

113.23 **ARTICLE 5**

113.24 **CORRECTIONS AND SENTENCING**

113.25 Section 1. Minnesota Statutes 2020, section 13.871, subdivision 14, is amended to read:

113.26 Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing
113.27 of data contained in a petition for expungement of a criminal record are included in section
113.28 609A.03.

113.29 (b) Provisions regarding the classification and sharing of data related to automatic
113.30 expungements are included in sections 299C.097 and 609A.015.

113.31 **EFFECTIVE DATE.** This section is effective January 1, 2024.

114.1 Sec. 2. Minnesota Statutes 2020, section 152.18, subdivision 1, is amended to read:

114.2 Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A
114.3 court may defer prosecution as provided in paragraph (c) for any person found guilty, after
114.4 trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024,
114.5 subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d),
114.6 for possession of a controlled substance, who:

114.7 (1) has not previously participated in or completed a diversion program authorized under
114.8 section 401.065;

114.9 (2) has not previously been placed on probation without a judgment of guilty and
114.10 thereafter been discharged from probation under this section; and

114.11 (3) has not been convicted of a felony violation of this chapter, including a felony-level
114.12 attempt or conspiracy, or been convicted by the United States or another state of a similar
114.13 offense that would have been a felony under this chapter if committed in Minnesota, unless
114.14 ten years have elapsed since discharge from sentence.

114.15 (b) The court must defer prosecution as provided in paragraph (c) for any person found
114.16 guilty of a violation of section 152.025, subdivision 2, who:

114.17 (1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

114.18 (2) has not previously been convicted of a felony offense under any state or federal law
114.19 or of a gross misdemeanor under section 152.025.

114.20 (c) In granting relief under this section, the court shall, without entering a judgment of
114.21 guilty and with the consent of the person, defer further proceedings and place the person
114.22 on probation upon such reasonable conditions as it may require and for a period, not to
114.23 exceed the maximum sentence provided for the violation. The court may give the person
114.24 the opportunity to attend and participate in an appropriate program of education regarding
114.25 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
114.26 of a condition of the probation, the court may enter an adjudication of guilt and proceed as

114.27 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
114.28 person and discharge the person from probation before the expiration of the maximum
114.29 period prescribed for the person's probation. If during the period of probation the person
114.30 does not violate any of the conditions of the probation, then upon expiration of the period
114.31 the court shall discharge the person and dismiss the proceedings against that person.
114.32 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
114.33 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
115.1 the purpose of use by the courts in determining the merits of subsequent proceedings against
115.2 the person. The not public record may also be opened only upon court order for purposes
115.3 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
115.4 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
115.5 or citing law enforcement agency and direct that agency to seal its records related to the
115.6 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
115.7 shall notify the requesting party of the existence of the not public record and the right to
115.8 seek a court order to open it pursuant to this section. The court shall forward a record of
115.9 any discharge and dismissal under this subdivision to the bureau which shall make and
115.10 maintain the not public record of it as provided under this subdivision. The discharge or
115.11 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
115.12 imposed by law upon conviction of a crime or for any other purpose.

115.13 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
115.14 subdivision 8a.

115.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

115.16 Sec. 3. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

115.17 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
115.18 license without giving 30 calendar days' written notice to any affected municipality or other
115.19 political subdivision unless the facility has a licensed capacity of six or fewer persons and
115.20 is occupied by either the licensee or the group foster home parents. The notification must
115.21 be given before the license is first ~~issuance of a license~~ granted and annually after that time
115.22 if annual notification is requested in writing by any affected municipality or other political
115.23 subdivision. State funds must not be made available to or be spent by an agency or department
115.24 of state, county, or municipal government for payment to a foster care facility licensed under
115.25 subdivision 2 until the provisions of this subdivision have been complied with in full.

115.26 Sec. 4. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

115.27 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
115.28 not:

115.29 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
115.30 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
115.31 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
115.32 that obligates the entity to pay the educational expenses of the juvenile; or

116.1 (2) renew a license under this section to operate a correctional facility for the detention
116.2 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
116.3 Minnesota without an agreement with the entity placing the juvenile at the facility that
116.4 obligates the entity to pay the educational expenses of the juvenile.

116.5 Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
116.6 read:

116.7 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,
116.8 municipality, or agency to operate a facility for the detention, care, and training of delinquent
116.9 children and youth unless the county, municipality, or agency institutes a policy strictly
116.10 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth
116.11 received by the facility except during a health care procedure conducted by a medically
116.12 licensed person.

116.13 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
116.14 read:

116.15 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any
116.16 county, municipality, or agency to operate a facility for the detention, care, and training of
116.17 delinquent children and youth unless the county, municipality, or agency institutes a policy
116.18 strictly prohibiting the use of disciplinary room time for children and youth received by the
116.19 facility.

116.20 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
116.21 read:

116.22 Subd. 4c. **Language access.** The commissioner of corrections shall take reasonable steps
116.23 to provide meaningful language access to limited English proficient (LEP) individuals
116.24 incarcerated, detained, or supervised by the Department of Corrections. The commissioner
116.25 shall develop written policy and annual training to implement language access for LEP
116.26 individuals.

116.27 Sec. 8. Minnesota Statutes 2020, section 241.90, is amended to read:

116.28 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
116.29 **FUNCTION.**

116.30 The Office of Ombudsperson for the Department of Corrections is hereby created. The
116.31 ~~ombudsperson shall serve at the pleasure of~~ be appointed by the governor in the unclassified
117.1 ~~service, and may be removed only for just cause.~~ The ombudsperson shall be selected without
117.2 regard to political affiliation, and shall be a person highly competent and qualified to analyze
117.3 questions of law, administration, and public policy. No person may serve as ombudsperson
117.4 while holding any other public office. The ombudsperson for corrections shall be accountable
117.5 to the governor and shall have the authority to investigate decisions, acts, and other matters
117.6 of the Department of Corrections so as to promote the highest attainable standards of
117.7 competence, efficiency, and justice in the administration of corrections.

117.8 Sec. 9. Minnesota Statutes 2020, section 242.192, is amended to read:

117.9 **242.192 CHARGES TO COUNTIES.**

117.10 (a) The commissioner shall charge counties or other appropriate jurisdictions ~~65 percent~~
117.11 ~~of the per diem cost of confinement, excluding educational costs and nonbillable service,~~
117.12 ~~of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females~~
117.13 ~~committed to the commissioner of corrections. This charge applies to juveniles committed~~
117.14 ~~to the commissioner of corrections and juveniles admitted to the Minnesota Correctional~~
117.15 ~~Facility-Red Wing under established admissions criteria. This charge applies to both counties~~
117.16 ~~that participate in the Community Corrections Act and those that do not. The commissioner~~
117.17 ~~shall determine the per diem cost of confinement based on projected population, pricing~~
117.18 ~~incentives, and market conditions. All money received under this section must be deposited~~
117.19 ~~in the state treasury and credited to the general fund.~~

117.20 (b) The first 65 percent of all money received under paragraph (a) must be deposited in
117.21 the state treasury and credited to the general fund. The next 35 percent of all money received
117.22 under paragraph (a) must be credited to the prevention services account, which is hereby
117.23 established in the special revenue fund. Interest earned in the account accrues to the account.
117.24 Funds in the prevention services account are annually appropriated to the commissioner of
117.25 public safety to provide grants for prevention services and dual status youth programs.
117.26 Recipients must use funds to prevent juveniles from entering the criminal or juvenile justice
117.27 system or provide services for youth who are in both the child welfare and juvenile justice
117.28 systems.

