including whether an adjustment would promote the rehabilitation  
247.23 of the individual, properly reflect the severity of the underlying offense, or reduce sentencing  
247.24 disparities. In making this determination, the court may consider factors relating to both the  
247.25 offender and the offense, including but not limited to:

247.26 (1) the individual's performance on probation or supervision;

247.27 (2) the individual's disciplinary record during any period of incarceration;

247.28 (3) records of any rehabilitation efforts made by the individual since the date of offense  
247.29 and any plan to continue those efforts in the community;

247.30 (4) evidence that remorse, age, diminished physical condition, or any other factor has  
247.31 significantly reduced the likelihood that the individual will commit a future offense;

247.32 (5) the amount of time the individual has served in custody or under supervision; and

247.33 (6) significant changes in law or sentencing practice since the date of offense.

248.1 (b) Notwithstanding any law to the contrary, if the court determines that there are  
248.2 substantial and compelling reasons to adjust the individual's sentence, the court may modify  
248.3 the sentence in any way provided the adjustment does not:

248.4 (1) increase the period of confinement or, if the individual is serving a stayed sentence,  
248.5 increase the period of supervision;

248.6 (2) reduce or eliminate the amount of court-ordered restitution; or

248.7 (3) reduce or eliminate a term of conditional release required by law when a court  
248.8 commits an offender to the custody of the commissioner of corrections.

248.9 The court may stay imposition or execution of sentence pursuant to section 609.135.

248.10 (c) A sentence adjustment is not a valid basis to vacate the judgment of conviction, enter  
248.11 a judgment of conviction for a different offense, or impose sentence for any other offense.

248.12 (d) The court shall state in writing or on the record the reasons for its decision on the  
248.13 petition. If the court grants a sentence adjustment, it shall cause a sentencing worksheet as  
248.14 provided in section 609.115, subdivision 1, to be completed and forwarded to the Sentencing  
248.15 Guidelines Commission. The sentencing worksheet shall clearly indicate that it is for a  
248.16 sentence adjustment.

248.17 Subd. 8. **Appeals.** An order issued under this section shall not be considered a final  
248.18 judgment, but shall be treated as an order imposing or staying a sentence.

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

248.20 Sec. 19. Minnesota Statutes 2020, section 609.2231, subdivision 4, is amended to read:

248.21 Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another in whole or in part  
248.22 because of the victim's or another's actual or perceived race, color, ethnicity, religion, sex,  
248.23 gender, sexual orientation, gender identity, gender expression, age, national origin, or  
248.24 disability as defined in section 363A.03, age, or national origin or because of the victim's  
248.25 actual or perceived association with another person or group of a certain actual or perceived  
248.26 race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity, gender  
248.27 expression, age, national origin, or disability as defined in section 363A.03, may be sentenced  
248.28 to imprisonment for not more than one year or to payment of a fine of not more than \$3,000,  
248.29 or both.

248.30 (b) Whoever violates the provisions of paragraph (a) within five years of a previous  
248.31 conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment  
249.1 for not more than one year and a day or to payment of a fine of not more than \$3,000, or  
249.2 both.

249.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
249.4 committed on or after that date.

249.5 Sec. 20. Minnesota Statutes 2020, section 609.2233, is amended to read:

249.6 **609.2233 FELONY ASSAULT MOTIVATED BY BIAS; INCREASED**  
249.7 **STATUTORY MAXIMUM SENTENCE.**

249.8 A person who violates section 609.221, 609.222, or 609.223 because of the victim's or  
249.9 another person's actual or perceived race, color, ethnicity, religion, sex, gender, sexual  
249.10 orientation, gender identity, gender expression, age, national origin, or disability as defined  
249.11 in section 363A.03, age, or national origin or because of the victim's actual or perceived  
249.12 association with another person or group of a certain actual or perceived race, color, ethnicity,  
249.13 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national  
249.14 origin, or disability as defined in section 363A.03, is subject to a statutory maximum penalty  
249.15 of 25 percent longer than the maximum penalty otherwise applicable.

249.16 Sec. 21. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

249.17 Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking**  
249.18 **in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,  
249.19 intentionally does any of the following may be sentenced to imprisonment for not more  
249.20 than ~~20~~ 25 years or to payment of a fine of not more than \$50,000, or both:

249.21 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

38.13 Sec. 9. Minnesota Statutes 2020, section 609.322, subdivision 1, is amended to read:

38.14 Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking**  
38.15 **in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,  
38.16 intentionally does any of the following may be sentenced to imprisonment for not more  
38.17 than ~~20~~ 25 years or to payment of a fine of not more than \$50,000, or both:

38.18 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

249.22 (2) promotes the prostitution of an individual under the age of 18 years;

249.23 (3) receives profit, knowing or having reason to know that it is derived from the

249.24 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;

249.25 or

249.26 (4) engages in the sex trafficking of an individual under the age of 18 years.

249.27 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment

249.28 for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if

249.29 one or more of the following aggravating factors are present:

249.30 (1) the offender has committed a prior qualified human trafficking-related offense;

250.1 (2) the offense involved a sex trafficking victim who suffered bodily harm during the

250.2 commission of the offense;

250.3 (3) the time period that a sex trafficking victim was held in debt bondage or forced labor

250.4 or services exceeded 180 days; or

250.5 (4) the offense involved more than one sex trafficking victim.

250.6 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

250.7 committed on or after that date.

250.8 Sec. 22. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

250.9 Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking**

250.10 **in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally

250.11 does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years

250.12 or to payment of a fine of not more than \$40,000, or both:

250.13 (1) solicits or induces an individual to practice prostitution;

250.14 (2) promotes the prostitution of an individual;

250.15 (3) receives profit, knowing or having reason to know that it is derived from the

250.16 prostitution, or the promotion of the prostitution, of an individual; or

250.17 (4) engages in the sex trafficking of an individual.

250.18 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

250.19 committed on or after that date.

250.20 Sec. 23. Minnesota Statutes 2020, section 609.324, subdivision 1, is amended to read:

250.21 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**

250.22 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be

250.23 sentenced to imprisonment for not more than 20 years or to payment of a fine of not more

250.24 than \$40,000, or both:

38.19 (2) promotes the prostitution of an individual under the age of 18 years;

38.20 (3) receives profit, knowing or having reason to know that it is derived from the

38.21 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;

38.22 or

38.23 (4) engages in the sex trafficking of an individual under the age of 18 years.

38.24 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment

38.25 for not more than ~~25~~ 30 years or to payment of a fine of not more than \$60,000, or both, if

38.26 one or more of the following aggravating factors are present:

38.27 (1) the offender has committed a prior qualified human trafficking-related offense;

38.28 (2) the offense involved a sex trafficking victim who suffered bodily harm during the

38.29 commission of the offense;

39.1 (3) the time period that a sex trafficking victim was held in debt bondage or forced labor

39.2 or services exceeded 180 days; or

39.3 (4) the offense involved more than one sex trafficking victim.

39.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

39.5 committed on or after that date.

39.6 Sec. 10. Minnesota Statutes 2020, section 609.322, subdivision 1a, is amended to read:

39.7 Subd. 1a. **Solicitation, inducement, and promotion of prostitution; sex trafficking**

39.8 **in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally

39.9 does any of the following may be sentenced to imprisonment for not more than ~~15~~ 20 years

39.10 or to payment of a fine of not more than \$40,000, or both:

39.11 (1) solicits or induces an individual to practice prostitution;

39.12 (2) promotes the prostitution of an individual;

39.13 (3) receives profit, knowing or having reason to know that it is derived from the

39.14 prostitution, or the promotion of the prostitution, of an individual; or

39.15 (4) engages in the sex trafficking of an individual.

39.16 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

39.17 committed on or after that date.

250.25 (1) engages in prostitution with an individual under the age of ~~13~~ 14 years;

250.26 (2) hires or offers or agrees to hire an individual under the age of ~~13~~ 14 years to engage

250.27 in sexual penetration or sexual contact; or

250.28 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to

250.29 be under the age of ~~13~~ 14 years to engage in sexual penetration or sexual contact.