117.29 Sec. 10. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

117.30 Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release
117.31 Board is established to review eligible cases and make release decisions for inmates serving
117.32 indeterminate sentences under the authority of the commissioner.

117.33 (b) The board shall consist of five members as follows:

118.1 (1) four persons appointed by the governor from two recommendations of each of the
118.2 majority leaders and minority leaders of the house of representatives and the senate; and

118.3 (2) the commissioner of corrections who shall serve as chair.

118.4 (c) The members appointed from the legislative recommendations must meet the
118.5 following qualifications at a minimum:

118.6 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law
118.7 degree;

118.8 (2) five years of experience in corrections, a criminal justice or community corrections
118.9 field, rehabilitation programming, behavioral health, or criminal law; and

118.10 (3) demonstrated knowledge of victim issues and correctional processes.

118.11 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered

118.12 terms except that the terms of the initial members of the board must be as follows:

118.13 (1) two members must be appointed for terms that expire January 1, 2024; and

118.14 (2) two members must be appointed for terms that expire January 1, 2026.

118.15 (b) A member is eligible for reappointment.

118.16 (c) Vacancies on the board shall be filled in the same manner as the initial appointments

118.17 under subdivision 1.

118.18 (d) Member compensation and removal of members on the board shall be as provided

118.19 in section 15.0575.

118.20 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a

118.21 quorum.

118.22 (b) The commissioner of corrections shall provide the board with personnel, supplies,

118.23 equipment, office space, and other administrative services necessary and incident to the

118.24 discharge of the functions of the board.

118.25 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority

118.26 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the

118.27 power of the Board of Pardons to grant a pardon or commutation in any case.

118.28 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the

118.29 legislative committees with jurisdiction over criminal justice policy a written report detailing

118.30 the number of inmates reviewed and identifying persons granted release in the preceding

119.1 year. The report shall also include the board's recommendations for policy modifications

119.2 that influence the board's duties.

119.3 Sec. 11. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

119.4 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board

119.5 may, under rules promulgated adopted by the commissioner and upon majority vote of the

119.6 board members, give supervised release to an inmate serving a mandatory life sentence

119.7 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;

119.8 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has

119.9 served the minimum term of imprisonment specified in subdivision 4.

119.10 (b) The ~~commissioner~~ board shall require the preparation of a community investigation

119.11 report and shall consider the findings of the report when making a supervised release decision

119.12 under this subdivision. The report shall reflect the sentiment of the various elements of the

119.13 community toward the inmate, both at the time of the offense and at the present time. The

119.14 report shall include the views of the sentencing judge, the prosecutor, any law enforcement

119.15 personnel who may have been involved in the case, and any successors to these individuals

34.26 Sec. 8. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

34.27 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may,

34.28 under rules promulgated by the commissioner, give supervised release to an inmate serving

34.29 a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6);

34.30 609.2661, clause (3); 609.3455, subdivision 3 or 4; or 609.385; or Minnesota Statutes 2004,

34.31 section 609.109, subdivision 3, after the inmate has served the minimum term of

34.32 imprisonment specified in subdivision 4.

35.1 (b) The commissioner shall require the preparation of a community investigation report

35.2 and shall consider the findings of the report when making a supervised release decision

35.3 under this subdivision. The report shall reflect the sentiment of the various elements of the

35.4 community toward the inmate, both at the time of the offense and at the present time. The

35.5 report shall include the views of the sentencing judge, the prosecutor, any law enforcement

35.6 personnel who may have been involved in the case, and any successors to these individuals

119.16 who may have information relevant to the supervised release decision. The report shall also
119.17 include the views of the victim and the victim's family unless the victim or the victim's
119.18 family chooses not to participate.

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

119.25 (d) When considering whether to give supervised release to an inmate serving a life
119.26 sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider,
119.27 at a minimum, the following: the risk the inmate poses to the community if released, the
119.28 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or
119.29 other diagnostic evaluations of the inmate, the inmate's criminal history, and any other
119.30 relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~
119.31 board may not give supervised release to the inmate unless:

119.32 (1) while in prison:

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

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

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

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

120.9 (e) As used in this subdivision:;

120.10 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;
120.11 and

120.12 (2) "victim" means the individual who suffered harm as a result of the inmate's crime
120.13 or, if the individual is deceased, the deceased's surviving spouse or next of kin.

35.7 who may have information relevant to the supervised release decision. The report shall also
35.8 include the views of the victim and the victim's family unless the victim or the victim's
35.9 family chooses not to participate.

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

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

35.23 (1) while in prison:

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

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

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

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

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

36.4 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
36.5 committed on or after that date.

120.14 Sec. 12. Minnesota Statutes 2020, section 244.09, subdivision 10, is amended to read:

120.15 Subd. 10. **Research director.** The commission may select and employ a research director
120.16 who shall perform the duties the commission directs, including the hiring of any clerical
120.17 help and other employees as the commission shall approve. The research director ~~and other~~
120.18 ~~staff~~ shall be in the unclassified service of the state ~~and their~~. The compensation of the
120.19 research director and other staff shall be established pursuant to chapter 43A. They shall
120.20 be reimbursed for the expenses necessarily incurred in the performance of their official
120.21 duties in the same manner as other state employees.

120.22 Sec. 13. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

120.23 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings
120.24 on any matter shall be without a jury and may be conducted in an informal manner, except
120.25 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
120.26 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
120.27 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
120.28 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings
120.29 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
120.30 that they do not apply.

121.1 (b) When a continuance or adjournment is ordered in any proceeding, the court may
121.2 make any interim orders as it deems in the best interests of the minor in accordance with
121.3 the provisions of sections 260B.001 to 260B.421.

121.4 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
121.5 public from hearings under this chapter and shall admit only those persons who, in the
121.6 discretion of the court, have a direct interest in the case or in the work of the court. The
121.7 court shall permit the victim of a child's delinquent act to attend any related delinquency
121.8 proceeding, except that the court may exclude the victim:

121.9 (1) as a witness under the Rules of Criminal Procedure; and

121.10 (2) from portions of a certification hearing to discuss psychological material or other
121.11 evidence that would not be accessible to the public.

121.12 The court shall open the hearings to the public in ~~delinquency or~~ extended jurisdiction
121.13 juvenile proceedings where the child is alleged to have committed an offense or has been
121.14 proven to have committed an offense that would be a felony if committed by an adult and
121.15 the child was at least 16 years of age at the time of the offense, except that the court may
121.16 exclude the public from portions of a certification hearing to discuss psychological material
121.17 or other evidence that would not be accessible to the public in an adult proceeding.

121.18 (d) In all delinquency cases a person named in the charging clause of the petition as a
121.19 person directly damaged in person or property shall be entitled, upon request, to be notified

121.20 by the court administrator in writing, at the named person's last known address, of (1) the
121.21 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

121.22 Sec. 14. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision
121.23 to read:

121.24 Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer
121.25 who took a child into custody does not release the child as provided in subdivision 1, the
121.26 peace officer or probation or parole officer shall communicate with or deliver the child to
121.27 a juvenile secure detention facility to determine whether the child should be released or
121.28 detained. Before detaining a child, the supervisor of the facility shall use an objective and
121.29 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument
121.30 developed by the commissioner of corrections, county, group of counties, or judicial district,
121.31 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention
121.32 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a
121.33 child released from preadjudication detention under this section or section 260B.178 would
122.1 endanger others or not return for a court hearing. The instrument must identify the appropriate
122.2 setting for a child who might endanger others or not return for a court hearing pending
122.3 adjudication, with either continued detention or placement in a noncustodial
122.4 community-based supervision setting. The instrument must also identify the type of
122.5 noncustodial community-based supervision setting necessary to minimize the risk that a
122.6 child who is released from custody will endanger others or not return for a court hearing.
122.7 If, after using the instrument, a determination is made that the child should be released, the
122.8 person taking the child into custody or the supervisor of the facility shall release the child
122.9 as provided in subdivision 1.

122.10 **EFFECTIVE DATE.** This section is effective August 15, 2022.

122.11 Sec. 15. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

122.12 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
122.13 1, the person taking the child into custody shall notify the court as soon as possible of the
122.14 detention of the child and the reasons for detention.

122.15 (b) No child may be detained in a secure detention facility after being taken into custody
122.16 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over
122.17 the age of 12.

122.18 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care
122.19 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken
122.20 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a
122.21 petition has been filed and the judge or referee determines pursuant to section 260B.178
122.22 that the child shall remain in detention.

122.23 ~~(c)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24
122.24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail

122.25 or municipal lockup in a standard metropolitan statistical area, after being taken into custody
122.26 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

122.27 (1) a petition has been filed under section 260B.141; and

122.28 (2) a judge or referee has determined under section 260B.178 that the child shall remain
122.29 in detention.

122.30 After August 1, 1991, no child described in this paragraph may be detained in an adult
122.31 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,
122.32 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan
122.33 statistical area, unless the requirements of this paragraph have been met and, in addition, a
123.1 motion to refer the child for adult prosecution has been made under section 260B.125.
123.2 Notwithstanding this paragraph, continued detention of a child in an adult detention facility
123.3 outside of a standard metropolitan statistical area county is permissible if:

123.4 (i) the facility in which the child is detained is located where conditions of distance to
123.5 be traveled or other ground transportation do not allow for court appearances within 24
123.6 hours. A delay not to exceed 48 hours may be made under this clause; or

123.7 (ii) the facility is located where conditions of safety exist. Time for an appearance may
123.8 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.
123.9 "Conditions of safety" include adverse life-threatening weather conditions that do not allow
123.10 for reasonably safe travel.

123.11 The continued detention of a child under clause (i) or (ii) must be reported to the
123.12 commissioner of corrections.

123.13 ~~(d)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours,
123.14 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules
123.15 and procedures established by the commissioner of corrections, shall notify the commissioner
123.16 of the place of the detention and the reasons therefor. The commissioner shall thereupon
123.17 assist the court in the relocation of the child in an appropriate juvenile secure detention
123.18 facility or approved jail within the county or elsewhere in the state, or in determining suitable
123.19 alternatives. The commissioner shall direct that a child detained in a jail be detained after
123.20 eight days from and including the date of the original detention order in an approved juvenile
123.21 secure detention facility with the approval of the administrative authority of the facility. If
123.22 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice
123.23 to the commissioner shall not be required.

123.24 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile
123.25 facility or program, or when a child is detained in an adult jail or municipal lockup as
123.26 provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal
123.27 guardian consents, have a children's mental health screening conducted with a screening
123.28 instrument approved by the commissioner of human services, unless a screening has been
123.29 performed within the previous 180 days or the child is currently under the care of a mental
123.30 health professional. The screening shall be conducted by a mental health practitioner as

123.31 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use
123.32 of the screening instrument. The screening shall be conducted after the initial detention
123.33 hearing has been held and the court has ordered the child continued in detention. The results
123.34 of the screening may only be presented to the court at the dispositional phase of the court
124.1 proceedings on the matter unless the parent or legal guardian consents to presentation at a
124.2 different time. If the screening indicates a need for assessment, the local social services
124.3 agency or probation officer, with the approval of the child's parent or legal guardian, shall
124.4 have a diagnostic assessment conducted, including a functional assessment, as defined in
124.5 section 245.4871.

124.6 Sec. 16. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

124.7 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
124.8 services" means a child who is in need of protection or services because the child:

124.9 (1) is abandoned or without parent, guardian, or custodian;

124.10 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
124.11 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
124.12 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
124.13 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
124.14 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
124.15 defined in subdivision 15;

124.16 (3) is without necessary food, clothing, shelter, education, or other required care for the
124.17 child's physical or mental health or morals because the child's parent, guardian, or custodian
124.18 is unable or unwilling to provide that care;

124.19 (4) is without the special care made necessary by a physical, mental, or emotional
124.20 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
124.21 that care;

124.22 (5) is medically neglected, which includes, but is not limited to, the withholding of
124.23 medically indicated treatment from an infant with a disability with a life-threatening
124.24 condition. The term "withholding of medically indicated treatment" means the failure to
124.25 respond to the infant's life-threatening conditions by providing treatment, including
124.26 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
124.27 practice registered nurse's reasonable medical judgment, will be most likely to be effective
124.28 in ameliorating or correcting all conditions, except that the term does not include the failure
124.29 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
124.30 when, in the treating physician's or advanced practice registered nurse's reasonable medical
124.31 judgment:

124.32 (i) the infant is chronically and irreversibly comatose;

125.1 (ii) the provision of the treatment would merely prolong dying, not be effective in
125.2 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
125.3 futile in terms of the survival of the infant; or

125.4 (iii) the provision of the treatment would be virtually futile in terms of the survival of
125.5 the infant and the treatment itself under the circumstances would be inhumane;

125.6 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
125.7 of the child's care and custody, including a child who entered foster care under a voluntary
125.8 placement agreement between the parent and the responsible social services agency under
125.9 section 260C.227;

125.10 (7) has been placed for adoption or care in violation of law;

125.11 (8) is without proper parental care because of the emotional, mental, or physical disability,
125.12 or state of immaturity of the child's parent, guardian, or other custodian;

125.13 (9) is one whose behavior, condition, or environment is such as to be injurious or
125.14 dangerous to the child or others. An injurious or dangerous environment may include, but
125.15 is not limited to, the exposure of a child to criminal activity in the child's home;

125.16 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
125.17 have been diagnosed by a physician and are due to parental neglect;

125.18 (11) is a sexually exploited youth;

125.19 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13
125.20 years old;

125.21 (13) is a runaway;

125.22 (14) is a habitual truant;

125.23 (15) has been found incompetent to proceed or has been found not guilty by reason of
125.24 mental illness or mental deficiency in connection with a delinquency proceeding, a
125.25 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
125.26 proceeding involving a juvenile petty offense; or

125.27 (16) has a parent whose parental rights to one or more other children were involuntarily
125.28 terminated or whose custodial rights to another child have been involuntarily transferred to
125.29 a relative and there is a case plan prepared by the responsible social services agency
125.30 documenting a compelling reason why filing the termination of parental rights petition under
125.31 section 260C.503, subdivision 2, is not in the best interests of the child.

126.1 Sec. 17. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**
126.2 **FOR EXPUNGEMENT.**

126.3 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
126.4 computerized data system relating to petty misdemeanor and misdemeanor offenses that

126.5 may become eligible for expungement pursuant to section 609A.015, do not require
126.6 fingerprinting pursuant to section 299C.10, and are not linked to an arrest record in the
126.7 criminal history system.

126.8 (b) This data is private data on individuals under section 13.02, subdivision 12.