251.1 (b) Whoever intentionally does any of the following may be sentenced to imprisonment

251.2 for not more than ten years or to payment of a fine of not more than \$20,000, or both:

251.3 (1) engages in prostitution with an individual under the age of 16 years but at least ~~13~~

251.4 14 years;

251.5 (2) hires or offers or agrees to hire an individual under the age of 16 years but at least

251.6 ~~13~~ 14 years to engage in sexual penetration or sexual contact; or

251.7 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to

251.8 be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual

251.9 contact.

251.10 (c) Whoever intentionally does any of the following may be sentenced to imprisonment

251.11 for not more than five years or to payment of a fine of not more than \$10,000, or both:

251.12 (1) engages in prostitution with an individual under the age of 18 years but at least 16

251.13 years;

251.14 (2) hires or offers or agrees to hire an individual under the age of 18 years but at least

251.15 16 years to engage in sexual penetration or sexual contact; or

251.16 (3) hires or offers or agrees to hire an individual who the actor reasonably believes to

251.17 be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual

251.18 contact.

251.19 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

251.20 committed on or after that date.

251.21 Sec. 24. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

251.22 Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever,

251.23 while acting as a patron, intentionally does any of the following ~~while in a public place~~ is

251.24 guilty of a gross misdemeanor:

251.25 (1) engages in prostitution with an individual 18 years of age or older; or

251.26 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage

251.27 in sexual penetration or sexual contact.

251.28 Except as otherwise provided in subdivision 4, a person who is convicted of violating this

251.29 subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

39.18 Sec. 11. Minnesota Statutes 2020, section 609.324, subdivision 2, is amended to read:

39.19 Subd. 2. **Patrons of prostitution in public place; penalty for patrons.** (a) Whoever,

39.20 while acting as a patron, intentionally does any of the following ~~while in a public place~~ is

39.21 guilty of a gross misdemeanor:

39.22 (1) engages in prostitution with an individual 18 years of age or older; or

39.23 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage

39.24 in sexual penetration or sexual contact.

39.25 Except as otherwise provided in subdivision 4, a person who is convicted of violating this

39.26 subdivision must, at a minimum, be sentenced to pay a fine of at least \$1,500.

251.30 (b) Whoever violates the provisions of this subdivision within ten years of a previous  
251.31 conviction for violating this section or section 609.322 is guilty of a felony and may be  
252.1 sentenced to imprisonment for not more than five years or to payment of a fine of not more  
252.2 than \$10,000, or both.

252.3 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes  
252.4 committed on or after that date.

252.5 Sec. 25. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

252.6 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person  
252.7 convicted of violating subdivision 2 ~~or 3~~ to perform community work service in lieu of all  
252.8 or a portion of the minimum fine required under those subdivisions if the court makes  
252.9 specific, written findings that the convicted person is indigent or that payment of the fine  
252.10 would create undue hardship for the convicted person or that person's immediate family.  
252.11 Community work service ordered under this subdivision is in addition to any mandatory  
252.12 community work service ordered under subdivision 3.

252.13 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes  
252.14 committed on or after that date.

252.15 Sec. 26. Minnesota Statutes 2020, section 609.3241, is amended to read:

252.16 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

252.17 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,  
252.18 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting  
252.19 other than as a prostitute, the court shall impose an assessment of not less than \$500 and  
252.20 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section  
252.21 609.324, subdivision 2, ~~a misdemeanor violation of section 609.324, subdivision 3~~, a violation  
252.22 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an  
252.23 assessment of not less than \$750 and not more than \$1,000. The assessment shall be  
252.24 distributed as provided in paragraph (c) and is in addition to the surcharge required by  
252.25 section 357.021, subdivision 6.

252.26 (b) The court may not waive payment of the minimum assessment required by this  
252.27 section. If the defendant qualifies for the services of a public defender or the court finds on  
252.28 the record that the convicted person is indigent or that immediate payment of the assessment  
252.29 would create undue hardship for the convicted person or that person's immediate family,  
252.30 the court may reduce the amount of the minimum assessment to not less than \$100. The  
252.31 court also may authorize payment of the assessment in installments.

252.32 (c) The assessment collected under paragraph (a) must be distributed as follows:

253.1 (1) 40 percent of the assessment shall be forwarded to the political subdivision that  
253.2 employs the arresting officer for use in enforcement, training, and education activities related  
253.3 to combating sexual exploitation of youth, or if the arresting officer is an employee of the

39.27 (b) Whoever violates the provisions of this subdivision within ten years of a previous  
39.28 conviction for violating this section or section 609.322 is guilty of a felony and may be  
39.29 sentenced to imprisonment for not more than five years or to payment of a fine of not more  
39.30 than \$10,000, or both.

40.1 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes  
40.2 committed on or after that date.

40.3 Sec. 12. Minnesota Statutes 2020, section 609.324, subdivision 4, is amended to read:

40.4 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person  
40.5 convicted of violating subdivision 2 ~~or 3~~ to perform community work service in lieu of all  
40.6 or a portion of the minimum fine required under those subdivisions if the court makes  
40.7 specific, written findings that the convicted person is indigent or that payment of the fine  
40.8 would create undue hardship for the convicted person or that person's immediate family.  
40.9 Community work service ordered under this subdivision is in addition to any mandatory  
40.10 community work service ordered under subdivision 3.

40.11 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes  
40.12 committed on or after that date.

40.13 Sec. 13. Minnesota Statutes 2020, section 609.3241, is amended to read:

40.14 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

40.15 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,  
40.16 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting  
40.17 other than as a prostitute, the court shall impose an assessment of not less than \$500 and  
40.18 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section  
40.19 609.324, subdivision 2, ~~a misdemeanor violation of section 609.324, subdivision 3~~, a violation  
40.20 of section 609.33, or a violation of section 617.293; otherwise the court shall impose an  
40.21 assessment of not less than \$750 and not more than \$1,000. The assessment shall be  
40.22 distributed as provided in paragraph (c) and is in addition to the surcharge required by  
40.23 section 357.021, subdivision 6.

40.24 (b) The court may not waive payment of the minimum assessment required by this  
40.25 section. If the defendant qualifies for the services of a public defender or the court finds on  
40.26 the record that the convicted person is indigent or that immediate payment of the assessment  
40.27 would create undue hardship for the convicted person or that person's immediate family,  
40.28 the court may reduce the amount of the minimum assessment to not less than \$100. The  
40.29 court also may authorize payment of the assessment in installments.

40.30 (c) The assessment collected under paragraph (a) must be distributed as follows:

40.31 (1) 40 percent of the assessment shall be forwarded to the political subdivision that  
40.32 employs the arresting officer for use in enforcement, training, and education activities related  
41.1 to combating sexual exploitation of youth, or if the arresting officer is an employee of the



253.4 state, this portion shall be forwarded to the commissioner of public safety for those purposes  
253.5 identified in clause (3);

253.6 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled  
253.7 the case for use in training and education activities relating to combating sexual exploitation  
253.8 activities of youth; and

253.9 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be  
253.10 deposited in the safe harbor for youth account in the special revenue fund and are  
253.11 appropriated to the commissioner for distribution to crime victims services organizations  
253.12 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision  
253.13 31.

253.14 (d) A safe harbor for youth account is established as a special account in the state treasury.

253.15 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes  
253.16 committed on or after that date.

253.17 Sec. 27. Minnesota Statutes 2020, section 609.3455, subdivision 2, is amended to read:

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

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

253.24 (2) the person has a previous sex offense conviction for a violation of section 609.342,  
253.25 609.343, or 609.344, and the fact finder determines that a heinous element exists for the  
253.26 present offense.

253.27 (b) A fact finder may not consider a heinous element if it is an element of the underlying  
253.28 specified violation of section 609.342 or 609.343. In addition, when determining whether  
253.29 two or more heinous elements exist, the fact finder may not use the same underlying facts  
253.30 to support a determination that more than one element exists.