126.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

126.10 Sec. 18. Minnesota Statutes 2020, section 299C.10, subdivision 1, is amended to read:

126.11 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
126.12 corrections agencies operating secure juvenile detention facilities shall take or cause to be
126.13 taken immediately finger and thumb prints, photographs, distinctive physical mark
126.14 identification data, information on any known aliases or street names, and other identification
126.15 data requested or required by the superintendent of the bureau, of the following:

126.16 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
126.17 misdemeanor, or targeted misdemeanor;

126.18 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
126.19 or alleged to have committed felonies or gross misdemeanors as distinguished from those
126.20 committed by adult offenders;

126.21 (3) adults and juveniles admitted to jails or detention facilities;

126.22 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

126.23 (5) persons in whose possession, when arrested, are found concealed firearms or other
126.24 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
126.25 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
126.26 to be intended for such purposes;

126.27 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
126.28 or gross misdemeanor offense; and

126.29 (7) persons currently involved in the criminal justice process, on probation, on parole,
126.30 or in custody for any offense whom the superintendent of the bureau identifies as being the
126.31 subject of a court disposition record which cannot be linked to an arrest record, and whose
126.32 fingerprints are necessary to reduce the number of suspense files, or to comply with the
127.1 mandates of section 299C.111, relating to the reduction of the number of suspense files.

127.2 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
127.3 shall include the requirement that fingerprints be taken in post-arrest interviews, while
127.4 making court appearances, while in custody, or while on any form of probation, diversion,
127.5 or supervised release.

127.6 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
127.7 of taking the fingerprints and data, the fingerprint records and other identification data

127.8 specified under paragraph (a) must be electronically entered into a bureau-managed
127.9 searchable database in a manner as may be prescribed by the superintendent.

127.10 (c) Prosecutors, courts, and probation officers and their agents, employees, and
127.11 subordinates shall attempt to ensure that the required identification data is taken on a person
127.12 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
127.13 presently on probation.

127.14 (d) Finger and thumb prints must be obtained no later than:

127.15 (1) release from booking; or

127.16 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

127.17 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
127.18 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
127.19 and thumb prints have not been successfully received by the bureau, an individual may,
127.20 upon order of the court, be taken into custody for no more than eight hours so that the taking
127.21 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
127.22 period may be extended upon a showing that additional time in custody is essential for the
127.23 successful taking of prints.

127.24 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
127.25 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
127.26 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
127.27 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
127.28 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

127.29 **EFFECTIVE DATE.** This section is effective August 15, 2022, and applies to
127.30 individuals arrested, appearing in court, or convicted on or after that date.

128.1 Sec. 19. Minnesota Statutes 2020, section 299C.111, is amended to read:

128.2 **299C.111 SUSPENSE FILE REPORTING.**

128.3 The superintendent shall immediately notify the appropriate entity or individual when
128.4 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
128.5 that cannot be linked to an arrest record.

128.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

128.7 Sec. 20. Minnesota Statutes 2020, section 299C.17, is amended to read:

128.8 **299C.17 REPORT BY COURT ADMINISTRATOR.**

128.9 The superintendent shall require the court administrator of every court which sentences
128.10 a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor~~, or petty misdemeanor
128.11 to electronically transmit within 24 hours of the disposition of the case a report, in a form
128.12 prescribed by the superintendent providing information required by the superintendent with

128.13 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
128.14 kept on file in the office of the court administrator.

128.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

128.16 Sec. 21. Minnesota Statutes 2020, section 609A.01, is amended to read:

128.17 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

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

128.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

128.26 Sec. 22. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

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

129.1 (1) if the person was arrested and all charges were dismissed after a case was filed unless
129.2 dismissal was based on a finding that the defendant was incompetent to proceed; or

129.3 (2) if all pending actions or proceedings were resolved in favor of the person.

129.4 For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a
129.5 resolution in favor of the person. For purposes of this chapter, an action or proceeding is
129.6 resolved in favor of the person if the petitioner received an order under section 590.11
129.7 determining that the person is eligible for compensation based on exoneration.

129.8 Subd. 2. **Eligibility; diversion and stay of adjudication.** A person is eligible for a grant
129.9 of expungement relief if the person has successfully completed the terms of a diversion
129.10 program or stay of adjudication for an offense that is not a felony or a gross misdemeanor
129.11 violation of section 609.3451, subdivision 1a, and has not been petitioned or charged with
129.12 a new offense, other than an offense that would be a petty misdemeanor, for one year
129.13 immediately following completion of the diversion program or stay of adjudication.

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

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

- 129.18 (2) has not been convicted of a new offense, other than an offense that would be a petty
129.19 misdemeanor, in Minnesota during the applicable waiting period immediately following
129.20 discharge of the disposition or sentence for the crime; and
- 129.21 (3) is not charged with an offense in Minnesota at the time the person reaches the end
129.22 of the applicable waiting period.
- 129.23 (b) As used in this subdivision, "qualifying offense" means an adjudication, conviction,
129.24 or stayed sentence for:
- 129.25 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
129.26 to the operation or parking of motor vehicles;
- 129.27 (2) any misdemeanor offense other than:
- 129.28 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
129.29 while impaired);
- 129.30 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 129.31 (iii) section 609.224 (assault in the fifth degree);
- 130.1 (iv) section 609.2242 (domestic assault);
- 130.2 (v) section 609.748 (violation of a harassment restraining order);
- 130.3 (vi) section 609.78 (interference with emergency call);
- 130.4 (vii) section 609.79 (obscene or harassing phone calls);
- 130.5 (viii) section 617.23 (indecent exposure);
- 130.6 (ix) section 609.746 (interference with privacy); or
- 130.7 (x) section 629.75 (violation of domestic abuse no contact order); or
- 130.8 (3) any gross misdemeanor offense other than:
- 130.9 (i) section 169A.25 (second-degree driving while impaired);
- 130.10 (ii) section 169A.26 (third-degree driving while impaired);
- 130.11 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 130.12 (iv) section 609.2231 (assault in the fourth degree);
- 130.13 (v) section 609.224 (assault in the fifth degree);
- 130.14 (vi) section 609.2242 (domestic assault);
- 130.15 (vii) section 609.233 (criminal neglect);

- 130.16 (viii) section 609.3451 (criminal sexual conduct in the fifth degree);
- 130.17 (ix) section 609.377 (malicious punishment of child);
- 130.18 (x) section 609.485 (escape from custody);
- 130.19 (xi) section 609.498 (tampering with witness);
- 130.20 (xii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 130.21 (xiii) section 609.746 (interference with privacy);
- 130.22 (xiv) section 609.748 (violation of a harassment restraining order);
- 130.23 (xv) section 609.749 (harassment; stalking);
- 130.24 (xvi) section 609.78 (interference with emergency call);
- 130.25 (xvii) section 617.23 (indecent exposure);
- 130.26 (xviii) section 617.261 (nonconsensual dissemination of private sexual images); or
- 130.27 (xix) section 629.75 (violation of domestic abuse no contact order).
- 131.1 (c) As used in this subdivision, "applicable waiting period" means:
- 131.2 (1) if the offense was a petty misdemeanor or a misdemeanor, two years; and
- 131.3 (2) if the offense was a gross misdemeanor, four years.
- 131.4 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
- 131.5 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
- 131.6 misdemeanor offenses ineligible for a grant of expungement under this section remain
- 131.7 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.
- 131.8 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
- 131.9 automatic expungement under this section of that eligibility at any hearing where the court
- 131.10 dismisses and discharges proceedings against a person under section 152.18, subdivision
- 131.11 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
- 131.12 substance; concludes that all pending actions or proceedings were resolved in favor of the
- 131.13 person; grants a person's placement into a diversion program; or sentences a person or
- 131.14 otherwise imposes a consequence for a qualifying offense.
- 131.15 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
- 131.16 coordinators or supervisors of a diversion program shall notify a person who may become
- 131.17 eligible for an automatic expungement under this section of that eligibility.
- 131.18 (c) If any party gives notification under this subdivision, the notification shall inform
- 131.19 the person that:

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

131.24 (2) an expunged record of conviction does not restore the right to ship, transport, possess,
131.25 or receive a firearm, but the person may seek a relief of disability under United States Code,
131.26 title 18, section 925, or restoration of the ability to possess firearms under section 609.165,
131.27 subdivision 1d; and

131.28 (3) the person can file a petition pursuant to section 609A.03 to expunge the record and
131.29 request that it be directed to the commissioner of human services and the Professional
131.30 Educator Licensing and Standards Board.

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

132.3 (b) In making the determination under paragraph (a), the Bureau of Criminal
132.4 Apprehension shall identify individuals who are the subject of relevant records through the
132.5 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where
132.6 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall
132.7 identify individuals through the use of the person's name and date of birth. Records containing
132.8 the same name and date of birth shall be presumed to refer to the same individual unless
132.9 other evidence establishes, by a preponderance of the evidence, that they do not refer to the
132.10 same individual. The Bureau of Criminal Apprehension is not required to review any other
132.11 evidence in making its determination.

132.12 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
132.13 persons and seal the bureau's records without requiring an application, petition, or motion.
132.14 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
132.15 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
132.16 information establishes that the records are not eligible for expungement.

132.17 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
132.18 and subject to a grant of expungement relief shall display a notation stating "expungement
132.19 relief granted pursuant to section 609A.015."

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

132.25 expungement relief was granted and shall issue any order deemed necessary to achieve this
132.26 purpose.

132.27 (f) Unless an order issued under paragraph (e) notifies the law enforcement agency that
132.28 made the arrest or issued the citation, the Bureau of Criminal Apprehension shall inform
132.29 each arresting or citing law enforcement agency whose records are affected by the grant of
132.30 expungement relief that expungement has been granted. Notification shall be made at the
132.31 time and under the conditions described in paragraph (c), except that notice may be sent in
132.32 real time or in the form of a monthly report sent no more than 30 days after the expiration
132.33 of the deadline established in paragraph (c). Notification may be through electronic means.
132.34 Each notified law enforcement agency shall seal all records relating to an arrest, indictment
133.1 or information, trial, verdict, or dismissal and discharge for any case in which expungement
133.2 relief was granted.

133.3 (g) Data on the person whose offense has been expunged under this subdivision, including
133.4 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
133.5 13.02, subdivision 12.

133.6 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
133.7 expungement under this section in the manner provided in section 611A.03, subdivisions
133.8 1 and 2.

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

133.11 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
133.12 system to provide criminal justice agencies with uniform statewide access to criminal records
133.13 sealed by expungement.

133.14 (k) A grant of expungement under this section does not entitle a person to ship, transport,
133.15 possess, or receive a firearm. A person whose conviction is expunged under this section
133.16 may seek a relief of disability under United States Code, title 18, section 925, or restoration
133.17 of the ability to possess firearms under section 609.165, subdivision 1d.

133.18 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
133.19 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
133.20 the decision to exercise or the decision to decline to exercise, the powers granted by this
133.21 section or for any act or omission occurring within the scope of the performance of their
133.22 duties under this section.

133.23 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to offenses
133.24 that meet the eligibility criteria on or after that date and retroactively to offenses that met
133.25 those qualifications before January 1, 2024, and are stored in the Bureau of Criminal
133.26 Apprehension's criminal history system as of January 1, 2024.

133.27 Sec. 23. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

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

133.32 (1) sealing the record; and

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

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

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

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

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

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

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

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

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

134.18 (7) the petitioner's criminal record;

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

134.20 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
134.21 officials;

134.22 (10) the recommendations of victims or whether victims of the underlying crime were
134.23 minors;

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

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

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

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

135.6 **EFFECTIVE DATE.** This section is effective January 1, 2024.

135.7 Sec. 24. Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a, is amended
135.8 to read:

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

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

135.15 (1) except as provided in clause (2), an expunged record may be opened, used, or
135.16 exchanged between criminal justice agencies without a court order for the purposes of
135.17 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
135.18 purposes or providing probation or other correctional services;

135.19 (2) when a criminal justice agency seeks access to a record that was sealed under section
135.20 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
135.21 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
135.22 sentencing, the requesting agency must obtain an ex parte court order after stating a
135.23 good-faith basis to believe that opening the record may lead to relevant information;

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

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

135.30 (5) an expunged record of a conviction may be opened for purposes of a background
135.31 check required under section 122A.18, subdivision 8, unless the court order for expungement
135.32 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

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

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

136.8 (8) the subject of an expunged record may request and the court shall provide certified
136.9 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
136.10 609A.02, and 609A.025.

136.11 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
136.12 in a manner that provides access to the record by a criminal justice agency under paragraph
136.13 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
136.14 of Criminal Apprehension shall notify the commissioner of human services or the
136.15 Professional Educator Licensing and Standards Board of the existence of a sealed record
136.16 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the
136.17 agency or jurisdiction subject to the expungement order shall provide access to the record
136.18 to the commissioner of human services or the Professional Educator Licensing and Standards
136.19 Board under paragraph (b), clause (4) or (5).

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

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

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

136.27 (g) This subdivision applies to expungement orders subject to its limitations and effective
136.28 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
136.29 2024.

136.30 **EFFECTIVE DATE.** This section is effective January 1, 2024.

137.1 Sec. 25. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

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

137.8 **EFFECTIVE DATE.** This section is effective January 1, 2024.

137.9 Sec. 26. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

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

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

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

137.21 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

137.22 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to plea
137.23 agreements entered into on or after that date.

137.24 Sec. 27. Minnesota Statutes 2020, section 638.01, is amended to read:

137.25 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

137.26 The Board of Pardons shall consist of the governor, the chief justice of the supreme
137.27 court, and the attorney general. The governor, in conjunction with the board, may grant
137.28 pardons and reprieves and commute the sentence of any person convicted of any offense
137.29 against under the laws of the this state, in the manner and under the conditions and rules
137.30 hereinafter prescribed, but not otherwise in this chapter. A majority vote of the board is
137.31 required for pardons and commutations with the governor in that majority.

138.1 Sec. 28. **[638.09] CLEMENCY REVIEW COMMISSION.**

138.2 (a) Notwithstanding the provisions of chapter 15, the Clemency Review Commission
138.3 is established to review applications for pardons or commutations before they are considered
138.4 by the Board of Pardons. By majority vote, the commission shall make a recommendation
138.5 on each eligible application as to whether it should be granted or denied. The commission
138.6 shall provide its recommendations to the board with the vote of each commission member
138.7 reported in writing.

138.8 (b) The commission shall consist of nine members, each serving a four-year term. The
138.9 governor, the attorney general, and the chief justice of the supreme court shall each appoint
138.10 three members and replace members upon expiration of the members' terms. In the event
138.11 of a vacancy, the board member who selected the previous incumbent shall make an interim

138.12 appointment to expire at the end of the prior incumbent's four-year term. A person may
138.13 serve no more than two terms on the commission, excluding interim appointments.

138.14 (c) The commission shall biennially elect one of its members as chair and one as
138.15 vice-chair. The chair of the commission shall serve as secretary of the board.

138.16 (d) Each member of the commission shall be compensated at the rate of \$55 for each
138.17 day or part thereof spent on commission activities. Each member shall be reimbursed for
138.18 all reasonable expenses actually paid or incurred by that member in the performance of
138.19 official duties.

138.20 (e) The commission may obtain office space and supplies and hire administrative staff
138.21 to carry out the commission's official functions.

138.22 (f) At least six members of the commission shall constitute a quorum for official
138.23 administrative business.