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

254.1 Sec. 28. Minnesota Statutes 2020, section 609.3455, subdivision 5, is amended to read:

254.2 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing  
254.3 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based  
254.4 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be  
254.5 served before the offender may be considered for supervised release. If the offender was

41.2 state, this portion shall be forwarded to the commissioner of public safety for those purposes  
41.3 identified in clause (3);

41.4 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled  
41.5 the case for use in training and education activities relating to combating sexual exploitation  
41.6 activities of youth; and

41.7 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be  
41.8 deposited in the safe harbor for youth account in the special revenue fund and are  
41.9 appropriated to the commissioner for distribution to crime victims services organizations  
41.10 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision  
41.11 31.

41.12 (d) A safe harbor for youth account is established as a special account in the state treasury.

41.13 EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes  
41.14 committed on or after that date.

254.6 under 18 years of age at the time of the commission of the offense, the minimum term of  
254.7 imprisonment specified by the court shall not exceed 15 years.

254.8 Sec. 29. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

254.9 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony and  
254.10 may be sentenced to imprisonment for not more than ~~three~~ five years, or to payment of a  
254.11 fine of not more than ~~\$5,000~~ \$10,000, or both.

254.12 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
254.13 committed on or after that date.

254.14 Sec. 30. Minnesota Statutes 2020, section 609.527, subdivision 3, is amended to read:

254.15 Subd. 3. **Penalties.** A person who violates subdivision 2 may be sentenced as follows:

254.16 (1) if the offense involves a single direct victim and the total, combined loss to the direct  
254.17 victim and any indirect victims is \$250 or less, the person may be sentenced as provided in  
254.18 section 609.52, subdivision 3, clause (5);

254.19 (2) if the offense involves a single direct victim and the total, combined loss to the direct  
254.20 victim and any indirect victims is more than \$250 but not more than \$500, the person may  
254.21 be sentenced as provided in section 609.52, subdivision 3, clause (4);

254.22 (3) if the offense involves two or three direct victims or the total, combined loss to the  
254.23 direct and indirect victims is more than \$500 but not more than \$2,500, the person may be  
254.24 sentenced as provided in section 609.52, subdivision 3, clause (3);

42.1 Sec. 15. Minnesota Statutes 2020, section 609.352, subdivision 4, is amended to read:

42.2 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony and  
42.3 may be sentenced to imprisonment for not more than ~~three~~ five years, or to payment of a  
42.4 fine of not more than ~~\$5,000~~ \$10,000, or both.

42.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
42.6 committed on or after that date.

42.7 Sec. 16. **[609.3775] CHILD TORTURE.**

42.8 Subdivision 1. **Definition.** As used in this section, "torture" means the intentional  
42.9 infliction of extreme mental anguish, or extreme psychological or physical abuse, when  
42.10 committed in an especially depraved manner.

42.11 Subd. 2. **Crime.** A person who tortures a child is guilty of a felony and may be sentenced  
42.12 to imprisonment for not more than 25 years or to payment of a fine of not more than \$35,000,  
42.13 or both.

42.14 Subd. 3. **Proof; evidence.** (a) Expert testimony as to the existence or extent of mental  
42.15 anguish or psychological abuse is not a requirement for a conviction under this section.

42.16 (b) A child's special susceptibility to mental anguish or psychological abuse does not  
42.17 constitute an independent cause of the condition so that a defendant is exonerated from  
42.18 criminal liability.

42.19 (c) Proof that a victim suffered pain is not an element of a violation of this section.

42.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
42.21 committed on or after that date.

254.25 (4) if the offense involves more than three but not more than seven direct victims, or if  
254.26 the total combined loss to the direct and indirect victims is more than \$2,500, the person  
254.27 may be sentenced as provided in section 609.52, subdivision 3, clause (2); ~~and~~

254.28 (5) if the offense involves eight or more direct victims<sup>2</sup>; or if the total, combined loss to  
254.29 the direct and indirect victims is more than \$35,000<sup>2</sup>; ~~or, the person may be sentenced as~~  
254.30 provided in section 609.52, subdivision 3, clause (1); and

255.1 (6) if the offense is related to possession or distribution of pornographic work in violation  
255.2 of section 617.246 or 617.247<sup>2</sup>; the person may be sentenced as provided in section 609.52,  
255.3 subdivision 3, clause (1).

255.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
255.5 committed on or after that date.

255.6 Sec. 31. Minnesota Statutes 2020, section 609.595, subdivision 1a, is amended to read:

255.7 Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally  
255.8 causes damage described in subdivision 2, paragraph (a), ~~because of the property owner's~~  
255.9 ~~or another's actual or perceived race, color, religion, sex, sexual orientation, disability as~~  
255.10 ~~defined in section 363A.03, age, or national origin~~ is guilty of a felony and may be sentenced  
255.11 to imprisonment for not more than one year and a day or to payment of a fine of not more  
255.12 than \$3,000, or both; if the damage:

255.13 (1) was committed in whole or in part because of the property owner's or another's actual  
255.14 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,  
255.15 gender expression, age, national origin, or disability as defined in section 363A.03;

255.16 (2) was committed in whole or in part because of the victim's actual or perceived  
255.17 association with another person or group of a certain actual or perceived race, color, ethnicity,  
255.18 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national  
255.19 origin, or disability as defined in section 363A.03;

255.20 (3) was motivated in whole or in part by an intent to intimidate or harm an individual  
255.21 or group of individuals because of actual or perceived race, color, ethnicity, religion, sex,  
255.22 gender, sexual orientation, gender identity, gender expression, age, national origin, or  
255.23 disability as defined in section 363A.03; or

255.24 (4) was motivated in whole or in part by an intent to intimidate or harm an individual  
255.25 or group of individuals because of the victim's actual or perceived association with another  
255.26 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,  
255.27 sexual orientation, gender identity, gender expression, age, national origin, or disability as  
255.28 defined in section 363A.03.

255.29 (b) In any prosecution under paragraph (a), the value of property damaged by the  
255.30 defendant in violation of that paragraph within any six-month period may be aggregated  
255.31 and the defendant charged accordingly in applying this section. When two or more offenses  
255.32 are committed by the same person in two or more counties, the accused may be prosecuted

256.1 in any county in which one of the offenses was committed for all of the offenses aggregated  
256.2 under this paragraph.

256.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
256.4 committed on or after that date.

256.5 Sec. 32. Minnesota Statutes 2020, section 609.595, subdivision 2, is amended to read:

256.6 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise  
256.7 provided in subdivision 1a, whoever intentionally causes damage to another person's physical  
256.8 property without the other person's consent may be sentenced to imprisonment for not more  
256.9 than one year or to payment of a fine of not more than \$3,000, or both, if: (1) the damage  
256.10 reduces the value of the property by more than \$500 but not more than \$1,000 as measured  
256.11 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle  
256.12 and the defendant knew the vehicle was a public safety motor vehicle.

256.13 (b) Whoever intentionally causes damage to another person's physical property without  
256.14 the other person's consent ~~because of the property owner's or another's actual or perceived~~  
256.15 ~~race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,~~  
256.16 ~~or national origin~~ may be sentenced to imprisonment for not more than one year or to  
256.17 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the  
256.18 property by not more than \$500; and:

256.19 (1) was committed in whole or in part because of the property owner's or another's actual  
256.20 or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender identity,  
256.21 gender expression, age, national origin, or disability as defined in section 363A.03;

256.22 (2) was committed in whole or in part because of the victim's actual or perceived  
256.23 association with another person or group of a certain actual or perceived race, color, ethnicity,  
256.24 religion, sex, gender, sexual orientation, gender identity, gender expression, age, national  
256.25 origin, or disability as defined in section 363A.03;

256.26 (3) was motivated in whole or in part by an intent to intimidate or harm an individual  
256.27 or group of individuals because of actual or perceived race, color, ethnicity, religion, sex,  
256.28 gender, sexual orientation, gender identity, gender expression, age, national origin, or  
256.29 disability as defined in section 363A.03; or

256.30 (4) was motivated in whole or in part by an intent to intimidate or harm an individual  
256.31 or group of individuals because of the victim's actual or perceived association with another  
256.32 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,  
257.1 sexual orientation, gender identity, gender expression, age, national origin, or disability as  
257.2 defined in section 363A.03.