138.24 Sec. 29. **[638.10] PARDONS AND COMMUTATIONS.**

138.25 Subdivision 1. **Pardons and commutations.** (a) The Board of Pardons may pardon a
138.26 criminal conviction imposed under the laws of this state or commute a criminal sentence
138.27 imposed by a court of this state to time served or a lesser sentence. Every pardon or
138.28 commutation shall be in writing and shall have no force or effect unless granted by a majority
138.29 vote of the board with the governor in that majority. Every conditional pardon shall state
138.30 the terms and conditions upon which it was granted and every commutation shall specify
138.31 the terms of the commuted sentence.

138.32 (b) When granted, a pardon has the effect of setting aside the conviction and purging
138.33 the conviction from the person's record. The person then is not required to disclose the
139.1 conviction at any time or place other than in a judicial proceeding or as part of the licensing
139.2 process for peace officers.

139.3 Subd. 2. **Eligibility for a pardon.** (a) Any person convicted of a crime in any court of
139.4 this state may apply for a pardon of the person's conviction on or after five years from the
139.5 date of the expiration of the person's sentence or the date of the person's discharge. Upon
139.6 a showing of unusual circumstances and special need, the board may waive the required
139.7 waiting period by a majority vote with the governor in that majority.

139.8 (b) The Clemency Review Commission shall review all requests for a waiver of the
139.9 waiting period and make recommendations by majority vote to the board. Consideration of
139.10 requests to waive the waiting period are exempt from the meeting requirements of this
139.11 chapter.

139.12 Subd. 3. **Eligibility for a commutation.** (a) Any person may apply for a commutation
139.13 of an unexpired criminal sentence imposed by a court of this state, including those confined
139.14 in a correctional facility or on probation, parole, supervised release, or conditional release.
139.15 An application for commutation may not be filed until the date that the person has served
139.16 at least one-half of the sentence imposed or on or after five years from the date of the

139.17 conviction, whichever is less. Upon a showing of unusual circumstances and special need,
139.18 the board may waive the required waiting period by a majority vote with the governor in
139.19 that majority.

139.20 (b) The commission shall review all requests for a waiver of the waiting period and
139.21 make recommendations by majority vote to the board. Consideration of requests to waive
139.22 the waiting period are exempt from the meeting requirements of this chapter.

139.23 Subd. 4. **Filing of a pardon or commutation.** After granting a pardon or commutation,
139.24 the board shall file a copy of the pardon or commutation with the district court of the county
139.25 in which the conviction and sentence were imposed. In the case of a pardon, the court shall
139.26 order the conviction set aside, include a copy of the pardon in the court file, and send copies
139.27 of the order and the pardon to the Bureau of Criminal Apprehension. In the case of a
139.28 commutation, the court shall amend the sentence to reflect the specific relief granted by the
139.29 board, include a copy of the commutation in the court file, and send copies of the amended
139.30 sentencing order and commutation to the commissioner of corrections and the Bureau of
139.31 Criminal Apprehension.

139.32 Subd. 5. **Reapplication.** (a) Once an application for a pardon or commutation has been
139.33 considered and denied on the merits, no subsequent application may be filed for five years
139.34 after the date of the most recent denial unless permission is granted from at least two board
140.1 members. A person may request permission to reapply prior to the expiration of the five-year
140.2 period based only on new and substantial information that was not and could not have been
140.3 previously considered by the board or the commission. If a request to reapply contains new
140.4 and substantial information, the commission shall review the request and make a
140.5 recommendation by majority vote to the board. Consideration of requests to reapply are
140.6 exempt from the meeting requirements under this chapter.

140.7 (b) The denial or grant of an application for a commutation of sentence does not preclude
140.8 a person from later seeking a pardon of the criminal conviction once the eligibility
140.9 requirements of subdivision 2 have been satisfied.

140.10 Sec. 30. **[638.11] APPLICATIONS.**

140.11 (a) Each application for a pardon or commutation shall be in writing, signed under oath
140.12 by the applicant, and contain a brief statement of the relief sought and the reasons why it
140.13 should be granted. The application shall also contain the following information and any
140.14 additional information that the commission or board requires:

140.15 (1) the applicant's name, address, date of birth, place of birth, and every alias by which
140.16 the applicant is or has been known;

140.17 (2) the name of the offense for which relief is requested, the date and county of
140.18 conviction, the sentence imposed, and the expiration or discharge date of the sentence;

140.19 (3) the names of the sentencing judge, prosecuting attorney, and any victims of the
140.20 offense;

140.21 (4) a brief description of the offense;

140.22 (5) the date and outcome of any prior applications for a pardon or commutation;

140.23 (6) a statement of other felony or gross misdemeanor convictions and any pending
140.24 criminal charges or investigations; and

140.25 (7) a statement by the applicant consenting to the disclosure to the commission and the
140.26 board of any private data concerning the applicant contained in the application or in any
140.27 other record relating to the grounds on which the relief is sought, including conviction and
140.28 arrest records.

140.29 (b) Applications shall be made on forms approved by the commission or the board and
140.30 shall be filed with the commission by the deadlines set by the commission or the board. The
140.31 commission shall review applications for completeness. Any application that is considered
141.1 incomplete shall be returned to the applicant who may then provide the missing information
141.2 and resubmit the application within a time period prescribed by the commission.

141.3 Sec. 31. **[638.12] NOTIFICATIONS.**

141.4 Subdivision 1. **Notice to victim.** After receiving an application for a pardon or
141.5 commutation, the Clemency Review Commission shall make all reasonable efforts to locate
141.6 any victim of the applicant's crime. At least 30 days before the date of the commission
141.7 meeting at which the application shall be heard, the commission shall notify any located
141.8 victim of the application, the time and place of the meeting, and the victim's right to attend
141.9 the meeting and submit an oral or written statement to the commission.

141.10 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** At least 30 days before
141.11 the date of the commission meeting at which the application shall be heard, the commission
141.12 shall notify the sentencing judge and prosecuting attorney or their successors of the
141.13 application and solicit the judge's and attorney's views on whether clemency should be
141.14 granted.

141.15 Subd. 3. **Notice to applicant.** Following its initial investigation of an application for a
141.16 pardon or commutation, the commission shall notify the applicant of the scheduled date,
141.17 time, and location that the applicant shall appear before the commission for consideration.

141.18 Sec. 32. **[638.13] MEETINGS.**

141.19 Subdivision 1. **Commission meetings.** (a) The Clemency Review Commission shall
141.20 meet at least four times each year for one or more days each meeting to hear eligible
141.21 applications of pardons or commutations and make recommendations to the board on each
141.22 application. One or more of the meetings may be held at facilities operated by the Department

141.23 of Corrections. All commission meetings shall be open to the public as provided in chapter
141.24 13D.

141.25 (b) Applicants for pardons or commutations must appear before the commission either
141.26 in person or through any available form of telecommunication. The victim of an applicant's
141.27 crime may appear and speak at the commission's meeting or submit a written statement to
141.28 the commission. The commission may treat a victim's statement as confidential and not
141.29 disclose the statement to the applicant or the public if there is or has been a recent order for
141.30 protection, restraining order, or other no contact order prohibiting the applicant from
141.31 contacting the victim. In addition, any law enforcement agency may appear and speak at
141.32 the meeting or submit a written statement to the commission, giving the agency's
141.33 recommendation on whether clemency should be granted or denied.

142.1 (c) The commission must consider any statement provided by a victim or law enforcement
142.2 agency when making its recommendation on an application. Whenever possible, the
142.3 commission shall record its meetings by audio or audiovisual means. Any recordings and
142.4 statements from victims or law enforcement agencies shall be provided to the board along
142.5 with the commission's recommendations.

142.6 (d) Not later than ten working days after the date of its decision, the commission shall
142.7 notify the applicant in writing of its decision to recommend a grant or denial of clemency
142.8 to the board.

142.9 Subd. 2. **Board meetings.** (a) The board shall meet at least two times each year to
142.10 consider applications for pardons or commutations that have received a favorable
142.11 recommendation from the commission and any other applications that have received further
142.12 consideration from at least one board member. Whenever the commission recommends
142.13 denial of an application and the board does not disapprove or take other action with respect
142.14 to that recommendation, it shall be presumed that the board concurs with the adverse
142.15 recommendation and that the application has been considered and denied on the merits. All
142.16 board meetings shall be open to the public as provided in chapter 13D.

142.17 (b) Applicants, victims, and law enforcement agencies may not submit oral or written
142.18 statements at a board meeting, unless the board requests additional testimony. The board
142.19 shall consider any statements provided to the commission when making a decision on an
142.20 application for a pardon or commutation.

142.21 (c) The commission shall notify the applicant in writing of the board's decision to grant
142.22 or deny clemency not later than ten working days from the date of the board's decision.

142.23 Sec. 33. [638.14] GROUNDS FOR RECOMMENDING CLEMENCY.

142.24 Subdivision 1. **Factors.** When making recommendations on applications for pardons or
142.25 commutations, the Clemency Review Commission shall consider any factors the commission
142.26 deems appropriate, including but not limited to:

- 142.27 (1) the nature, seriousness, circumstances, and age of the applicant's offense;
- 142.28 (2) the successful completion or revocation of previous probation, parole, supervised
- 142.29 release, or conditional release;
- 142.30 (3) the number, nature, and circumstances of the applicant's other criminal convictions;
- 142.31 (4) the extent to which the applicant has demonstrated rehabilitation through
- 142.32 postconviction conduct, character, and reputation;
- 143.1 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,
- 143.2 and made restitution to victims;
- 143.3 (6) whether the sentence is clearly excessive in light of the applicant's offense, criminal
- 143.4 history, and any sentence received by an accomplice, with due regard given to any plea
- 143.5 agreement, the sentencing judge's views, and the sentencing ranges established by law;
- 143.6 (7) whether the applicant's age or medical status indicates that it is in the best interest
- 143.7 of society that the applicant receive clemency;
- 143.8 (8) recommendations from victims, sentencing judges, and prosecuting attorneys;
- 143.9 (9) the applicant's asserted need for a pardon or commutation, including family needs
- 143.10 and barriers to housing or employment created by the conviction; and
- 143.11 (10) the amount of time already served by the applicant and the availability of other
- 143.12 forms of judicial or administrative relief.
- 143.13 Subd. 2. **Denial recommendation.** The commission may recommend denial without a
- 143.14 hearing of an application for a commutation when the applicant is presently challenging the
- 143.15 conviction or sentence through court proceedings, has failed to exhaust all available state
- 143.16 court remedies for challenging the sentence, or the matter should first be considered by the
- 143.17 parole authority.
- 143.18 Sec. 34. **[638.15] ACCESS TO RECORDS; ISSUANCE OF PROCESS.**
- 143.19 Subdivision 1. **Access to records.** Upon receipt of an application for a pardon or
- 143.20 commutation, the Board of Pardons or Clemency Review Commission may request and
- 143.21 obtain any relevant reports, data, and other information from a district court, law enforcement
- 143.22 agency, or state agency. The commission and board shall have access to sealed court records,
- 143.23 presentence investigation reports, police reports, criminal history reports, prison records,
- 143.24 and any other relevant information. District courts, law enforcement agencies, and state
- 143.25 agencies shall promptly respond to record requests from the commission and the board.
- 143.26 Subd. 2. **Legal process.** The commission and the board may issue process requiring the
- 143.27 presence of any person before the commission or board and the production of papers, records,
- 143.28 and exhibits in any pending matter. When any person is summoned before the commission

143.29 or the board, the person may be allowed compensation for travel and attendance as the
143.30 commission or the board may deem reasonable.

144.1 Sec. 35. **[638.16] RULES.**

144.2 The Board of Pardons and the Clemency Review Commission may adopt rules under
144.3 chapter 14 for the effective enforcement of their powers and duties.

144.4 Sec. 36. **[638.17] RECORDS.**

144.5 The Clemency Review Commission shall keep a record of every application received,
144.6 its recommendation on each application, and the final disposition of each application by
144.7 the Board of Pardons. The records and files shall be kept by the commission and shall be
144.8 open to public inspection at all reasonable times, except for sealed court records, presentence
144.9 investigation reports, Social Security numbers, financial account numbers, driver's license
144.10 information, medical records, confidential Bureau of Criminal Apprehension records, and
144.11 confidential victim statements as provided in section 638.12.

144.12 Sec. 37. **[638.18] REPORT TO LEGISLATURE.**

144.13 By February 15 of each year, the Clemency Review Commission shall submit a written
144.14 report to the chairs and ranking minority members of the house of representatives and senate
144.15 committees with jurisdiction over public safety, corrections, and judiciary containing at a
144.16 minimum the following information:

144.17 (1) the number of applications for pardons and commutations received by the commission
144.18 during the preceding calendar year;

144.19 (2) the number of favorable and adverse recommendations made by the commission for
144.20 each category;

144.21 (3) the number of applications granted and denied by the Board of Pardons for each
144.22 category; and

144.23 (4) the crimes for which the applications were granted by the board, the year of each
144.24 conviction, and the age of the offender at the time of the offense.

144.25 Sec. 38. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:

144.26 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
144.27 pay the costs of medical services provided to prisoners pursuant to this section. The amount
144.28 paid by the county board for a medical service shall not exceed the maximum allowed
144.29 medical assistance payment rate for the service, as determined by the commissioner of
144.30 human services. In the absence of a health or medical insurance or health plan that has a
144.31 contractual obligation with the provider or the prisoner, medical providers shall charge no
145.1 higher than the rate negotiated between the county and the provider. In the absence of an
145.2 agreement between the county and the provider, the provider may not charge an amount
145.3 that exceeds the maximum allowed medical assistance payment rate for the service, as

145.4 determined by the commissioner of human services. The county is entitled to reimbursement
145.5 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
145.6 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
145.7 incur co-payment obligations for health care services provided by a county correctional
145.8 facility. The county board shall determine the co-payment amount. Notwithstanding any
145.9 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
145.10 by the county, to the extent possible. If there is a disagreement between the county and a
145.11 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
145.12 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
145.13 If a prisoner is covered by health or medical insurance or other health plan when medical
145.14 services are provided, the medical provider shall bill that health or medical insurance or
145.15 other plan. If the county providing the medical services for a prisoner that has coverage
145.16 under health or medical insurance or other plan, that county has a right of subrogation to
145.17 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
145.18 prisoner that are covered by the policy of insurance or health plan, in accordance with the
145.19 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
145.20 health plan. The county may maintain an action to enforce this subrogation right. The county
145.21 does not have a right of subrogation against the medical assistance program. The county
145.22 shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline,
145.23 or a current mental health provider or calls for the purpose of providing case management
145.24 or mental health services as defined in section 245.462 to prisoners.

145.25 Sec. 39. **TASK FORCE ON FELONY MURDER.**

145.26 Subdivision 1. **Establishment.** The Task Force on Felony Murder is established to
145.27 continue the work of the Task Force on Aiding and Abetting Felony Murder established in
145.28 Laws 2021, First Special Session chapter 11, article 2, section 53, and to make
145.29 recommendations to the legislature.