257.3 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged  
257.4 by the defendant in violation of that paragraph within any six-month period may be  
257.5 aggregated and the defendant charged accordingly in applying this section. When two or  
257.6 more offenses are committed by the same person in two or more counties, the accused may

257.7 be prosecuted in any county in which one of the offenses was committed for all of the  
257.8 offenses aggregated under this paragraph.

257.9 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
257.10 committed on or after that date.

257.11 Sec. 33. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

257.12 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility  
257.13 providing emergency shelter services for battered women, as defined under section 611A.31,  
257.14 subdivision 3, or providing comparable services for sex trafficking victims, as defined under  
257.15 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered  
257.16 women and their children or sex trafficking victims and their children, without claim of  
257.17 right or consent of one who has right to give consent, and refuses to depart from the grounds  
257.18 of the facility on demand of one who has right to give consent, is guilty of a gross  
257.19 misdemeanor.

257.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
257.21 committed on or after that date.

257.22 Sec. 34. Minnesota Statutes 2020, section 609.66, subdivision 1e, is amended to read:

257.23 Subd. 1e. **Felony; drive-by shooting.** (a) ~~Whoever, A person is guilty of a felony who,~~  
257.24 while in or having just exited from a motor vehicle, recklessly discharges a firearm at or  
257.25 toward another;

257.26 (1) an unoccupied motor vehicle or a building is guilty of a felony and may be sentenced  
257.27 to imprisonment for not more than three years or to payment of a fine of not more than  
257.28 \$6,000, or both;

257.29 (2) an occupied motor vehicle or building; or

257.30 (3) a person.

258.1 (b) ~~Any person who violates this subdivision by firing at or toward a person, or an~~  
258.2 ~~occupied building or motor vehicle, may be sentenced~~ A person convicted under paragraph  
258.3 (a), clause (1), may be sentenced to imprisonment for not more than three years or to payment  
258.4 of a fine of not more than \$6,000, or both. A person convicted under paragraph (a), clause  
258.5 (2) or (3), may be sentenced to imprisonment for not more than ten years or to payment of  
258.6 a fine of not more than \$20,000, or both.

258.7 (c) For purposes of this subdivision, "motor vehicle" has the meaning given in section  
258.8 609.52, subdivision 1, and "building" has the meaning given in section 609.581, subdivision  
258.9 2.

258.10 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
258.11 committed on or after that date.

42.22 Sec. 17. Minnesota Statutes 2020, section 609.605, subdivision 2, is amended to read:

42.23 Subd. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility  
42.24 providing emergency shelter services for battered women, as defined under section 611A.31,  
42.25 subdivision 3, or providing comparable services for sex trafficking victims, as defined under  
42.26 section 609.321, subdivision 7b, or of a facility providing transitional housing for battered  
42.27 women and their children or sex trafficking victims and their children, without claim of  
42.28 right or consent of one who has right to give consent, and refuses to depart from the grounds  
42.29 of the facility on demand of one who has right to give consent, is guilty of a gross  
42.30 misdemeanor.

43.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
43.2 committed on or after that date.

258.12 Sec. 35. Minnesota Statutes 2020, section 609.749, subdivision 3, is amended to read:

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

258.16 (1) commits any offense described in subdivision 2 because of the victim's or another's  
258.17 actual or perceived race, color, ethnicity, religion, sex, gender, sexual orientation, gender  
258.18 identity, gender expression, age, national origin, or disability as defined in section 363A.03,  
258.19 ~~age, or national origin~~ or because of the victim's actual or perceived association with another  
258.20 person or group of a certain actual or perceived race, color, ethnicity, religion, sex, gender,  
258.21 sexual orientation, gender identity, gender expression, age, national origin, or disability as  
258.22 defined in section 363A.03;

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

258.24 (3) commits any offense described in subdivision 2 and a dangerous weapon was used  
258.25 in any way in the commission of the offense;

258.26 (4) commits any offense described in subdivision 2 with intent to influence or otherwise  
258.27 tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial  
258.28 officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the  
258.29 court, because of that person's performance of official duties in connection with a judicial  
258.30 proceeding; or

258.31 (5) commits any offense described in subdivision 2 against a victim under the age of  
258.32 18, if the actor is more than 36 months older than the victim.

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

259.6 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
259.7 committed on or after that date.

259.8 Sec. 36. Minnesota Statutes 2020, section 609A.01, is amended to read:

259.9 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

259.10 This chapter provides the grounds and procedures for expungement of criminal records  
259.11 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under  
259.12 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other  
259.13 applicable law. The remedy available is limited to a court order sealing the records and  
259.14 prohibiting the disclosure of their existence or their opening except under court order or  
259.15 statutory authority. Nothing in this chapter authorizes the destruction of records or their  
259.16 return to the subject of the records.

259.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

259.18 Sec. 37. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

259.19 Subdivision 1. **Eligibility; dismissal; exoneration.** A person who is the subject of a  
259.20 criminal record or delinquency record is eligible for a grant of expungement relief without  
259.21 the filing of a petition:

259.22 (1) upon the dismissal and discharge of proceedings against a person under section  
259.23 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession  
259.24 of a controlled substance;

259.25 (2) if the person was arrested and all charges were dismissed prior to a determination  
259.26 of probable cause; or

259.27 (3) if all pending actions or proceedings were resolved in favor of the person. For  
259.28 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution  
259.29 in favor of the person. For purposes of this chapter, an action or proceeding is resolved in  
259.30 favor of the person if the petitioner received an order under section 590.11 determining that  
259.31 the person is eligible for compensation based on exoneration.

260.1 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant  
260.2 of expungement relief if the person has successfully completed the terms of a diversion  
260.3 program or stay of adjudication and has not been petitioned or charged with a new crime  
260.4 for one year immediately following completion of the diversion program or stay of  
260.5 adjudication.

260.6 Subd. 3. **Eligibility; certain criminal and delinquency proceedings.** (a) A person is  
260.7 eligible for a grant of expungement relief if the person:

260.8 (1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a  
260.9 qualifying offense;

260.10 (2) has not been convicted of a new crime in Minnesota during the applicable waiting  
260.11 period immediately following discharge of the disposition or sentence for the crime;

260.12 (3) is not incarcerated or charged with an offense in Minnesota at the time the person  
260.13 reaches the end of the applicable waiting period; and

260.14 (4) has not been convicted of a new crime in any other jurisdiction during the applicable  
260.15 waiting period immediately following discharge of the disposition or sentence for the crime,  
260.16 if the qualifying offense was a felony.