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

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

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

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

146.2 (4) the executive director of the Minnesota Sentencing Guidelines Commission or a
146.3 designee;

146.4 (5) the attorney general or a designee;

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

146.6 (7) the statewide coordinator of the Violent Crime Coordinating Council;

146.7 (8) one defense attorney, appointed by the Minnesota Association of Criminal Defense
146.8 Lawyers;

146.9 (9) three county attorneys, appointed by the Minnesota County Attorneys Association;

146.10 (10) two members representing victims' rights organizations, appointed by the Office
146.11 of Justice Programs director in the Department of Public Safety;

146.12 (11) one member of a criminal justice advocacy organization, appointed by the governor;

146.13 (12) one member of a statewide civil rights organization, appointed by the governor;

146.14 (13) two impacted persons who are directly related to a person who has been convicted
146.15 of felony murder, appointed by the governor; and

146.16 (14) one person with expertise regarding the laws and practices of other states relating
146.17 to aiding and abetting felony murder, appointed by the governor.

146.18 (b) Appointments must be made no later than July 30, 2022.

146.19 (c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve
146.20 as ex officio, nonvoting members of the task force.

146.21 (d) Members shall serve without compensation.

146.22 (e) Members of the task force serve at the pleasure of the appointing authority or until
146.23 the task force expires. Vacancies shall be filled by the appointing authority consistent with
146.24 the qualifications of the vacating member required by this subdivision.

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

146.27 (b) The commissioner of corrections shall convene the first meeting of the task force no
146.28 later than August 1, 2022, and shall provide meeting space and administrative assistance
146.29 as necessary for the task force to conduct its work.

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

147.4 Subd. 4. **Duties.** (a) The task force shall develop proposed legislation to implement the
147.5 recommendations contained in the "Task Force on Aiding and Abetting Felony Murder,
147.6 Report to the Minnesota Legislature," dated February 1, 2022.

147.7 (b) The task force shall also examine Minnesota's felony murder doctrine and aiding
147.8 and abetting liability scheme. The examination shall include a review of laws governing
147.9 offenses in which a person causes the death of another while the person is committing an
147.10 underlying felony offense and a review of laws establishing liability for crimes committed
147.11 by another. The examination must identify any disparate impact from those laws and include

147.12 a determination as to whether such laws promote public safety. The examination is not
147.13 limited to the intersection of the two legal concepts.

147.14 (c) At its discretion, the task force may examine, as necessary, other related issues
147.15 consistent with this section.

147.16 Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to
147.17 the chairs and ranking minority members of the house of representatives and senate
147.18 committees and divisions with jurisdiction over criminal sentencing on the recommendations
147.19 of the task force including a copy of proposed legislation.

147.20 Subd. 6. **Expiration.** The task force expires the day after submitting its report under
147.21 subdivision 5.

147.22 Sec. 40. **TASK FORCE ON THE COLLECTION OF CHARGING AND RELATED**
147.23 **DATA.**

147.24 Subdivision 1. **Establishment.** The Task Force on the Collection of Charging and Related
147.25 Data is established to identify data that should be collected and analyzed to determine the
147.26 ways in which individuals are charged and prosecuted in Minnesota.

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

147.28 (1) the attorney general or a designee;

147.29 (2) the chief justice of the supreme court or a designee;

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

147.31 (4) the state public defender or a designee;

148.1 (5) the executive director of the Minnesota Sentencing Guidelines Commission;

148.2 (6) one private criminal defense attorney appointed by the governor;

148.3 (7) one probation, supervised release, or parole officer appointed by the governor;

148.4 (8) one county attorney from within the metropolitan area as defined in Minnesota
148.5 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota
148.6 County Attorneys Association;

148.7 (9) one county attorney from outside the metropolitan area as defined in Minnesota
148.8 Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota
148.9 County Attorneys Association;

148.10 (10) one assistant county attorney appointed by the board of directors of the Minnesota
148.11 County Attorneys Association;

148.12 (11) one city attorney appointed by the governor;

148.13 (12) one peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1,
148.14 paragraph (c), appointed by the governor; and

148.15 (13) three public members appointed by the governor, one of whom shall be a victim of
148.16 a crime defined as a felony.

148.17 (b) Members of the task force serve without compensation.

148.18 (c) Members of the task force serve at the pleasure of the appointing authority or until
148.19 the task force expires. Vacancies shall be filled by the appointing authority consistent with
148.20 the qualifications of the vacating member required by this subdivision.

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

148.23 (b) The executive director of the Minnesota Sentencing Guidelines Commission shall
148.24 convene the first meeting of the task force no later than September 1, 2022.

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

148.28 Subd. 4. **Staff.** The Minnesota Sentencing Guidelines Commission shall provide meeting
148.29 space and administrative assistance as necessary for the task force to conduct its work.

148.30 Subd. 5. **Duties.** (a) The duties of the task force shall, at a minimum, include:

149.1 (1) determining what data are generated when prosecutors make decisions on initial
149.2 criminal charges and amended criminal charges;

149.3 (2) assessing what factors prosecutorial offices use to make decisions about what criminal
149.4 charges to bring, dismiss, or amend;

149.5 (3) assessing what factors prosecutorial offices use to recommend or support referring
149.6 a defendant for pretrial services;

149.7 (4) determining what additional information should be collected to accurately track and
149.8 inform decisions made by prosecutorial offices regarding bringing and amending criminal
149.9 charges and offering pretrial diversion;

149.10 (5) determining what incident data is needed to increase consistency in charging decisions,
149.11 how that data should be collected, and what components a uniform data collection process
149.12 would contain;

149.13 (6) reviewing the current practices of data collection and storage by law enforcement
149.14 agencies, what data should be collected and reported from law enforcement agencies, and
149.15 whether data from law enforcement agencies should be consistent with data collected from
149.16 prosecutorial offices;

149.17 (7) examining how data could be best collected and reported, including whether the data
149.18 should be reported to a central location and, if so, what location;

149.19 (8) assessing whether data should be collected regarding the specific reason for dismissing
149.20 cases, in cases where the highest charge is a gross misdemeanor or misdemeanor, and in
149.21 cases involving delinquency petitions;

149.22 (9) estimating the costs associated with additional data collection and reporting, and
149.23 making recommendations about appropriate funding levels to support that collection; and

149.24 (10) recommending methods of collecting and storing data that does not promote or
149.25 reward filing charges in cases that do not meet the appropriate standards.

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

149.28 Subd. 6. **Report.** By January 15, 2024, the task force shall report to the chairs and ranking
149.29 minority members of the legislative committees and divisions with jurisdiction over public
149.30 safety finance and policy on the work of the task force. The report shall include
149.31 recommendations for legislative action, if needed.

150.1 Subd. 7. **Expiration.** The task force expires upon submission of the report required by
150.2 subdivision 6.

150.3 Sec. 41. **STAFF TRANSITION TO CLASSIFIED SERVICE.**

150.4 On and after the effective date of this section, all positions of employment with the
150.5 Minnesota Sentencing Guidelines Commission in the unclassified service of the state, except
150.6 for the research director, shall be placed in the classified service without loss of compensation
150.7 or seniority. A person employed as of the effective date of this section in a position placed
150.8 in the classified service under this section shall not be required to complete a probationary
150.9 period if the employee was employed in the same position on January 1, 2022.

150.10 Sec. 42. **REPEALER.**

150.11 Minnesota Statutes 2020, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;
150.12 638.075; and 638.08, are repealed.