260.17 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,  
260.18 or stayed sentence for:

260.19 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating  
260.20 to the operation or parking of motor vehicles;

- 260.21 (2) any misdemeanor offense other than:
- 260.22 (i) section 169A.27 (fourth-degree driving while impaired);
- 260.23 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 260.24 (iii) section 609.224 (assault in the fifth degree);
- 260.25 (iv) section 609.2242 (domestic assault);
- 260.26 (v) section 609.748 (violation of a harassment restraining order);
- 260.27 (vi) section 609.78 (interference with emergency call);
- 260.28 (vii) section 609.79 (obscene or harassing phone calls);
- 260.29 (viii) section 617.23 (indecent exposure); or
- 260.30 (ix) section 629.75 (violation of domestic abuse no contact order);
- 261.1 (3) any gross misdemeanor offense other than:
- 261.2 (i) section 169A.25 (second-degree driving while impaired);
- 261.3 (ii) section 169A.26 (third-degree driving while impaired);
- 261.4 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 261.5 (iv) section 609.2231 (assault in the fourth degree);
- 261.6 (v) section 609.224 (assault in the fifth degree);
- 261.7 (vi) section 609.2242 (domestic assault);
- 261.8 (vii) section 609.233 (criminal neglect);
- 261.9 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 261.10 (ix) section 609.377 (malicious punishment of child);
- 261.11 (x) section 609.485 (escape from custody);
- 261.12 (xi) section 609.498 (tampering with witness);
- 261.13 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 261.14 (xiii) section 609.746 (interference with privacy);
- 261.15 (xiv) section 609.748 (violation of a harassment restraining order);
- 261.16 (xv) section 609.749 (harassment; stalking);
- 261.17 (xvi) section 609.78 (interference with emergency call);



- 261.18 (xvii) section 617.23 (indecent exposure);
- 261.19 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 261.20 (xix) section 629.75 (violation of domestic abuse no contact order); and
- 261.21 (4) any of the following felony offenses:
- 261.22 (i) section 152.025 (controlled substance crime in the fifth degree);
- 261.23 (ii) section 152.097 (simulated controlled substances);
- 261.24 (iii) section 256.98 (wrongfully obtaining assistance; theft);
- 261.25 (iv) section 256.984 (false declaration in assistance application);
- 261.26 (v) any offense sentenced under section 609.52, subdivision 3, clause (3)(a) (theft of
- 261.27 \$5,000 or less);
- 262.1 (vi) any offense sentenced under section 609.528, subdivision 3, clause (3) (possession
- 262.2 or sale of stolen or counterfeit check);
- 262.3 (vii) section 609.529 (mail theft);
- 262.4 (viii) section 609.53 (receiving stolen property);
- 262.5 (ix) any offense sentenced under section 609.535, subdivision 2a, paragraph (a), clause
- 262.6 (1) (dishonored check over \$500);
- 262.7 (x) section 609.59 (possession of burglary tools);
- 262.8 (xi) section 609.595, subdivision 1, clauses (3) to (5) (criminal damage to property);
- 262.9 (xii) section 609.63 (forgery);
- 262.10 (xiii) any offense sentenced under section 609.631, subdivision 4, clause (3)(a) (check
- 262.11 forgery \$2,500 or less); and
- 262.12 (xiv) any offense sentenced under section 609.821, subdivision 3, paragraph (a), clause
- 262.13 (1), item (iii) (financial transaction card fraud).
- 262.14 (c) As used in this subdivision, "applicable waiting period" means:
- 262.15 (1) if the offense was a petty misdemeanor or a misdemeanor, two years;
- 262.16 (2) if the offense was a gross misdemeanor, four years; and
- 262.17 (3) if the offense was a felony, five years.
- 262.18 (d) Offenses ineligible for a grant of expungement under this section remain ineligible
- 262.19 if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 1, clause (2) or
- 262.20 subdivision 2, clause (2).

262.21 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an  
262.22 automatic expungement under this section of that eligibility at any hearing where the court  
262.23 dismisses and discharges proceedings against a person under section 152.18, subdivision  
262.24 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled  
262.25 substance; concludes that all pending actions or proceedings were resolved in favor of the  
262.26 person; grants a person's placement into a diversion program; or sentences a person or  
262.27 otherwise imposes a consequence for a qualifying offense.

262.28 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and  
262.29 coordinators or supervisors of a diversion program shall notify a person who may become  
262.30 eligible for an automatic expungement under this section of that eligibility.

263.1 (c) If any party gives notification under this subdivision, the notification shall inform  
263.2 the person that:

263.3 (1) an expunged record of a conviction may be opened for purposes of a background  
263.4 study by the Department of Human Services under section 245C.08 and for purposes of a  
263.5 background check by the Professional Educator Licensing and Standards Board as required  
263.6 under section 122A.18, subdivision 8; and

263.7 (2) the person can file a petition to expunge the record and request that it be directed to  
263.8 the commissioner of human services and the Professional Educator Licensing and Standards  
263.9 Board.

263.10 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**  
263.11 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications  
263.12 and convictions that qualify for a grant of expungement relief pursuant to this subdivision  
263.13 or subdivision 1, 2, or 3.

263.14 (b) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying  
263.15 persons and seal its own records without requiring an application, petition, or motion.

263.16 (c) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension and  
263.17 subject to a grant of expungement relief shall display a notation stating "expungement relief  
263.18 granted pursuant to section 609A.015."

263.19 (d) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases  
263.20 for which expungement relief was granted pursuant to this section. Notification may be  
263.21 through electronic means and may be made in real time or in the form of a monthly report.  
263.22 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,  
263.23 indictment or information, trial, verdict, or dismissal and discharge for any case in which  
263.24 expungement relief was granted.

263.25 (e) The Bureau of Criminal Apprehension shall inform each agency, other than the  
263.26 Department of Human Services and Department of Health, and jurisdiction whose records  
263.27 are affected by the grant of expungement relief. Notification may be through electronic  
263.28 means and may be made in real time or in the form of a monthly report. Each notified agency

263.29 shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal  
263.30 and discharge for any case in which expungement relief was granted.

263.31 (f) Data on the person whose offense has been expunged under this subdivision are  
263.32 private data on individuals as defined in section 13.02.

264.1 (g) The prosecuting attorney shall notify the victim that an offense qualifies for automatic  
264.2 expungement under this section in the manner provided in section 611A.03, subdivisions  
264.3 1 and 2.

264.4 (h) In any subsequent prosecution of a person granted expungement relief, the expunged  
264.5 criminal record may be pleaded and has the same effect as if the relief had not been granted.

264.6 (i) The Bureau of Criminal Apprehension is directed to develop a system to provide  
264.7 criminal justice agencies with uniform statewide access to criminal records sealed by  
264.8 expungement.

264.9 (j) At sentencing, the prosecuting agency with jurisdiction over the criminal record may  
264.10 ask the court to prohibit the Bureau of Criminal Apprehension from granting expungement  
264.11 relief under this section. The court shall grant the request upon a showing of clear and  
264.12 convincing evidence that the interests of the public and public safety outweigh the  
264.13 disadvantages to the defendant of not sealing the record.

264.14 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to individuals  
264.15 with dismissals, discharges, or resolutions described in subdivision 1; who successfully  
264.16 complete diversion as described in subdivision 2; or who are adjudicated delinquent for,  
264.17 convicted of, or receive a stayed sentence for a qualifying offense as described in subdivision  
264.18 3 on or after that date and retroactively to individuals:

264.19 (1) with dismissals, discharges, or resolutions described in subdivision 1 that take place  
264.20 on or after August 1, 2021;

264.21 (2) who successfully complete diversion as described in subdivision 2 on or after August  
264.22 1, 2021; or

264.23 (3) adjudicated delinquent for, convicted of, or who received a stayed sentence for a  
264.24 qualifying offense described in paragraph (b), clause (1), (2), or (3) on or after August 1,  
264.25 2021.

264.26 Sec. 38. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision  
264.27 to read:

264.28 Subd. 2a. **Expungement of arrest.** A petition may be filed under section 609A.03 to  
264.29 seal all records relating to an arrest if:

264.30 (1) the prosecuting authority declined to file any charges and a grand jury did not return  
264.31 an indictment; and

265.1 (2) the applicable limitations period under section 628.26 has expired, and no indictment  
265.2 or complaint was found or made and filed against the person.

265.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to individuals  
265.4 arrested on or after that date.

265.5 Sec. 39. Minnesota Statutes 2020, section 609A.02, subdivision 3, is amended to read:

265.6 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section  
265.7 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict  
265.8 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

265.9 (1) all pending actions or proceedings were resolved in favor of the petitioner. For  
265.10 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution  
265.11 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved  
265.12 in favor of the petitioner, if the petitioner received an order under section 590.11 determining  
265.13 that the petitioner is eligible for compensation based on exoneration;

265.14 (2) the petitioner has successfully completed the terms of a diversion program or stay  
265.15 of adjudication and has not been charged with a new crime for at least one year since  
265.16 completion of the diversion program or stay of adjudication;

265.17 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor  
265.18 or misdemeanor and has not been convicted of a new crime for at least two years since  
265.19 discharge of the sentence for the crime;

265.20 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor  
265.21 and has not been convicted of a new crime for at least four years since discharge of the  
265.22 sentence for the crime; or

265.23 (5) the petitioner was convicted of or received a stayed sentence for a felony violation  
265.24 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least  
265.25 five years since discharge of the sentence for the crime.

265.26 (b) Paragraph (a), clause (5), applies to the following offenses:

265.27 (1) section 35.824 (altering livestock certificate);

265.28 (2) section 62A.41 (insurance regulations);

265.29 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

265.30 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of  
265.31 simulated controlled substance);

266.1 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,  
266.2 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

266.3 (6) chapter 201; 203B; or 204C (voting violations);

266.4 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);  
266.5 (8) section 256.98 (wrongfully obtaining assistance);  
266.6 (9) section 256.984 (false declaration in assistance application);  
266.7 ~~(9)~~ (10) section 296A.23, subdivision 2 (willful evasion of fuel tax);  
266.8 ~~(10)~~ (11) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);  
266.9 ~~(11)~~ (12) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);  
266.10 ~~(12)~~ (13) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize  
266.11 notices and solicitations);  
266.12 ~~(13)~~ (14) section 346.155, subdivision 10 (failure to control regulated animal);  
266.13 ~~(14)~~ (15) section 349.2127; or 349.22 (gambling regulations);  
266.14 ~~(15)~~ (16) section 588.20 (contempt);  
266.15 ~~(16)~~ (17) section 609.27, subdivision 1, clauses (2) to (5) (coercion);  
266.16 ~~(17)~~ (18) section 609.31 (leaving state to evade establishment of paternity);  
266.17 ~~(18)~~ (19) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from  
266.18 civil commitment for mental illness);  
266.19 ~~(19)~~ (20) section 609.49 (failure to appear in court);  
266.20 ~~(20)~~ (21) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other  
266.21 theft offense that is sentenced under this provision; 609.52, subdivision 3, clause (2) (theft  
266.22 of \$5,000 to \$35,000); or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with  
266.23 risk of bodily harm);  
266.24 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);  
266.25 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);  
266.26 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or  
266.27 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit  
266.28 check); or 609.529 (mail theft);  
266.29 ~~(24)~~ (25) section 609.53 (receiving stolen goods);  
267.1 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check  
267.2 over \$500);  
267.3 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);  
267.4 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);  
267.5 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);

267.6 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

267.7 (31) section 609.59 (possession of burglary or theft tools);

267.8 ~~(30)~~ (32) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph

267.9 ~~(a) (criminal damage to property);~~

267.10 ~~(31)~~ (33) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);

267.11 ~~(32)~~ (34) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision

267.12 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false

267.13 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);

267.14 ~~(33)~~ (35) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision

267.15 4, paragraph (a) (lottery fraud);

267.16 ~~(34)~~ (36) section 609.652 (fraudulent driver's license and identification card);

267.17 ~~(35)~~ (37) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);

267.18 or 609.66, subdivision 1b (furnishing firearm to minor);

267.19 ~~(36)~~ (38) section 609.662, subdivision 2, paragraph (b) (duty to render aid);

267.20 ~~(37)~~ (39) section 609.686, subdivision 2 (tampering with fire alarm);

267.21 ~~(38)~~ (40) section 609.746, subdivision 1, paragraph (e) (interference with privacy;

267.22 subsequent violation or minor victim);

267.23 ~~(39)~~ (41) section 609.80, subdivision 2 (interference with cable communications system);

267.24 ~~(40)~~ (42) section 609.821, subdivision 2 (financial transaction card fraud);

267.25 ~~(41)~~ (43) section 609.822 (residential mortgage fraud);

267.26 ~~(42)~~ (44) section 609.825, subdivision 2 (bribery of participant or official in contest);

267.27 ~~(43)~~ (45) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with

267.28 transit operator);

267.29 ~~(44)~~ (46) section 609.88 (computer damage); or 609.89 (computer theft);

268.1 ~~(45)~~ (47) section 609.893, subdivision 2 (telecommunications and information services

268.2 fraud);

268.3 ~~(46)~~ (48) section 609.894, subdivision 3 or 4 (cellular counterfeiting);

268.4 ~~(47)~~ (49) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual

268.5 property);

268.6 ~~(48)~~ (50) section 609.896 (movie pirating);

268.7 ~~(49)~~ (51) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);  
268.8 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,  
268.9 subdivision 2 (transfer of pistol to ineligible person); or

268.10 ~~(50)~~ (52) section 624.7181 (rifle or shotgun in public by minor).

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

268.12 Sec. 40. Minnesota Statutes 2020, section 609A.025, is amended to read:

268.13 **609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH**  
268.14 **PROSECUTOR AGREEMENT AND NOTIFICATION.**

268.15 (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the  
268.16 criminal record for a person described in section 609A.02, subdivision 3, without the filing  
268.17 of a petition unless it determines that the interests of the public and public safety in keeping  
268.18 the record public outweigh the disadvantages to the subject of the record in not sealing it.  
268.19 The prosecutor shall inform the court whether the context and circumstances of the underlying  
268.20 crime indicate a nexus between the criminal record to be expunged and the person's status  
268.21 as a crime victim and, if so, request that the court make the appropriate findings to support  
268.22 the relief described in section 609A.03, subdivision 6a.

268.23 (b) At least 90 days before agreeing to the sealing of a record under this section, the  
268.24 prosecutor shall make a good faith effort to notify any identifiable victims of the offense  
268.25 of the intended agreement and the opportunity to object to the agreement.

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

268.29 (d) A prosecutor shall agree to the sealing of a criminal record for a person described  
268.30 in section 609A.02, subdivision 2a, unless substantial and compelling reasons exist to object  
268.31 to the sealing.

269.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to agreements  
269.2 to the sealing of a criminal record entered into by a prosecutor on or after that date.

269.3 Sec. 41. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

269.4 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph  
269.5 (b), expungement of a criminal record under this section is an extraordinary remedy to be  
269.6 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner  
269.7 commensurate with the disadvantages to the public and public safety of:

269.8 (1) sealing the record; and

269.9 (2) burdening the court and public authorities to issue, enforce, and monitor an  
269.10 expungement order.

269.11 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for  
269.12 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause  
269.13 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction  
269.14 whose records would be affected establishes by clear and convincing evidence that the  
269.15 interests of the public and public safety outweigh the disadvantages to the petitioner of not  
269.16 sealing the record.

269.17 (c) In making a determination under this subdivision, the court shall consider:

269.18 (1) the nature and severity of the underlying crime, the record of which would be sealed;

269.19 (2) the risk, if any, the petitioner poses to individuals or society;

269.20 (3) the length of time since the crime occurred;

269.21 (4) the steps taken by the petitioner toward rehabilitation following the crime;

269.22 (5) aggravating or mitigating factors relating to the underlying crime, including the  
269.23 petitioner's level of participation and context and circumstances of the underlying crime;

269.24 (6) the reasons for the expungement, including the petitioner's attempts to obtain  
269.25 employment, housing, or other necessities;

269.26 (7) the petitioner's criminal record;

269.27 (8) the petitioner's record of employment and community involvement;

269.28 (9) the recommendations of interested law enforcement, prosecutorial, and corrections  
269.29 officials;

270.1 (10) the recommendations of victims or whether victims of the underlying crime were  
270.2 minors;

270.3 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner  
270.4 toward payment, and the measures in place to help ensure completion of restitution payment  
270.5 after expungement of the record if granted; and

270.6 (12) other factors deemed relevant by the court.

270.7 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court  
270.8 issues an expungement order it may require that the criminal record be sealed, the existence  
270.9 of the record not be revealed, and the record not be opened except as required under  
270.10 subdivision 7. Records must not be destroyed or returned to the subject of the record.

270.11 (e) Information relating to a criminal history record of an employee, former employee,  
270.12 or tenant that has been expunged before the occurrence of the act giving rise to the civil  
270.13 action may not be introduced as evidence in a civil action against a private employer or  
270.14 landlord or its employees or agents that is based on the conduct of the employee, former  
270.15 employee, or tenant.



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

270.17 Sec. 42. Minnesota Statutes 2020, section 609A.03, subdivision 7, is amended to read:

270.18 Subd. 7. **Limitations of order effective before January 1, 2015.** (a) Upon issuance of  
270.19 an expungement order related to a charge supported by probable cause, the DNA samples  
270.20 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
270.21 other than section 299C.105, shall not be sealed, returned to the subject of the record, or  
270.22 destroyed.

270.23 (b) Notwithstanding the issuance of an expungement order:

270.24 (1) an expunged record may be opened for purposes of a criminal investigation,  
270.25 prosecution, or sentencing, upon an ex parte court order;

270.26 (2) an expunged record of a conviction may be opened for purposes of evaluating a  
270.27 prospective employee in a criminal justice agency without a court order; ~~and~~

270.28 (3) an expunged record of a conviction may be opened for purposes of a background  
270.29 study under section 245C.08 unless the court order for expungement is directed specifically  
270.30 to the commissioner of human services; and

270.31 (4) the Bureau of Criminal Apprehension shall include summary entries of expunged  
270.32 records in all nonpublic criminal histories it generates for use by criminal justice agencies.

271.1 Upon request by law enforcement, prosecution, or corrections authorities, an agency or  
271.2 jurisdiction subject to an expungement order shall inform the requester of the existence of  
271.3 a sealed record and of the right to obtain access to it as provided by this paragraph. For  
271.4 purposes of this section, a "criminal justice agency" means courts or a government agency  
271.5 that performs the administration of criminal justice under statutory authority.

271.6 (c) This subdivision applies to expungement orders subject to its limitations and effective  
271.7 before January 1, 2015.

271.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

271.9 Sec. 43. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

271.10 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance  
271.11 of an expungement order related to a charge supported by probable cause, the DNA samples  
271.12 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
271.13 other than section 299C.105 shall not be sealed, returned to the subject of the record, or  
271.14 destroyed.

271.15 (b) Notwithstanding the issuance of an expungement order:

271.16 (1) except as provided in clause (2), an expunged record may be opened, used, or  
271.17 exchanged between criminal justice agencies without a court order for the purposes of

271.18 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing  
271.19 purposes or providing probation or other correctional services;

271.20 (2) when a criminal justice agency seeks access to a record that was sealed under section  
271.21 609A.02, subdivision 3, paragraph (a), clause (1), or 609A.015, subdivision 1, clause (3),  
271.22 after an acquittal or a court order dismissing for lack of probable cause, for purposes of a  
271.23 criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex  
271.24 parte court order after stating a good-faith basis to believe that opening the record may lead  
271.25 to relevant information;

271.26 (3) an expunged record of a conviction may be opened for purposes of evaluating a  
271.27 prospective employee in a criminal justice agency without a court order;

271.28 (4) an expunged record of a conviction may be opened for purposes of a background  
271.29 study under section 245C.08 unless the commissioner had been properly served with notice  
271.30 of the petition for expungement and the court order for expungement is directed specifically  
271.31 to the commissioner of human services;

272.1 (5) an expunged record of a conviction may be opened for purposes of a background  
272.2 check required under section 122A.18, subdivision 8, unless the court order for expungement  
272.3 is directed specifically to the Professional Educator Licensing and Standards Board or the  
272.4 licensing division of the Department of Education; ~~and~~

272.5 (6) the court may order an expunged record opened upon request by the victim of the  
272.6 underlying offense if the court determines that the record is substantially related to a matter  
272.7 for which the victim is before the court;

272.8 (7) a prosecutor may request, and the district court shall provide, certified records of  
272.9 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,  
272.10 and the certified records of conviction may be disclosed and introduced in criminal court  
272.11 proceedings as provided by the rules of court and applicable law;

272.12 (8) the Bureau of Criminal Apprehension shall include summary entries of expunged  
272.13 records in all nonpublic criminal histories it generates for use by criminal justice agencies;  
272.14 and

272.15 (9) the subject of an expunged record may request, and the court shall provide, certified  
272.16 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,  
272.17 609A.02, and 609A.025.

272.18 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
272.19 in a manner that provides access to the record by a criminal justice agency under paragraph  
272.20 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
272.21 of Criminal Apprehension shall notify the commissioner of human services, the Professional  
272.22 Educator Licensing and Standards Board, or the licensing division of the Department of  
272.23 Education of the existence of a sealed record and of the right to obtain access under paragraph  
272.24 (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement

272.25 order shall provide access to the record to the commissioner of human services, the  
272.26 Professional Educator Licensing and Standards Board, or the licensing division of the  
272.27 Department of Education under paragraph (b), clause (4) or (5).

272.28 (d) An expunged record that is opened or exchanged under this subdivision remains  
272.29 subject to the expungement order in the hands of the person receiving the record.

272.30 (e) A criminal justice agency that receives an expunged record under paragraph (b),  
272.31 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the  
272.32 record to the investigation, prosecution, or sentencing for which it was obtained.

273.1 (f) For purposes of this section, a "criminal justice agency" means a court or government  
273.2 agency that performs the administration of criminal justice under statutory authority.

273.3 (g) This subdivision applies to expungement orders subject to its limitations and effective  
273.4 on or after January 1, 2015.

273.5 **EFFECTIVE DATE.** This section is effective August 1, 2021, except that paragraph  
273.6 (b), clause (8) is effective August 1, 2023.

273.7 Sec. 44. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

273.8 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall  
273.9 be stayed automatically for 60 days after the order is filed and, if the order is appealed,  
273.10 during the appeal period. A person or an agency or jurisdiction whose records would be  
273.11 affected by the order may appeal the order within 60 days of service of notice of filing of  
273.12 the order. An agency or jurisdiction or its officials or employees need not file a cost bond  
273.13 or supersedeas bond in order to further stay the proceedings or file an appeal.

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

273.15 Sec. 45. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

273.16 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual  
273.17 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall  
273.18 make a reasonable and good faith effort to inform the victim of:

273.19 (1) the contents of the plea agreement recommendation, including the amount of time  
273.20 recommended for the defendant to serve in jail or prison if the court accepts the agreement;  
273.21 ~~and~~

273.22 (2) the right to be present at the sentencing hearing and at the hearing during which the  
273.23 plea is presented to the court and to express orally or in writing, at the victim's option, any  
273.24 objection to the agreement or to the proposed disposition. If the victim is not present when  
273.25 the court considers the recommendation, but has communicated objections to the prosecuting  
273.26 attorney, the prosecuting attorney shall make these objections known to the court; and

273.27 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015,  
273.28 and the victim's right to express to the court orally or in writing, at the victim's option, any

273.29 objection to a grant of expungement relief. If the victim is not present, but has communicated  
273.30 objections to the prosecuting attorney, the prosecuting attorney shall make these objections  
273.31 known to the court.

274.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to plea  
274.2 agreements entered into on or after that date.

274.3 Sec. 46. **TASK FORCE ON THE CONTENTS AND USE OF PRESENTENCE**  
274.4 **INVESTIGATION REPORTS AND IMPOSITION OF CONDITIONS OF**  
274.5 **PROBATION.**

274.6 Subdivision 1. **Establishment.** The task force on the contents and use of presentence  
274.7 investigation reports and imposition of conditions of probation is established to review the  
274.8 statutory requirements in Minnesota Statutes, section 609.115, for the content of presentence  
274.9 investigation reports and determine whether that level of information is useful and necessary  
274.10 in all cases; determine whether presentence investigation reports should be required in all  
274.11 cases or only a subset of cases; collect and analyze data on the conditions of probation  
274.12 ordered by courts; assess whether current practices promote public safety and equity in  
274.13 sentencing; and make recommendations to the legislature.

274.14 Subd. 2. **Membership.** (a) The task force consists of the following members:

274.15 (1) two members of the house of representatives, one appointed by the speaker of the  
274.16 house and one appointed by the minority leader;

274.17 (2) two members of the senate, one appointed by the majority leader and one appointed  
274.18 by the minority leader;

274.19 (3) the commissioner of corrections or a designee;

274.20 (4) two district court judges of which one shall be a judge in a metropolitan county and  
274.21 one shall be a judge in a county other than a metropolitan county, appointed by the chief  
274.22 justice of the supreme court;

274.23 (5) the chair of the Minnesota Sentencing Guidelines Commission or a designee;

274.24 (6) the state public defender or a designee;

274.25 (7) one county attorney, appointed by the Minnesota County Attorneys Association; and

274.26 (8) three probation officers including one employee of the Department of Corrections,  
274.27 one employee of a county that takes part in the Community Corrections Act, and one  
274.28 employee of a county that does not take part in the Community Corrections Act, appointed  
274.29 by the commissioner of corrections.

274.30 (b) As used in this section, "metropolitan county" has the meaning given in Minnesota  
274.31 Statutes, section 473.121, subdivision 4.

- 275.1 (c) Appointments must be made no later than July 30, 2021.
- 275.2 (d) Members shall serve without compensation.
- 275.3 (e) Members of the task force serve at the pleasure of the appointing authority or until  
275.4 the task force expires. Vacancies shall be filled by the appointing authority consistent with  
275.5 the qualifications of the vacating member required by this subdivision.
- 275.6 Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and  
275.7 may elect other officers as necessary.
- 275.8 (b) The commissioner of corrections shall convene the first meeting of the task force no  
275.9 later than August 1, 2021, and shall provide meeting space and administrative assistance  
275.10 as necessary for the task force to conduct its work.
- 275.11 (c) The task force shall meet at least monthly or upon the call of its chair. The task force  
275.12 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings  
275.13 of the task force are subject to Minnesota Statutes, chapter 13D.
- 275.14 (d) To compile and analyze data, the task force may request the cooperation and assistance  
275.15 of local law enforcement agencies, the Minnesota Sentencing Guidelines Commission, the  
275.16 judicial branch, the Bureau of Criminal Apprehension, county attorneys, and Tribal  
275.17 governments, academics, and others with experience and expertise in researching probation  
275.18 and criminal sentences.
- 275.19 Subd. 4. **Duties.** (a) The task force shall, at a minimum:
- 275.20 (1) collect and analyze available data on how often presentence investigation reports  
275.21 are filed with the court, and in which types of cases;
- 275.22 (2) review and discuss whether presentence investigation reports should be required in  
275.23 all felony cases, and make recommendations to the legislature;
- 275.24 (3) review and discuss the required content of presentence investigation reports, determine  
275.25 whether that level of detail is needed in every case, and consider recommendations for  
275.26 changing the required content;
- 275.27 (4) collect and analyze available data on conditions of probation imposed by courts;
- 275.28 (5) assess what factors courts consider when imposing conditions of probation;
- 275.29 (6) determine what data is available to show whether particular conditions of probation  
275.30 are effective in promoting public safety and rehabilitation of an offender;
- 276.1 (7) determine whether conditions of probation are consistent across geographic and  
276.2 demographic groups and, if not, how they differ;
- 276.3 (8) determine the most effective methods to provide a court with relevant information  
276.4 to establish appropriate conditions of probation;

276.5        (9) review relevant state statutes and state and federal court decisions; and

276.6        (10) make recommendations for legislative action, if any, on laws affecting presentence

276.7 investigation reports and appropriate conditions of probation.

276.8        (b) At its discretion, the task force may examine, as necessary, other related issues

276.9 consistent with this section.

276.10       Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to

276.11 the chairs and ranking minority members of the house of representatives and senate

276.12 committees and divisions with jurisdiction over criminal sentencing on the findings and

276.13 recommendations of the task force.

276.14       Subd. 6. **Expiration.** The task force expires the day after submitting its report under

276.15 subdivision 5.

276.16       Sec. 47. **TITLE.**

276.17       Sections 36 to 45 may be referred to as the "Clean Slate Act."

276.18       Sec. 48. **SENTENCING GUIDELINES MODIFICATION.**

276.19       The Sentencing Guidelines Commission shall comprehensively review and consider

276.20 modifying how the Sentencing Guidelines and the sex offender grid address the crimes

276.21 described in Minnesota Statutes, section 609.322.

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

276.23       Sec. 49. **REVISOR INSTRUCTION.**

276.24       In Minnesota Statutes, the revisor of statutes shall substitute "364 days" for "one year"

276.25 consistent with the change in section 10. The revisor shall also make other technical changes

276.26 resulting from the change of term to the statutory language if necessary to preserve the

276.27 meaning of the text.

43.8        Sec. 19. **SENTENCING GUIDELINES COMPREHENSIVE REVIEW.**

43.9        The Sentencing Guidelines Commission shall comprehensively review and consider

43.10 modifying how the Sentencing Guidelines and the sex offender grid address the crimes

43.11 described in Minnesota Statutes, section 609.322.

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

43.13        Sec. 20. **SENTENCING GUIDELINES COMMISSION DIRECTED TO INCREASE**

43.14 **THE RANKINGS FOR CERTAIN CHILD PORNOGRAPHY CRIMES.**

43.15        The Sentencing Guidelines Commission is directed to increase the severity rankings on

43.16 the sex offender grid for a violation of Minnesota Statutes, section 617.247, subdivision 3,

43.17 paragraph (b), from severity level D to C, and subdivision 4, paragraph (b), from severity

43.18 level F to E, consistent with the recommendations contained in the minority report in the

43.19 commission's 2021 report to the legislature. The other modifications to the grid relating to

43.20 child pornography crimes proposed in the main report are adopted.

43.21        **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes

43.22 committed on or after that date.

276.28 Sec. 50. **REPEALER.**

276.29 Minnesota Statutes 2020, section 609.324, subdivision 3, is repealed.

277.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
277.2 committed on or after that date.

277.3 Sec. 51. **EFFECTIVE DATE.**

277.4 Sections 1 to 3, 7, 12, 13, 27, and 28 are effective the day following final enactment and  
277.5 apply to offenders sentenced on or after that date, and retroactively to offenders:

277.6 (1) sentenced to life imprisonment without possibility of release following a conviction  
277.7 under Minnesota Statutes, section 609.185, paragraph (a), for an offense committed when  
277.8 the offender was under 18 years of age and when a sentence was imposed pursuant to  
277.9 Minnesota Statutes, section 609.106, subdivision 2;

277.10 (2) sentenced to life imprisonment without possibility of release following a conviction  
277.11 under Minnesota Statutes, section 609.3455, subdivision 2, for an offense committed when  
277.12 the offender was under 18 years of age;

277.13 (3) sentenced to life imprisonment under Minnesota Statutes, section 609.185, paragraph  
277.14 (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, for  
277.15 an offense committed when the offender was under 18 years of age;

277.16 (4) sentenced to life imprisonment under Minnesota Statutes, section 609.385, for an  
277.17 offense committed when the offender was under 18 years of age;

277.18 (5) sentenced to life imprisonment under Minnesota Statutes, section 609.3455,  
277.19 subdivision 3 or 4, if the minimum term of imprisonment specified by the court in its sentence  
277.20 exceeds 15 years for an offense committed when the offender was under 18 years of age;  
277.21 or

277.22 (6) sentenced to an executed sentence that includes a term of imprisonment of more than  
277.23 15 years or separate, consecutive executed sentences for two or more crimes that include  
277.24 combined terms of imprisonment that total more than 15 years for an offense committed  
277.25 when the offender was under 18 years of age.

43.23 Sec. 21. **REPEALER.**

43.24 Minnesota Statutes 2020, section 609.324, subdivision 3, is repealed.

43.25 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
43.26 committed on or after that date.